

SPECIAL/REGULAR CITY COUNCIL BUSINESS MEETING
MONDAY, JULY 14, 2014
LOCATION: BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE N., BAINBRIDGE ISLAND, WA 98110

1. 5:30 P.M. EXECUTIVE SESSION
Property Acquisition (RCW 42.30.110(1)(b))
2. 6:00 P.M. WORKSHOP
 - A. 6:00 PM 2015-2020 Capital Improvement Plan
Documents: [071414 CIP Workshop.pdf](#)
3. 7:00 P.M. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
4. 7:05 P.M. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
5. 7:10 P.M. PRESENTATION
 - A. 7:10 PM Commercial Buildable Lands And Employment Projections
Documents: [071414 Commercial Buildable Lands and Employment Projections.pdf](#)
6. 7:30 P.M. PUBLIC COMMENT
7. 7:40 P.M. PUBLIC HEARING
 - A. 7:40 PM Ordinance No. 2014-04, Adopting The City Of Bainbridge Island Shoreline Master Program Update
Documents: [071414 Shoreline Master Program Public Hearing Agenda Packet.pdf](#)
8. 9:40 P.M. CITY MANAGER'S REPORT
9. 9:45 P.M. CONSENT AGENDA
 - A. Accounts Payable Voucher And Payroll Approval
Documents: [071414 AP Voucher and Payroll Approval.pdf](#)
 - B. Special/Regular Study Session Meeting Minutes, May 5, 2014
Documents: [071414 CCMIN 050514 Draft.pdf](#)
 - C. Special/Regular Business Meeting Minutes, May 12, 2014
Documents: [071414 CCMIN 051214 Draft.pdf](#)
 - D. Regular Study Session Meeting Minutes, May 19, 2014
Documents: [071414 CCMIN 051914 Draft.pdf](#)
 - E. Rescheduled Special/Regular Business Meeting Minutes, May 27, 2014
Documents: [071414 CCMIN 052714 Draft.pdf](#)

F. Resolution No. 2014-16, Regarding Unpaid Holidays For Reasons Of Faith Or Conscience

Documents: [071414 Resolution No. 2014-16 Regarding Unpaid Holidays.pdf](#)

G. Eagle Harbor Sewer Beach Mains Replacement Project, Mitigation Monitoring PSA

Documents: [071414 EHSBM Mitigation PSA.pdf](#)

H. Dripping Water Creek Culvert Replacement Project, Budget Amendment

Documents: [071414 Dripping Water Creek Budget Amendment.pdf](#)

I. 2014 Road Striping Project, Contract Award

Documents: [071414 2014 Road Stiping Project.pdf](#)

J. Sound To Olympics Trail, Preliminary Design, PSA

Documents: [071414 Sound to Olympics Trail Preliminary Design PSA.pdf](#)

K. Resolution No. 2014-17, Review Of Financial And Budget Policies

Documents: [071414 Resolution No 2014-17 Financial and Budget Policies.pdf](#)

10. 9:50 P.M. COMMITTEE REPORTS

11. 9:55 P.M. REVIEW UPCOMING COUNCIL MEETING AGENDAS

A. 9:55 PM Upcoming Council Meeting Agendas

Documents: [071414 Upcoming Council Meeting Agendas.pdf](#)

12. 10:00 P.M. FOR THE GOOD OF THE ORDER

13. 10:05 P.M. ADJOURNMENT

Times listed on this agenda are approximate. Public Comment may be limited to allow time for Council to deliberate.

Americans with Disabilities Act (ADA) accommodations provided upon request. Those requiring special accommodations, please contact the City Clerk at 206-842-2545 (cityclerk@bainbridgewa.gov) by noon on the day preceding the Meeting.

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Capital Improvement Plan	Date: July 14, 2014
Agenda Item: Workshop	Bill No.: 14-041
Proposed By: Public Works Director Barry Loveless	

BUDGET INFORMATION

Depart/Fund: N/A		
Expenditure Req: \$	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

Study Session	Recommendation:		
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☐ Yes ☐ No ☒ N/A	Finance ☒ Yes ☐ No ☐ N/A	

DESCRIPTION/SUMMARY

Action Item:

Public Works staff to update City Council on the proposed process for development of the Capital Facilities Plan and Capital Improvement Plan (CIP) for the upcoming 2015-2016 Biennial Budget. See attached PowerPoint presentation.

