



PLANNING COMMISSION SPECIAL MEETING AND
PUBLIC PARTICIPATION MEETING
THURSDAY, JULY 11, 2019
6:00 – 9:00 PM
COUNCIL CHAMBER
280 MADISON AVE N
BAINBRIDGE ISLAND, WA 98110

AGENDA

- 6:00 PM PUBLIC PARTICIPATION MEETING
Hudson Short Subdivision ([PLN51487 PRE](#))
Planner Ellen Fairleigh
- 6:30 PM CALL TO ORDER
Call to Order, Agenda Review, Conflict Disclosure
- 6:35 PM REVIEW AND APPROVE MINUTES
June 27, 2019
- 6:40 PM PUBLIC COMMENT
Accept public comment on off agenda items.
- 6:45 PM CITY COUNCIL UPDATE
Interim Planning Director Heather Wright
- 6:50 PM [SHORELINE MASTER PROGRAM PERIODIC REVIEW](#)
Study Session, Long Range Senior Planner Christy Carr, AICP
- 7:30 PM WINSLOW HOTEL SITE PLAN REVIEW ([PLN50880 SPR](#))
Study Session, Associate Planner Olivia Sontag
- 8:50 PM NEW/OLD BUSINESS
- 9:00 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 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**

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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



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting
Thursday, June 27, 2019
6:00 pm – 9:00 pm

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. Muncie Dr	206 948 5738	N
Edwin Rymarz	11670 Searse	ed@internations.com	
John Sweeney	9067 Nisqually Wy	NAKSE@CMAIL.COM	✓
M. G. Halvorsen	Hidden Cove Road	mchalvorsen@hotmail.com	✓
Julie Soboil	1191 NAKATA AVE	jsoboil@gmail.com	✓
Lisa Tabor	1121 MADISON	LILIES@LIVE.COM	V
Mountain View	4359 Pleasant	206 842 0339	
DOITZ GREENVALE	Spring Rd	" 842 2440	





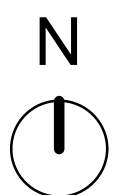
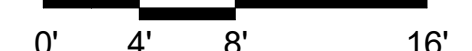






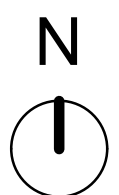
1129 Madison Ave. N
Bainbridge Island, WA

A1.00



1129 Madison Ave. N
Bainbridge Island, WA

AD1.00





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.

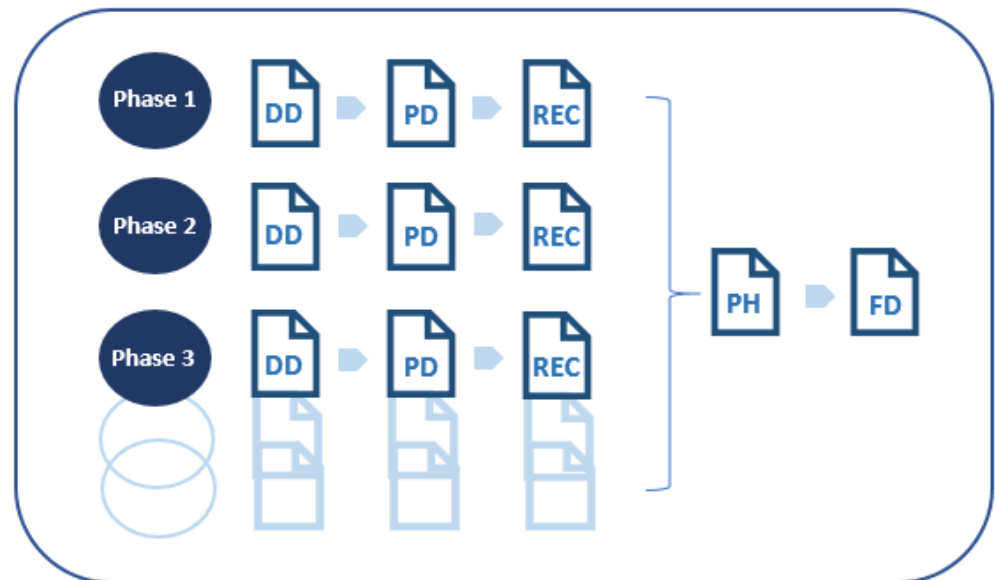
Discussion draft (**DD**)

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.

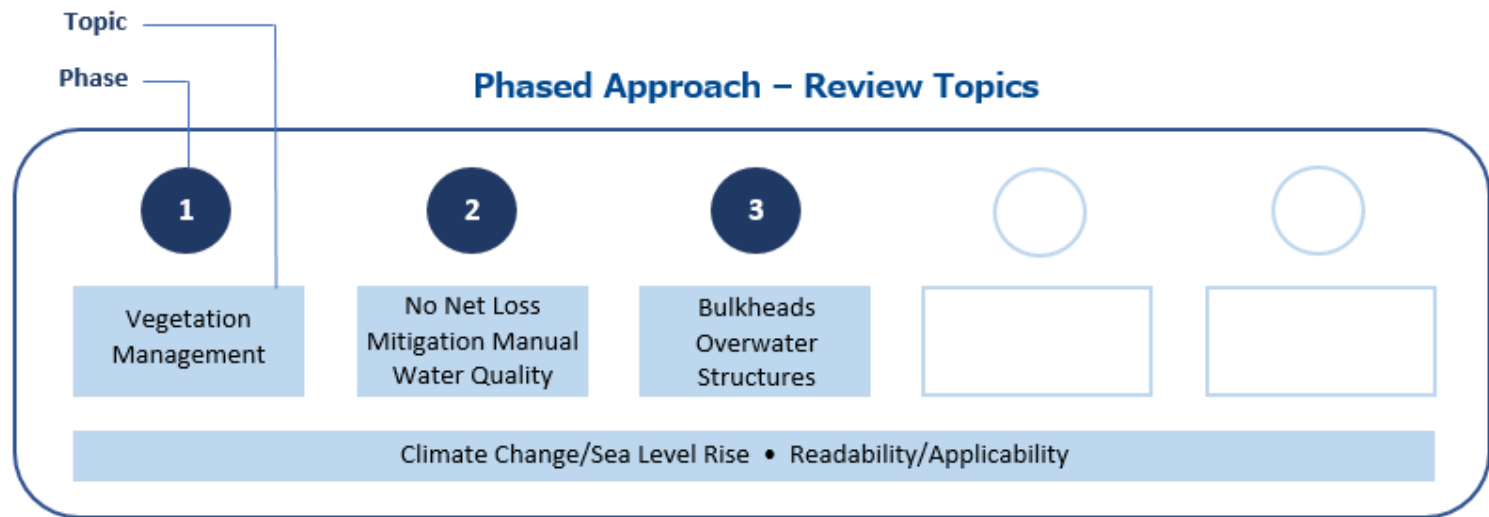
ADD identifies text to be added to the plan.

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.

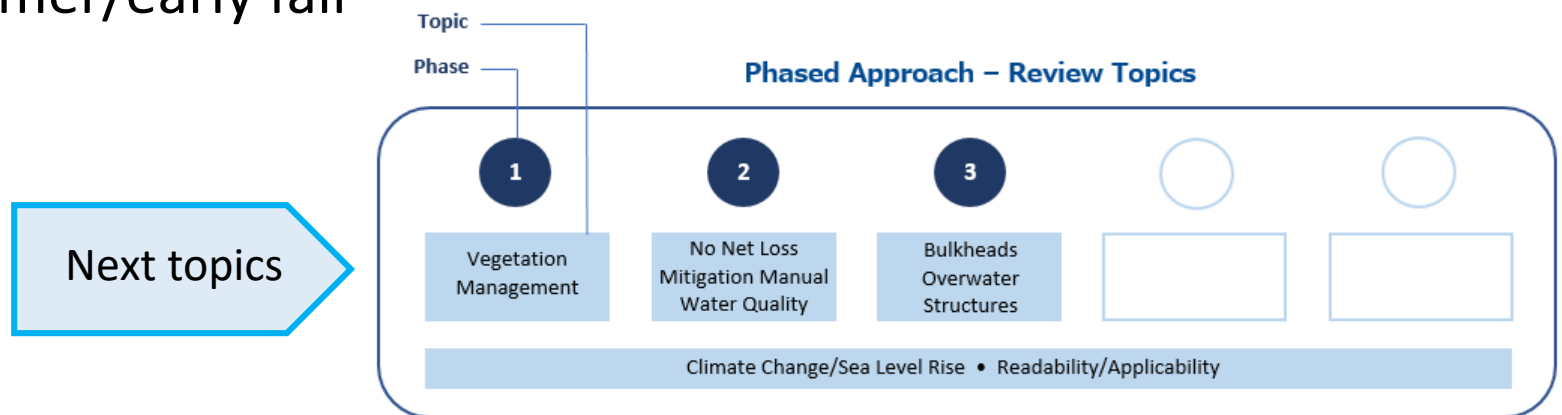
Planning Commission Review

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

Summary of the Periodic Review Rule (WAC 173-26-090)

Introduction

This document is an annotated version of Ecology’s rule ([WAC 173-26-090](#)) on conducting periodic reviews of Shoreline Master Programs (SMPs) under the Shoreline Management Act (SMA). The rule was based on [Department of Commerce rules](#) that guide local governments in meeting the analogous Growth Management Act (GMA) “periodic review” requirement.

The following is a brief summary of each section of the rule.

Section 1: Locally initiated review

This brief section is from a long-standing rule that encourages local governments to review their SMPs to reflect changing local circumstances, new information or improved data. Ecology retained this section to clarify that local governments may prepare SMP amendments outside the statutorily mandated review period. The rule encourages local governments to consult guidance materials available from Ecology that may inform their reviews.

Section 2: Periodic review requirements

The second section summarizes and explains statutory requirements. The SMA requires each city and county to review, and, if necessary, revise their SMP at least once every eight years. The legislature set a staggered schedule that alternates with similar reviews under the Growth Management Act (GMA).¹

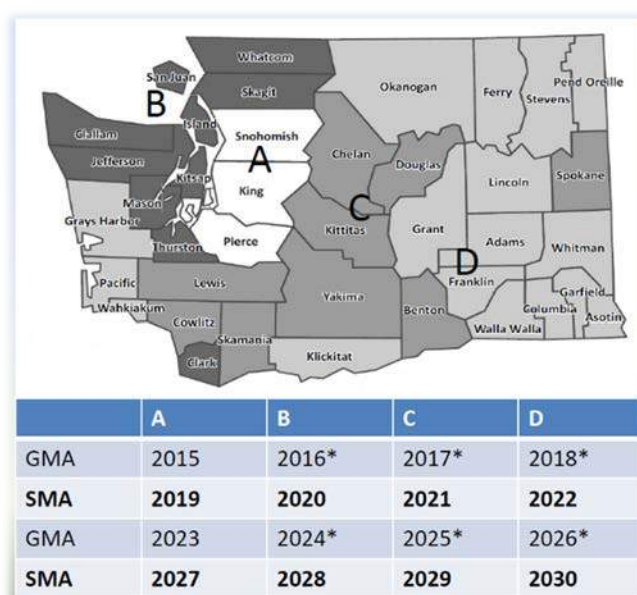


Figure 1. Periodic review schedules under the SMA and GMA.
(NOTE *For GMA reviews, the law gives an extra 2 years for smaller, slower-growing jurisdictions in groups B, C, and D.)

Figure 1 illustrates how GMA and SMA review deadlines alternate over time. For example, Column A indicates that King, Pierce and Snohomish counties and the cities within them have GMA review deadlines in 2015 and eight years later in 2023, interspersed with SMA reviews in 2019 and 2027.

The rule clarifies that local legislative action is required to complete the review, even when a local government determines no changes are needed. It also clarifies how the scope of the periodic review differs from the comprehensive updates that were conducted starting in 2005.

¹ RCW 90.58.080(4)

Summary of Periodic Review Rule (WAC 173-26-090)

Shorelands and Environmental Assistance Program, September 20, 2017

Section 3: Procedures

The third section of the rule outlines local and state procedures for conducting periodic reviews. The rule follows the GMA periodic review process, with unique steps to reflect Ecology’s formal approval role (see *Figure 2*).

The rule requires Ecology to maintain a checklist that includes potential review elements. The checklist is used at the beginning to help determine what to review, and at the end to identify where each applicable issue is addressed in the SMP.

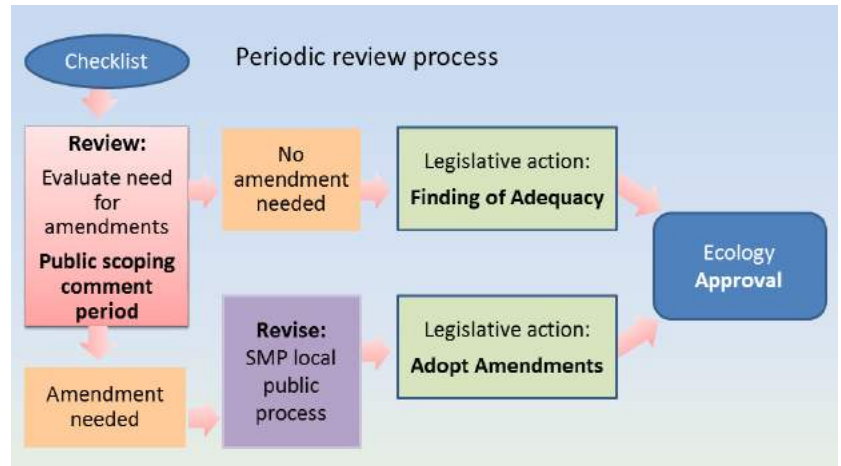


Figure 2. Schematic outline of SMP periodic review process. Ecology final approval triggers an appeal period.

The rule requires a public participation program that provides for early and continuous involvement of interested parties throughout the review process.

For jurisdictions that find no amendments are needed, the scoping could lead directly to final legislative action determining that no amendments are needed (“Finding of Adequacy”). Under the SMA, amendments to SMPs are final only after approval by Ecology. Even when it is determined locally that no amendments are necessary under the periodic review, local governments will submit their Findings of Adequacy to Ecology for review of the local determination and to ensure a definitive conclusion to the periodic review process. If in agreement, Ecology would issue a formal approval. This would provide certainty to all parties that Ecology has concurred with the local determination.

Ecology’s approval triggers the appeal period. Any appeals would be of Ecology’s action as well as the local government action.

Below is the complete text of Ecology’s rule outlining the periodic review requirements and process. The annotation in colored boxes provides context and explanation for each section and is not part of the formally adopted rule.

WAC 173-26-090 - Locally initiated review—Periodic review—Public involvement and approval procedures.

(1) Locally initiated master program reviews

Each local government should review its shoreline master program and make amendments deemed necessary to reflect changing local circumstances, new information or improved data.

Local governments are encouraged to consult department guidance for applicable new information on emerging topics such as sea level rise.

The first sentence of §1 has been in place for decades. Ecology retained this direction to emphasize that local governments may amend their SMPs at any time to address changing circumstances, new information or improved data. Ecology's 2017 amendments suggests local governments consult Ecology guidance for information on emerging issues such as sea level rise. Addressing sea level rise is an example of the kind of work that might be most effectively tackled as part of a broader comprehensive plan initiative, rather than during a focused SMA periodic review. Note that §(3)(b)(iii) calls on local governments to consider these kinds of amendments during the mandatory periodic review. The periodic review can be considered a minimum time period to convene a public process to consider as a community whether your SMP remains relevant with changing conditions. However, these kinds of amendments can be conducted at any time.

(2) Periodic review requirements.

(a) Following the comprehensive updates required by RCW 90.58.080(2), each local government shall conduct a review of their master program at least once every eight years on a schedule established in the act. Following the review, local governments shall, if necessary, revise their master programs. This review and revision is referred to in this section as the periodic review.

§ 2 (a) starts with direct quotes from the SMA at RCW 90.58.080(4), with an additional clarification that the rule uses the term “periodic review” for the mandatory eight-year review. The term “comprehensive update” refers to the one-time updates required under RCW 90.58.080(2) with deadlines from 2005 – 2014.

(2)(b) Deadlines for periodic review.

Local governments must take action to review, and if necessary, revise their master programs according to the schedule established in RCW 90.58.080(4)(b). Deadlines for completion of periodic review are as follows:

Table WAC 173-26-090.1 Deadlines for Completion of Periodic Review

Reviews must be completed on or before June 30 of:	Affected counties and the cities and towns within:
2019/2027*	King, Pierce, Snohomish
2020/2028*	Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, Whatcom
2021/2029*	Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, Yakima
2022/2030*	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, Whitman

* And every eight years thereafter.

§ 2(b) quotes the statutory directive to review and revise if needed and presents the deadlines in a table.

The statutory requirement is to conduct a periodic review *at least* once every 8 years by June 30 of the year listed. There is no absolute direction in law or rule for how early you can adopt, but as a general guide Ecology recommends conducting periodic review within two years of the deadline. For SMA reviews in particular it will actually be beneficial if local periodic review adoptions are “spread out” around the deadline to distribute the review workload, and ensure Ecology can provide adequate help to individual jurisdictions.

Note that if a local governments simply ignores their deadlines they are potentially vulnerable to a “failure to act” claim before the Growth Management Hearings Boards (for fully planning jurisdictions), or before the Shorelines Hearings Board (for partially planning jurisdictions). Ecology also has authority to adopt SMP amendments by rule under RCW 90.58.070.

(2)(c) Taking legislative action.

(i) The periodic review must be accomplished through legislative action. Legislative action means the adoption of a resolution, motion, or ordinance following notice and a public hearing including, at a minimum, findings that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefore. Legislative findings that no revisions are needed are referred to in this section as “findings of adequacy.”

(ii) Legislative action includes two components. It includes a review of the shoreline master program and it includes the adoption of either findings of adequacy or any amendments necessary to bring the program into compliance with the requirements of the act.

(iii) Legislative actions concluding the periodic review must be followed by department approval.

§ 2(c) clarifies that statutory review must be concluded with legislative action. In other words, a local government cannot simply conduct a staff-level review, conclude no local action is needed, and be done with the review obligation. Just like under GMA reviews, the review is a formal public process concluding with elected officials taking formal action after a public hearing.

§ 2(c)(i) creates a new term – locally adopted findings that revisions to the SMP are not needed are called “Findings of Adequacy.” § 2(c)(ii) clarifies that legislative action includes a formal public review and formal action, whether the review results in amendments, or simple findings of adequacy where the review reveals no changes to the SMP are needed. § 2(c) (iii) clarifies Ecology approval is needed to conclude local reviews. This provides a definitive end to the local process. Note that an appeal of local periodic review amendments or local findings of adequacy would also be appeals of Ecology’s approval.

(2)(d) The required minimum scope of review.

(i) The purpose and scope of the periodic review as established by the act 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.

(ii) The review process provides the method for bringing shoreline master programs into compliance with the requirements of the act that have been added or changed since the last review and for

responding to changes in guidelines adopted by the department, together with a review for consistency with amended comprehensive plans and regulations. Local governments should also incorporate amendments to reflect changed circumstances, new information, or improved data. The review ensures that shoreline master programs do not fall out of compliance over time through inaction.

(iii) The periodic review is distinct from the comprehensive updates required by RCW 90.58.080(2). The presumption in the comprehensive update process was that all master programs needed to be revised to comply with the full suite of ecology guidelines. By contrast, the periodic review addresses changes in requirements of the act and guidelines requirements since the comprehensive update or the last periodic review, and changes for consistency with revised comprehensive plans and regulations, together with any changes deemed necessary to reflect changed circumstances, new information or improved data. There is no minimum requirement to comprehensively revise shoreline inventory and characterization reports or restoration plans.

§ 2(d)(i) and (ii) define the required scope of review consistent with the purpose set in statute.

§ 2(d)(iii) is intended to distinguish the periodic reviews from the one-time comprehensive SMP update. Comprehensive updates involved a complete review of the SMP based on Ecology's 2003 SMA rules, and included extensive inventory work to determine shoreline jurisdiction and analyze existing conditions. Periodic reviews are focused on new laws or rules that were not effect when the comprehensive update was adopted, or new information a local government finds warrants local amendments.

(3) Procedures for conducting periodic reviews.

(3)(a) Public participation program.

(i) In conducting the periodic review, the department and local governments, pursuant to RCW 90.58.130, shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, tribes, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program. Local governments may follow the public participation procedures under either the standard local process outlined in WAC 173-26-100, or the optional joint review process outlined in WAC 173-26-104.

§ 3(a)(i) clarifies that the periodic review is a public process. Even though conducting the review may lead to the conclusion no actual revisions are necessary, the direction in statute for public involvement applies.

(ii) Counties and cities shall establish and broadly disseminate to the public a public participation program identifying procedures whereby review of the shoreline master program will be considered by the local governing body consistent with RCW 36.70A.140. Such procedures shall provide for early and continuous public participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments.

The public participation program should include a schedule for the periodic review and identify when legislative action on the review and update component are proposed to occur. The public participation program should also inform the public of when to comment on the scope of the review and proposed changes to the master program. Counties and cities may adjust the public participation program to best meet the intent of the participation requirement.

§ 3(a)(ii) require a public participation program for all jurisdictions, not just those fully planning under GMA. The new additions under (A) and (B) are modified from GMA rules [[WAC 365-196-610\(2\)\(a\)\(i\) and \(ii\)](#)]. The recommendation for a schedule and public scoping addresses Growth Management Hearings Board decisions – highlighting the importance of definitive notice when taking action on periodic reviews.

(3)(b) Review and analysis to determine need for revisions.

(i) Review amendments to the act and shoreline master program guidelines.

Local governments must review amendments to chapter 90.58 RCW and department guidelines that have occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance. The department will maintain a checklist of legislative and rule amendments to assist local governments with this review. The department will provide technical assistance to ensure local governments address applicable changes to the act and master program guidelines.

(ii) Review relevant comprehensive plans and regulations.

Local governments must review changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them.

WAC 173-26-191(1)(e) and 173-26-211(3) provide guidance on determining internal consistency. It is the responsibility of the local government to assure consistency between the master program and other elements of the comprehensive plan and development regulations. Local governments should document the consistency analysis to support proposed changes.

(iii) Additional review and analysis.

Local governments should consider during their periodic review whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data as described under subsection (1) of this section. Local governments should consider whether the significance of the changed circumstances, new information or improved data warrants amendments.

§ 3(b) is based on the Commerce GMA periodic update rule [[WAC 365-196-610\(2\)\(b\)](#)].

§ 3(b)(i) borrows from the Commerce rule in requiring Ecology to maintain a checklist of statutory and rule amendments.

§ 3(b)(ii) references Ecology's existing rules on how to review SMPs for consistency with GMA plans and regulations. (Those rules clarify that local governments are responsible for determining whether their SMP is consistent with other local plans and regulations, and not Ecology).

§ 3(b)(iii) acknowledges local governments may combine locally initiated amendments together with the periodic review.

(3)(c) Take legislative action.

(i) At the end of the review process, counties and cities must take legislative action declaring the review process complete.

(ii) The notice of hearing for legislative actions that are intended to address the periodic review process must state that the actions to be considered are part of the periodic review process under RCW 90.58.080(4).

(iii) The findings for any legislative action on the periodic review process must state that the action is intended to satisfy the requirements of RCW 90.58.080(4).

(iv) A local government that determines after review that amendments are not needed shall adopt a resolution, motion, or ordinance declaring findings of adequacy. Findings of adequacy are a local written determination that no revisions to a shoreline master program are needed to comply with the requirements of RCW 90.58.080(4).

§ 3(c)(i) – (iii) is based on the GMA periodic update rule [[WAC 365-196-610\(2\)\(c\)](#)]. These rules are based on Growth Management Hearings Board decisions that found procedural errors in some local GMA periodic review adoptions. It is important to definitively conclude the periodic review in legislative findings.

§ 3(c)(iv) clarifies that when no changes are needed a local government will adopt formal “Findings of Adequacy.”

(3)(d) Submittal to the department.

(i) A local government that determines amendments are needed shall submit the amendments to the department consistent with WAC 173-26-110.

(ii) A local government that determines amendments are not needed shall submit the following in lieu of the requirements of WAC 173-26-110:

(A) A resolution or ordinance declaring findings of adequacy.

(B) Evidence of compliance with applicable public notice and consultation requirements.

(C) Copies of all public, agency and tribal comments received during any applicable public comment periods, or where no comments have been received, a statement to that effect.

(D) A completed checklist demonstrating review elements have been considered, and are either inapplicable or have already been addressed through previous locally initiated amendments prior to the scheduled periodic review.

§ 3(d)(i) clarifies that when there are amendments, local governments will follow the normal amendment process.

§ 3(d)(ii) provides submittal requirements when there are no amendments – these are the required elements for complete submittal to accompany “findings of adequacy.”

(e) State process for approving periodic reviews.

(i) The department must issue a formal approval of any amendment or findings of adequacy. Department approval is necessary to affirmatively conclude the periodic review process, to confirm that state review of local action has occurred, and to establish a definitive appeal window consistent with RCW 90.58.190.

(ii) Where the local government final action includes master program amendments, local governments and the department shall follow applicable adoption procedures described in WAC 173-26-120.

(iii) Where the local government final action is to adopt findings of adequacy, the department shall follow applicable adoption procedures described in WAC 173-26-120. The department shall review the findings of adequacy solely for consistency with RCW 90.58.080(4) and this section.

§ 3(e)(i) clarifies that Ecology must approve any amendment as well as the “findings of adequacy.” Any appeals would be of Ecology’s approval rather than the local government determination.

§ 3(e)(ii) clarifies that the normal adoption process applies if there are amendments.

§ 3(e)(iii) provides submittal requirements where there are no amendments. Ecology will follow the normal adoption process but substitute review of the local “findings of adequacy” with evaluation of actual amendments.



**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.

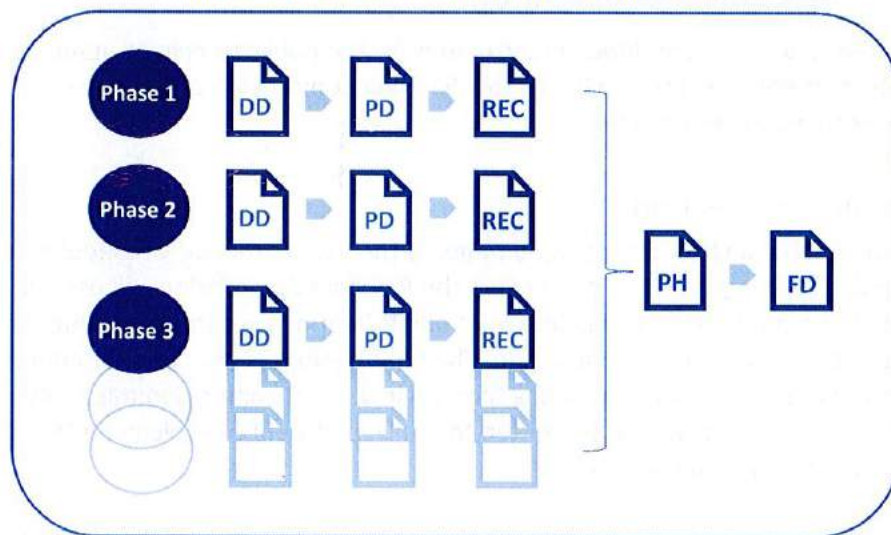
Phased Approach

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

[Type here]

SMP Section	Topic	Summary of Topics to Consider	Guiding Theme(s)
4.1.3	Vegetation Management	- 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 - 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

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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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6. Law School and Jobs: Thinking Beyond Being a Lawyer
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8. What happens when a condominium complex goes bankrupt?
9. Beyond a Reasonable Doubt: Why It Matters in Criminal Law
10. What Courses to Take to Become a Lawyer

Related Legal Terms

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.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

Date: July 11, 2019
To: Planning Commission
From: Christy Carr, AICP
Senior Planner
Subject: **Shoreline Master Program Periodic Review
Phase 1 Discussion Draft**

Background

The purpose of the July 11, 2019 SMP-related agenda item is to review the Phase 1 Discussion Draft (SMP Section 4.1.3, Vegetation Management).

As discussed previously, the discussion draft is intended to highlight the topics or sections of the SMP that need to be addressed in the periodic review. This is a general, high-level draft. Staff initially identified these topics. In the discussion draft, staff comments are identified in the right-hand column with "CC" comment bubbles.

The Planning Commission is using a subcommittee of three members (Jon Quitslund, Mack Pearl, and William Chester) to do preliminary work prior to review by the commission as whole. This includes an initial review of the discussion draft. In the discussion draft, the subcommittee's comments are identified in the right-hand column with "JQ" comment bubbles.

The July 11, 2019 Planning Commission meeting will follow the agreed upon sequence for Planning Commission review:

- Public comment only on topics under consideration on tonight's agenda. Public comment on off-agenda topics are welcome during the portion of the meeting reserved for such comments. The Commission Chair may limit commenters to a certain amount of time (i.e., 3 minutes).
- Uninterrupted Planning Commission discussion/deliberation. The Commission will not take public comment during this time.
- Additional public comment. The public may use this time to comment on the Commission's deliberations, conclusions or recommendations from the evening.

Planning Commission Suggested Action

To prepare for the July 11, 2019 meeting, Planning Commissioners should read through the discussion draft and note staff and subcommittee comments. The full commission will discuss these comments, as well as public input, and provide direction to staff. Specific revisions to language will not be considered in the discussion draft; rather, staff will take the direction provided by the Planning Commission and

bring back the “proposed draft” for Phase 1, Vegetation Management. Things the Planning Commission may want to consider/provide direction on include, for example:

- Are any topics not included in the staff and subcommittee comments?
- Clarification/simplification: A number of comments simply say “clarify” or “simplify.” Do you agree this section or topic needs clarification/simplification? Do you have an opinion on the legislative intent (i.e., what is the language suppose to mean/accomplish)?
- Delete: Do you agree this language can be deleted?
- Relocate: Do you agree this language can be relocated to a different section of the SMP?
- Define/definitions: Are definitions missing? Are definitions, if provided, clear?
- Are there any specific policy issues/questions that should be addressed at this time? For example:
 - When is planting of all of Zone 1 required (see SMP Section 4.1.2.5.3)?
 - How is the “1/3 – 2/3” language applied (see SMP Section 4.1.3.6.4 and attached Regulatory Guidance Memo)?
 - When are significant trees allowed to be removed (see SMP Section 4.1.3.5.6)?

4.1.2 Environmental Impacts

4.1.2.1 Applicability

All shoreline development and activity shall be located, designed, constructed, and managed in a manner that avoids, minimizes and/or mitigates adverse impacts to the shoreline environment. The preferred mitigation sequence (avoid, minimize, rectify, reduce, or compensate for the environmental impact) shall follow that listed in WAC 173-26-201(2)(e). See definition of “Mitigation” listed in this Master Program, in Section 8.0, Definitions.

Commented [JQ1]: All NEW shoreline development? “activity” means what?

Commented [JQ2]: Simplify.

In approving shoreline development, the City shall ensure that shoreline development, use, and/or activities will result in no net loss of ecological functions and ecosystem-wide processes necessary to sustain shoreline resources, including loss that may result from the cumulative impacts of similar developments over time consistent with constitutional and statutory limitations on the regulation of private property. To this end, the City may require modifications to the site plan and/or adjustments to proposed project dimensions, intensity of use, and screening, as deemed appropriate. If impacts cannot be avoided through design modifications, the City shall require compensatory mitigation commensurate with the project’s adverse impacts.

Commented [JQ3]: Simplify.

Commented [JQ4]: Delete?

4.1.2.2 Goal

Minimize impacts of shoreline development, uses and activities on the environment during all phases of development (e.g. design, construction, and management).

Commented [JQ5]: Revise for clarity.

4.1.2.3 Policies

1. Ensure all shoreline uses, activities and developments are designed and located in a manner that prevents or mitigates adverse impacts to shoreline ecological functions and ecosystem-wide processes, including the use of the mitigation sequence (avoid, minimize, rectify, reduce, compensate); and make available flexible alternatives to accommodate preferred shoreline uses.
2. Ensure, through appropriate monitoring and enforcement measures that all required conditions are met, and improvements are installed and properly maintained.
3. Promote shoreline uses and activities within critical areas which do not cause significant adverse impacts to ecological functions and ecosystem-wide processes, such as public access on publicly owned lands.
4. In assessing the potential for new uses, activities and developments to cause adverse impacts, take into account all of the following:
 - a. Effects on ecological functions and ecosystem-wide processes, including temporal loss of functions; and
 - b. Effects that occur on-site and effects that may occur off-site; and
 - c. Direct and indirect effects and long-term effects of the project; and
 - d. Effects of the project and the incremental or cumulative effects resulting from the project added to other past, present, and reasonably foreseeable future actions; and

Commented [JQ6]: Revise for clarity.

- e. Compensatory mitigation actions that offset adverse impacts of the development action and/or use.
- 5. To provide for comprehensive management strategies for shoreline areas, integrate planning and regulatory measures, such as those within the comprehensive plan, regional watershed plans, or state and federal regulations.

4.1.2.4 Regulations-Impact Analysis and No Net Loss Standard

1. All shoreline development, use and activities, including preferred uses, and uses that are exempt from a shoreline substantial permit, shall be located, designed, constructed, and maintained in a manner that protects ecological functions and ecosystem-wide processes. All proposed shoreline development, uses and activities shall:
 - a. Utilize the required mitigation sequence of Section 4.1.2.6, Regulations – Mitigation; and
 - b. Utilize effective erosion and scour control methods during project construction and operation; and
 - c. Minimize adverse impacts to critical salt water habitat, fish and wildlife conservation areas, and/or other ecological functions and ecosystem-wide processes, such as those provided by shoreline vegetation; and
 - d. Minimize interference with beneficial natural shoreline processes, such as water circulation, sand and gravel transport movement, erosion, and accretion; and
 - e. Avoid hazards to public health and safety; and
 - f. Minimize the need for shoreline stabilization measures and flood protection in the future; and may require a geotechnical analysis to ensure that the proposed activity meets this regulation (See Section 6.2, Shoreline Stabilization); and
 - g. Result in no net loss of ecological functions and processes necessary to sustain shoreline resources, including loss that may result from the cumulative impacts of similar developments over time.
2. In reviewing and approving shoreline development, use or activity, regardless of whether a permit is required the following shall apply:
 - a. The Administrator shall condition the shoreline development, use, and/or activities such that it will:
 - i. Meet provisions in subsection 1 above; and
 - ii. Employ measures to mitigate adverse impacts on shoreline functions and, processes, if necessary; and
 - iii. Modify the site plan and/or adjust the project dimensions, intensity of use, or screening as deemed appropriate to address impacts. If impacts cannot be avoided through design modification, the Administrator shall require compensatory mitigation, pursuant to regulations in Sections 4.1.2.5, Regulations – Revegetation Standards, and 4.1.2.6, Regulations – Mitigation; and

Commented [JQ7]: What does “result” mean? Omit this?

- b. If a proposed shoreline development, use or activity is determined by the Administrator to result in significant short-term, long-term, or cumulative adverse environmental impacts lacking appropriate compensatory mitigation, it shall be sufficient reason for the Administrator to deny a permit.
3. To assure that development activities contribute to meeting the no net loss provisions pursuant to subsection 1 and 2 above, an applicant is required to submit a site-specific analysis of potential impacts and a mitigation plan that includes compensatory mitigation measures when determined necessary as a result of the analysis. The site-specific analysis shall be prepared in accordance with Section 4.1.2.9, Submittal Requirements – Site-Specific Impact Analysis and Mitigation Plan.
4. To mitigate anticipated impacts and meet the no net loss standards in subsection 1 and 2 above, an applicant for a single family residential development or accessory structures may choose to use the Standard Residential Mitigation Manual in Appendix D in lieu of a site-specific impact analysis and mitigation plan. If an applicant uses the Single Family Residential Mitigation Manual, compensatory mitigation requirements provided in the manual shall be included in the project submittal.

Commented [JQ8]: Revise for clarity.

Commented [JQ9]: Can this be simplified?

Commented [JQ10]: Make clear that 3 and 4 are alternatives to the same goal.

Commented [CC11]: Move revegetation standards to Section 4.1.3.

Commented [JQ12R11]: Revise and move, or incorporate Revegetation policies throughout 4.1.3?

Commented [CC13]: Clarify what this means – ALL vegetation within buffer, only native vegetation within jurisdiction (outside buffer)

Commented [CC14]: Delete or create manual

Commented [CC15]: Update BIMC reference or delete – 16.18 does not apply to shoreline.

Commented [CC16]: Clarify how this fits with other standards.

4.1.2.5 Regulations – Revegetation Standards

1. Vegetation replanting is required for all development, uses or activities within the 200-foot shoreline jurisdiction that either alters existing native vegetation or any vegetation in the required Shoreline Buffer or Vegetation Management Areas, whether a permit is required or not. This includes invasive species removal. Minimum requirements for planting plans can be found in the City's Administrative Vegetation Management Manual. The following information shall be submitted for approval prior to vegetation disturbance as part of a project proposal or clearing permit pursuant to BIMC 15.18, Land Clearing:
 - a. Residential, Industrial and Commercial Development.
 - i. Vegetation disturbance of 200 square feet or less requires submittal of an annotated list of proposed plants and their spacing specifications and location.
 - ii. Vegetation disturbance-greater than 200 square feet requires that the planting plan shall be completed by a qualified professional or the applicant may use the single-family residential mitigation manual.
 - b. Public Park and City Maintained Areas.
 - i. Vegetation disturbance of 2,500 square feet or less requires submittal of an annotated list of proposed plants and their spacing specifications and location.
 - ii. Vegetation disturbance greater than 2,500 square feet requires that the planting plan shall be completed by a qualified professional.
2. For vegetation mitigation in the Shoreline Buffer or Site-specific Vegetation Management Areas, all new plantings shall meet the provisions in Section 4.1.3.5(5), except for the Point Monroe District which shall meet special provisions in subsection 6,
3. If the Shoreline Buffer is altered or reduced pursuant to provisions of Section 4.1.3, Vegetation Management or Section 4.2.1, Nonconforming Uses, Non-Conforming Lots, and Existing Development, the following shall occur in Zone 1:
 - a. Retain existing native vegetation; and

Commented [CC17]: Clarify WHICH provisions of Section 4.1.3. All? Or specific ones only?

- b. Plant the entire area of Zone 1. Obtain 65% vegetation canopy coverage within 10 years.
4. When vegetation mitigation is required for new upland development, uses, or activities the mitigation plan shall include new plantings that are protective of views from the primary structure of the subject property and in proportion to the identified impact. Mitigation shall be located in the following sequence, except for the Point Monroe District which shall meet special provisions in subsection 6,
 - a. Within Zone 1, plant vegetation to obtain a minimum of 65% native vegetation canopy coverage;
 - b. In Zone 2, plant to increase canopy coverage, in a manner that promotes contiguous native vegetation or in areas nearest the shoreline;
 - c. In the Shoreline Buffer, plant in a manner that promotes a contiguous native vegetated corridor that connects to the shoreline;
 - d. Outside of the Shoreline Buffer, plant in a manner that promotes a contiguous native vegetated corridor to the shoreline;
 - e. Outside of the Shoreline Buffer; or
 - f. At an off-site location approved by the Administrator, within Zone 1, plant to meet the standard of subsection a.
5. When mitigation is required for shoreline stabilization projects due to site disturbance, the required planting plan shall also include the following, unless an alternative planting plan is approved by the Administrator:
 - a. Replant 75% of the shoreline area located along the upland edge of the shoreline stabilization structure to a minimum depth of ten (10) feet, unless demonstrated to be infeasible to the Administrator;
 - i. The depth may be reduced to five (5) feet to allow for landscape design variation, provided that the total square footage of the area planted equals the required 75% of the shoreline;
 - b. Planting plans shall meet provisions in Section 4.1.3.5(5), and shade bearing plants shall be provided at suitable-fish spawning sites; and
 - c. Include plantings equivalent to one tree per every 20 linear feet of shoreline and one shrub per every five linear feet, which may be planted with due consideration of views from the primary structure of the subject property.
6. Special Mitigation Provisions for Point Monroe District. When vegetation mitigation is required for new development, uses, or activities in the Point Monroe District, the mitigation plan shall include new vegetation communities appropriate for dune, sand spit, barrier beach, barrier estuary, or barrier lagoon, including salt marsh that shall be installed within the spit-specific vegetation management area (SVMA) as defined in Section 4.1.3.5(9), thirty (30) foot setback between the OHWM and the primary structure, or where area is available on the site.

Commented [CC18]: Need guidance for how to achieve this percent coverage.

Commented [CC19]: These are different topics – should be in different sections.

Commented [CC20]: Does this mean an off-site location must be in Zone 1?

Commented [CC21]: What is “shoreline area”?

Commented [CC22]: Clarify and address consistency with other standards.

4.1.2.6 Regulations – Mitigation

1. Mitigation Sequence: Mitigation shall include the following actions in order of priority (a-e), and (f) is required for all mitigation activities:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
2. When compensatory mitigation is necessary to offset impacts, mitigation measures in the immediate vicinity of the impact shall be the preferred mitigation option. Property owners may be required to perform the balance of compensatory mitigation off-site if the property cannot support required mitigation or when off-site mitigation can be demonstrated to the satisfaction of the Administrator to be more beneficial to shoreline ecological functions and processes. For example, off-site mitigation may be the better choice if large, cohesive areas are available off-site while only small fragmented areas are available on-site for mitigation.
3. Mitigation actions shall not have a significant adverse impact on other preferred shoreline uses promoted by the policies of the Shoreline Management Act.
4. When compensatory mitigation measures are required, all of the following shall apply:
 - a. The quality and quantity of the replaced, enhanced, or substituted resources shall be the same or better than the affected resources; and
 - b. The mitigation site and associated vegetative planting shall be nurtured and maintained such that healthy native plant communities can grow and mature over time; and
 - c. Unless the Single-family Residential Mitigation Manual is being used for single-family residential development and accessory structures pursuant to Section 4.1.2.4(4), the mitigation shall be informed by pertinent scientific and technical studies, including but not limited to the Shoreline Inventory and Characterization Report, the Shoreline Restoration Plan and other background studies prepared in support of this Program; and

Commented [JQ23]: Simplify this?

Commented [JQ24]: Simplify this.

- d. The mitigation activity shall be monitored and maintained to ensure that it achieves its intended functions and values, pursuant to Section 4.1.2.7, Surety Regulations.
5. To encourage shoreline property owners to remove bulkheads and perform other beneficial shoreline restoration actions in advance of shoreline development or redevelopment, the City may give mitigation credit to any beneficial restoration action that occurred within 10 years of the proposed development/redevelopment activity provided that:
 - a. The applicant/property owner declares the intent of the restoration or enhancement project as mitigation credit at the time of the restoration permit application; and
 - b. The City can confirm via site inspection, photographs, or other evidence that the restoration actions have improved shoreline conditions.
6. Where feasible, replacement compensatory mitigation should be required prior to impact and, if applicable, prior to final inspection and approval of building occupancy; and to ensure no net loss, the mitigation shall replace the functions as quickly as possible following the impact.

Commented [JQ25]: Eliminate this?

Commented [JQ26]: Simplify this?

Commented [JQ27]: Can this be monitored or demonstrated?

4.1.2.7 Regulations – Surety

1. The applicant/property owner shall provide assurance to the satisfaction of the Administrator, that the restoration area (including off-site mitigation) will be maintained in perpetuity. The assurance can be in the form of notice on title, conservation easement, or similar mechanism as approved by the City Attorney.
2. Except for projects undertaken by public entities, performance and/or maintenance bonds or other security shall be required by the City to assure that work is completed, monitored, and maintained. The bond/surety shall be refunded to the depositor upon completion of the mitigation activity and any required monitoring.

Commented [JQ28]: Will the benefits justify the costs?

4.1.2.8 Regulations – Monitoring and Maintenance

1. When mitigation is required, a periodic monitoring program shall be included as a component of the required mitigation plan. To ensure the success of the required mitigation, monitoring shall occur for a minimum duration of five years from the date of the completed development. The monitoring plan may also require that periodic maintenance measures be included as recommended by a qualified professional. The duration of monitoring may be extended if the project performance standards set forth in the approved mitigation plan fail to be accomplished, or, due to project complexity, the approved mitigation plan requires a longer period of monitoring.
2. Monitoring programs may be forwarded for review and comment to state and/or federal resource agencies and affected tribes with jurisdiction.
3. Monitoring programs shall meet the requirements established in Monitoring Requirements, Appendix B, B-6(C)(2)(e).

4. All new and replacement shoreline stabilization projects shall complete and submit a minimum five-year monitoring and maintenance program that addresses the shoreline stabilization mitigation measures, and shall at a minimum include:

- a. An annual site visit by a qualified professional for each of the five (5) years to assess the effectiveness of the mitigation; and
- b. A progress report submitted to the Administrator annually, which includes any monitoring or maintenance recommendations of the qualified professional.

Commented [JQ29]: Granted that broad-gauge or ecosystem-wide monitoring is needed, what experience have we had with monitoring in individual mitigation sites? Can monitoring be limited to programs above a certain scale?

4.1.3 Vegetation Management

4.1.3.1 Applicability

Vegetation management is required for protection and conservation within the shoreline jurisdiction. Dimensional and other development standards, including buffers, are established based on site-specific development and conditions or as specified for that particular shoreline designation. The purpose of vegetation management is to protect and enhance the Island's natural character, water quality, native plant communities, and wildlife habitat within the shoreline jurisdiction. Vegetation management 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 4.1.4, Land Modification; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Appendix B; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

Commented [CC30]: Clarify and shorten. Clarify non-retroactive nature of regulations and that they don't apply to existing yards.

Commented [JQ31]: "Vegetation," or "Vegetation management," should be defined, either here or in the list of defined terms. Agreed that these three paragraphs run on too long, but this might be the place to indicate what management activities do not require a shoreline permit – but perhaps some other permit is called for?

Vegetation management includes conservation activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions and processes of shoreline areas. Vegetation management provisions include vegetation restoration, the prevention or restriction of plant clearing and earth grading, and the control of invasive weeds and nonnative vegetation species.

The Vegetation Management provisions apply to all shoreline development, and regulated uses and activities, including those that do not require a shoreline permit. Similar to other master program provisions, vegetation standards do not apply retroactively to existing uses and structures unless changes or alterations are proposed. Standards for vegetation management are established using current scientific and technical information pursuant to WAC 173-26-221(5)(b) and 173-26-201(2)(a), and are based on the use category, shoreline characterization and the designation. Standards are provided in Section 4.0, and Tables 4-2 and 4-3.

4.1.3.2 Goal

Protect and restore shoreline vegetation to maintain and enhance ecological functions and processes, shoreline views and vistas, human safety, and personal property.

4.1.3.3 Policies

1. Maintain existing shoreline vegetation to protect ecological functions and/or processes from adverse impacts of uses, activities and developments within the shoreline jurisdiction.

Commented [JQ32]: Use this and similar phrases only where necessary. Here, however, #1 may be redundant; the Goal above is a better rationale for the policy, as does #2 below.

2. Emphasize the use of native vegetation species to maintain the ecological functions and/or processes and mitigate the direct, indirect, and/or cumulative impacts of shoreline development, uses and activities.
3. Provide flexible dimensional standards for buffers and setbacks that are based on performance standards designed to protect ecological functions and ecosystem-wide processes, including considering alternatives to planting native vegetation species if it can be demonstrated that the equivalent ecological functions can be provided.
4. Use monitoring programs to ensure the protection of shoreline ecological functions and ecosystem-wide processes, particularly when non-native vegetation species are used as an alternative to native vegetation.
5. Encourage the restoration or enhancement of shoreline vegetation through incentive programs.
6. Establish buffers immediately upland of OHWM for each shoreline designation, recognizing the pattern of development, shoreline ecological functions and ecosystem-wide processes, and using current science and technical information, as described in WAC 173-26-201(2)(a). In establishing buffers, consideration should be given to the land use patterns to minimize the number of existing structures that would not conform to buffer dimensional standards.
7. At the time of a proposal, allow site-specific dimensional standards for vegetation management areas for shoreline development, use or activity. Dimensional standards must protect shoreline ecological functions and ecosystem-wide processes.
8. Implement a public education program emphasizing the importance of shoreline vegetation management.
9. Allow selective vegetation clearing for views for new development and to maintain views from existing residences when slope stability and ecological functions and ecosystem-wide processes are not compromised. Trimming and pruning are generally preferred over removal of native shoreline vegetation.
10. Develop specific regulations for Point Monroe, based on vegetation and management practices appropriate for dune communities, sand spits, barrier beaches, barrier estuaries or barrier lagoons.

Commented [JQ33]: Simplify this.

Commented [JQ34]: Is this feasible?

Commented [JQ35]: Revise for clarity.

4.1.3.4 Regulations – Exceptions

1. Vegetation management standards shall not apply retroactively to existing lawfully established conforming and nonconforming uses and developments, including maintenance of existing residential landscaping, such as lawns and gardens. Property owners are strongly encouraged to voluntarily improve shoreline vegetation conditions over the long term.
2. Existing buffers and setbacks that have been established through previously approved subdivisions and indicated on the face of an approved plat shall be recognized and adhered to.
3. The following shall be exempt from the provisions of Section 4.1.3.

Commented [JQ36]: CC13 (accidentally deleted): "Clarify. Make consistent with critical area exemptions to the extent possible."

Are these Exemptions, not Exceptions?

- a. Maintenance trimming of vegetation that has a main stem or supporting structure which is less than three (3) inches in diameter; except that tree topping or other vegetation removal is not exempt.
- b. Buffer enhancement through the removal of noxious or invasive weeds, provided the following are met:
 - i. The vegetation removal is based on consultation with the Kitsap County Noxious Weed Board or the species being removed are on the Washington State Noxious Weed List (WAC 16-750, or its successor); and
 - ii. The vegetation removal is conducted in a manner consistent with best management practices (BMP); and
 - iii. Replanting occurs in the disturbed area in accordance with Section 4.1.2.5, Revegetation Standards.
- c. Removal of hazard trees, as defined in Appendix B, where a report by an arborist or other qualified professional demonstrates to the satisfaction of the Administrator that trimming is not sufficient to address the hazard provided:
 - i. Mitigation is provided in accordance with Section 4.1.2, Environmental Impacts, including:
 - A. Requiring that the downed tree be retained on the site to provide or enhance wildlife or marine habitat; and/or
 - B. When possible, require that the hazard tree be topped for safety and remain as a wildlife snag; or
 - ii. When a hazard tree is located in a geologically hazardous area, the applicant shall submit a Bluff Management Plan pursuant to Section 4.1.5, Critical Areas. The hazard tree may be removed prior to the approval of the plan if it is necessary to protect life and property.
- d. Commercial forest practices and the removal of trees pursuant to a Forest Practices Permit (Class II, III and IV-S only) issued by the Washington State Department of Natural Resources under the Washington State Forest Practices Act (RCW 76.09), except where such activities are associated with a conversion to other uses or other forest practice activities over which local governments have authority. For the purposes of this Program, preparatory work associated with the conversion of land to non-forestry uses and/or developments shall not be considered a forest practice and shall be reviewed in accordance with the provisions for the proposed non-forestry use, the general provisions of this Program, including Appendix B, and shall be limited to the minimum necessary to accommodate an approved use.

Commented [CC37]: Consider deleting.

Commented [JQ38]: Revise or remove.

4.1.3.5 Regulations - General

- 1. Development within the shoreline jurisdiction shall be located and designed to protect existing native vegetation from disturbance to the fullest extent possible, to mitigate impacts to existing vegetation, and to meet the standard of no net loss of ecological functions and processes, Section 4.1.2, Environmental Impacts.
- 2. Vegetation clearing, or grading, may not be undertaken within the shoreline jurisdiction without prior review and approval by the Administrator, unless otherwise exempt under Section 4.1.3.4, Regulations – Exceptions, or as provided in subsection 7 below, with an

Commented [CC39]: Clarify definition. What is included?

approved Standard Operation Procedure (SOP) manual. Clearing and grading may be subject to Section 4.1.4, Land Modification.

3. Two alternative methods may be used to meet the goals and policies of the Vegetation Management Section, as provided below, except the Point Monroe District shall meet the special provisions provided in subsection 9:

a. Site-Specific Vegetation Management Areas

- i. As an alternative to the Shoreline Buffer dimensions provided in subsection b, below, an applicant may propose specific dimensional standards that meet the Vegetation Management goals and policies as determined through a Habitat Management Plan prescribed in Appendix B, Section B-4, provided that the plan demonstrates the following:
 - A. The proposed development is for a residential use.
 - B. The site-specific proposal assures there is no net loss of the property's specific shoreline ecological functions and associated ecosystem-wide processes pursuant to Section 4.1.2, Impact Analysis and No Net Loss; and
 - C. The site-specific proposal uses the scientific and technical information* compiled to support the Shoreline Buffer standards of Section 4.1.3.5(3)(b), and/or other appropriate technical information which, as determined by a qualified professional, demonstrates how the proposal protects ecological functions and processes and how it meets the goals and policies of this Section.
- ii. The Habitat Management Plan shall be reviewed by the Administrator in accordance with provisions in Appendix B. The Administrator may approve, approve with conditions, or deny the request. The Administrator shall have the Habitat Management Plan reviewed by an independent third party, the cost of which will be borne by the applicant.
- iii. If the Site-specific Vegetation Management Area is approved, prior to permit issuance, the applicant shall record with the County Auditor a notice on title, or other similar document subject to the approval of the Administrator.

*Footnote: Scientific and technical information supporting the Shoreline Buffer standards is provided in the following documents available at the City of Bainbridge Island's Department of Planning and Community Development: *Documentation of Marine Shoreline Buffer Recommendation Discussions*, Memorandum, 2011, Herrera Environmental; *Addendum to Summary of Science*, 2011, Herrera Environmental; *Bainbridge Island Current and Historic Coastal Geomorphic/Feeder Bluff Mapping*, 2010, Coastal Geologic Services, Inc.; *Best Available Science*, 2003, Battelle; *Bainbridge Island Nearshore Habitat Characterization and Assessment*, 2004 Battelle.

Commented [CC40]: Delete or create manual. Consider programmatic approach to maintenance for City or other large property managers.

Commented [CC41]: Need separate section just on shoreline buffers/SSVAs.

Commented [CC42]: Consider deleting; require on site-specific analysis only.

Commented [CC43]: Remove ETAC review.

- b. As an alternative to a Site-specific Vegetation Management Area, a Shoreline Buffer shall be maintained immediately landward of the OHWM and managed according to provisions of this section. The Shoreline Buffer shall meet the location and design standards of Section 4.1.3.6, Regulations – Shoreline Buffer – Location and Design Standard. The Shoreline Buffer shall be composed of two zones:
 - i. Zone 1, an inner protective buffer area located immediately abutting the OHWM; and
 - ii. Zone 2, the remaining portion of the Shoreline Buffer located immediately abutting Zone 1.
- 4. The Shoreline Buffer or Site-specific Vegetation Management Area shall be maintained in a predominantly natural, undisturbed and vegetated condition. Unless specifically allowed by this program, the following standards shall apply:
 - a. All existing native groundcover, shrubs and significant trees located within the Shoreline Buffer or Site-specific Vegetation Management Area shall be retained;
 - b. All activities shall be performed in compliance with the applicable standards contained in the Vegetation Management Section, unless the applicant demonstrates that alternate measures or procedures are equal or superior in accomplishing the purpose and intent of the Vegetation Management Section, including no net loss of ecological functions and ecosystem-wide processes.
 - c. The use of pesticides are prohibited unless specifically allowed in Section 4.1.6, Water Quality and Stormwater Management.
- 5. New vegetation planted in the Shoreline Buffer or Site-specific Vegetation Management Area, unless otherwise provided for in zone-specific requirements Section 4.1.3.6 (6), shall be:
 - a. Native species using a native plant-community approach of multi-storied, diverse plant species that are native to the Central Puget Lowland marine riparian zone.
 - b. Other plant species may be approved that are similar to the associated native species in diversity, type, density, wildlife habitat value, water quality characteristics, and slope stabilizing qualities, excluding noxious/invasive species provided that, as submitted by a qualified professional, it is demonstrated to the satisfaction of the Administrator that the selected ornamental plants can serve the same ecological function as native plant species.
- 6. Significant trees located outside the Shoreline Buffer or Site-specific Vegetation Management Area but within the shoreline jurisdiction, shall be retained unless allowed to be removed under the exceptions or other provisions of this program provided:
 - a. The Administrator may require alterations of a site plan in order to retain significant trees outside the Shoreline Buffer or Vegetation Management Area. This may include minor adjustments to the location of building footprints, the location of driveways and access ways, or the location of walkways, easements or utilities.

Commented [CC44]: Check allowances.

Commented [CC45]: Clarify.

7. Vegetation clearing and maintenance activities, except those which are part of new construction, are allowed consistent with an approved SOP manual for vegetation maintenance and management of public parks, public trails, public rights-of-way or easements, publicly-owned property, and/or other areas normally maintained by the City. A shoreline substantial development permit may be required for the SOP manual. The SOP manual shall include the following prescriptive elements:

Commented [CC46]: Delete or create manual.

- a. Procedures for maintaining vegetation on shoreline properties, shoreline trails or shoreline rights-of-way and easements, including procedures for noxious weed removal;
- b. Procedures for maintaining vegetation in Critical Areas, Shoreline Buffers, or Site-specific Vegetation Management Areas, or other sensitive land areas, including areas with cultural resources;
- c. Procedures for mitigation and vegetation replanting including appropriate species list; and
- d. Procedures for review and approval of allowed activities occurring under the scope of the SOP, including procedures for documenting activities.