RECOMMENDED ACTION

Motion:

Information only.

City of Bainbridge Island
DRAFT Transportation CIP (2015 - 2020)

Project	Location	Grant Eligible	Grant Applied	Grant Funds	General Comp	Strts Component	Wtr Component	Swr Component	SSWM Comp	2015	2016	2017	2018	2019	2020	2021 - 2034
TRANSPORTATION PROJECTS - 6-YEAR CIP																
Annual Roads Preservation		X	X	303	Y					915	624	637	649	662	675	
Annual Safety Upgrades								Y		50	50	50	50	50	50	700
Mountain View Reconstruction	Manitou to End				Y			Y		86						
Wing Point Way NM Impr.	Ferncliff to Park	X	X	152	Y	Y	Y	Y		176						
Knetchel Way Sidewalk Impr.	Madison to Ericksen				Y			Y			100					
Wyatt Way Reconstr. - Phase 1	Madison to Lovell	X	X		Y	Y		Y	Y			150	120	1,330	2,100	
Winslow Way Reconstr. -Ph 2	Madison to Grow	X			Y	Y	Y	Y	Y			TBD	TBD			
Sportsman's Club/N-Brooklyn	Intersection Imprv.	X			Y						180	813				
Wardwell Rd Reconstr & Drain	Sportsman's to TCrown	X			Y			Y				100				
Country Club Rd Recon & Drain	Pst Toe Jam to Seawall				Y			Y		84	134					
TRANSPORTATION PROJECTS - 20-YEAR CIP																
Annual Road Pres. Arterials & Collectors		X			Y											8,400
Annual Road Pres. Local Access					Y											TBD
Annual Local Access Rd Reconstr.					Y			Y								TBD
Annual Upgrade Gravel Roads					Y			Y								TBD
Roadway Reconstruction Projects																
Old Mill Reconstruction	Blakely to Blakely Hill				Y			Y								TBD
Wyatt Way Reconstr. - Phase 2	Ericksen - Madison				Y			Y								TBD
Blakely Hill Road Reconstr	Halls Hill to top of hill				Y			Y								TBD
Halls Hill Road Reconstr	Blakely to top of hill	X			Y			Y								TBD
Shoreline Road Stabilization Projects																
Manitou Beach Rd Stabilization	Falk to Skiff				Y											TBD
Country Club Rd Stabilization	Shoreline frontage				Y											TBD
Manitou Beach Rd Stabilization	Murden Cove - Falk				Y											TBD
Crystal Springs Rd Stabilization	Baker to Pt White				Y											TBD
Intersection Improvement Projects																
Madison/ New Brooklyn	Intersection Imprv.	X			Y											TBD
Madison/ Wyatt	Intersection Imprv.	X			Y											TBD
Sportsman's Club/ High School	Intersection Imprv.	X			Y											TBD
TOTALS										1,311	1,088	1,750	819	2,042	2,825	9,100
Grant Totals										455						

City of Bainbridge Island
Draft Non-Motorized Transportation CIP (2015 - 2020)