8. Minor vegetation removal outside the shoreline buffer or site-specific vegetation management area on a developed property not associated with new construction may be allowed, as provided in this program with an approved clearing permit provided:

Commented [CC47]: Clarify.

- a. The Administrator may grant approval of minor vegetation clearing if it meets the provisions of this Program and the following:
 - i. The minor vegetation clearing allowed within a three (3) year period will include an area no greater than 200 square feet in area and/or no more than 3 non-significant trees per 20,000 square feet up to a maximum of six (6) trees; and
 - ii. Native vegetation will not be removed from the Shoreline Buffer or Vegetation Management Area; and
 - iii. All applicable standards of an approved Vegetation Management Plan are met; and
 - iv. The replanting is performed pursuant to Section 4.1.2.5, Revegetation Standards; and
 - v. A Bluff Management Plan is provided pursuant to Section 4.1.5, Critical Areas for any vegetation alteration in a geologically hazardous area.
- b. Proposed clearing must meet the provisions of Sections 4.1.2, Environmental Impacts and 4.1.4, Land Modification.

9. **Special Provisions for Point Monroe District.** Shoreline Buffers or Site-specific Vegetation management Areas are not required for properties located in the Point Monroe District; the following specific vegetation provisions shall apply:

- a. All properties in the Point Monroe District shall retain existing native vegetation and shall be subject to a Point Monroe vegetation management area (PVMA).
- b. The PVMA shall include areas that are:
 - i. Within thirty (30) feet of the OHWM and within the required side yard and the salt marsh fringe; and

- ii. Outside any designated development area as approved pursuant to Section 5.9.6(2).
- c. The PVMA shall be managed and maintained in vegetation communities appropriate to dune, sand spit, barrier beach, barrier estuary, or barrier lagoon, including salt marsh.
- d. Developed properties shall retain existing native vegetation (including dune grass and salt marsh plant communities) in those areas that are not developed with legally established impervious surfaces.
- e. Any new development or alterations and expansion of existing development shall assess impacts to existing vegetation and meet the no net loss standard pursuant to Section 4.1.2, Environmental Impacts.

4.1.3.6 Regulations – Shoreline Buffer – Location and Design Standard

1. The total depth of the Shoreline Buffer is based on the shoreline designation and the physical and most predominant geomorphic characteristics of the property. The depth of the Shoreline Buffer will be determined by the Administrator according to criteria below.
 - a. Property-specific physical and geomorphic characteristics of the particular lot will determine the maximum width (Category A) or minimum width (Category B) of the Shoreline Buffer, as follows:
 - i. Shoreline Buffer Category A: The property contains or abuts a spit/barrier/backshore, or marsh, or lagoon; or
The property contains or abuts a low bank and the existing native tree and shrub vegetation cover is at least 65% of the area of Shoreline Buffer Zone 1.
 - ii. Shoreline Buffer Category B: The property is shallow (200 feet in depth or less, as measured landward), or located on a high bluff, or does not meet any of the characteristics of Category A.
 - b. Shoreline Buffer standard depth in Table 4-3
 - c. As determined by the Administrator, buffers do not extend beyond an existing public paved street or an area which is determined by the Administrator to be functionally isolated from the shoreline or critical area. In these limited instances the no net loss of shoreline ecological function and processes still apply to properties within the shoreline jurisdiction.
2. The total area of the Shoreline Buffer shall be the equivalent of the length of the property along the shoreline, multiplied by the required buffer depth as prescribed for the specific shoreline designation in which the property is located. See Figure 4-1.
3. The Shoreline Buffer consists of two zones. The depth of each of the two zones within the Shoreline Buffer is determined as follows:
 - a. Zone 1 shall extend from the ordinary high water mark (OHWM) a minimum of 30 feet, or to the limit of existing native vegetation whichever is greater. The native vegetation limit is determined through a site-specific analysis of existing

Commented [CC48]: Make corrections; clarify high bluff buffer

conditions, and in no case shall Zone 1 be greater than the depth of the Shoreline Buffer.

- b. Zone 2 shall be established immediately landward of the Zone 1 and extend no further than the depth of the Shoreline Buffer.

4. The following zone specific planting regulations apply to the Shoreline Buffer:

- a. New lawns are not permitted in Zone 1.
- b. In Zone 2, one-third (1/3) of the area may be planted in a combination of grass lawns and approved structures provided:
 - i. Significant native trees are not removed to establish such use, or
 - ii. The buffer has been reduced through view provisions of Section 4.1.3.11.
- c. The remaining two-thirds (2/3) of Zone 2 shall be maintained in a native vegetative state.
- d. Planted areas in which fertilizers might be applied shall be located as far landward of Zone 1, as feasible.

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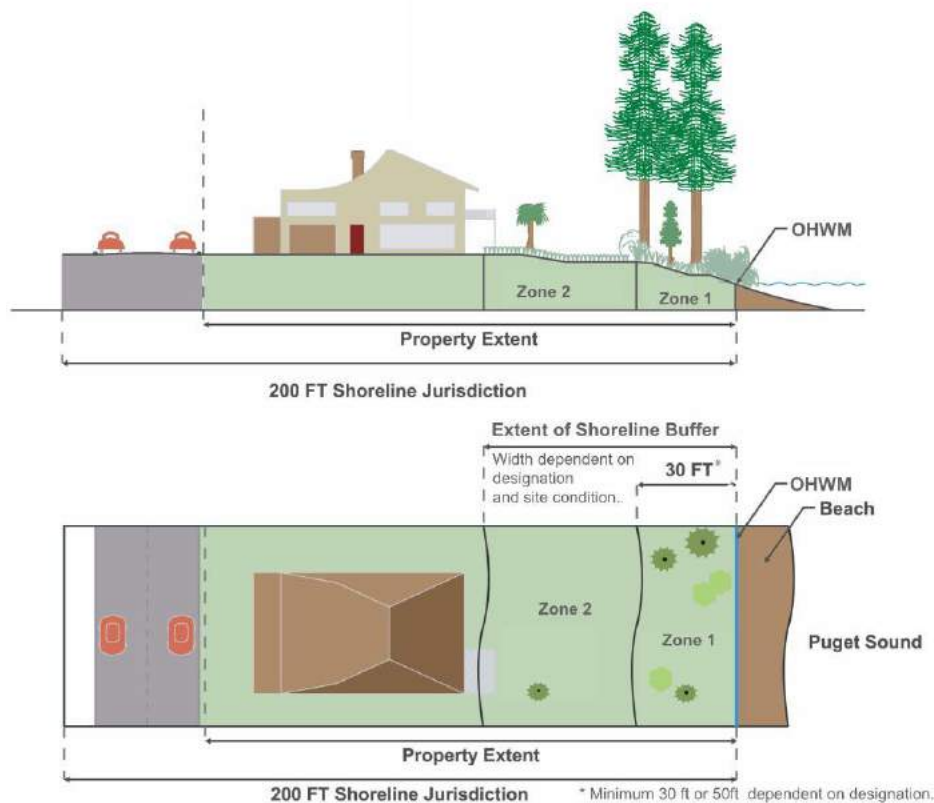


Figure 4-1 Dual Shoreline Buffer

4.1.3.7 Regulations – General Vegetation Alterations in Shoreline Buffers or Site-specific Vegetation Management Areas

1. The following activities are allowed within the Shoreline Buffer and Site-specific Vegetation Management Area with an approved clearing permit. Such activities shall meet the standards of Section 4.1.4, Land Modification.
 - a. Existing landscape areas may be retained within the Shoreline Buffer or Site-specific Vegetation Management Area. However, any changes from the existing landscape to a different landscaping use or activity will require that the modified area comply with the provisions of 4.1.3, Vegetation Management, and the intent of providing native vegetation to maintain ecological functions and processes.

Commented [CC50]: Update review process.

Commented [JQ51]: Here and elsewhere eliminate "Site-Specific"?

Commented [CC52]: Clarify.

- b. **Minor Pruning.** Tree pruning, including thinning of lateral branches to enhance views, or trimming, shaping, thinning or pruning necessary for plant health and growth and which does not harm the plant, is allowed consistent with the following standards:
 - i. All pruning shall meet the American National Standard Institute (ANSI) tree pruning standards;
 - ii. In no circumstance shall removal of more than one-fourth (1/4) of the original crown be permitted within a three year period;
 - iii. Pruning shall not include topping, stripping of branches or creation of an imbalanced canopy; and
 - iv. Pruning shall retain branches that overhang the water.
 - c. **Vegetation Removal Related to Construction.** Tree or vegetation removal within the Shoreline Buffer or Site-Specific Vegetation Management Area that is associated with new construction may be allowed, but must retain significant trees and shall meet the requirements of Section 4.1.2, Environmental Impacts, including replanting provisions.
 - d. **Vegetation Removal Related to Public Facility Maintenance.** Tree or vegetation removal within the Shoreline Buffer or Site-specific Vegetation Management Area that is associated with maintenance of existing public facilities (including: roads, paths, bicycle ways, trails, bridges, sewer infrastructure facilities, storm drainage facilities, fire hydrants, water meters, pumping stations, street furniture, potable water facilities, and other similar public infrastructure), may be approved by the Administrator if no significant trees are removed, the requirements of Section 4.1.2, Environmental Impacts are met, and the maintenance measures meet the goals and policies of Section 4.1.3, Vegetation Management, or as approved in a SOP manual as provided in Section 4.1.3.5(7). The following activities are exempt from this requirement:
 - i. Removal of vegetative obstructions required for sight distance and visual clearance at street intersections provided in the Public Works Design and Construction Standards and Specifications.
 - e. **Underground Utilities.** Utilities that run approximately perpendicular to the buffer (for example, a stormwater tightline to the water to protect a slope or a sewer line to a marina), may be allowed within the Shoreline Buffer or Site-specific Vegetation Management Area, provided that disturbance is minimized and the disturbed area is revegetated after construction; and
 - f. **Other Approved Development in the Shoreline Buffer or Site-specific Vegetation Management Area.**
 - i. Potable water wells; and
 - ii. Approved shoreline stabilization;
2. Shoreline Buffer Reductions.

Commented [CC53]: Clarify.

Commented [CC54]: Mechanism for removing significant trees? Landmark?

Commented [CC55]: Consistency with other standards.

Commented [JQ56]: Eliminate reference to replanting.

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Commented [CC58]: Clarify

- a. When the prescriptive buffer depth is reduced or dimensions altered through provisions of this Program, the applicant shall record a notice on title, or other similar document with the County Auditor prior to permit issuance, subject to the approval of the Administrator.
 - 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:
 - A. Hand Railings;
 - B. Stairway width; and
 - C. Tread Depth.
 - ii. Landings are required, unless demonstrated not to be necessary, and shall be determined by:
 - A. Existing site topography;
 - B. Personal safety; and
 - C. Slope stability.

Commented [CC59]: Clarify when the Zone 1 replanting is required.

Commented [CC60]: What is included in public use?

Commented [CC61]: What about zoning side yard setbacks?

Commented [CC62]: Consider deleting – requires building permit. Check.

Commented [CC63]: Clarify.

4.1.3.8 Vegetation Alterations Standards – Residential Development

Minor clearing, grading or construction may be allowed within the Shoreline Buffer or Site-specific Vegetation Management Plan for a residential development with approval of the Administrator pursuant to Section 4.1.3.7(1)(a), and only for the following activities as prescribed below and pursuant to Section 4.1.4, Land Modification:

1. Maintenance of existing residential landscaping is allowed subject to Sections 4.1.3.5(8) and 4.1.3.7. 2. One (1) hand installed pervious trail to the shoreline not more than four (4) feet in width, which may include hand installed steps, and shall be designed to minimize environmental impacts. No significant trees shall be removed. The trail may be wider when required for handicapped or public access. For single-family residential development vegetation trimming is limited to two (2) feet on either side of the trail.
3. Non-habitable structures appurtenant to a single-family use, such as a boat house, deck/patio and/or stairway may be allowed consistent with the following standards, except

Commented [CC64]: Rewrite.

Commented [CC65]: What does this include?

Commented [CC66]: What does this mean?

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Commented [CC69]: Joint use?

that all structures are prohibited in Zone 1 when upland of a Priority Aquatic – Category A designation.

- a. For Site-specific Vegetation Management Areas, the total square footage of all buildings or structures must not exceed 300 square feet in area.
- b. For Shoreline Buffer areas, the total square footage of all buildings or structures must not exceed 400 square feet or 10% of the Shoreline Buffer area, whichever is less.
- c. For Shoreline Buffer areas, only 10% of the total allowed square footage or 300 square feet, whichever is less, can be located in Zone 1, except when upland of Priority Aquatic B, the total allowable square footage is 5% of Zone 1 or 150 square feet, whichever is less.
- d. All structures must be designed to not significantly impact views from adjoining property primary buildings.
- e. All structures must meet the following standards:
 - i. Only water-related structures are allowed within 30 feet of the OHWM or in Zone 1, including a boathouse, permeable deck, boat storage, or staircase.
 - ii. Shall not exceed 12 feet in height above existing grade.
 - iii. Decks and/or patios shall be permeable and shall not exceed 30 inches in height above existing grade.

Commented [CC70]: Clarify/simplify.

Commented [CC71]: How to demonstrate?

Commented [CC72]: Need definition consistent with BIMC 15.20.

4. **View Maintenance** – Single-family Residential Only.

Commented [CC73]: Clarify.

Shoreline residential use and development shall use all feasible techniques to maximize retention of existing native shoreline vegetation within the Shoreline Buffer and the Site-specific Vegetation Management Area.

- a. Limited removal of existing trees or vegetation located on the same property as a single-family residence may be allowed for maintenance of a pre-existing view from the primary structure, or to establish a view for a new primary structure provided the following are met:
 - i. The applicant demonstrates to the satisfaction of the Administrator that the vegetation removal is the minimum necessary to re-establish or establish a view of the water similar to that enjoyed by other residences in the area and that pruning methods are not sufficient to provide an adequate view of the water similar to that enjoyed by other residences in the area; and
 - ii. Existing significant native trees are not removed within the Shoreline Jurisdiction, unless exempt; and
 - iii. In no instance, including accounting for other approved alterations as provided in Section 4.1.3, shall vegetation removal exceed twenty (20) percent of the required Shoreline Buffer area or Site-specific Vegetation Management Area or reduce the vegetation canopy coverage to less than 65% in the Shoreline Buffer or Vegetation Management Area.

A. Vegetation removal occurring adjacent to the shoreline shall also be limited to fifteen (15) linear feet of the water frontage; and

Commented [JQ74]: No A in the absence of a B.

- iv. The applicant shall obtain an approved Bluff Management Plan pursuant to Section 4.1.5, Critical Areas for any vegetation alteration in a geologically hazardous area. The cost and preparation of the plan is the responsibility of the applicant; and
 - v. All vegetation removal complies with other applicable requirements of this Program (such as clearing and grading, forest practices, and protection standards for fish and wildlife habitat), including the no net loss and/or revegetation standards in Section 4.1.2.
- b. The Administrator may deny a request or condition approval for vegetation alteration proposals for view maintenance if it is determined that the action will result in an adverse effect to any of the following:
- i. Slope stability;
 - ii. Habitat value;
 - iii. Health of surrounding vegetation;
 - iv. Risk of wind damage to surrounding vegetation;
 - v. Nearby surface or ground water; or
 - vi. Water quality of a nearby water body.

4.1.3.9 Vegetation Alteration Standards – Commercial and Industrial Development in Shoreline Buffers

Minor clearing, grading, or construction may be approved within the Shoreline Buffer for a commercial or industrial development with approval of the Administrator pursuant to Section 4.1.3.7(1)(a) and only for the following activities as prescribed below and pursuant to Section 4.1.4, Land Modification:

1. Primary appurtenant structures to a commercial use that either support public access or are necessary to support a water-dependent use shall be allowed within the buffer when the applicant has demonstrated a need for the shoreline location, except that all structures are prohibited in Zone 1 when upland of a Priority Aquatic designation.
2. When appurtenant structures are allowed they must be the minimum necessary to meet the needs of the water-dependent use or public access requirements of Section 4.2.4, Public Access.

4.1.3.10 Vegetation Alteration Standards – Public Park Development in Shoreline Buffers

Commented [CC75]: Clarify. Consult with BIMPRD.

Minor clearing, grading, or construction may be allowed within the Shoreline Buffer for a public park development with approval of the Administrator consistent with the following or pursuant to Section 4.1.3.7:

1. Vegetation clearing and maintenance is allowed in accordance with an approved SOP manual that meets Section 5.1.3.5(7) and the standards of this Program.
2. Maintenance of existing public trails, provided the vegetation trimming is limited to four (2) feet on either side of the trail and no significant trees are removed.
3. Alterations that are included in a Park Development or Concept Plan. Minor clearing, grading, or construction for which the size and extent of proposed disturbed areas located within the Shoreline Buffer have been determined as part of a park development plan or concept park plan, with due consideration of the intended park use; and provided all proposed disturbance areas meet the no net loss standards pursuant to in accordance with Section 4.1.2. Environmental Impacts; and provided appropriate permits are obtained, including those pursuant to Section 4.1.4, Land Modification;
4. Alterations that are not part of a Park Development or Concept Plan. The following minor clearing, grading, or construction activities may be allowed without an approved park development plan or conceptual park plan:
 - a. Maintenance of existing public trails is allowed, provided maintenance is limited to the existing size of the trail, any vegetation trimming is limited to four (4) feet on either side of the trail, and no significant trees are removed.
 - b. New public pathways or trails to the shoreline provided it is demonstrated that the size and extent of the public pathways has been determined with due consideration of the intended park use.
 - c. Structures.
 - i. Primary appurtenant structures to a public park and recreational use that either support public access or are necessary to support a water-dependent recreation use shall be allowed within the Shoreline Buffer when a need for the shoreline location is demonstrated, except that all structures are prohibited in Zone 1 when upland of a Priority Aquatic designation. When appurtenant structures are allowed, they must be the minimum necessary to meet the needs of the water-dependent use or public access requirements of Section 4.2.4, Public Access.
 - ii. The total square footage of all buildings or structures must not exceed 6,000 square feet or 10% of the Shoreline Buffer area, whichever is less.
 - A. Only 10% of the total allowed square footage or 1,000 square feet, whichever is less, can be located in Zone 1.
 - iii. All structures must be designated to not significantly impact views from adjoining property primary buildings.
 - iv. All structures must meet the following standards:
 - A. Only water-related recreational furniture, amenities and structures are allowed in Zone 1, including but not limited to, picnic tables, benches, interpretive kiosks, viewing platforms, boardwalks, pervious trails or staircases, recreational furniture, signs, pervious

trails, and staircases are not included in the maximum square footage allocations prescribed in subsection 4.c.ii, above;

- B. Accessory recreation buildings, including restrooms, picnic pavilions and service roads that serve such structures may be allowed in Zone 2 and buildings shall not exceed 12 feet in height above existing grade;
- C. Stairways may exceed 300 square feet, provided that it is demonstrated that a greater area is necessary to meet public access and public use demands. Stairways shall conform to the standards of the Building Code as adopted in BIMC Chapter 15.04.; and
- D. Boat ramps and other boating facilities may be allowed pursuant to Section 5.4, Boating Facilities.

4.1.3.11 Regulations – Shoreline Structure Setback View Requirement

1. To protect existing predominate shoreline views and accommodate shoreline views for a new single-family primary residential structure or addition to a primary residential structure, the Administrator may allow Zone 2 of the Shoreline Buffer to be altered when there is an existing primary residential structure located within 100 feet of the property line of the subject property and topographical or other relevant information indicates that the view of the shoreline from the subject property or the adjacent residence would be impacted by existing or proposed development. The shoreline structure setback line may also require that new structures be set farther away from the shoreline to preserve existing views enjoyed by an adjoining single-family primary structure that was established earlier. These provisions apply to single-family residences only, except in the Point Monroe District.
 - a. Setbacks for the purpose of this subsection are based on the location of primary residential structure(s) existing at the time a new primary residential building permit is submitted. A primary residential structure constructed in compliance with the required shoreline setback is not made nonconforming by the later construction of a primary residential structure in a different location on an adjoining lot.
 - b. The shoreline structure setback provisions apply only to primary single-family residential structures located within the 200-foot shoreline jurisdiction, where an existing primary single-family residential structure is located within 100 feet of the subject property line. All measurements are to the closest primary residential structure on either side of the subject property as measured parallel to the shoreline.
 - c. In determining the shoreline structure setback line, the Administrator may also consider topography or other physical property constraints in addition to the provisions of subsection 4 and 5, below. Applicants may submit detailed information regarding how property constraints impact the predominate shoreline views from either the subject property's proposed primary residential structure or adjoining properties' primary residential structure(s).

Commented [CC76]: Clarify applicability, relocate option to build in Zone 2 option, correct figure references, simplify language, clarify "most waterward point," consider using "irregular shoreline" instead of cove or headland, check that all scenarios addressed, clarify when setback can be based on site conditions, improve figures?

Commented [JQ77]: Do these regulations belong here, or in section 5.9 Residential Development?

2. The Shoreline Buffer on the subject property may be reduced below the depth requirements identified in Table 4-3 to allow a new primary residential structure to be located within Zone 2 provided the conditions in Section 4.1.3.7(2) are met.-Mitigation of proposed residential development shall be required pursuant to Section 4.1.2, Environmental Impacts.
3. In no case shall the subject property be permitted to locate a new primary residential structure within the site's specified Zone 1 of the Shoreline Buffer, unless a Shoreline Variance is granted.
4. Adjoining Development Located Within Shoreline Buffer. The setback requirement for the subject property shall be based on the location of the adjoining properties' primary residential structure(s) as described in subsections (a) through (d) below.
 - a. Primary Residential Structure Located on One Side. When an existing primary residential structure is located on one side of the subject property, the shoreline structure setback line shall be determined as follows:
 - i. If the adjoining primary residence is partially or wholly located within Zone 2, the shoreline setback line is determined by drawing a line from the most waterward point of the adjoining primary residential structure to the point at which the subject property's Shoreline Buffer boundary intersects the subject property's opposite property line. (See Figure 4.1.a below).
 - ii. If the adjoining primary residence is located partially or wholly in Zone 1, the shoreline structure setback line shall be determined by drawing a line from the point of intersection of the subject property and the adjoining property's Zone 1 boundary, to the point at which the subject property's Shoreline Buffer boundary intersects the subject property's opposite property line. (See Figure 4.1.b, below).
 - b. Primary Residential Structure Located on Both Sides. When existing primary residential structures are located on both sides of the subject property, the shoreline structure setback line shall be determined as follows:
 - i. If both the adjoining primary residential structures are located partially or wholly in Zone 2, then the shoreline structure setback line shall be determined by drawing a line between the most waterward points of each of the adjoining primary residential structures. (See Figure 4.1.b, below)
 - ii. If one of the adjoining primary residences is partially or wholly in Zone 1, and the other adjoining primary residence is partially or wholly in Zone 2, the shoreline structure setback line shall be determined by drawing a line from the point of intersection of the subject property and the adjoining property's Zone 1 boundary (for that adjoining residence located in Zone 1), to the most waterward point of the other adjoining primary residential structure located in Zone 2. (See Figure 4.1.b, below).
 - iii. If both of the adjoining primary residences are located partially or wholly within Zone 1, the shoreline structure setback line shall be determined by drawing a line from the point of intersection of the subject property's Zone 1 boundary and the adjoining property's Zone 1 boundary to the same

intersection point on the subject property's opposite property line. (See Figure 4.1.c. below)

- c. Primary Residential Structure Located on a Shoreline Forming a Cove or Headland. The Administrator shall make the determination whether a shoreline forms a cove or headland. When existing primary residential structures are located on a cove or headland, the shoreline structure setback line shall be determined as follows:
 - i. If there is a primary residential structure on only one side of the subject property, then the shoreline structure setback line for the subject property shall be either the distance from the OHWM to the most waterward portion of the primary residence structure of the adjoining property, or the subject property's Zone 1, whichever is greater.
 - ii. If there are adjoining primary residential structures located on both sides of the subject property, the shoreline structure setback line shall be determined by averaging the distance from OHWM to the most waterward portion of the two adjoining property's primary residential structures. (See Figure 4-1(c) ii, below)
- 5. Adjoining Development Located Outside the Shoreline Buffer. The setback requirement for the subject property shall be based on the location of the adjoining properties' primary residential structure(s) as described in subsections (a) and (b) below.
 - a. Primary Structure Located on One Adjoining Property, Outside Shoreline Buffer. When an existing primary residential structure is located on one side of the subject property, the shoreline structure setback line shall be determined by drawing a line from the most waterward point of the primary residential structure of the adjoining property to a point at which the subject property's Shoreline Buffer boundary intersects the subject property's opposite property line. (See Figure 5-1(a), below).
 - b. Primary Structures Located on Both Adjoining Properties, Outside the Shoreline Buffer. When existing primary residential structures are located on both sides of the subject property, the shoreline structure setback line shall be determined by drawing a line between the most waterward points of each of the adjoining primary residential structures. (See Figure 5-1(b), below).
 - c. Primary Structures Located on Both Adjoining Properties, Outside the Shoreline on a Cove or Headland. When existing primary residential structures are located on both sides of the subject property, the shoreline structure setback line shall be determined by averaging the distance from OHWM to the most waterward portion of the two adjoining property's primary residential structures. (See Figure 5-1(c), below).

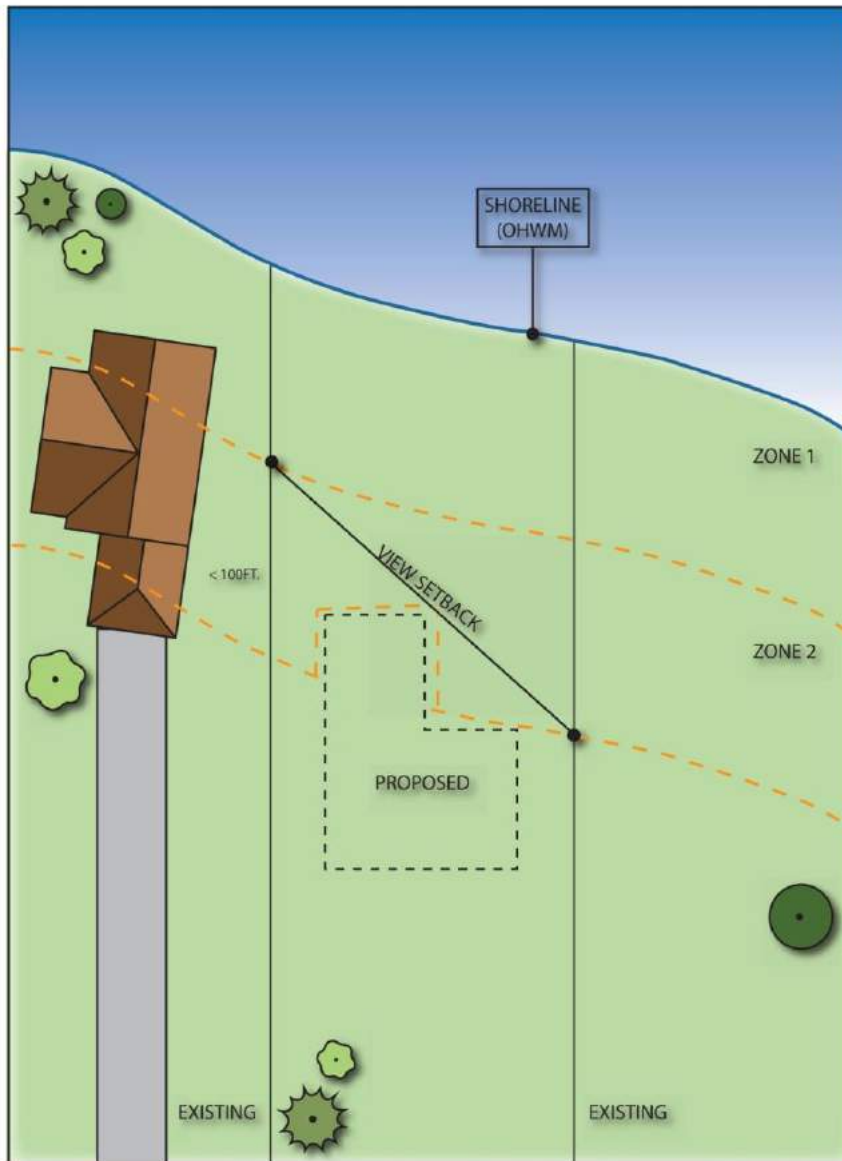


FIGURE 4-1(A) I

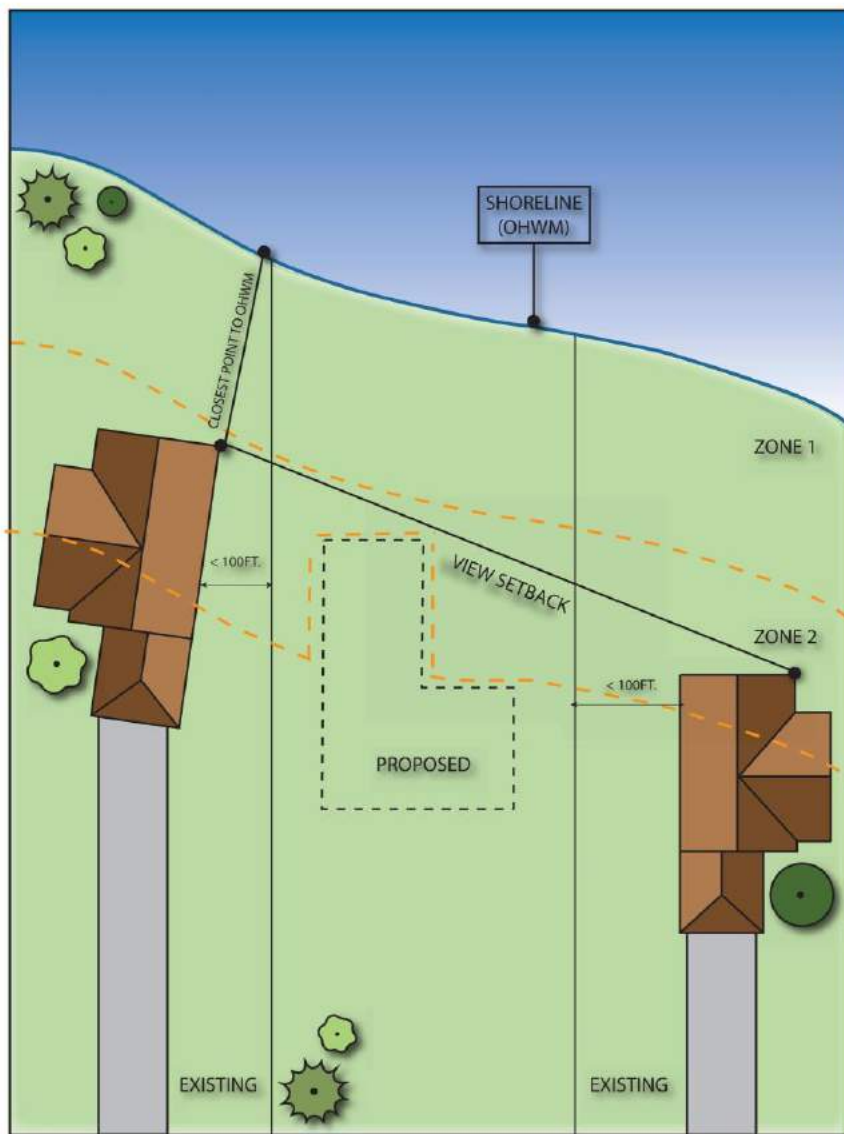


FIGURE 4-1(B) I

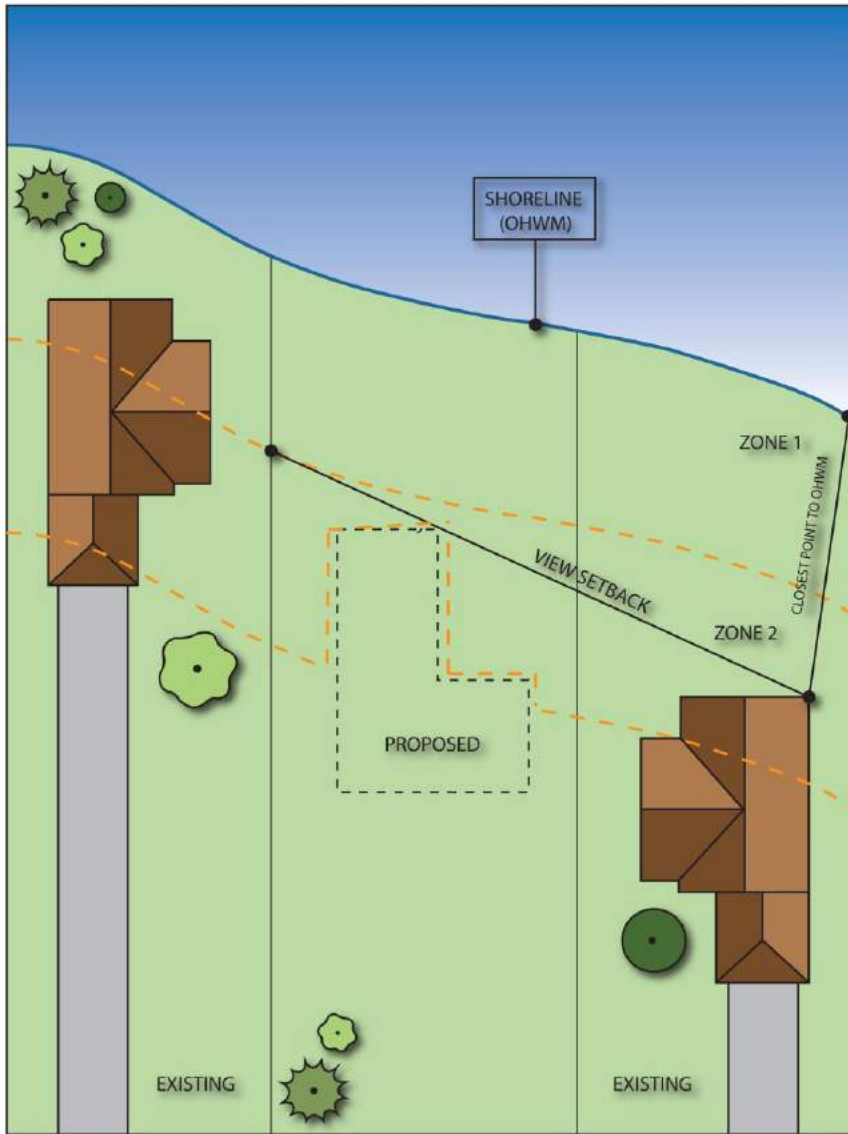


FIGURE 4-1(B) II

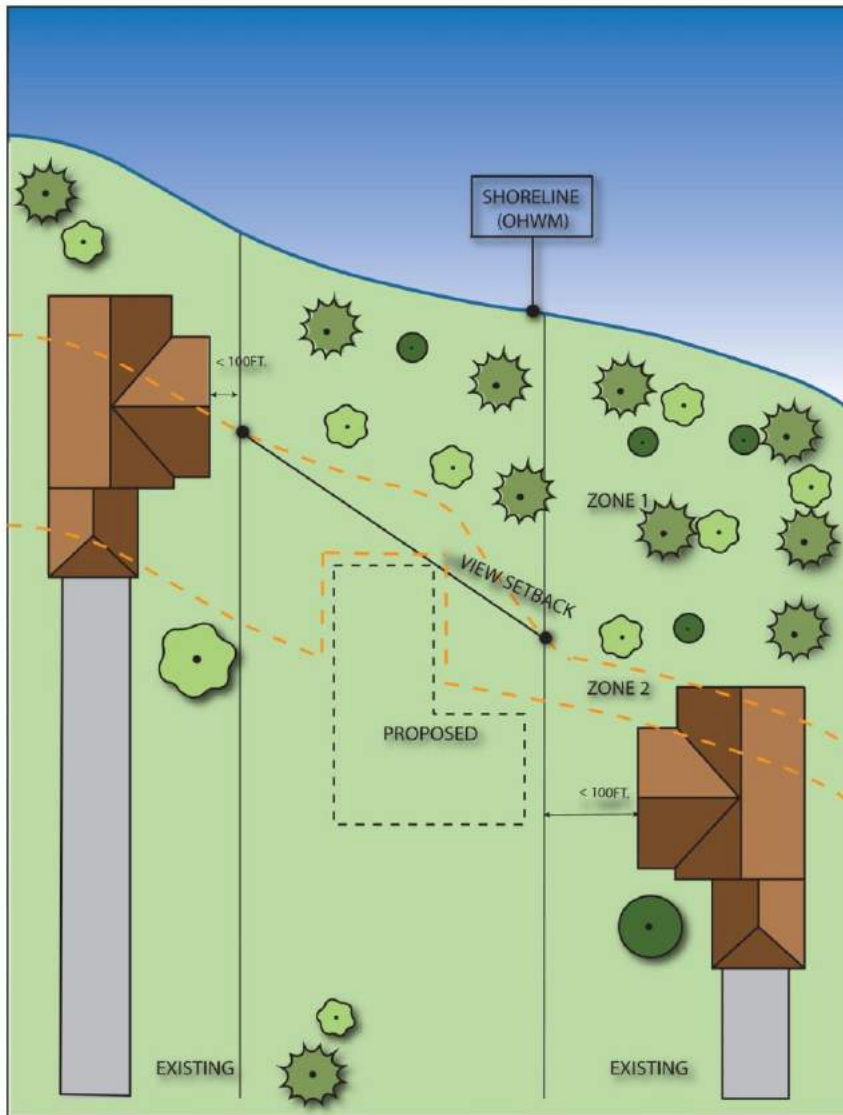


FIGURE 4-1(B) III

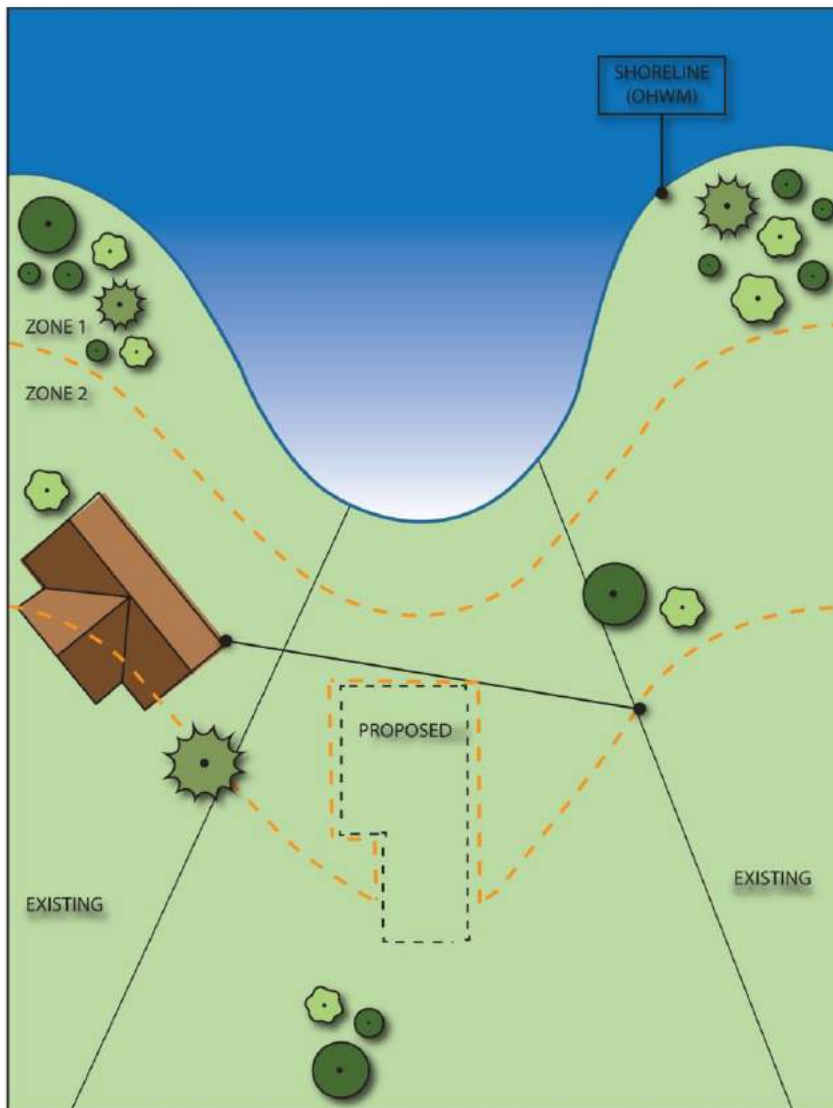


FIGURE 4-1(C) I

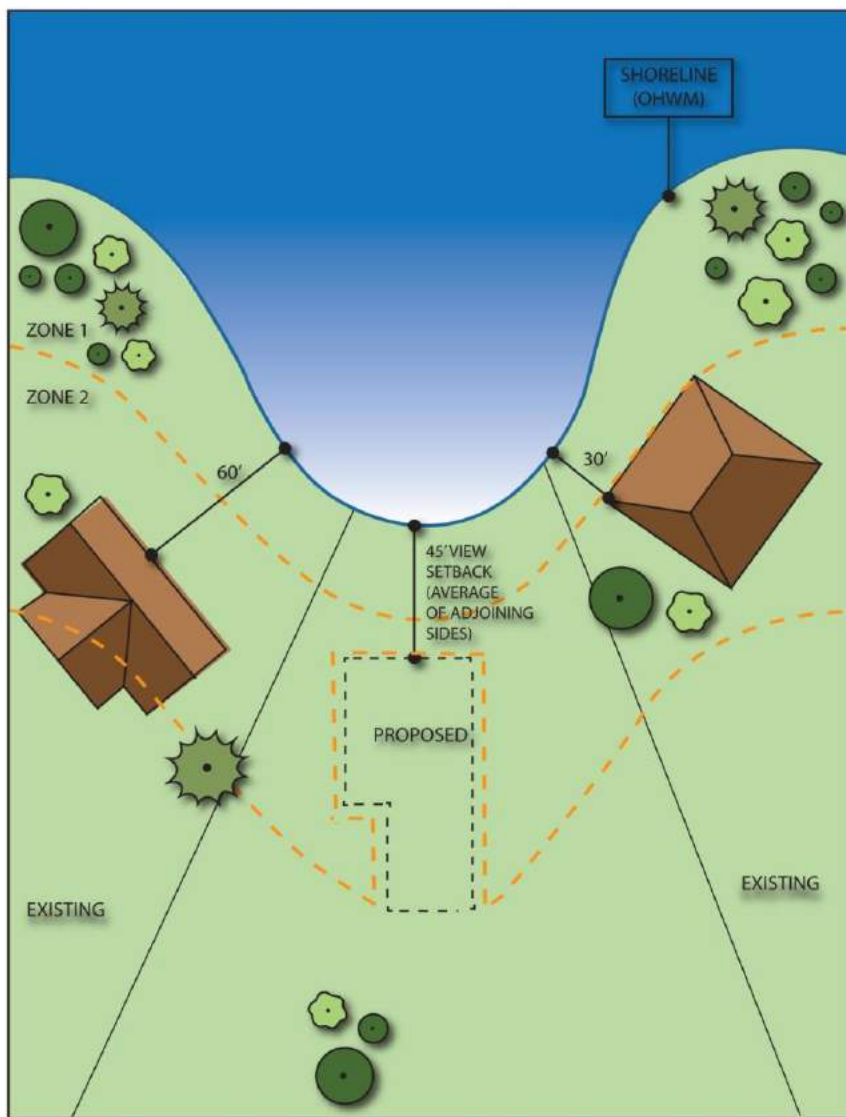


FIGURE 4-1(C) II

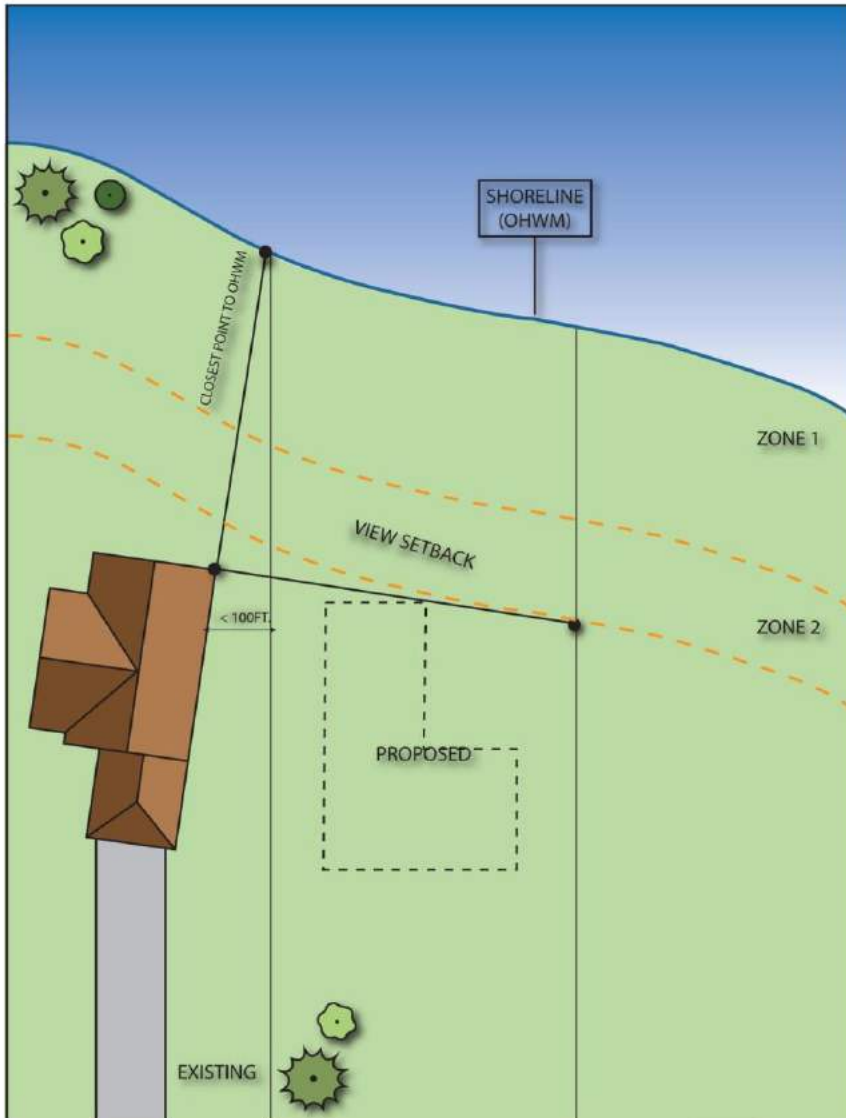


FIGURE 5-1(A)

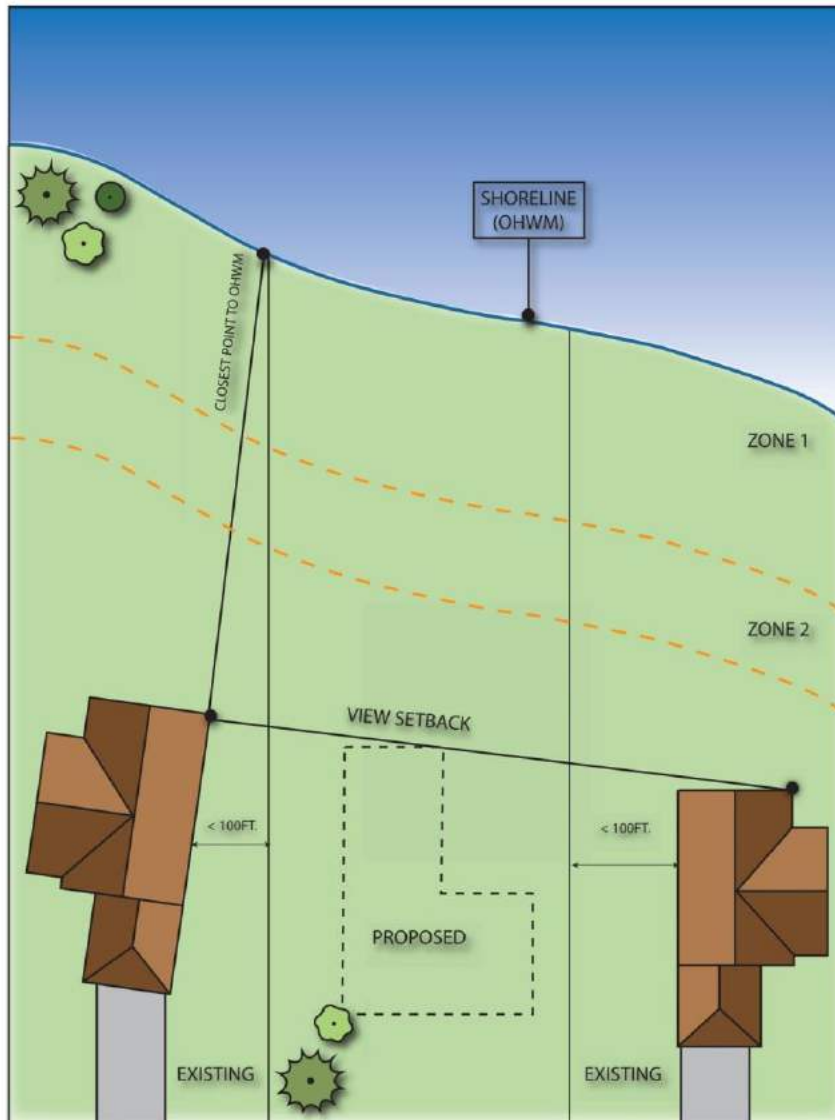


FIGURE 5-1 B

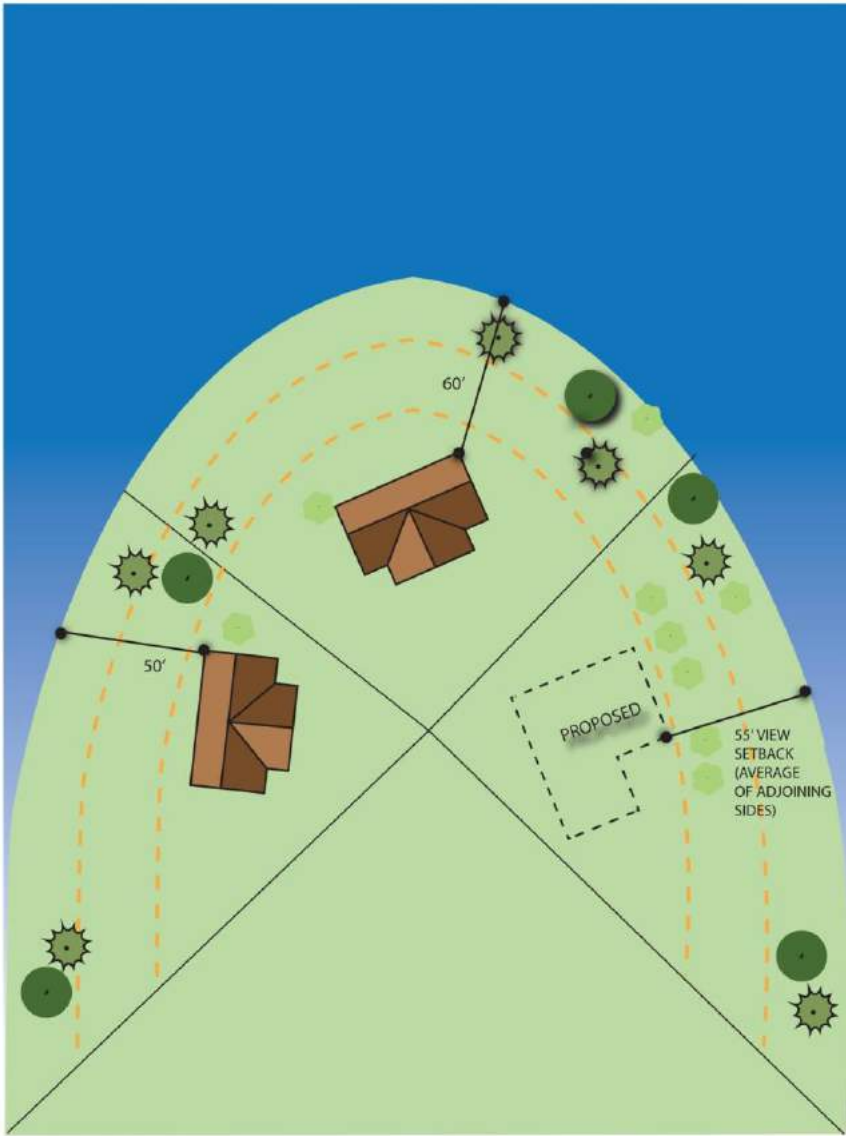


FIGURE 5-1 C



CITY OF BAINBRIDGE ISLAND
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

SMP Regulatory Guidance Memo

Title: Zone 2 Buffer Encroachment for Single-Family Residence

Number: 15-02

Date: October 2, 2015

SMP Citation: 4.1.3.6.4 and 4.1.3.11.2

Background

The shoreline structure setback view requirements allow reduction of the shoreline buffer to allow a new primary residential structure in Zone 2 and are also referenced in zone specific planting regulations found elsewhere in the code.

Regulatory Language

SMP 4.1.3.11.2 states, in part:

The Shoreline Buffer on the subject property may be reduced below the depth requirements identified in Table 4-3 to allow a new primary residential structure to be located within Zone 2.

SMP 4.1.3.6.4 states, in part (staff emphasis):

The following zone specific planting regulations apply to the Shoreline Buffer:

- b. In Zone 2, one-third (1/3) of the area may be planted in a combination of grass lawns and approved structures provided:
 - i. Significant native trees are not removed to establish such use, or
 - ii. The buffer has been reduced through view provisions of Section 4.1.3.11.

Need for Regulatory Clarification

Clarification is needed to provide guidance and consistency regarding: (1) whether encroachment into Zone 2 of the shoreline buffer is limited to a maximum of one-third (1/3) of the area, (2) what is intended

SMP Regulatory Guidance Memo 15-02
June 10, 2015

by “a combination of grass lawns and approved structures,” and (3) the vegetation requirements for the remaining two-thirds (2/3) of the shoreline buffer.

Analysis

Marine riparian shoreline vegetation is an important component of nearshore habitat throughout the Puget Sound region and includes both upland forested plant communities occurring on the shoreline as well as unique vegetation found only in the marine nearshore. The establishment of significant protection for marine riparian areas is an important management strategy for protecting marine habitat conservation areas.

Required shoreline buffers are specific to each shoreline use designation and geomorphic class and are composed of two zones: Zone 1, an inner protective buffer area located immediately abutting the ordinary high water mark (OHWM); and Zone 2, the remaining portion of the prescriptive width located immediately abutting Zone 1. Zone 1 is a subset of a dual-zone system, intended to preserve existing native trees and shrubs, and restore them when possible, to increase their presence adjacent to the shoreline and protect important shoreline functions. The establishment of Zone 1 as a component of a regulated buffer allows the City to effectively stem the loss of shoreline resources due to loss of native shoreline vegetation and, in conjunction with regulations addressing activities allowed in the remainder of the shoreline buffer, assist the City with meeting its goal of no net loss of shoreline ecological functions. The remainder of the shoreline buffer (Zone 2) required for each shoreline designation augments the protection for ecological functions provided by Zone 1, and therefore provides added conservation strategies for protecting marine riparian functions and critical saltwater habitats.

This dual-zone management system works together to increase the functions typically provided by a single standard marine shoreline buffer. While permitted development is less restrictive in Zone 2, the regulation limiting encroachment into Zone 2 of the shoreline buffer to a maximum of one-third (1/3) of the area and retention of native vegetation within the remaining two-thirds (2/3) support the dual-zone system and the importance of the entire shoreline buffer for meeting the goal of no net loss of shoreline ecological functions.

Conclusion

1. The zone specific planting regulations of SMP §4.1.3.6.4 **limit encroachment into Zone 2 of the shoreline buffer to a maximum of one-third (1/3) of the area** when the buffer has been reduced to allow a primary structure to be located within Zone 2 through view provisions of SMP §4.1.3.11 or significant native trees are not removed to establish the encroachment.
2. Encroachment must constitute **a combination** of grass lawns and approved structures. Structures cannot constitute 100 percent of the area of encroachment. Approved structures include only new or enlarged single-family residential **primary** structures.
3. When Zone 2 is reduced up to one-third (1/3), the remaining two-thirds (2/3) of Zone 2 shall be maintained in a native vegetative state. All native vegetation shall be retained and the entire remaining two-thirds (2/3) of Zone 2 shall be planted with native vegetation. One (1) hand installed pervious trail is permitted to provide shoreline access in accordance with SMP §4.1.3.8.1.

Approved by:

Katharine Cook

10-05-15

Katharine Cook, Director
Department of Planning and Community Development

Date

Table 4-3 Shoreline Buffer Standards Table

Additional Use restrictions for BIMC Titles 17 and 18 may apply

SHORELINE USE	UPLAND DESIGNATION				
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban
The shoreline buffer consists of two management areas Zone 1 and Zone 2. Zone 1 is located closest to the water; it is a minimum of 30 feet in all designations, except in Natural and Island Conservancy the minimum is 50' and expands to include existing native vegetation. Zone 2 is the remaining area of the shoreline buffer. See figure XXX Category A: Low bank lots with 65% Canopy Area in Zone 1, OR spit/barrier/backshore, marsh lagoon, or rocky shores. Category B: Low bank with less than 65% Canopy Area in Zone 1, or lots with a depth < 200' or High Bluff. <i>Geomorphic Class (i.e. low bank, High Bluff) shall be determined by Battelle 2004 Nearshore Characterization and Inventory.</i> Developed lots					
Category A	200'	150'	115'	75'	30'
Category B	200'	100'[1]	75'[1]	50'[1]	30 [1]
Undeveloped lots					
	200'	150'	150'	75/150'[2]	30'
1. For High bluff properties the greater distance of 50' from the top of the bluff or the standard shoreline buffer. 2. If adjacent to the Priority Aquatic designation then 150' is required.					