Project	Location	Grant Eligible	Grant Applied (%)	Grant Funds	General Comp	Strts Comp	Wtr Comp	Swr Comp	SSWM Comp	2015	2016	2017	2018	2019	2020	2021 - 2034
NON-MOTORIZED PROJECTS - 6-YEAR CIP																
SR305/Olympic Drive NM	Harbor Dr. to Winslow Way			644	Y					644						
Sound to Olympic Trail Phase 2	Winslow W. to Hi School Rd.			1,254	Y					1,450						
Sound to Olympics Trail Phase 3	STO Trail to Ericson Ave.	x	x		Y					173	644	100	2,610			
Sound to Olympics Trail Phase 4	Vineyard Ln to High School Rd	x	x	692	Y					800						
Wing Point Way Non Motorized	Ferncliff to Park	x	x	1331	Y	Y	Y	Y		1,539						
Islandwide Gaps ROW Acquisition	* Identifies Projects				Y					TBD	TBD	TBD	TBD			
Wyatt Way Reconstr- Phase 1 (Alt1)		x														
Knetchel Sidewalk Improvements	Near Madison				Y					10	5	31	100			
Cave Ave. Sidewalk Improvements					Y					6	3	43	25			
Connecting Pathways					Y					25	25	25	25	25	25	
C40-Spot Projects					Y					50	50	50	50	50	50	
Top 5 Road Safety Projects by NMTAC:																
C40 - Miller Road	Tolo to Pederson Hill	x	x		Y						50	882				
C40 - Bucklin Phase 2	Blakely - Fletcher Bay	x			Y					31	16	252	281			
C40 - Eagle Harbor - Phase 1	Wyatt - Past Bucklin	x			Y						110	45	15	800	610	
C40 - Eagle Harbor - Phase 2	Pst Bucklin- McDonald	x			Y									700		
C40 - Fletcher Bay Road	New Brooklyn to HS Rd	x	x		Y						408					
C40 - Lynwood Center	Bucklin - Pt. White	x			Y										505	
Transportation Projects - 20 Years CIP																
Wyatt Way NM - Phase 1 (Alt2)	Madison to Lovell	x			Y											TBD
Wyatt NM - Phase 2	Ericksen - Madison				Y											TBD
Wyatt Sidewalk Extension	E of Weaver - Weaver				Y											TBD
Wyatt sidewalk Extension	Weaver to Gowen				Y											TBD
Sound Olympics Trail Future Phases	Various	x			Y											TBD
C40 - Valley	N. Madison - Sunrise				Y											TBD
Grow Ave NM Impr.	Winslow Way - Wyatt				Y											TBD
Lost Valley Trail - Phase 1	Carmella Lane				Y											TBD
Winslow Way Reconstr.- Phase 2	Madison to Grow	x			Y	Y	Y	Y								TBD
Madison Avenue NM Impr.	Wyatt to High School				Y											TBD
C40 - Fletcher - Phase 2+	Lynwood to High School	x														TBD
C40 - Day	SR305 to N. Madison	x														TBD
C40 - Blakely	Bucklin to Country Club	x														TBD
C40 - Sportsman's Club	Wyatt to SR305	x														TBD
C40 - High School	Sportsman's to Fletcher Bay	x														TBD
C40 - North Madison, Phase 3+	Winther to Day	x														TBD
TOTALS										4,728	1,311	1,428	3,106	1,575	1,190	0
Grant Totals										3,921	3	35				

City of Bainbridge Island
DRAFT Facilities CIP (2015- 2020)

Project		Grant Applied	Grant Awarded	Grant Funds	General Comp Strts Component Wtr Component Swr Component SSWM Comp	2015	2016	2017	2018	2019	2020	2021 - 2034
FACILITIES PROJECTS - 6-YEAR CIP												
Waterfront Park / City Dock Impr.	Waterfront Park				Y							
Design/Permitting						160						
Construction		x				500	960					
Police Station Repairs / Replacement	Police Station				Y							
Design						TBD						
Construction							TBD					
Pedestrian Bridge Reconstruction	WF Park Trail					100						
Road End Improvements	Island Wide				Y	150						
RCM Lighting Upgrade	City Hall				Y		25					
HVAC System Equip. Upgrade	City Hall				Y	41	42	43	44			
Fueling System Upgrade Design	Public Works Facility				Y				15			
HVAC System Equip. Upgrade	Public Works Facility				Y					14		
Fueling System Upgrade	Public Works Facility				Y					75		
FACILITIES PROJECTS - 20-YEAR CIP												
City Farmland Infrastructure	Island Wide				Y							TBD
SCADA Software Upgrade (HVAC)	City Hall				Y							TBD
SCADA Software Upgrade (Security)	City Hall				Y							TBD
TOTALS						951	1,027	43	59	89	0	TBD

Amounts in thousands

City of Bainbridge Island
DRAFT FLEET and EQUIPMENT CIP (2015 - 2020)