Memorandum

Date: July 5, 2019

To: Planning Commission

From: Jon Quitslund (on behalf of Planning Commission Subcommittee)

Subject: **Shoreline Master Program Periodic Review**

The three members of a Planning Commission subcommittee (Chairman Bill Chester, with Mack Pearl and myself) met on July 2nd at Mack Pearl's home to plan for the resumption of work on the SMP Periodic Review on July 11th. We talked for more than two hours, and it was a deep and wide-ranging discussion, which we think has laid a solid foundation for further work together, and with Christy Carr, the full Planning Commission, and interested citizens.

We agreed that I would draft a summary of the main points in our discussion, send it to Bill and Mack for review, and prepare this consensus document to include in the agenda packet. This will help to guide discussion during the limited time available on the July 11th agenda, and establish a framework for our work in subsequent meetings.

It is important that we follow a deliberate and detail-oriented process, and that we establish some momentum and efficiency as we move through the several parts of the SMP. It is also important that we keep in mind some "big picture" objectives that could be forgotten, or never addressed effectively, as we focus on minutiae in the underbrush of regulations.

The material that is up for discussion is SMP 4.1.3 (Vegetation Management). SMP 4.1.2 (Environmental Impacts) is included so that we can consider how to incorporate the regulations for "Revegetation" (section 4.1.2.5). Also, note that the last segment of 4.1.3 (beginning on p. 21 of the Draft) may be moved out of Vegetation Management and into section 5.9 (Residential Development). The pages that call for close attention and discussion on July 11 are pp. 3-4 and 7-21.

We will need to discuss some specifics in the text and the marginal comments, but we shouldn't get lost in "wordsmithing." Revised language will come after it's decided that something (e. g., explanation, simplification, deletion) needs to be done: as Christy and I have taken turns adding comments to this discussion draft, we will both work on the proposed draft, incorporating input from other participants in the process in a strikeout / underline version of the text. This will be discussed and revised in a subsequent public meeting. The eventual result of the whole process will be a public hearing draft.

As I mentioned earlier, there are some "big picture" concerns that ought to inform our work on this effort to improve an SMP that is fundamentally sound, but poorly organized, hard to comprehend, and often unpersuasive.

Here is a summary of the big themes that the subcommittee discussed:

1. The full effect of the SMP's restrictive regulations falls upon new development, although there are relatively few undeveloped shoreline lots. By far the greatest number of development projects are for re-development – modification of existing homes, appurtenances, yards, or some undeveloped portion of a lot. Such projects require permits, and the permitting process involves setting limits and conditions on what can be done. This process should be reasonable, not arbitrary, governed by sensible regulations and well-defined objectives.
2. All new development shall protect the shoreline ecological functions and values, and all substantial re-development shall strive to reduce impacts and enhance ecological functions and values.
3. Living on the shoreline involves continuous maintenance and modifications in the house and around the property, which typically doesn't require a permit. The SMP should make more clear what triggers the need for a permit.
4. Although the shoreline jurisdiction extends 200 feet from the ordinary high water mark, it is our understanding that the first 30 feet back from the shoreline define the zone that is ecologically the most significant. This is where development may be most impactful, and where what is present there (plantings of native vegetation, for example) may be most beneficial. How can the SMP focus more effectively on preserving this buffer zone and, where possible, improving conditions there?
5. The meaning of “vegetation management” and the purposes it serves within the shoreline jurisdiction should be fully described, with reference to the shoreline buffer zones and elsewhere. Where re-vegetation in a shoreline buffer zone can achieve a net gain in ecological functions, can it also achieve an easing of some restriction on re-development?

July 3, 2019

To: Olivia Sontag, City of Bainbridge Island

From: Bruce Anderson, AIA

Re: Winslow Hotel [SPR/CUP PLN50880]

As promised, I'm providing additional information for the Planning Commission to review.

After listening to the June 20th Planning Commission Meeting tape, and specifically the Commissioner's comments, I've grouped our response into what I heard to be their major topics:

SCALE – DRB has recommended approval of the hotel as designed, including the shorter west wing option that we have formalized. There was a drawing presented by a member of the public that miss-represented the scale of the Marge Williams Building relative to the hotel. We've attached that drawing together with an accurate drawing.

INTENSITY – To try and get a handle on this, we have compared the hotel with what a base mixed use project on this parcel to measure lot coverage, allowable base building area, required parking and an estimate for number of people on site.

We have also looked at two of the larger existing projects in Winslow, the movie theaters and the grocery store as to how they compare with the hotel.

PARKING – We have attached valet parking stacking plans, a site plan showing the location of a full size bus entering the project (turning around at the fire turnaround to the south), and how cars would stack (under the guidance of valets) if the arrival traffic is typical or a very large pulse arriving from the ferry.

TRAFFIC – Attached is updated information regarding traffic using measurements taken last week. This new information does not change the conclusions previously reached.

NOISE – I want to amplify, since I don't think the Commission saw this, that we're proposing to limit events in the courtyard to end at 10:00PM. In regards to any noise study, I'll repeat that our consultant believes that measuring future events to show compliance or identify any problems is more meaningful than any study performed now.

AFFORDABLE HOUSING – We are exploring the addition of some housing that could be targeted to staff. Right now, with no significant increase in building footprint, nor volume, we could provide six studio apartments in the south west corner of the building. As preliminarily designed, these would also break up further the façade facing our western neighbors.

There were considerable comments made about conformity to the Comprehensive Plan and Winslow Master Plan. I've taken the policies referenced in the staff report and individually addressed each one. This is a cumbersome document, but as I read what the Commission is mandated to do as part of their recommendation, is to review the project against each of these policies.

Winslow Hotel [SPR/CUP PLN50880]

Planning Commission Review

List of each City Policy noted in the City's Staff Report dated June 7, 2019, with applicant's response.

Cutler Anderson Architects July 3, 2019

BIMC 2.16.040 E. 5. Review and Recommendation by Planning Commission.

- a. In the case of a major site plan and design review application, the planning commission shall review the application prior to the review and final decision by the director.
- b. The purpose of the planning commission review and recommendation meeting is to review a proposed project for consistency with applicable design guidelines, BIMC Title [17](#), and the comprehensive plan.
- c. The planning commission shall consider the application at a public meeting where public comments will be taken. The planning commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the planning commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the design review board. If the applicable criteria are not met, the planning commission shall recommend the proposal be modified or denied.
- d. **The design review board's recommendation shall hold substantial weight in the consideration of the application by the planning commission.** Any deviation from the recommendation shall be documented in their written findings of facts and conclusions.
- e. The planning commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the comprehensive plan, and their recommendation, including any conditions attached by the planning commission and design review board, to the staff planner. The planning commission's written findings will be included in the staff report transmitted to the director.
- f. A planning commission recommendation is not a final decision and therefore there is no appeal of the recommendation.

F. Decision Criteria. The director and planning commission shall base their respective recommendations or decisions on site plan and design review applications on the following criteria:

1. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district, unless a standard has been modified as a housing design demonstration project pursuant to BIMC [2.16.020.S](#);

Applicable code provisions, lot coverage (100% allowable), setbacks (required side and rear yard setbacks, building shall be less than 5' from sidewalk), height limits, FAR limits are all met.

Parking requirements for hotels are subject to either conformance to a parking study, or consistent with other cities.

2. 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 Island-Wide Transportation Plan;

Hotel proposes, in a zone where 100% lot coverage is allowed, over 17,000sf of central open space, accessible through the hotel lobby and from the restaurant and bar, pre-function and banquet spaces. Remaining areas of landscaping preserve landmark trees.

Neither Planning, Public Works nor the Fire Marshal has expressed any concerns about vehicular, pedestrian or bicycle circulation or access. City has issued a Certificate of Concurrency.

Vehicular access is separated from service and employee access. Bicycles can access the hotel and bike storage, without crossing vehicular lanes of travel if desired.

Pedestrian access is directly from the sidewalk on Winslow Way.

3. The Kitsap County health district has determined that the site plan and design meet the following decision criteria:

a. 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.

Proposal is served by public water and sewer.

b. If the health district recommends approval of the application with respect to those items in subsection E.3.a of this section, the health district shall so advise the director.

c. If the health district recommends disapproval of the application, it shall provide a written explanation to the director;

4. The city engineer has determined that the site plan and design meet the following decision criteria:

a. The site plan and design conforms to regulations concerning drainage in Chapters [15.20](#) and [15.21](#) BIMC; and

City Engineer has determined site plan and design conforms as conditioned.

b. 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

City Engineer has determined site plan and design conforms as conditioned.

c. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and

Pedestrian ways align with flanking properties and design of frontage improves conform as conditioned.

d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

Traffic study, as mandated by the City, show no drop in Level of Service at any intersection studied. Intersections studied were determined by the City. The City has issued a Certificate of Concurrency, answering this decision criteria

e. 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

There is capacity in both water and sewers to accommodate the project.

f. The site plan and design conforms to the “City of Bainbridge Island Design and Construction Standards,” 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](#);

Project is proposing no variation from City’s design and construction standards.

5. 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](#).S;

6. No harmful or unhealthful conditions are likely to result from the proposed site plan;

Harmful – Merriam-Webster - of a kind likely to be damaging : INJURIOUS : inflicting or tending to inflict injury.

Unhealthful – Merriam-Webster - harmful to health of body or mind : UNHEALTHY : not conducive to health

As conditioned and in conformance to all applicable laws, any harmful or unhealthful elements of the site plan have been resolved by conformance to all regulatory requirements and conditions as identified in the SEPA process and City review.

7. The site plan and design are in conformance with the comprehensive plan and other applicable adopted community plans;

What follows are all Comprehensive Policies listed in the Staff Report, plus the Winslow Master Plan goals and policies referenced in that report.

Paragraphs in bold are applicant’s response to each policy.

Comprehensive Plan Introduction:

Guiding Principle #1 Preserve the special character of the Island, which includes downtown Winslow’s small town atmosphere and function, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.

City has implemented this guiding principle through the adoption of land use regulations and the Winslow Master Plan. Project conforms to all land use regulations, exceeds minimum requirements for setbacks and lot coverage, and uses considerably less than the maximum allowable building area in this zone.

Guiding Policy 1.2 Accommodate new growth in designated centers that meet the island's identified needs for housing, goods, services and jobs while respecting conservation and environmental protection priorities.

Project is inside a designated center.

Guiding Policy 1.3 The built environment represents an important element of the island's special character. Improve the quality of new development through a review process that implements the community vision and supports long-term goals for the preservation of the island's special character

Project has received considerable review, including five Design Review Board meetings, as well as a public meeting, and SEPA review.

Guiding Principle #2 Manage the water resources of the Island to protect, restore and maintain their ecological and hydrological functions and to ensure clean and sufficient groundwater for future generations.

Project includes the reuse of stormwater, and pervious pavement to allow for groundwater recharge. The City's water plan for Winslow shows sufficient water for development into the future.

Guiding Policy 2.1 Manage the water resources of Bainbridge Island for the present and the future, recognizing that the island's finite ground water resources [aquifers are the sole source of our resident's water supply and are critical perennial sources for our surface waters and the ecosystems they support.

Project includes the reuse of stormwater, and pervious pavement to allow for groundwater recharge. The City's water plan for Winslow shows sufficient water for development into the future.

Guiding Policy 2.2 As part of long-range land use planning, consider the impacts of future development to the quality and quantity of water that will be available to future Islanders and to the natural environment. Maintain sustainable groundwater withdrawal, protect aquifer recharge areas, guard against seawater intrusion and prevent adverse impacts to water quality from surface pollution.

Project includes the reuse of stormwater, and pervious pavement to allow for groundwater recharge. Development of surfaces that are used by automobiles include systems to maintain the water quality of any discharge.

Guiding Principle #4 Consider the costs and benefits to Island residents and property owners in making land use decisions.

Staff report makes no determination that there are defined costs to any island residents as the result of this project.

Guiding Policy 4.1 Respect private property rights protected by the State and U.S. Constitutions.

Project is consistent with all regulations, and policies defined by the City's Municipal Code and other adopted plans and policies.

Guiding Policy 4.2 Recognize that private property rights are not absolute but must be balanced with necessary and reasonable regulation to protect the public health, safety and welfare.

Project is consistent with all regulations, and policies defined by the City's Municipal Code and other adopted plans and policies.

Guiding Principle #5 The use of land on the Island should be based on the principle that the Island's environmental resources are finite and must be maintained at a sustainable level.

City has defined land use through zoning and regulations to be consistent with this principle.

Guiding Policy 5.1 Regulate all development on the Island consistent with the long-term health and carrying capacity of its natural systems.

City has defined land use through zoning and regulations to be consistent with this principle.

Guiding Policy 5.2 Recognize that the sustainable use of the island's finite land base is served by green building practices.

The project proposed will meet, or exceed, all green building practices adopted by the City.

GOAL LU-1 Plan for growth based on the growth targets established by the Kitsap Regional Coordinating Council: 5,635 additional residents and 2,808 additional jobs from 2010-2036 and at the same time promote and sustain high standards that will enhance the quality of life and improve the environment of the Island.

Project will provide some of the additional jobs the City is required to plan for between 2010 and 2036.

GOAL LU-2 This Comprehensive Plan recognizes and affirms that as an Island, the city has natural constraints based on the carrying capacity of its natural systems. The plan strives to establish a development pattern that is consistent with the goals of the community and compatible with the island's natural systems.

City has defined land use through zoning and regulations to be consistent with this principle.

GOAL LU-3 Develop a meaningful process for citizen participation that includes participation from all segments of the Island community.

City has defined process, which in the case of this project includes five DRB meetings, a public meeting, going on three Planning Commission meetings and finally the Hearing Examiner.

GOAL LU-4 As part of a long-term Island-wide Conservation and Development Strategy, focus residential and commercial development in designated centers, increase a network of conservation lands, maximize public access while protecting the shoreline, minimize impacts from the SR 305 corridor and conserve the island's ecosystems and the green and open character of its landscape.

Project is located in a designated center.

Policy LU 4.1 Focus development and redevelopment on the Island over the next fifty years in designated centers that have or will have urban levels of services and infrastructure while increasing conservation, protection and restoration on the Island, including shorelines, especially where there is interaction between the fresh and saltwater environments.

Project is located in a designated center.

GOAL LU-5 Focus Urban Development in Designated Centers: The Plan focuses residential, commercial, and industrial growth in Winslow and other designated centers with urban services such as the Neighborhood Centers, and the industrial centers at Day Road, and Sportsman Triangle. Collectively, Winslow, the Neighborhood Centers, and the two industrial centers constitute Bainbridge Island's designated centers.

Project is located within Winslow, a designated center.

Policy LU 5.7 Encourage the design of buildings in designated centers for a long life and adaptability to successive uses over time.

Project is a hotel with banquet spaces, music spaces, restaurant and bar and spa. The building is flexible and adaptable to a mix of uses.

GOAL LU-6 Ensure a development pattern that is true to the Vision for Bainbridge Island by reducing the conversion of undeveloped land into sprawling development. Encourage improvement of aging or underutilized developments over development of previously undeveloped property.

Project is reusing land, in the City's most intense zoning district, on Winslow's main street, that was previously uses as residential, sale of auto parts, a restaurant, a bar, an office building with a marine focused business and now housing a charitable entity.

Policy LU 6.1 Land use designations reflect the priority of Bainbridge Island to remain primarily residential and agricultural with nonresidential development concentrated in the designated centers.

This proposed commercial use is in a designated center.

Policy LU 6.2 Promote dense residential and commercial development and encourage human activity within Winslow, the heart of Bainbridge Island. In order to create a vibrant city center direct growth where infrastructure exists, reduce reliance on the automobile, provide opportunities for affordable housing and absorb growth that would otherwise be scattered in outlying areas. Plan for adequate parking in Winslow to accommodate residents and visitors who drive downtown for shopping, participation in local government, attendance at cultural events and centers, and to use other resources in Winslow.

Proposed hotel speaks directly to creating, and maintaining a vibrant city center. It's mix of uses, including the restaurant, bar, spa and meeting/music/banquet venues are designed to serve residents and visitors alike. Infrastructure exists to support the use, it includes a planned shuttle service to reduce the reliance on automobiles. It can provide affordable housing on site. The project is providing parking consistent with the City's regulations.

Policy LU 6.5 Process applications for development approval on Bainbridge Island within the timelines established in the City's land development regulations in order to ensure affordability, fairness, citizen notification and predictability in the land development process.

State law defines the required timeline for all planning approvals.

WAC 365-196-845 (10) Project review timelines. Counties and cities must establish and implement a permit process time frame for review of each type of project permit application, and for consolidated permit applications, and must provide timely and predictable procedures for review. The time periods for county or city review of each type of complete application should not exceed one hundred twenty days unless written findings specify the additional time needed for processing.

Project application was made December 27, 2018, Application Determined Complete January 24, 2019. Application formally revised April 26, 2019. No written findings have been issued by the City specifying additional time is needed for processing.

GOAL LU-7 The Winslow mixed use and commercial districts are designed to strengthen the vitality of downtown Winslow as a place for people to live, shop and work. The Winslow Mixed Use Town Center (MUTC) is intended to have a strong residential component to encourage a lively community during the day and at night. The high residential density of Winslow requires the Central Core Overlay District to provide services and products that meet the needs of residents as well as visitors.

The hotel provides a restaurant and bar, spa, meeting rooms and banquet spaces that are available to both islanders and visitors. It's location on Winslow Way, and proximity to the core of downtown, strengthens the vitality of downtown as envisioned in the Winslow Master Plan.

Policy LU 7.1 The island's major center for new commercial development is the Mixed Use Town Center (MUTC) and the other commercial districts in Winslow.

Project is located in Island's major center for new commercial development, the Mixed Use Town Center.

Policy LU 7.3 Central Core Overlay District: The Central Core is the most densely developed district within the Mixed Use Town Center. Within this Overlay District, residential uses are encouraged, but exclusive office and/or retail uses are permitted. Mixed-use development within the Central Core Overlay District that includes a residential component may be exempt from requirements to provide off-street parking for the residential component of the project.

Project is located within the Central Core District, defined by the City as the most densely developed district within the Mixed Use Town Center. Residential uses are encouraged, but exclusive office and or retail uses are permitted. This hotel includes guest rooms, a restaurant and bar, meeting rooms, banquet rooms including one designed for music performances and a spa. This project is seeking no exemptions from any required parking.

GOAL LU-17 Strive to ensure that basic community values and aspirations are reflected in the City's planning program recognizing the rights of individuals to use and develop private property in a manner that is consistent with City regulations. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

The city is not proposing any taking of private property for public use, save the street dedication along Winslow Way.

GOAL EC-1 Promote economic vitality, growth and stability. Bainbridge Island has the opportunity to create a robust, resilient and durable economy by demonstrating early leadership and acknowledging the changes that will affect our economy. Planning for these changes and taking actions that support and encourage a local economy will help reduce community vulnerability to issues such as aging demographics, housing availability, transportation constraints, and climate change. By providing enterprises that both serve and employ local residents, Bainbridge Island will be better able to withstand fluctuations in the larger regional economy. In addition, people who live and work in their community are available to invest time and money in their families, organizations, and community life. A key to a healthy, stable and vital economy is to create and undertake business opportunities that anticipate and respond to conditions that affect our community. This would include identifying emerging needs and markets so that Bainbridge Island businesses benefit from being on the leading edge of change.

Proposed hotel will provide employment opportunities within a range of types of jobs. Additionally, it will contribute to the economic success of existing and future downtown businesses, especially retail and restaurants, by expanding their market with additional visitors staying overnight within walking distance of their businesses.

Policy EC 1.1 Develop and maintain regulations that provide support for our community's businesses.

Project conforms to applicable regulations.

Policy EC 1.2 The city should embrace diverse and innovative business opportunities compatible with community values and develop programs to make Bainbridge Island an attractive location for those businesses. Bainbridge Island is affected by regional, national, international and global environmental and economic trends and changes in the physical environment. While we cannot control global economic or environmental conditions we can support the local economy by providing policy direction and land use infrastructure to allow for and encourage robust economic activities that are prepared for and responsive to change.

Project is consistent with City's goals and policies in this regard.

GOAL EC-3 Promote business practices that protect the island's natural beauty, and environmental health, and support long-term business success. Environmental protection is a value expressed in the guiding principles that are the foundation of the comprehensive plan. A quality environment incorporates and enhances financial, natural, and social economic capital of the community.

Project is consistent with City's goals and policies in this regard.

Policy EC 3.1 Encourage the use of green building materials and techniques in all types of construction, as well as design approaches that are responsive to changing conditions.

The project proposed will meet, or exceed, all green building practices adopted by the City.

GOAL EC-6 As the city's designated centers evolve, balance their functions as places of commerce and employment with their roles helping to meet housing needs and provide focal points for civic engagement and cultural enrichment.

Hotel can help meet affordable housing needs in Winslow if desired. It will be, as designed and intended, a focal point for civic engagement as a gathering space, and cultural enrichment with its meeting space designed for music recitals and small musical events.

Policy EC 6.1 Enhance the existing designated centers to help the Island economy prosper and provide a high quality of life, creating ancillary benefits such as decreasing pollution (including greenhouse gas emissions), protecting open space, and creating local family wage jobs.

This project, on a large, mostly vacant parcel on Winslow Way will strengthen the existing downtown economy by expanding the market for downtown goods and services, by being in a walkable location relative to surrounding uses and the ferry, and will provide a range of job opportunities.

Policy EC 6.2 Utilize urban design strategies and approaches to ensure that changes to the built environment are at a locally appropriate scale and enhance the island's unique attributes, in recognition of the economic value of "sense of place".

City has adopted zoning regulations, design guidelines and the Winslow Master Plan to shape development in Winslow. City staff has recommended approval, determining that the project meets zoning regulations and City policies and guidelines. Design Review Board has recommended approval, determining that the project meets the design guidelines. See project comparison to base mixed use relative to a comparison of "intensity".

The project as proposed is smaller than what is allowed as base zoning for a mixed use project in this district. It's uses mean fewer people typically on site and less on-site parking than what a different mix of uses would be required to provide.

Policy EC 6.7 Monitor parking requirements in the designated centers and revise them as needed to encourage business development, while reasonably accommodating parking demand. This should be done in concert with efforts to increase use of multi-modal transportation options, reduce dependence on automobiles and improve our local environment.

Project proposes a shuttle service to reduce automobile use by the hotel. Bicycles will be available on site for hotel guests. Hotel is within walking distance of the ferry, and is located in Winslow's downtown core.

GOAL EC-8 Maintain and enhance Winslow as the commercial hub of Bainbridge Island. Position the Neighborhood Centers to provide the opportunities for smaller-scale commercial and service activity.

The proposed hotel enhances the range of uses and activities on Winslow Way, the prime commercial street on the Island.

Policy EC 8.1 Reinforce Winslow as the mixed-use center for commerce and exchange by fully implementing the Winslow Master Plan.

Winslow Master Plan Goals and Policies below.

Overall Land Use Goal WMP 2-1

Strengthen Winslow—the Island's commercial, cultural and commuter hub—as a sustainable, affordable, diverse, livable and economically vital community, by:

- *Encouraging downtown living;*
- *Providing an enhanced pedestrian experience, with linked access to retail shopping, the ferry, major public facilities, open space and residential areas, and promoting and retaining visual access to Eagle Harbor;*
- *Promoting the efficient use of land;*

- *Encouraging the retention and expansion of retail that serves the needs of community members and visitors;*
- *Providing opportunities for business expansion and private reinvestment;*
- *Promoting development that is sustainable and supports community values; and*
- *Developing strategies that result in the creation of less expensive housing and retail space, thereby increasing diversity while minimizing dependence on the automobile.*

The City's land use code and other regulations define the standards by which development will meet this overall land use goal. Private development, consistent with these goals, implements these goals.

Hotel encourages pedestrian use by proximity to the sidewalks on Winslow Way, and the proposed shuttle service to the ferry that reduces the demand by hotel patrons to bring cars onto the island.

It utilizes an underdeveloped, large parcel on Winslow Way. Replacing a former bar and BBQ business, and office/retail building, with a hotel that includes a restaurant and bar, a spa, meeting and banquet rooms, that serve both islanders and visitors.

Goal WMP 2-2: Ensure the Compatibility of New Development in the Mixed-Use Town Center and High School Road Districts.

City's land use code defines uses within each zone, and transitional relationships between higher intensity and less intensity districts. Project complies with those regulations.

Policy WMP 2-2.1: To promote compatibility between and within districts of the Mixed-Use Town Center and High School Road districts, variations in development standards and design guidelines may be provided within districts.

The project as proposed conforms to all regulatory standards in the Mixed Use Town Center, and the Design Review Board has found it meets the design guidelines as well.

In the Mixed Use Town Center perimeter landscape buffers are not required (as no setbacks from property lines are required either). The project provides for landscaping in the "yards" surrounding the building in an urban location to protect certain existing trees.

Surface parking landscaping is consistent with City requirements.

Policy WMP 2-2.3: Minimize driveways and encourage use of joint driveways.

The subject parcels presently are served by three driveways. No change in the number of driveways are proposed.

Policy WMP 2-2.4: A full-screen vegetative buffer shall be maintained along SR 305. A similar screen should be provided within the SR 305 right-of-way. This requirement would not apply to the interior renovation of existing buildings.

No vegetative buffers are required in this zoning district for either buildings, uses, or parking.

Policy WMP 2-2.5: Establish transition standards for other boundaries abutting less intense districts.

This parcel abuts a less intense district on its south property lines, and the southern portion of part of its west property line. The east line, and the far west property lines abut parcels in the same zoning district.

The project conforms to, and exceeds in regard to building setbacks, at its boundaries all city requirements.

Goal WMP 2-3: Maintain and Enhance Community Character in the Mixed-Use Town Center and High School Road Districts.

Policy WMP 2-3.1: Promote architecture that encourages green building, natural light, ventilation and rooftop gardens.

Project as proposed provides for significant natural light, and ventilation in hotel rooms and public spaces. It is the intention of the project to attempt to be the first “Living Building Challenge” hotel.

Policy WMP 2-3.2: Through the use of design guidelines, development standards and incentives, promote the development of courtyards that create a pattern of linked public and private gardens and gathering places, providing opportunities for pedestrian movement.

Project proposes a large central landscaped courtyard, accessible to hotel patrons, restaurant and bar users and others accessing the garden through the transparent hotel entrance. The courtyard is designed to be a gathering space for weddings and other life events, a space used by banquet and meeting room users during breaks, and an outdoor space for the restaurant weather permitting.

Policy WMP 2-3.3: Through the use of design guidelines, development standards and incentives encourage stepped-back buildings that result in a softer street edge, the retention and enhancement of visual connections to Eagle Harbor and the creation and preservation of sun-filled public gathering spaces.

The project as designed breaks up the street frontage into three building blocks, separated by linking elements. One of those blocks is setback from the street, more in line with the adjacent Marge Williams Center, to define the hotel entry and orient the building entrance toward the intersection of Winslow Way and Madison. While the building can be 45’ tall as measured by City regulations, because of the considerable slope to the land under the building, the height of the building along the street is three stories.

Policy WMP 2-3.4: Preserve, protect, adapt and restore sites, buildings and trees of historic significance.

The project proposes both to save the historic redwood, and is shaped by its presence and position, as well as landmark trees on the parcel. There are no qualifying historic buildings on site.

Policy WMP 2-3.5: Retain and expand the historic pattern of narrow pedestrian passages.

The project site is surrounded by private uses and only fronts one public right-of-way. There is a pedestrian passage east of the project connecting the south end of Finch with Parfitt Way. If a project to the east redevelops and desires a link, nothing in the design of the hotel precludes this possibility.

Policy WMP 2-3.6: Enhance the livability of the downtown with trees and small gardens on the streets, along paths and in courtyards.

The project retains and expands street trees along Winslow Way, and includes a larger landscape element at the west end of the street frontage as a transitional element to the housing immediately west. The courtyard is designed as a garden space with limited hardscape.

Goal WMP 2-4: Sustain and Enhance the Economic Vitality of the Mixed-Use Town Center and High School Road Districts

The addition of a full-service hotel, on Winslow Way, will enhance the economic vitality of downtown Winslow.

Policy WMP 2-4.1: Establish policies, programs and development standards that facilitate business expansion and private reinvestment.

Hotel conforms to established policies and development standards.

Policy WMP 2-4.4: Integrate sustainable solutions that address economic, social and ecological concerns into land use planning and building processes.

Hotel conforms to established policies and development standards.

Goal WMP 2-5: Determine density and intensity of development in the Mixed-Use Town Center and High School Road Districts through the Floor Area Ratio (FAR) method.

Central Core District determines the density and intensity using FAR standards. Hotel is using 91% of allowable base FAR for mixed use projects. For a comparison of the hotel use in terms of both density, and intensity, see provided comparison of hotel to a representative base mixed use development.

Also note that the density and intensity of development on this parcel can be expanded by 50% using bonusing credits.

Policy WMP 2-5.2: Establish maximum FAR levels of development beyond the base for each of the districts through the use of bonus FAR provisions. The bonus FAR provisions are a means of advancing specific Comprehensive Plan policies and community values. Bonus FAR may be achieved by:

- *Preserving open space, agricultural land and critical areas, through participation in a Transfer of Development Rights (TDR) program or contribution to a land preservation effort;*
- *Providing public open space that is visibly accessible to the public, with adequate access from a public corridor.*
- *Contributing toward or providing public amenities (above and beyond what is required to mitigate the impacts of the project itself) that serve the community and enhance the livability and vitality of Winslow. Public amenities may include, but are not limited to, pedestrian connections; on-site places for public gathering; streetscape improvements; public art; and other public benefits as determined by the City;*
- *Preserving exceptional and/or legacy trees or trees within designated greenways.*
- *Preserving historic structures;*
- *Providing affordable housing;*
- *Utilizing green building and low impact development techniques; Creation of permanent open space on parcels that contain critical areas, by transferring development potential from the critical areas to another parcel within the Mixed-Use Town Center or High School Road Districts; and*
- *Relocating existing surface commuter parking to underbuilding (Ferry Terminal District only).*

Priorities among the bonus FAR provisions may be established in the zoning code through the level of bonus that can be achieved through each of the provisions, and by phasing implementation of the provisions.

The project as proposed will use bonusing tools in conformance with City regulations.

Winslow Master Plan Central Core Overlay District

Policy WMP 2-6.1: Establish FARs and development standards that support mixed-use development at a level that encourages downtown living with a variety of housing sizes and types, provides commercial and retail services that meet the needs of the community, and enhances the vitality of the downtown.

Project conforms to established FAR standards for this Central Core District, as adopted by the City, to implement this policy.

Policy WMP 2-6.2: Encourage the retention and development of ground floor retail on Winslow Way, Madison Avenue, Bjune Drive and other appropriate areas, and establish the implementing FAR levels and development regulations.

Project as proposed has ground floor uses, including lobby, retail, restaurant and bar on the ground floor facing Winslow Way. To the west end of the street frontage, we're proposing hotel administrative space facing the street as a transition to residential uses to the west.

Policy WMP 2-6.4: Design Winslow Way as the community's "living room"—the stage for community gatherings and a gallery to showcase art and gardens. The central section of Winslow Way should function as a civic plaza, with artistic gathering spaces and unique design features.

Hotel as designed includes a courtyard space for outdoor events suitable for community gatherings, interior meeting rooms and ballrooms that can function as spaces for various gatherings and a space designed specifically for small music events.

Overall Transportation Goal WMP 6-1:

Provide an efficient transportation and circulations system that supports Winslow as the commercial, cultural and community center and provides transportation choices that facilitate mobility and accessibility, or "access for all" by:

- *Creating a pedestrian environment*
 - *Providing pedestrian facilities and amenities;*
 - *Creating a streetscape that provides pedestrian amenities;*
 - *Providing pedestrian connections to Eagle Harbor, the Ravine and Ferry Terminal and between neighborhoods.*
 - *Preserving, expanding and promoting the existing network of social/informal trails;*
 - *Recognizing and developing Winslow Way as the centerpiece of downtown Winslow; and*
 - *Managing public parking and encouraging a "park-once district" that provides accessible parking for downtown users.*
- *Creating a carefully designed grid of multi-modal street connections for improved access and circulation by*
 - *Improving street connectivity;*
 - *Managing traffic & traffic calming;*
 - *Promoting alternative modes of transportation;*
- *Improving transit services and facilities.*

Goal WMP 6-2: Create A Pedestrian Environment for Winslow.

Project will make street improvements on Winslow Way including sidewalk and bike lanes. Building frontage addresses the sidewalk with activities, including a restaurant and bar, and multiple entrances.

Policy WMP 6-2.1: Provide an extensive interconnected pedestrian system of sidewalks and trails in Winslow in accordance with the Winslow Master Plan and the Non-Motorized Transportation Plan.

Project will make street improvements on Winslow Way including sidewalk and bike lanes.

Policy WMP 6-2.2: Integrate pedestrian facilities and amenities into a multi-modal transportation and circulation system for Winslow.

Project will make street improvements on Winslow Way including sidewalk and bike lanes.

Policy WMP 6-2.3: The pedestrian circulation system should be designed to provide continuity.

Project will make street improvements on Winslow Way including sidewalk and bike lanes. Additionally, in discussion with Marge Williams Center to improve their frontage so as to not have a “missing tooth” along the south side of Winslow Way in this block.

Policy WMP 6-2.4: Provide for wide sidewalks and other pedestrian amenities that support and encourage pedestrian use of Winslow.

Project will make street improvements on Winslow Way including sidewalk and bike lanes consistent with City’s requirements as to sidewalk width.

Policy WMP 6-2.5: Improve pedestrian connections by protecting and formalizing use paths.

There are no use paths identified on this parcel, with connections through flanking parcels.

Policy WMP 6-2.9: On all Winslow streets with daily traffic that exceeds 2,500 vehicles per day, signed and marked crosswalks should be provided at a minimum frequency of 330-feet. On Winslow Way, between SR-305 and Madison Avenue, signed and marked crosswalks should strive to achieve a frequency of 250-feet.

Existing Cross-walks are located at Finch and Madison on Winslow Way, as well as a three-way stop at Winslow Way and Grow.

Policy WMP 6-5.3: Merchant deliveries and employee parking should be accommodated away from Winslow Way so that such activities do not interrupt the streets function as the centerpiece of Winslow.

Project has a loading dock, and employee parking, located well away from Winslow Way.

Policy WMP 6-11.4: Add on-street parking wherever feasible, either by creating on-street spaces where there were none previously, by converting parallel spaces to diagonal or by including on-street parking spaces in the design of new streets. Specifically, investigate the following locations for potential addition of on-street parking:

- *Madison Avenue between Parfitt Way and Wyatt Way (new spaces);*
- *Bjune Drive (conversion of parallel to diagonal);*
- *Winslow Way west of Madison Avenue (new spaces).*
- *Winslow Way just west of SR-305;*
- *Ericksen north of Winslow Way.*

Project proposes two new on-street parking spaces. Number of new spaces is, in part, limited by the desire to retain existing street trees.

Goal WMP 6-12: Provide flexibility in how parking requirements are met.

City regulations provide for two methodologies for determining the quantity of parking for a hotel use in the Central Core District. One is a review of similar jurisdictions (see provided memo doing this), the other commissioning a parking study. Three of the five similar jurisdictions also allowed for a parking study. This project commissioned and submitted a parking study. The parking designed exceeds the design day (Saturday 9:00PM) peak demand.

Policy WMP 6-12.1: Parking standards should be reviewed periodically to ensure that new development either provides sufficient parking to accommodate the proposed uses on-site or provides funds for off-site parking.

NA.

Policy WMP 6-12.2: Where appropriate, allow parking requirements for new development to be met by creating new on-street parking spaces in conjunction with the development. This may include new on-street parking spaces as a result of the construction of new roads.

Project is utilizing this policy and including the two on street parking stalls created.

Policy EC 8.3 Promote locally-owned and independent businesses with standards that foster unique development.

This is a locally owned hotel.

GOAL EC-9 Grow a healthy service sector to increase employment opportunities, enhance local revenues and meet emerging needs of the island's changing demographics.

Project is primarily a service sector focused project. Service Sector being defined by the Census Bureau as health care and social assistance; and arts, entertainment, and recreation.

GOAL EC-10 Support building design and construction industries to increase employment opportunities, enhance local revenues, and help ensure a built environment that responds to and reflects the island's Vision and Guiding Principles.

Project is locally designed. Adherence to all of the other goals, policies and regulations reflect the island's Vision and Guiding Principles.

GOAL EC-11 Tourism is a key sector of the island's economy and needs to be supported. Bainbridge Island provides unique opportunities for visitors to experience internationally recognized gardens, cultural centers, parks, and recreational events.

This project addresses a market response to the desires of visitors to visit the island, as well as providing meeting rooms, banquet spaces, as well as restaurant and bar to serve islanders or visitors alike.

Policy EC 11.1 Improve pedestrian links between the ferry terminal, downtown Winslow, and the harbor. Encourage visitors on foot and bicycle and support public transit and shuttle services.

Hotel is within walking distance of the Ferry, as well as proposing to provide shuttle services for guests to and from the ferry. Hotel may create additional demand for car sharing services.

Policy EC 11.2 The predominant focus of downtown Winslow is to serve the commercial and social needs of Island residents. A lively, pedestrian-oriented town center that provides a mix of commercial and residential uses creates a potential tourist destination.

Project is designed with indoor and outdoor spaces to serve both islanders and visitors. The restaurant and bar will service both islanders and visitors. It adds to the mix of uses in the Central Core District a hotel.

Policy EC 11.3 Support the Island as a visitor destination by preserving and enhancing the unique qualities of our community.

This project supports the island as a visitor destination by providing an increased ability for visitors to stay longer, and be a venue for meetings, banquets, weddings, etc. that serve both visitors and islanders.

Policy EC 11.4 Encourage multiple-day stays and participation in selected Island events and destinations by off-Island visitors.

Project provides for multiple-day stays, which encourages visitors to expand their participation in island events and visits to island destinations.

Policy EC 11.5 Encourage bed and breakfasts and other creative tourist accommodations.

This will be the only full-service hotel on the island.

Goal EN-4 Encourage sustainable development that maintains diversity of healthy, functioning ecosystems that are essential for maintaining our quality of life and economic viability into the future.

Project is striving to be the first hotel to fully meet the “Living Building Challenge”. Short of that are “pedals” that include conservation of water, on-site treatment of sewage, careful selection of building materials and operations of the hotel that emphasize sustainability.

Policy EN 4.1 Employ conservation design methods and principles such as low impact development techniques for managing storm and waste water, green building materials, high-efficiency heating and lighting systems.

Hotel is capturing excess stormwater for reuse as submitted. Waste water may be captured and, together with rainwater, be reused. Building materials, to meet the “Living Building Challenge” must be selected for their sustainability and lack of hydrocarbons. Heating, cooling and lighting will be high-efficiency to meet or exceed codes.

Policy EN 10.2 Encourage the retention of existing trees and vegetation and the planting of new trees and vegetation that provides natural filtration of suspended particulate matter, removes carbon dioxide and improves air quality.

A Heritage tree and Landmark tree on site will be preserved and protected. Project is required to retain or plant 55.8 tree units. Project proposes to retain or plant at least 238.4 tree units.

Policy EN 10.3 Evaluate the impacts and consequences of new development both during and subsequent to construction on air quality as a part of the environmental review process and require mitigation when appropriate.

Project will conform to required standards for air quality as conditioned.

Policy EN 10.6 Reduce the quantity of airborne particulates through regulations for dust abatement of construction sites and street sweeping programs in areas with concentrations of both vehicular and pedestrian traffic.

Project will conform to required standards for air quality, and dust abatement, as conditioned.

Policy EN 10.7 Maintain nuisance regulations to minimize offensive odors generated by commercial or industrial uses in proximity to residential uses.

Project’s kitchen exhaust is located away for adjacent residences both in distance, and with an intervening building element.

Policy EN 10.9 Transportation and energy production diminish air quality when power is produced with fossil fuel combustion. Maintain and improve Island air quality, by promoting the development of carbon free infrastructure.

This project is designed to accept solar arrays, reducing the demand for carbon based infrastructure. Additionally, the project will have at least 8 electrical vehicle charging stations.

Policy EN 11.2 Promote actions such as equipment modifications and operational requirements that reduce noise from transportation modes, construction sites, industrial uses and commercial business establishments.

Project has received written confirmation from Bainbridge Disposal to pick up trash and recycling at the end of their daily routes, after 10:00AM. Deliveries of other goods can be similarly scheduled. Exterior events, which have to conform to City and State regulations for sound between a commercial use and residential use, can be similarly limited to end at 10:00PM, when otherwise their sound level must drop in half.

Policy EN 12.2 Facilitate the improvement and convenience of low carbon mass transit and increased carsharing, cycling, walking and the development of alternative vehicle infrastructure (e.g., charging stations) to reduce greenhouse gas emissions.

Project has 8 vehicle charging stations, a proposed shuttle van to the ferry that can be electric, bicycles available to guests and a location that is walkable from the Ferry.

Goal EN-13 Preserve and enhance the view of the dark sky by controlling glare and light trespass.

Project will at least meet, if not exceed, the requirements for exterior lighting to preserve the night sky. Interior lighting will also be designed to reduce light spill to the exterior.

Policy EN 13.1 Enforce development regulations that provide standards for appropriate lighting practices and systems that will curtail the degradation of the nighttime visual environment.

City has conditioned the project to meet required standards.

GOAL WR-1 Manage the water resources of the Island in ways that preserve, protect, maintain, and where possible restore and enhance their ecological and hydrologic function.

Project utilizes pervious paving and stormwater capture and reuse to send water back into the ground rather than solely into the City's stormwater conveyance system for discharge into Eagle Harbor.

Policy WR 1.2 Groundwater, surface water and stormwater are resources that shall be protected and managed to preserve water quality and quantity, and to retain natural ecological and hydrologic function.

Project utilizes pervious paving and stormwater capture and reuse to send water back into the ground rather than solely into the City's stormwater conveyance system for discharge into Eagle Harbor.

GOAL WR-2 Protect the quality and quantity of groundwater on the Island to ensure clean and sufficient groundwater for future generations.

Project will employ required storm water quality systems, and pervious paving and stormwater capture and reuse to send water back into the ground rather than solely into the City's stormwater conveyance system for discharge into Eagle Harbor.

Policy WR 2.1 Recognize that the Island functions as an aquifer recharge area. Low impact development techniques are essential for maintaining aquifer recharge.

Project utilizes pervious paving and stormwater capture and reuse to send water back into the ground rather than solely into the City's stormwater conveyance system for discharge into Eagle Harbor.

Policy WR 2.12 Encourage water re-use and reclamation to serve as a supplementary source for high-water users such as industry, parks, schools and golf courses as approved by the Washington State Department of Health.

Project will capture stormwater for reuse. It may, if a living machine is selected for on-site sewage treatment, use this system for reuse on site.

Policy WR 2.13 Require the retention of native landscapes to promote water quality and to reduce the need for irrigation.

Landscape is a combination of retention of existing landscape, and replanting of native materials to reduce the need for irrigation.

GOAL WR-5 Ensure that sewage is collected, treated and disposed of properly to prevent public health hazards and pollution of groundwater, Island surface water and the waters of Puget Sound.

Project will either hookup to the City's sewer system, or utilize a living machine. In either case the systems and connections will meet code.

Policy WR 5.1 Regulations and procedures of the Washington State Department of Health and the Kitsap Public Health District apply to all on-site disposal systems. Coordinate with these agencies to assure regular inspection, maintenance and repair of all sanitary sewer and on-site systems located on the Island.

Project will conform to all regulatory requirements for inspection, maintenance and repair.

Policy WR 5.3 Allow alternative systems such as sand filters, aerobic treatment, composting toilets and living-systems when approved by the Kitsap Public Health District.

Project will either hookup to the City's sewer system, or utilize a living machine. In either case the systems and connections will meet code. The City has recently passed an ordinance that allows for limited use of a living machine. The hotel demand is inside the limits defined by the new ordinance.

Policy WR 5.4 Require coordination between the on-site septic and storm drainage disposal systems designs to ensure the proper functioning of both systems.

Project will conform to all regulatory requirements.

Policy WR 5.8 Provide the service of operation and maintenance management for approved large on-site sanitary sewer systems or community sanitary sewer systems in coordination with the Kitsap Public Health District.

Project will conform to all regulatory requirements for inspection, maintenance and repair.

GOAL TR-1 Encourage the development of an integrated multimodal transportation system that provides a range of safe transportation alternatives and increases the through movement of people, maximizing use of non-motorized and public transit.

The project proposes a shuttle van to the ferry to reduce the demand for automobile use. Additionally, the hotel will have bicycles available to hotel patrons, and the hotel is located within easy walking distance of the balance of downtown Winslow and the ferry.

Policy TR 1.3 Encourage and support the establishment of ride sharing and ride hailing services.

The hotel users will likely create additional demand for ride sharing services, which may increase the availability for all islanders.

GOAL TR-2 Provide a non-motorized transportation system that is a planned and coordinated network of shoulders, sidewalks, trails, footpaths, bikeways and multi- purpose trails that connect neighborhoods with parks, schools, the shoreline, the ferry terminal and commercial areas.

Project will make right of way improvements along its frontage, and possibly nearby as well.

Policy TR 2.4 Provide a network of sidewalk facilities adjacent to roadways in designated centers with the Winslow area given priority. Sidewalks shall be of sufficient width to accommodate expected pedestrian use, including safe crossings with adequate overhead or embedded lighting. Where possible, separate sidewalks from the roadway with a street tree planting strip and buffer. Designs should accommodate users of all abilities, meeting ADA requirements.

Project is adding a sidewalk, and in some locations where not adjacent to on street parking there is a planting strip between the curb and sidewalk.

Policy TR 5.3 Encourage schools, the private sector and the public sector to adopt programs that reduce SOV use including telecommuting, promotion of ridesharing, walking, biking and reliance on buses.

Project proposes a shuttle to the ferry terminal and will provide bicycles to hotel patrons for their use.

Policy TR 6.4 Enforce the City's concurrency ordinance and monitor the expected impact of proposed development on the available capacity of the roadway system. Early in the development review process, ensure that there are adequate transportation facilities or that improvements are planned, scheduled and funded for completion within six years.

Project has received a concurrency certificate.

Policy TR 6.5 Develop access management programs to control the location and number of curb cuts. Control the location and spacing of commercial driveway entrances and the design of parking lots to avoid congestion near intersections, line of sight obstructions and confusing circulation patterns. Design to prevent pedestrian and vehicular accidents.

Project's curb cuts are designed consistent with this policy.

GOAL TR-8 Consider the special needs of neighborhood safety, pedestrian and bicycle facilities, transit use and facilities and traffic flow in the development of transportation improvements that affect neighborhoods.

Project is consistent, as conditioned with the City's requirements in this regard.

Policy TR 8.1 Protect residential neighborhoods from the impacts of cut-through motor vehicle traffic by providing appropriate connecting routes and applying appropriate traffic-calming measures to control vehicle volumes while maintaining emergency vehicle response times.

Project is surrounded on east, north and portions of the west by the same Core District zoning. The south edge and portions of the west side about residentially zoned land. There is no vehicle access to the parcel through, or near, residential zoned land.

Policy TR 8.2 Support the character of neighborhoods by providing neighborhood programs and projects for place making, traffic calming, greenways, appropriate street width, lighting for safety, curb cuts, and pedestrian and bicycle facilities as consistent with the Comprehensive Plan.

Not a project specific policy.

GOAL TR-9 Support the safe use of the transportation system by maintaining the roadway system and including necessary safety enhancements in transportation improvement projects.

Not a project specific policy.

Policy TR 9.4 Provide street lighting, including safety features designed for sidewalks, to address safety issues. Light design and placement should minimize glare and light spillage and maximize visibility of pedestrians and bicyclists.

City has not proposed street lighting. Building entrances will have lighting consistent with the City's dark sky regulations.

GOAL TR-10 The availability of public parking is an asset to commercial districts and a benefit to island residents and visitors. Parking is a vital element of the designated centers.

Project is designed to provide all “design day – Saturday at 9:00PM” parking on site (132 spaces). Maximum occupancy parking, predicted to be 191 spaces, can be partially achieved on site by 1. (4) additional spaces provided, 2. valet parking stacking (37) on site. Employees can be required to not park on site (14 spaces), leaving (4) spaces plus staff vehicles to be remote parked.

Policy TR 10.1 Provide adequate parking in designated centers. Development of street frontages in urban commercial areas should maximize on-street parking to the extent practical. Development projects in urban residential areas should consider on-street parking rather than off-street parking.

Project is in a designated center, two on-street spaces are provided, balance of parking is on site, mostly located under building.

Policy TR 10.2 Preserve on-street parking in the mixed-use commercial districts of Winslow and designated centers. City projects in commercial districts should maximize parking to the extent practical within the existing rights of way. Note that “Complete Streets” projects must also balance other functions such as non-motorized uses. Seek opportunities to expand public parking.

There is no existing on-street parking fronting the project site. City has conditioned right-of-way improvements to include a bike lane.

Policy TR 10.5 Support parking programs for customers in retail and service areas and employees of local businesses in the mixed-use districts of Winslow. Work with business owners to limit employee parking to off-street facilities to optimize available, convenient parking for patrons. Continue to manage City public parking to maximize close-in parking for patrons of local businesses and assist in providing some daily off-site parking for employees at walkable outlying locations.

Not a project specific policy.

Policy TR 10.6 Encourage bicycle parking in the designated neighborhood centers and at public facilities. Provide bicycle parking at locations convenient to businesses providing

goods and services and for employees who commute to work by bicycle. Provide bicycle storage at transit facilities.

Project will provide at least 28 bicycle parking spaces.

Policy TR 11.3 Create safe, attractive, and functional pedestrian and bicycle circulation within Winslow and designated neighborhood centers through the design and implementation of Complete Streets to enhance community character.

City has conditioned right-of-way improvements to include a bike lane.

Policy TR 11.4 Minimize the use of street lighting outside of Winslow, except to address safety.

City has requested non street lighting.

Policy TR 15.2 Require all new and expanded development to maintain the adopted Transportation LOS standards. The pro-rated cost of any improvements needed to maintain the adopted LOS shall be the responsibility of developers.

Project traffic study shows no drop in required LOS for any intersections the City requested by studied (downtown and up to High School Road, including both 305 intersections in Winslow). City has issued a Concurrency Certificate, requiring no improvements, except at the frontage.

Policy TR 15.3 Require new and expanded developments to construct, or upgrade unimproved and/or under improved roadways, or participate in the funding of roadways that conform to City standards.

Project is conditioned to improve its frontage on Winslow Way.

Policy CF 2.3 Require new development to fund the capital facilities needed to serve the development.

Project is conditioned to provide a new sewer line from the south end of the parcel to Winslow Way.

Policy U 12.2 Within public sewer system service areas, new construction should provide for eventual connection to public sewer systems.

Project will either connect to the public sewer system, or provide a living machine to treat sewage under the adopted ERU allowance for not connecting to the sewer in Winslow.

Policy U 12.3 Sewer connections will not be required where septic systems are fully functional and maintained, except as provided by law.

Project will either connect to the public sewer system, or provide a living machine to treat sewage under the adopted ERU allowance for not connecting to the sewer in Winslow.

Policy U 12.6 Improve the quality and reduce the quantity of effluent discharged to Puget Sound.

If the living machine is adopted, any discharge will be of improved quality, and less quantity.

Policy U 13.2 Require new development to provide both on-site and off-site improvements necessary to avoid adverse water quality and quantity impacts.

Project as conditioned avoids any negative water quality and quantity impacts.

Policy U 13.3 Use low impact development standards wherein infiltration of stormwater is preferred over surface discharge to downstream systems, so as to encourage the return of uncontaminated precipitation to the soil at natural rates near where it falls through the use of detention ponds, grassy swales, and infiltration facilities.

Project is using pervious pavements, and reuse of storm water to infiltrate more precipitation into the ground compared to conventional development.

Policy U 13.4 Design and construct stormwater systems that provide for removal of pollutants and sediment through bio-filtration or other means.

Project, as designed, does this.

Policy U 13.5 Minimize disruption and/or degradation of natural drainage systems, minimize impervious areas by restricting site coverage, and encourage site permeability by retaining natural vegetation and buffers, and specifying use of permeable materials.

While project is in a zone that allows for 100% lot coverage, less than 50% of the project site will be covered with buildings or impermeable surfaces.

Policy U 13.6 Manage surface water in a manner which prevents pollutants from industrial, commercial, and agricultural land uses from entering ground or surface waters.

Project, as conditioned, complies with all requirements for managing pollutants from entering ground or surface water.

Policy U 14.2 Encourage the conservation of electrical energy, especially during periods of peak usage, and encourage energy saving building code strategies, local renewable energy and other cost effective approaches to meeting the island's energy needs, including distributed energy systems.

Project is designed to accept a solar array on the roof, and incorporate energy saving practices in construction and use.

Policy U 14.8 Encourage new development to integrate environmentally responsible and innovative energy systems.

Project is designed to accept a solar array on the roof, and incorporate energy saving practices in construction and use.

Policy U 16.7 Require new development to have underground conduits suitable for existing and foreseeable new utilities such as cable and broadband.

Project have will redundant conduit to future proof the hotel.

Policy CUL 1.5 Support the emergence of cultural spaces Island-wide especially in designated centers where they are accessible to a broad range of people encouraging both informal and planned gatherings and recreation.

Project includes a space designed for music events that will be accessible to the community.

GOAL CUL-2 Preserve and promote the distinctive character, history, traditional cultural and institutions of Bainbridge Island and take advantage of the island's cultural stature within the dynamic economy of the Puget Sound region.

By serving visitors, hotel will provide the possibility for increased access to institutions such as the Historical Museum, and local events in Winslow for example.

Policy CUL 2.1 Promote Bainbridge Island's "Sense of Place" by supporting an ongoing public dialogue about preservation, sustainability, hospitality and the influence of the arts, history and culture.

Not a project specific policy.

Policy CUL 2.2 Support artistic, historic and cultural events, institutions and places for sharing the island's unique built and natural with residents and visitors.

Project includes a space designed for music events that will be accessible to the community.

Policy CUL 2.3 Cultivate partnerships among the arts and humanities, economic development and tourism sectors.

Not a project specific policy.

Policy CUL 3.2 Support the City's Historic Preservation program to identify and preserve historic and cultural resources, including historic farms and heritage trees.

Project is preserving a significant heritage tree.

Policy CUL 3.5 Recognize the probability of discovering new Native American cultural resources throughout the Island.

Project specifications will include the requirement to report any discovered artifacts consistent with state law.

Policy CUL 5.6 Promote public art in new commercial developments.

Project has not yet developed a public art plan.

Policy HS 4.2 Encourage local business organizations to create jobs that reflect good business practices (e.g., job training, employee benefits, family wages).

Project will create a significant number of direct jobs, consistent with good business practices.

Policy HS 4.3 Encourage businesses that actively support human services for workers and their families (e.g., provide on-site childcare, transportation subsidies, flexible work hours).

Not a project specific policy.

8. 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;

Project site has no critical areas.

9. 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;

Project site is not within the shoreline jurisdiction.

10. 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;

Project is not proposing any privately owned open space for credit against any dedications.

11. The site plan and design has been prepared consistent with the purpose of the site design review process and open space goals.

As conditioned the site plan and design are consistent with the purpose of the review process and goals.

2.16.110 E. 3. Review and Recommendation by Planning Commission.

- a. In the case of a major conditional use permit application, the planning commission shall review the application prior to the review and final decision by the director.
- b. The purpose of the planning commission review and recommendation meeting is to review a proposed project for consistency with applicable design guidelines, BIMC Title [17](#), and the comprehensive plan.
- c. The planning commission shall consider the application at a public meeting where public comments will be taken. The planning commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the planning commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the design review board. If the applicable criteria are not met, the planning commission shall recommend the proposal be modified or denied.
- d. The design review board's recommendation shall hold substantial weight in the consideration of the application by the planning commission. Any deviation from the recommendation shall be documented in their written findings of facts and conclusions.
- e. The planning commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the comprehensive plan, and their recommendation, including any conditions attached by the planning commission and design review board, to the staff planner. The planning commission's written findings will be included in the staff report transmitted to the director.
- f. A planning commission recommendation is not a final decision and therefore there is no appeal of the recommendation.

Subject: New traffic counts - Winslow Hotel project
Date: Tuesday, July 2, 2019 at 10:44:12 AM Pacific Daylight Time
From: Greg Heath
To: Bruce Anderson
Attachments: Winslow Hotel Intersection Count Comparison.pdf

Hi Bruce,

We have compiled the data and a figure that shows our analysis. It corroborates that our study along with the city concurrency analysis is accurate and adequate. As discussed we took the recent counts at the Madison and Winslow intersection as it is the intersection most affected by the project traffic. It also is a representation as to what effect the time of year would have on the remaining intersections and timeframes that were studied for the TIA on this project.

The Thursday PM peak taken on June 20, 2019 shows 851 entering vehicles while our December 4, 2018 count showed 853 entering vehicles.

The Friday AM count taken on June 21, 2019 shows 504 entering vehicles while our December 4, 2018 count showed 593 entering vehicles

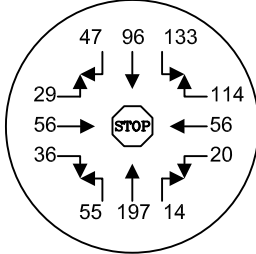
June 22, 2019 Saturday counts peaked at noon to 1 PM and shows 908 entering vehicles which amounts to only 60 trips or one trip entering the intersection in a minute when compared to the December 2018 PM peak that we studied.