Project		Grant Applied	Grant Awarded	Grant Funds	General Comp	Strts Component	Wtr Component	Swr Component	SSWM Comp	2015	2016	2017	2018	2019	2020	2021 - 2034
FLEET PROJECTS - 6-YEAR CIP																
Police Vehicles (3)					139					139	143	147	151	156	161	
Small Capital Equip <\$10,000					10	10	10	10	10	50	50	50	50	50	50	
Roadside Mower						77			19	96						
Medium Duty Pickup Truck					33	8				41						
Sweeper						42			169		211					
Phone System					50						50					
Cab and Chassis						88			88			176				
Medium Duty Pickup Truck					22	22						44				
Roadside Mower						83			21				104			
Chipper						36							36			
Commercial Lawn Mower					8								8			
Roller Compactor w Trailer						35								35		
Pup Trailer						29			29					58		
Van							33	8						41		
Light Duty Pick Up					7	7	7	7	7					35		
Emergency Generator								60						60		
Shoulder Gravel Conveyor						37								37		
Small Sander Attachment						6								6		
FLEET PROJECTS - 20-YEAR CIP																
Annual - Fleet Replacement					x	x	x	x	x							TBD
Annual - IT Equipment Capital Items					350											350
TOTALS										326	454	417	349	272		350

Amounts in thousands

City of Bainbridge Island
DRAFT Water CIP (2015- 2020)

Project	Location	Grant Applied	Grant Awarded	Grant Funds	General Comp	Strts Component	Wtr Component	Swr Component	SSWM Comp	2015	2016	2017	2018	2019	2020	2021 - 2034
WATER PROJECTS - 6-YEAR CIP																
Annual Preservation Program						Y				147	148	151	154	157	160	2,170
Wing Point Way						Y	Y	Y	Y	769						
Winslow Way Reconstr.-Ph 2	Madison to Grow					Y	Y	Y				TBD	TBD			
WATER PROJECTS - 20-YEAR CIP																
Taylor Avenue Well						Y										TBD
Sands Well #2						Y										TBD
High School Reservoir						Y										TBD
Fletcher Bay Well						Y										TBD
Wyatt High Zone Main	Madison - Grow					Y	Y	Y								TBD
TOTALS										916	148	151	154	157	160	2,170

City of Bainbridge Island
DRAFT Sewer CIP (2015 - 2020)

Project	Location and/or Phase	Grant Applied	Grant Awarded	Grant Funds	General Comp	Strts Component	Wtr Component	Swr Component	SSWM Comp	2015	2016	2017	2018	2019	2020	2021 - 2034
SEWER PROJECTS - 6-YEAR CIP																
Annual Preservation Program								Y		149	152	155	158	161	161	2,240
Wing Point Way Sewer	Wing Point					Y	Y	Y	Y	1,073						
Winslow Way Reconstr.-Ph 2	Madison to Grow					Y	Y	Y				TBD	TBD			
SEWER PROJECTS - 20-YEAR CFP																
Pump Station Upgrade - Various	Madison - Grow					Y	Y	Y								TBD
Pump Station Upgrade - Village	Village															TBD
WWTP Upgrade - Various	Hawley															TBD
Extend Outfall	Wing Point															TBD
TOTALS										1,222	152	155	158	161	161	2,240

Amounts in thousands

City of Bainbridge Island

Draft Stormwater CIP (2015 - 2020)