Please forward to Peter Corelis after review or we would be happy to send it to him.

Greg Heath, P.E., PTOE
2214 Tacoma Road
Puyallup, WA 98371
253-770-1401 wk
253-770-1473 fax

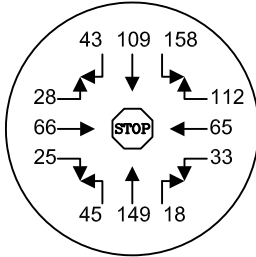
INTERSECTION: MADISON AVENUE / WINSLOW WAY

TUESDAY
DECEMBER 4, 2018 4:00-5:00 PM
TOTAL: 853

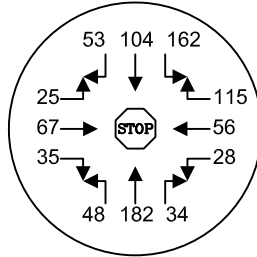


PM PEAK HOUR COMPARISON

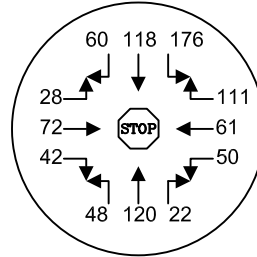
THURSDAY
JUNE 20, 2019 5:00-6:00 PM
TOTAL: 851



FRIDAY
JUNE 21, 2019 4:00-5:00 PM
TOTAL: 909

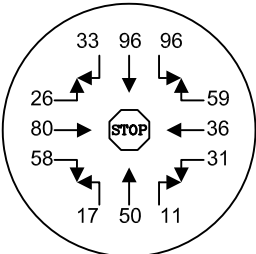


SATURDAY
JUNE 22, 2019 12:00-1:00 PM
TOTAL: 908

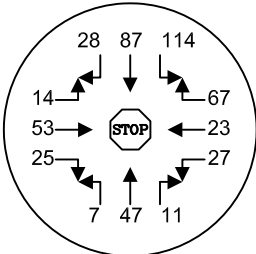


AM PEAK HOUR COMPARISON

TUESDAY
DECEMBER 4, 2018 8:00-9:00 AM
TOTAL: 593



FRIDAY
JUNE 21, 2019 8:00-9:00 AM
TOTAL: 504



HEATH & ASSOCIATES
TRAFFIC AND CIVIL ENGINEERING

WINSLOW HOTEL
COUNT COMPARISON DECEMBER 2018 & JUNE 019
FIGURE 1

Heath & Associates, Inc.
2214 Tacoma Road
Puyallup, WA 98371

Project Name: Winslow Hotel

Intersection: Madison Ave S & Winslow Way W

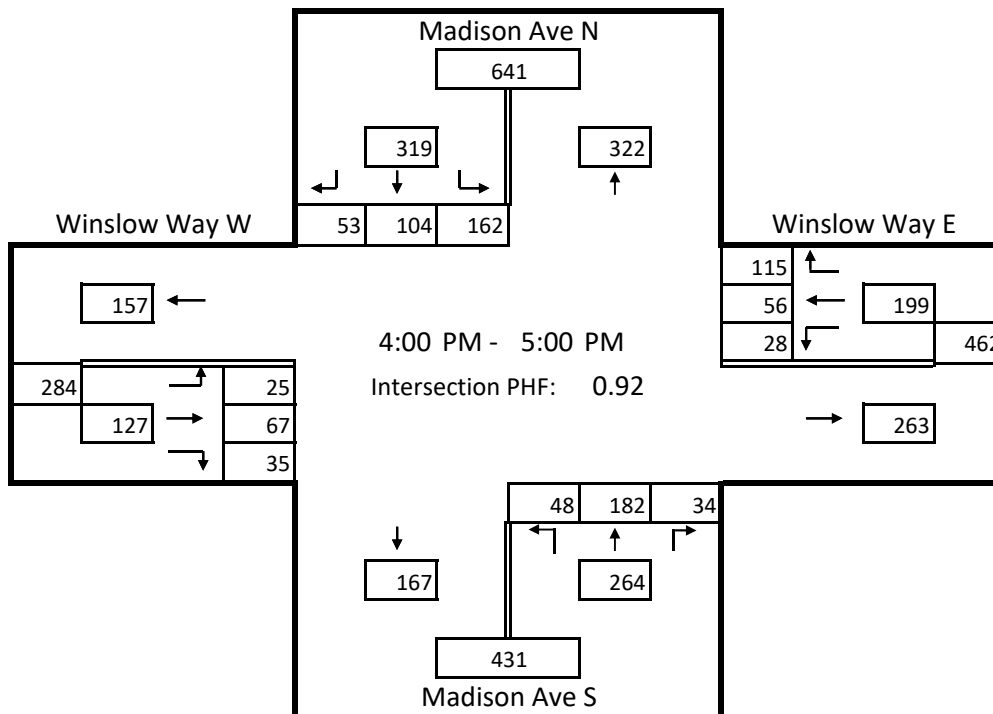
Jurisdiction: City of Bainbridge

Date of Count: 6/20/2019

Project Number: 4218

Time Period	Southbound Madison Ave N				Westbound Winslow Way E				Northbound Madison Ave S				Eastbound Winslow Way W				Total
	HV	R	T	L	HV	R	T	L	HV	R	T	L	HV	R	T	L	
4:00 PM	1	24	26	41	0	30	13	12	0	9	46	13	1	14	15	4	247
4:15 PM	3	10	25	54	0	24	7	4	1	6	46	15	0	12	17	9	229
4:30 PM	2	10	33	37	2	37	21	4	0	13	48	14	0	6	16	7	246
4:45 PM	0	9	20	30	0	24	15	8	0	6	42	6	0	3	19	5	187
5:00 PM	2	14	30	42	0	29	12	9	0	4	38	13	0	11	18	6	226
5:15 PM	1	10	18	48	1	18	11	7	0	3	47	16	0	8	12	5	203
5:30 PM	1	6	19	36	0	39	17	7	0	3	32	10	0	4	22	5	200
5:45 PM	0	4	15	26	2	20	16	7	0	2	36	6	0	5	15	1	153
Total	10	87	186	314	5	221	112	58	1	46	335	93	1	63	134	42	1,691

Peak Hour	4:00 PM to 5:00 PM																Total
Peak Total	6	53	104	162	2	115	56	28	1	34	182	48	1	35	67	25	909
Heavy Veh.	1.7%				1.3%				0.2%				0.4%				
PHF	0.88				0.80				0.88				0.84				



Heath & Associates, Inc.
2214 Tacoma Road
Puyallup, WA 98371

Project Name: Winslow Hotel

Intersection: Madison Ave S & Winslow Way W

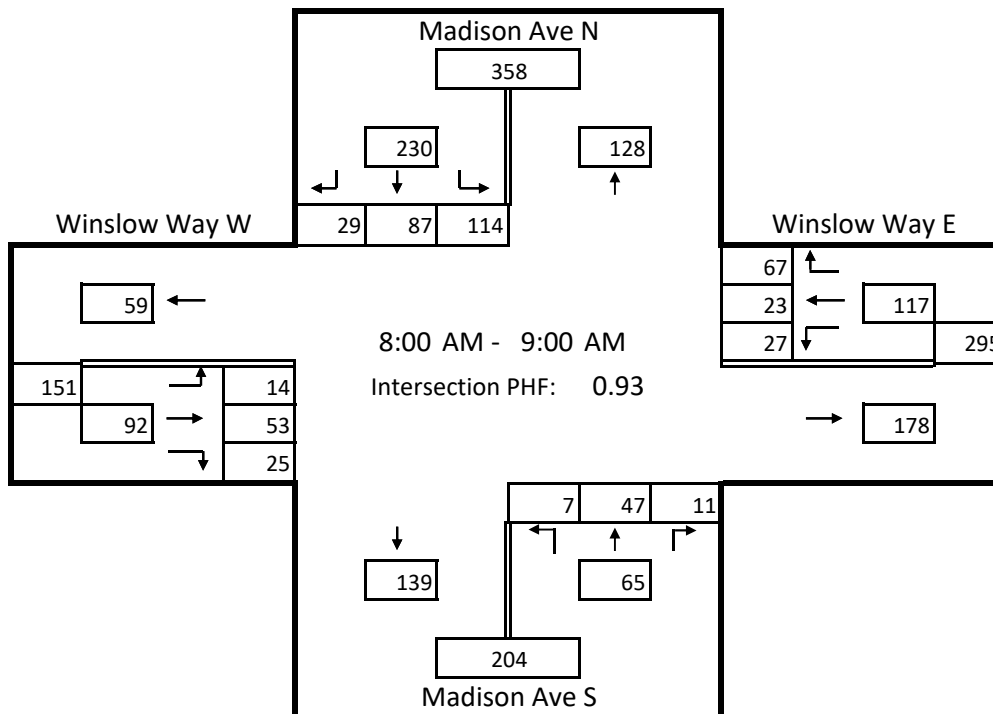
Jurisdiction: City of Bainbridge

Date of Count: 6/21/2019

Project Number: 4218

Time Period	Southbound Madison Ave N				Westbound Winslow Way E				Northbound Madison Ave S				Eastbound Winslow Way W				Total
	HV	R	T	L	HV	R	T	L	HV	R	T	L	HV	R	T	L	
7:00 AM	1	2	7	14	4	18	4	6	2	2	5	0	0	1	4	0	63
7:15 AM	6	2	10	12	1	6	6	3	0	0	5	0	0	0	5	2	51
7:30 AM	2	1	17	37	0	5	2	3	0	2	13	1	2	1	26	0	108
7:45 AM	1	5	20	27	4	24	11	6	2	3	11	2	0	8	14	0	131
8:00 AM	1	6	17	24	0	14	6	7	2	5	12	0	0	1	11	0	103
8:15 AM	5	6	21	42	0	14	5	5	1	1	9	3	1	5	15	5	131
8:30 AM	2	9	27	21	1	21	7	8	1	3	14	2	0	12	8	3	135
8:45 AM	0	8	22	27	0	18	5	7	1	2	12	2	2	7	19	6	135
Total	18	39	141	204	10	120	46	45	9	18	81	10	5	35	102	16	857

Peak Hour	8:00 AM to 9:00 AM																Total
Peak Total	8	29	87	114	1	67	23	27	5	11	47	7	3	25	53	14	504
Heavy Veh.	4.7%				4.7%				8.3%				3.3%				
PHF	0.83				0.81				0.86				0.72				



Heath & Associates, Inc.
2214 Tacoma Road
Puyallup, WA 98371

Project Name: Winslow Hotel

Intersection: Madison Ave S & Winslow Way W

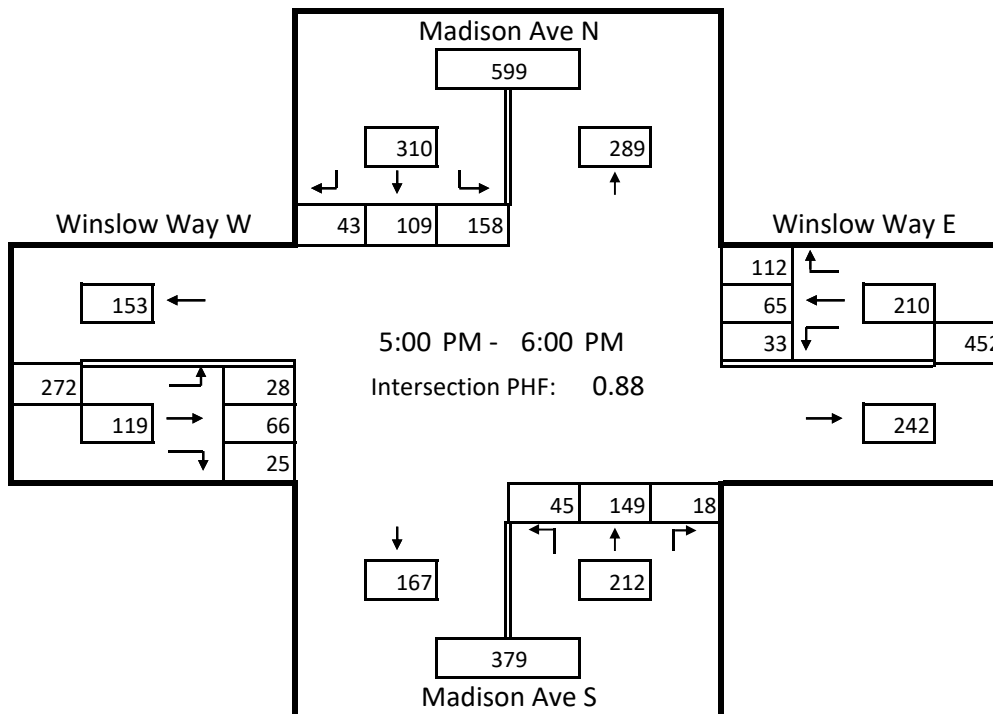
Jurisdiction: City of Bainbridge

Date of Count: 6/21/2019

Project Number: 4218

Time Period	Southbound Madison Ave N				Westbound Winslow Way E				Northbound Madison Ave S				Eastbound Winslow Way W				Total
	HV	R	T	L	HV	R	T	L	HV	R	T	L	HV	R	T	L	
4:00 PM	0	9	19	41	3	32	24	10	0	5	41	14	0	8	18	5	226
4:15 PM	1	8	29	54	0	19	9	6	0	5	51	12	0	12	10	5	220
4:30 PM	2	8	13	39	0	23	12	4	0	9	32	7	1	3	15	11	176
4:45 PM	2	9	28	33	0	25	12	3	0	3	27	11	0	11	19	8	189
5:00 PM	0	8	24	44	1	27	16	8	0	9	32	10	0	6	19	8	211
5:15 PM	0	13	29	32	2	34	21	10	0	4	43	18	0	8	18	11	241
5:30 PM	0	7	25	36	0	27	15	5	0	1	39	10	0	4	13	3	185
5:45 PM	2	15	31	46	1	24	13	10	0	4	35	7	1	7	16	6	214
Total	7	77	198	325	7	211	122	56	0	40	300	89	2	59	128	57	1,662

Peak Hour	5:00 PM to 6:00 PM																Total
Peak Total	2	43	109	158	4	112	65	33	0	18	149	45	1	25	66	28	851
Heavy Veh.	1.2%				1.8%				0.0%				0.8%				
PHF	0.84				0.81				0.82				0.80				



Heath & Associates

2214 Tacoma Rd E
Puyallup, WA, 98371

File Name : 4218a
Site Code : 00004218
Start Date : 6/22/2019
Page No : 1

Groups Printed- Cars - HV

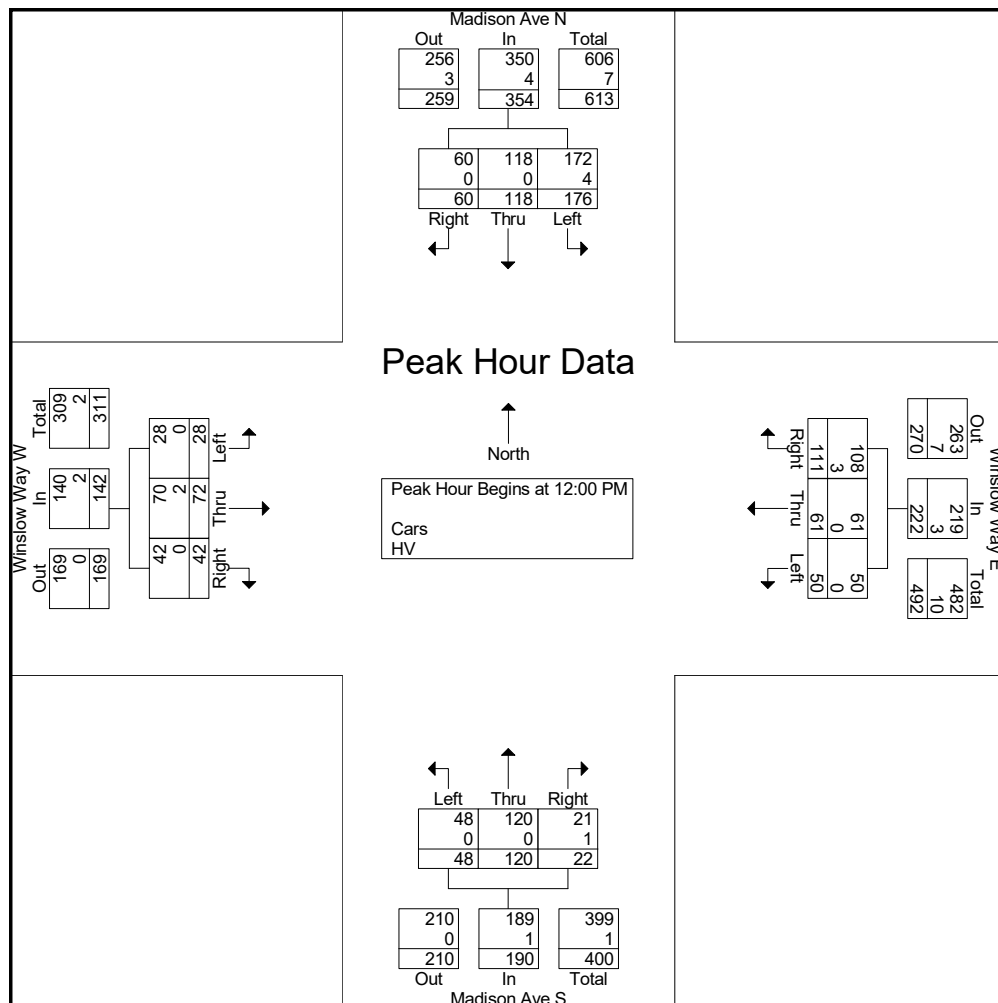
	Madison Ave N Southbound				Winslow Way E Westbound				Madison Ave S Northbound				Winslow Way W Eastbound				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
12:00 PM	14	40	57	111	29	24	19	72	5	33	14	52	14	20	5	39	274
12:15 PM	12	27	40	79	31	17	14	62	9	28	12	49	8	21	4	33	223
12:30 PM	18	28	35	81	30	12	10	52	1	25	13	39	5	17	11	33	205
12:45 PM	16	23	44	83	21	8	7	36	7	34	9	50	15	14	8	37	206
Total	60	118	176	354	111	61	50	222	22	120	48	190	42	72	28	142	908
01:00 PM	8	22	36	66	20	9	10	39	3	39	15	57	7	18	6	31	193
01:15 PM	11	22	26	59	35	9	12	56	2	28	8	38	9	10	6	25	178
01:30 PM	11	24	40	75	27	12	7	46	11	30	16	57	9	12	8	29	207
01:45 PM	11	22	33	66	24	10	10	44	3	29	6	38	6	15	8	29	177
Total	41	90	135	266	106	40	39	185	19	126	45	190	31	55	28	114	755
02:00 PM	12	24	30	66	37	14	17	68	10	39	10	59	2	17	9	28	221
02:15 PM	18	29	29	76	17	12	5	34	10	36	7	53	3	6	6	15	178
02:30 PM	9	25	40	74	21	9	6	36	7	29	10	46	10	16	2	28	184
02:45 PM	13	23	38	74	23	11	6	40	6	28	9	43	6	17	7	30	187
Total	52	101	137	290	98	46	34	178	33	132	36	201	21	56	24	101	770
03:00 PM	8	19	29	56	25	11	9	45	7	29	6	42	6	9	5	20	163
03:15 PM	12	23	36	71	25	17	9	51	13	37	7	57	10	19	5	34	213
03:30 PM	8	20	35	63	22	11	5	38	6	27	7	40	6	15	7	28	169
03:45 PM	12	30	52	94	20	13	5	38	3	26	9	38	11	15	4	30	200
Total	40	92	152	284	92	52	28	172	29	119	29	177	33	58	21	112	745
04:00 PM	8	26	33	67	43	12	9	64	8	25	5	38	7	17	9	33	202
04:15 PM	7	17	29	53	10	8	4	22	6	39	9	54	9	16	2	27	156
04:30 PM	7	13	23	43	29	10	9	48	7	22	7	36	5	12	6	23	150
04:45 PM	7	22	26	55	18	7	6	31	3	28	4	35	8	8	5	21	142
Total	29	78	111	218	100	37	28	165	24	114	25	163	29	53	22	104	650
05:00 PM	4	9	33	46	26	16	11	53	3	19	4	26	4	11	1	16	141
05:15 PM	8	20	33	61	33	19	5	57	5	33	5	43	3	16	2	21	182
05:30 PM	3	19	28	50	17	9	3	29	5	26	9	40	0	14	2	16	135
05:45 PM	11	21	34	66	28	12	10	50	1	25	7	33	5	8	9	22	171
Total	26	69	128	223	104	56	29	189	14	103	25	142	12	49	14	75	629
Grand Total	248	548	839	1635	611	292	208	1111	141	714	208	1063	168	343	137	648	4457
Apprch %	15.2	33.5	51.3		55	26.3	18.7		13.3	67.2	19.6		25.9	52.9	21.1		
Total %	5.6	12.3	18.8	36.7	13.7	6.6	4.7	24.9	3.2	16	4.7	23.9	3.8	7.7	3.1	14.5	
Cars	248	544	830	1622	599	290	208	1097	140	711	208	1059	168	338	136	642	4420
% Cars	100	99.3	98.9	99.2	98	99.3	100	98.7	99.3	99.6	100	99.6	100	98.5	99.3	99.1	99.2
HV	0	4	9	13	12	2	0	14	1	3	0	4	0	5	1	6	37
% HV	0	0.7	1.1	0.8	2	0.7	0	1.3	0.7	0.4	0	0.4	0	1.5	0.7	0.9	0.8

Heath & Associates

2214 Tacoma Rd E
Puyallup, WA, 98371

File Name : 4218a
Site Code : 00004218
Start Date : 6/22/2019
Page No : 2

	Madison Ave N Southbound				Winslow Way E Westbound				Madison Ave S Northbound				Winslow Way W Eastbound				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 12:00 PM to 05:45 PM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 12:00 PM																	
12:00 PM	14	40	57	111	29	24	19	72	5	33	14	52	14	20	5	39	274
12:15 PM	12	27	40	79	31	17	14	62	9	28	12	49	8	21	4	33	223
12:30 PM	18	28	35	81	30	12	10	52	1	25	13	39	5	17	11	33	205
12:45 PM	16	23	44	83	21	8	7	36	7	34	9	50	15	14	8	37	206
Total Volume	60	118	176	354	111	61	50	222	22	120	48	190	42	72	28	142	908
% App. Total	16.9	33.3	49.7		50	27.5	22.5		11.6	63.2	25.3		29.6	50.7	19.7		
PHF	.833	.738	.772	.797	.895	.635	.658	.771	.611	.882	.857	.913	.700	.857	.636	.910	.828
Cars	60	118	172	350	108	61	50	219	21	120	48	189	42	70	28	140	898
% Cars	100	100	97.7	98.9	97.3	100	100	98.6	95.5	100	100	99.5	100	97.2	100	98.6	98.9
HV	0	0	4	4	3	0	0	3	1	0	0	1	0	2	0	2	10
% HV	0	0	2.3	1.1	2.7	0	0	1.4	4.5	0	0	0.5	0	2.8	0	1.4	1.1



Subject: Re: Revised layout for the surface parking lot - Hotel

Date: Wednesday, July 3, 2019 at 6:12:47 PM Pacific Daylight Time

From: Erik Wood

To: Bruce Anderson

Mr. Anderson,

Thanks for your time today. I understand that, even though COBI recognizes our residential status, you are not necessarily required to consider us residential. We certainly appreciate you, Mr. Cutler, and your client treating our use as such. We also have done some of our own research and further acknowledge that without a conditional use permit, another developer could actually impact the two subject lots with higher density and more cars - so we feel like your project merits consideration in that regard as well. We are "good" with your attached plan and appreciate your willingness to be a good neighbor as we plan on living here in a residential capacity for a long time.

Best,

Erik Wood

155 Finch Place SW

On Wed, Jul 3, 2019 at 1:52 PM Bruce Anderson <brucea@cutler-anderson.com> wrote:

Erik, thanks for meeting with Jim and myself today.

Here's a revision to the hotel's parking lot that shifts the parking west to provide for a 10' landscape buffer. We'll keep you looped in as the planting in this area - trees are diagrammatic as to a likely count, but we'll want to place them in an appropriate relationship to your tree(s).

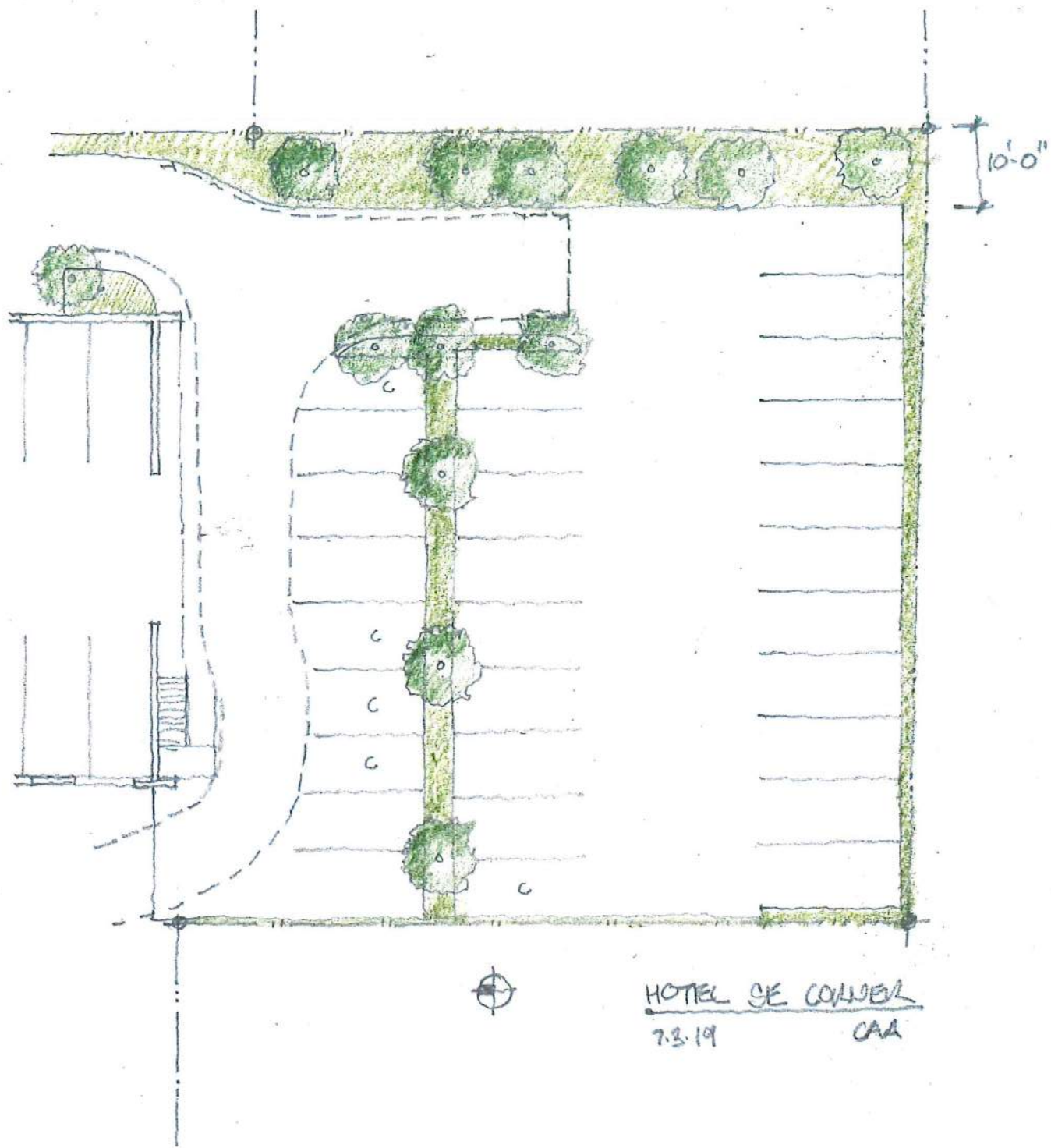
We're only losing one space with this arrangement in this area, so we remain a bit over our predicted requirement.

If you're good with this, please let me know. Thanks.