Project	Grant Eligible	Grant Applied	Grant Funds	General Comp	Strts Component	Wtr Component	Swr Component	SSWM Comp	2015	2016	2017	2018	2019	2020	2021 - 2034	
STORMWATER PROJECTS - 6-YEAR CIP																
2015-20 Annual Stormwater Preservation							Y		281	285	291	297	303	309		
							Y									
Wardwell Rd Reconstruction and Drainage Imp.	X				Y		Y				446					
Wardwell at Woodward Creek Culvert Replacement	X						Y			45	200					
Mtn. View Dr. Reconstruction and Drainage Imp.					Y		Y		53							
Yeomalt Area Drainage Improvements	X						Y				510					
Wing Point Way NM Imp. Project					Y	Y	Y	Y	TBD							
Halls Hill at Blakely Falls Creek Culvert							Y		150							
Waterfront Park Outfall Reconstruction	X						Y			170						
Eagle Harbor Dr at Cooper Creek Culvert							Y			150						
Knetchel Way Sidewalk Improvements					Y		Y									
Cave Avenue Sidewalk Improvements					Y		Y									
Deep Culvert Preservation Assessment							Y		75							
Deep Culvert Preservation Program							Y			50	200	250	200	250		
*Eagle Hrbr Dr. Culvert Repairs at McDonald Creek							Y				*	*				
*Eagle Hrbr Dr. Culvert Repairs at Creosote Creek							Y					*	*			
Rockaway Beach Rd. Outfall							Y		200							
CountryClub Rd. Reconstruction & Drainage Impr.					Y		Y			250						
Blakely Avenue Area Drainage Improvements							Y					45	30	250		
Eagle Harbor Dr. at Cooper Creek Culvert Replacement					Y		Y				100	100	400			
Springbrook Creek Restoration and Culvert Replace	X						Y		74	600						
STORMWATER PROJECTS - 20-YEAR CIP																
Annual Stormwater Preservation Program							Y								5,239	
Deep Culvert Preservation Program							Y								0	
Management Reserve for Deep Culvert Replacements							Y								2,500	
Culvert and Outfall Projects:																
Miller Rd at Issei Creek Culvert Replacement							Y								266	
Yeomalt Outfall Improvements							Y								400	
Fletcher Bay Rd at Springbrook Creek Culvert Replace							Y								270	
High School Rd at Springbrook Creek Culvert Replace							Y								230	
Country Club Rd at Mac's Dam Creek Culvert Replace							Y								375	
Southbeach Drive Culvert & Outfall Impr.							Y								50	
Management Reserve for 2024-2034							Y								2,500	
Area Drainage Projects:																
Hansen Road Area Drainage Improvements							Y								100	
Park Avenue Area Drainage Improvements							Y								200	
Sunrise Drive Area Drainage Improvements							Y								500	
Manzanita Area Drainage Improvements															300	
Battle Point Dr. and Skinner Rd Area Drainage Impr.							Y								200	
Venice Loop Area Drainage Improvements							Y								150	

Amounts in thousands

City of Bainbridge Island
Draft Stormwater CIP (2015 - 2020)

Project	Grant Eligible	Grant Applied	Grant Funds	General Comp	Strts Component	Wtr Component	Swr Component	SSWM Comp	2015	2016	2017	2018	2019	2020	2021 - 2034	
<i>Puget Sound Partnership LIO Projects:</i>																
Management Reserve for Water Quality Projects															1,000	
Salt Marsh and Creek Restoration	X							Y							TBD	
WF Park Bulkhead Removal and Conveyance Retrofit	X							Y							TBD	
Point Monroe Lagoon/ Faye Bainbridge Outfall	X							Y							TBD	
Blakely Hill Road Drainage and Outfall Imp.	X							Y							TBD	
Yeomalt Madonna Retrofits and Outfall Imp.	X							Y							TBD	
Madison South and Winslow Way East Retrofits	X							Y							TBD	
Euclid Culvert Replacement	X							Y							TBD	
Wardwell roadway drainage retrofit	X							Y							TBD	
TOTALS									833	1550	1747	692	933	809	14,280	
Notes:																
* Project also shown as potential grant funded project below. Portion of project may be grant eligible																