Bruce Anderson

Cutler Anderson Architects

206.842.4710



HOTEL SE CORNER

7.3.19

CAA

Large Buildings Winslow

Theaters

Lot Size	90,169sf
Lot Coverage	42%
Impervious Area	95%
Building Area	52,942sf
Parking Spaces	122 spaces

T&C

Lot Size	99,752sf
Lot Coverage	33.5%
Impervious Area	95%
Building Area	35,098sf
Parking Spaces	166 spaces

Hotel

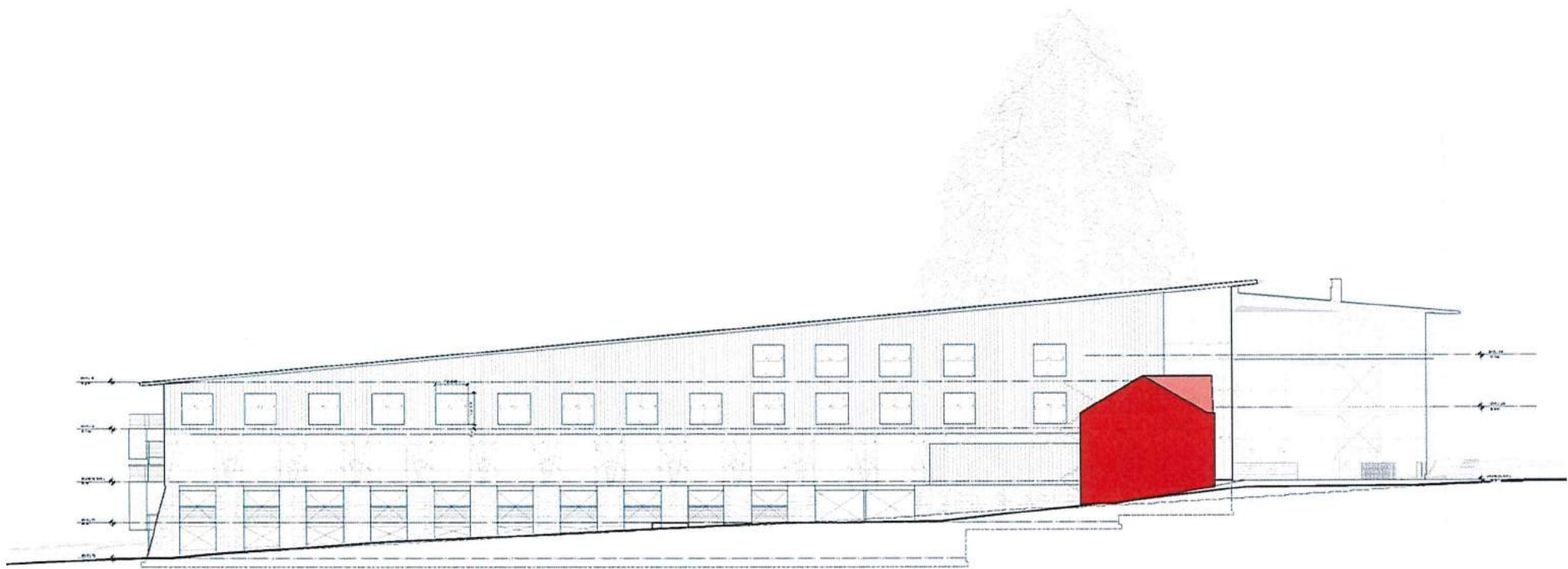
Lot Size	80,855sf
Lot Coverage	39%
Impervious Area	48%
Building Area	73,571sf
Parking Spaces	136 spaces



THE MAT
WILLIAN
SAME

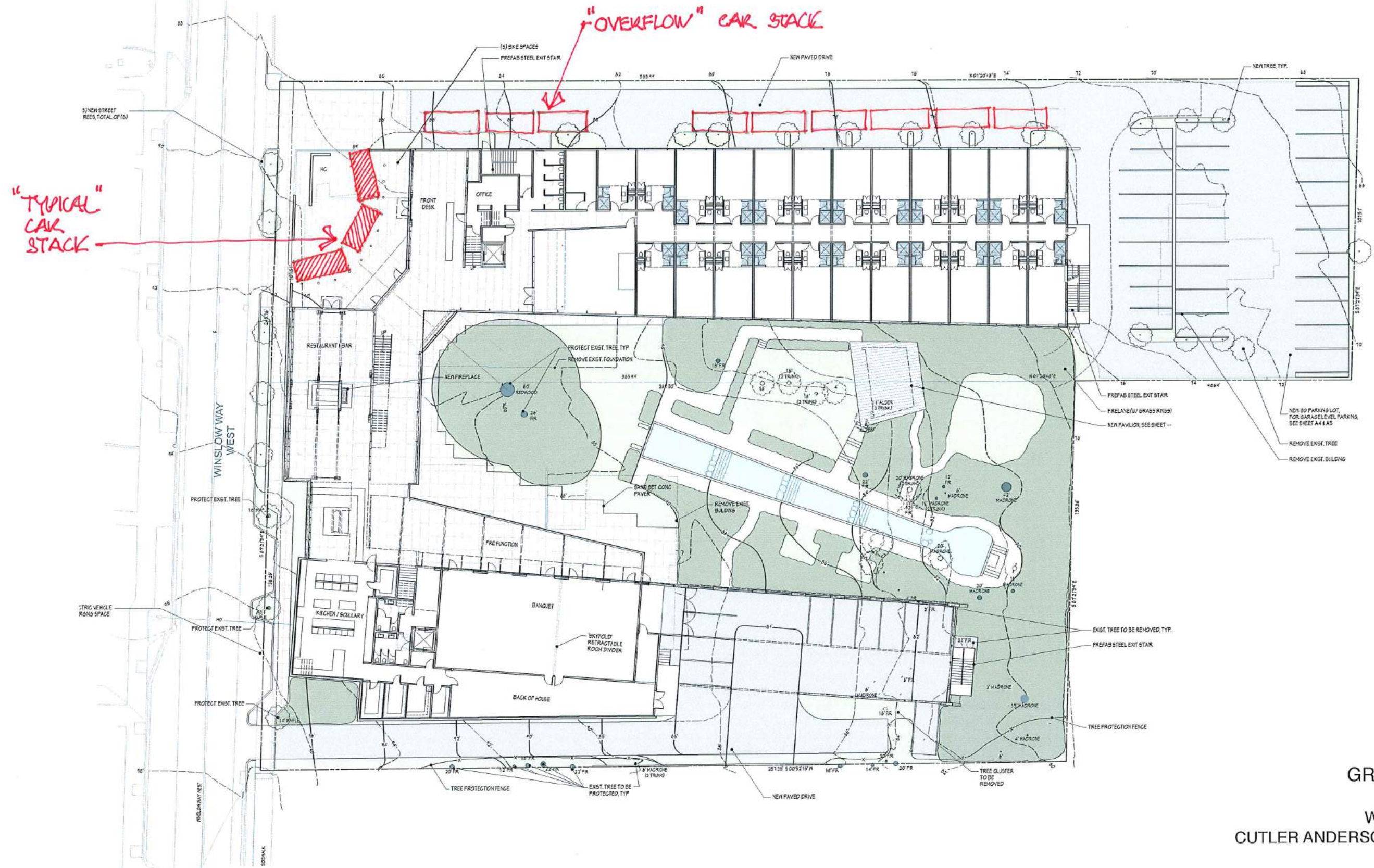
MARGE WILLIAMS AS
SUBMITTED - PUBLIC COMMENT

7.3.19



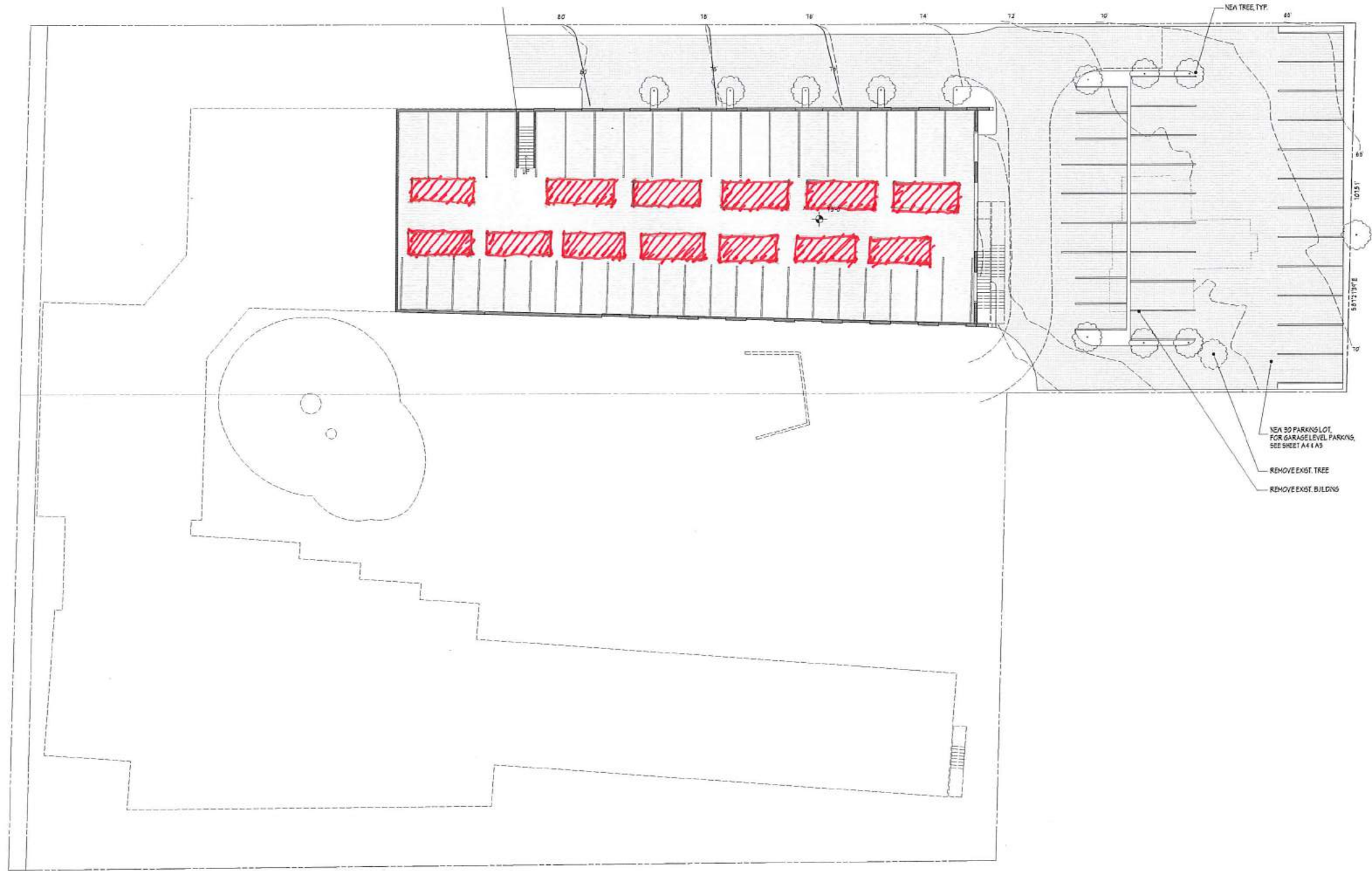
MARGE WILLIAMS
ACTUAL

7.3.19



GROUND FLOOR

WINSLOW HOTEL
 CUTLER ANDERSON ARCHITECTS
 6.20.19
 7-3-19



VALET STACK
7.3.19

LEVEL P2
SCALE 1/8" = 1'-0"

PROGRESS: NOT FOR CONSTRUCTION

NOTE: Do not scale drawings

4/25/19

3009 REGISTERED ARCHITECT

JAMES L. CUTLER
State of Washington

REVISIONS	DATE	DESCRIPTION
1	4/25/19	ISSUED FOR PERMIT

Cutler Anderson Architects

135 Parfitt Way SW, Bainbridge Island, WA 98110

P: 206.842.47109 F: 206.842.4420

Email: contact@cutler-anderson.com

Winslow Way Hotel

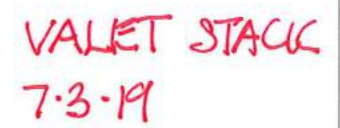
253 Winslow Way West

Bainbridge Island, WA, 98110

© Cutler Anderson Architects

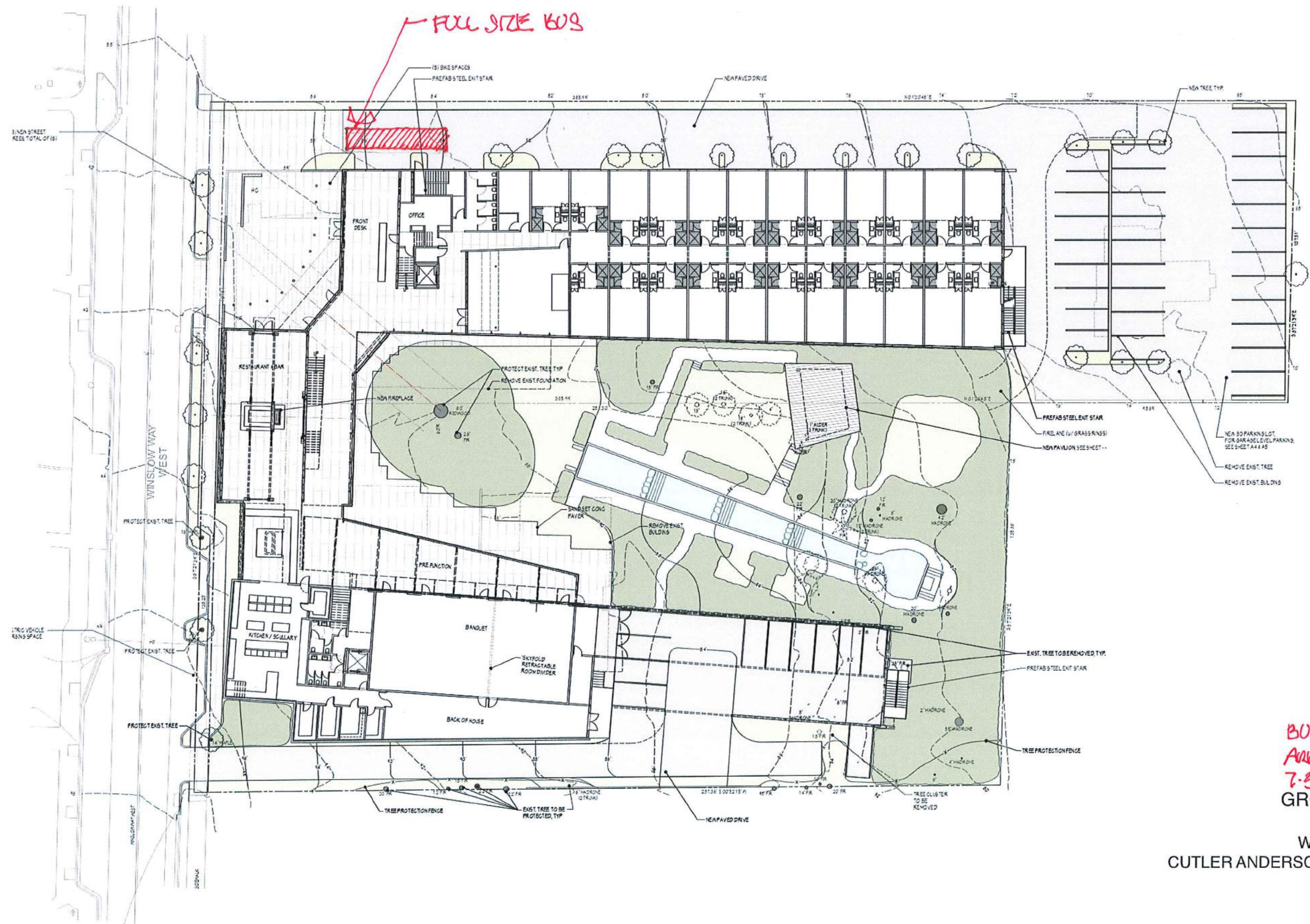
Parking Level P2 Plan

A4



SCALE 1/15" = 1' 0"

NOTE: Do not scale drawings



BUS LOCATION
ARRIVAL
7-8-19
GROUND FLOOR

WINSLOW HOTEL
CUTLER ANDERSON ARCHITECTS
6.20.19

Winslow Hotel – Comparison of base mixed use project to hotel July 3, 2019**Intensity**

Base Mixed Use Zoning
0.6 Commercial 0.4. Residential*

Proposed Hotel
Up to 1.0 Commercial

FAR **80,855** square feet

73,571 square feet

Lot Coverage Up to **100%**

39%

Required Parking **173 spaces**

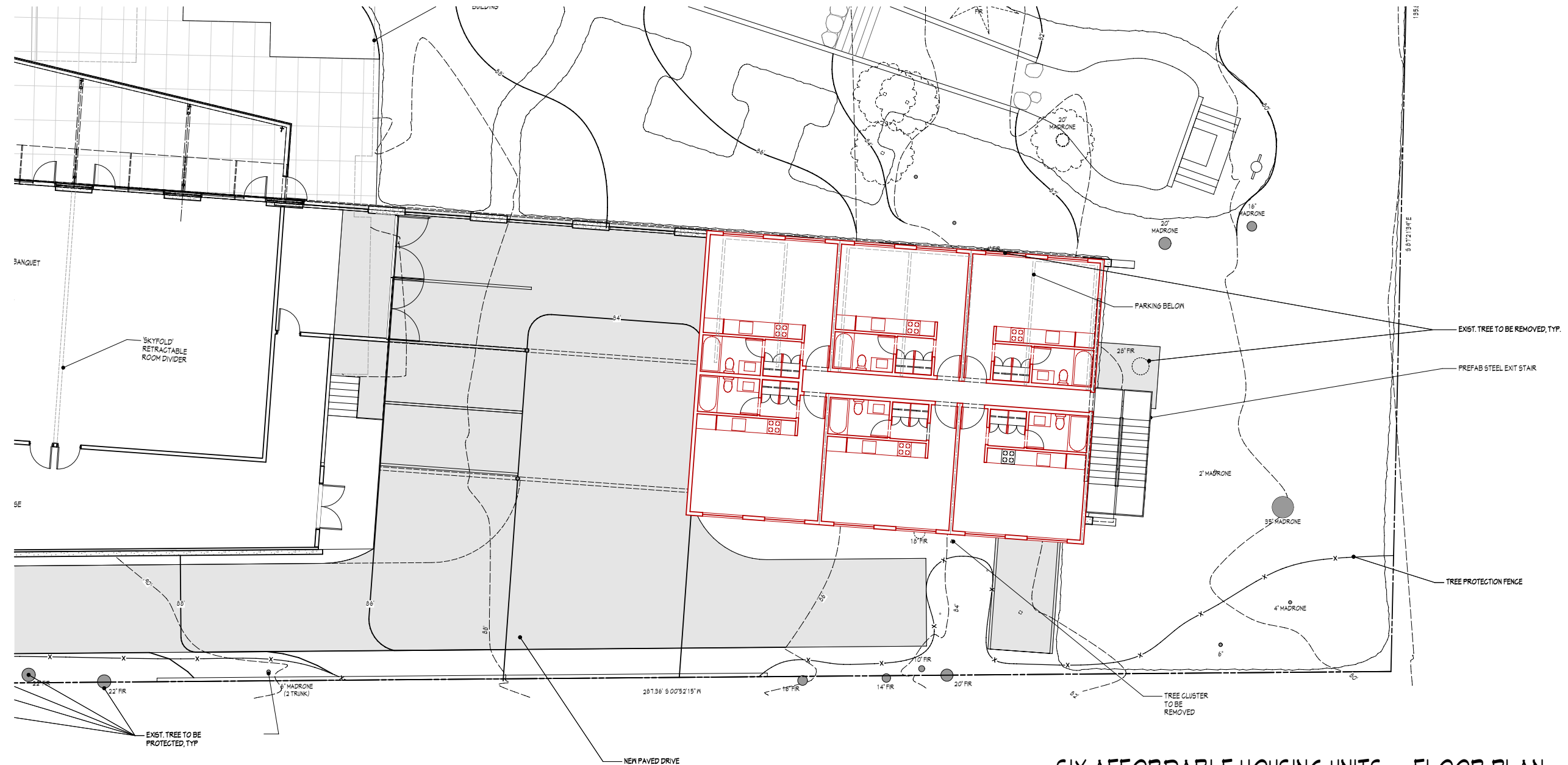
Required Parking **132 spaces***

Potential Population **575 people**

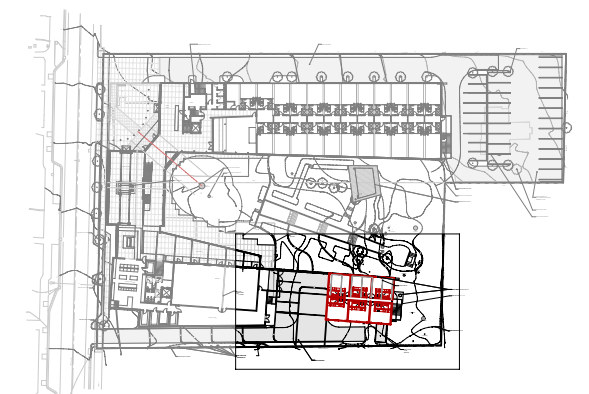
Potential Population (all unique, no overlap) **515 people***

* 5,145sf restaurant
3,000sf spa
40,368sf office & retail
75 dwellings

* Design Day – Saturday at 9:00PM

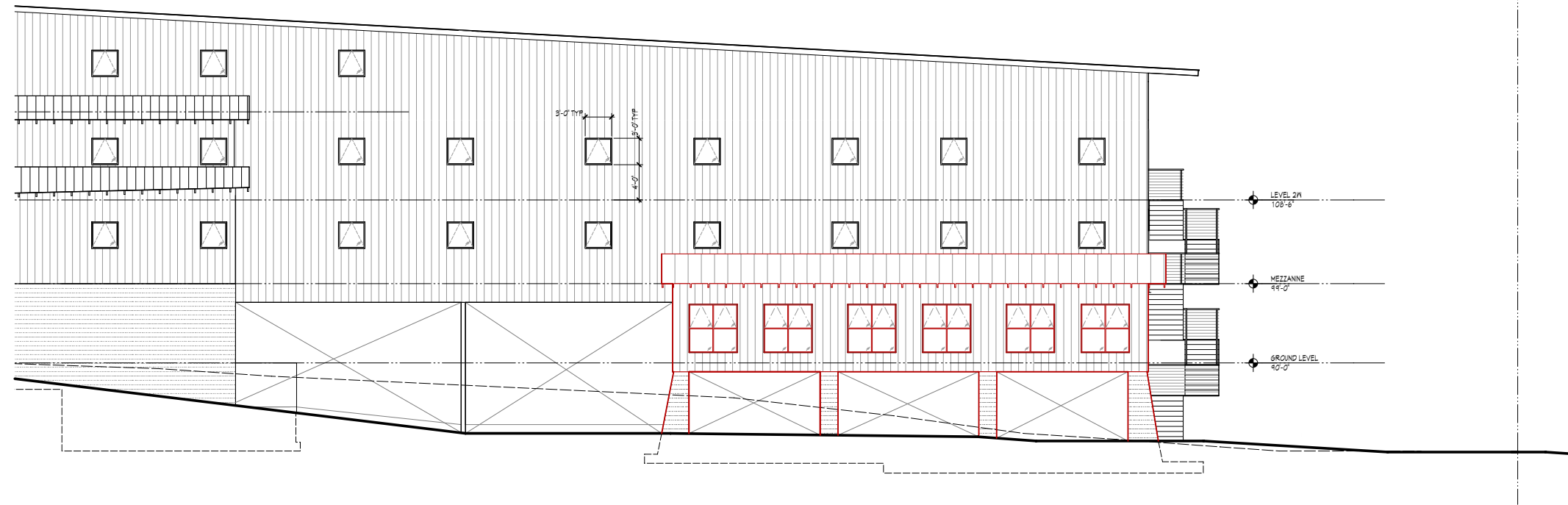


SIX AFFORDABLE HOUSING UNITS -- FLOOR PLAN

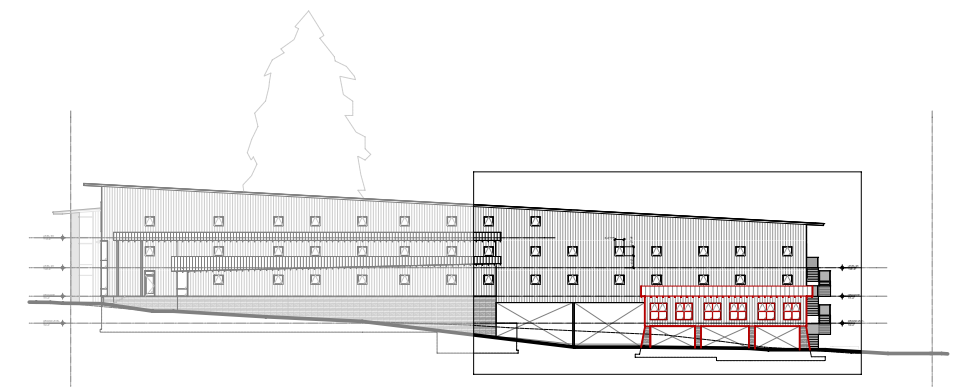


SIX AFFORDABLE HOUSING UNITS

CUTLER ANDERSON ARCHITECTS
JULY 3, 2019

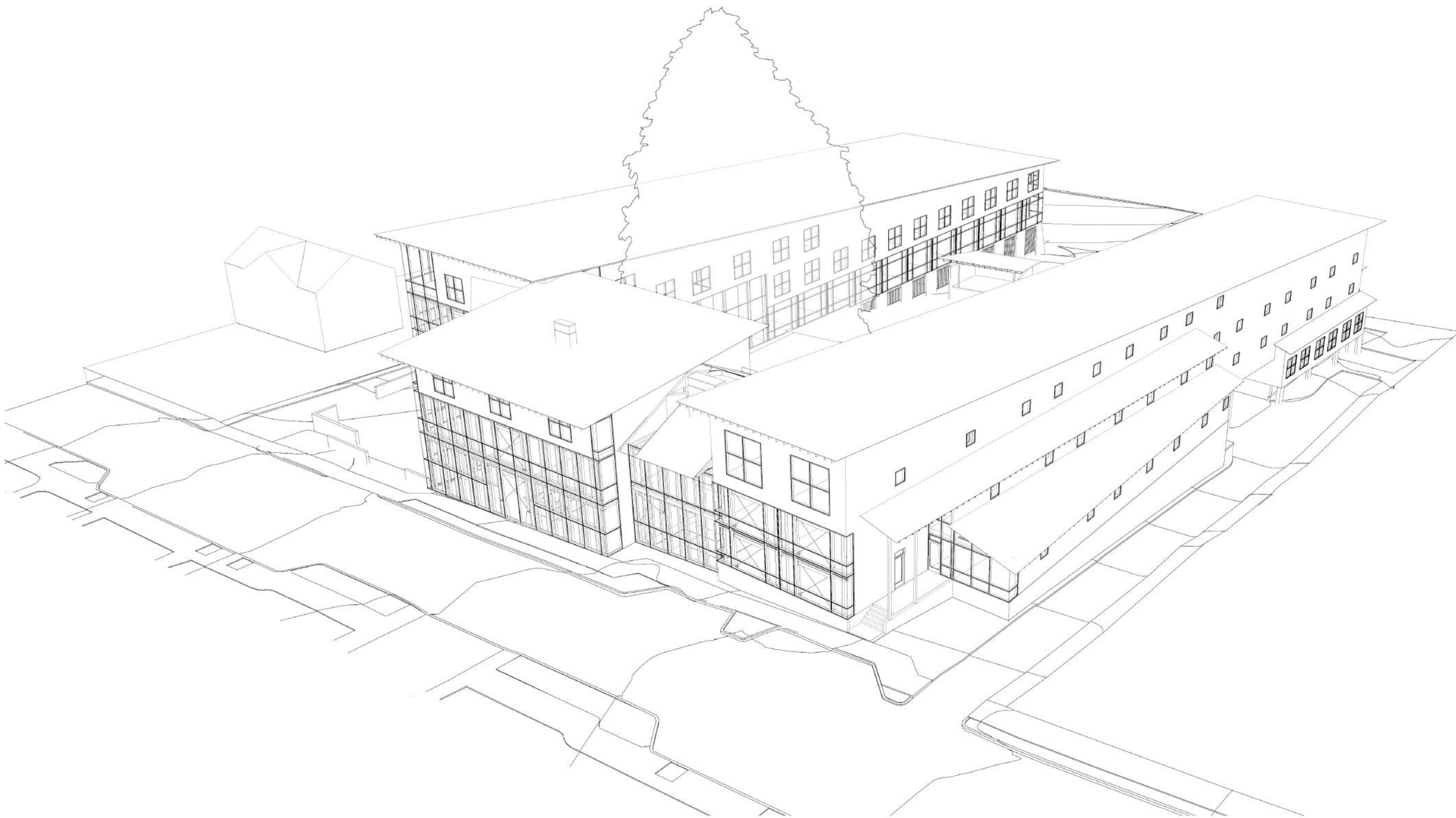


AFFORDABLE HOUSING UNITS -- WEST ELEVATION



SIX AFFORDABLE HOUSING UNITS

CUTLER ANDERSON ARCHITECTS
JULY 3, 2019



SIX AFFORDABLE HOUSING UNITS

CUTLER ANDERSON ARCHITECTS
JULY 3, 2019