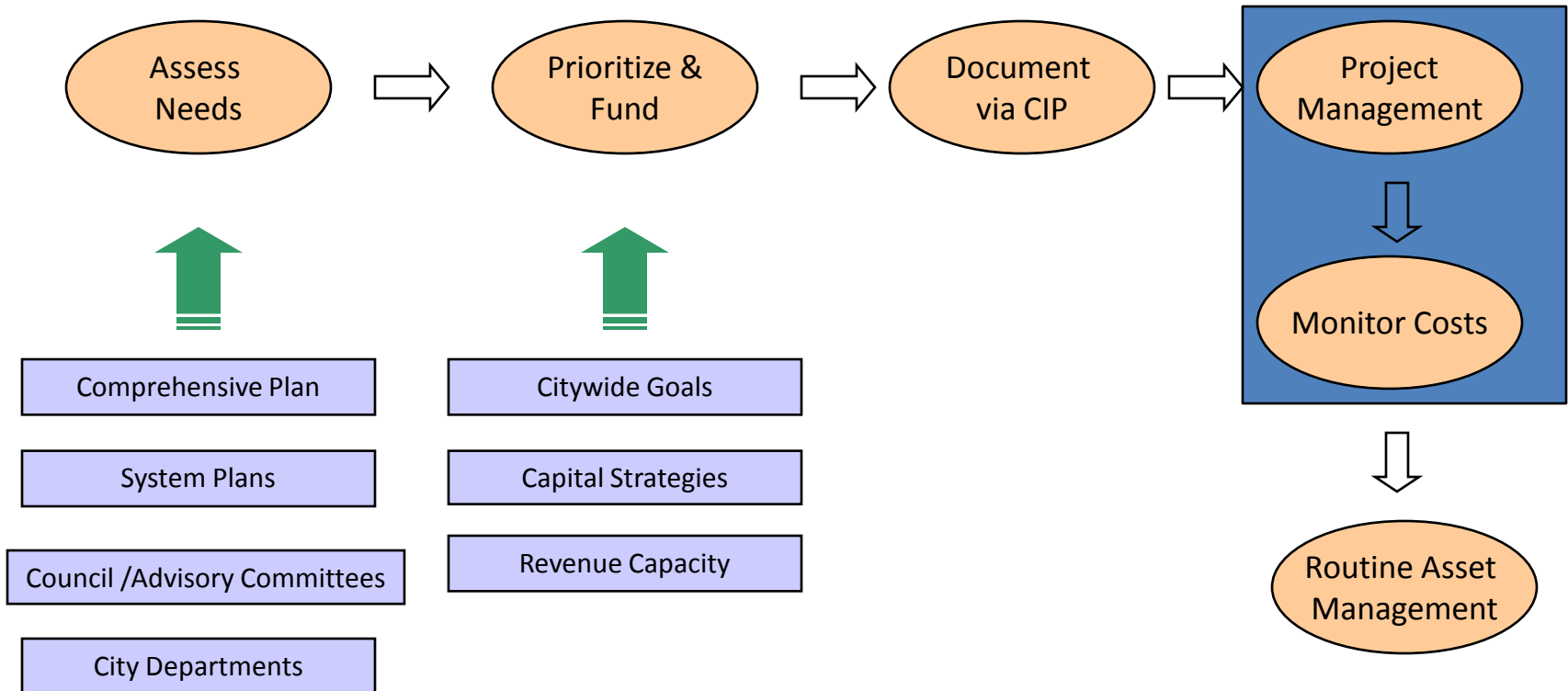
Draft Capital Improvement Plan (CIP)

2015-2020

July 14, 2014

Capital Planning:

Overview of a Complete Process



2015-2020 Capital Improvement Plan (CIP)

Purpose of July Update:

- Review projected capital funding capacity
- Develop final draft list of projects ahead of biennial budget development
 - o Review proposed changes from prior update
 - o Informs budget development
- Council identify any emerging priorities not reflected in the draft list

Funding Summary: Tax-Supported

Estimated as of July 14, 2014

Amounts shown are net of expected grant funding:

	Proposed <u>2015</u>	Proposed <u>2016</u>	Approved <u>2014</u>
Transportation	\$856,000	\$1,088,000	\$1,324,000
Non-Motorized	\$797,000	\$1,308,000	\$341,000
Facilities	\$951,000	\$1,027,000	\$2,113,000
Fleet & Equipment	<u>\$277,000</u>	<u>\$255,000</u>	<u>\$433,000</u>
	\$2,881,000	\$3,678,000	\$4,211,000
WSF settlement funds	\$810,000	\$960,000	\$2,000,000
Transportation Benefit District	\$300,000	\$300,000	\$300,000
Roads funding in Operating Budget	<u>\$612,000</u>	<u>\$624,000</u>	<u>\$600,000</u>
Net Capital Expenses:	\$1,159,000	\$1,794,000	\$1,311,000

Review CIP Sheets

2015-2020 Capital Improvement Plan (CIP)

2015 Funding Estimate as of July 2014:

Transportation

✓ Annual Roads Preservation	\$ 612,000
✓ Federal Preservation Funds	\$ 303,000*
✓ Annual Safety Upgrade Program	\$ 50,000
✓ Mountain View Reconstruction	\$ 86,000
✓ Wing Point Way NM Project Overlay	\$ 176,000*
✓ Country Club Road Reconstruction	\$ <u>84,000</u>

Design

Net Capital Expense	\$ 856,000
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* Amounts shown do not reflect expected grant funding (\$455,000) .

2015-2020 Capital Improvement Plan (CIP)

2015 Funding Estimate as of July 2014:

Non-Motorized Transportation

✓ Olympic Drive Project Const (S-T-O Project – Phase 1)	\$ 644,000*
✓ S-T-O Project – Phase 2 Const	\$ 1,450,000*
✓ S-T-O Project - Phase 3 Design/ROW	\$ 173,000
✓ S-T-O Project - Phase 4 Construction	\$ 800,000*
✓ Wing Pt Way NM Improvements	\$ 1,539,000*
✓ Cave Ave Sidewalk Design/ROW	\$ 6,000
✓ Annual Spot Projects	\$ 50,000
✓ Connecting Paths	\$ 25,000
✓ C40 Bucklin Hill Design/ROW	\$ <u>31,000</u>
Net Capital Expense	\$ 797,000

* Amounts shown do not reflect expected grant funding (\$3,921,000).

2015-2020 Capital Improvement Plan (CIP)

2015 Funding Estimate as of July 2014:

- **Facilities**

✓ Waterfront Park/City Dock	\$ 660,000
✓ Road Ends Projects	\$ 150,000
✓ WF Park Bridge Reconstruction	\$ 100,000
✓ City Hall HVAC Upgrade	<u>\$ 41,000</u>
	\$ 951,000

- **Fleet/Equipment**

✓ Police Fleet Replacement	\$ 139,000
✓ O&M Fleet Replacement	\$ 137,000
✓ Small Equipment	\$ 50,000
✓ Information Technology	<u>\$ 10,000</u>
	\$ 336,000

2015-2020 Capital Improvement Plan (CIP)

2015 Funding Estimate as of July 2014:

Water Utility

Annual/Programmatic	\$ 147,000
Wing Pt Way Waterline Replacement	\$ <u>769,000</u>
	\$ 916,000

Sewer Utility

Annual/Programmatic	\$ 149,000
Wing Pt Way Sewer Replacement	\$ <u>1,073,000</u>
	\$ 1,222,000

Note: Projected funds balances sufficient to fully-fund proposed projects.

2015-2020 Capital Improvement Plan (CIP)

2015 Funding Estimate as of July 2014:

Stormwater Utility

Annual/Programmatic	\$ 281,000
Mountain View Road Drainage Impr.	\$ 53,000
Deep Culvert Assessment	\$ 75,000
Blakely Falls Creek Culvert	\$ 150,000
Rockaway Beach Road Outfall Replacement	\$ 200,000
Springbrook Creek Culverts Design	<u>\$ 74,000</u>
	\$ 833,000

Note: Projects listed are recommended program. Project list may have to be adjusted pending Comprehensive Utility Review and Financial Capacity Analysis

2015-2020 Capital Improvement Plan (CIP)

Next Steps:

- City Council Workshop to Develop Project List – Completed
- Planning Commission receives – Completed
- City Council Workshop to finalize Draft Project List – Today
- Planning Commission Public Hearing – July 24
- Council receives in final form in Aug/Sep
- Council discussion and review - Oct

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Commercial Buildable Lands and Employment Projections	Date: July 14, 2014
Agenda Item: Presentation	Bill No.: 14-110
Proposed By: Planning Director Kathy Cook	

BUDGET INFORMATION

Depart/Fund:

Expenditure Req:	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No
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REFERRALS/REVIEW

Kitsap Regional Coordinating Council Planning Directors Forum	Recommendation: Information and Discussion
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City Manager ☒ Yes ☐ No ☐ N/A	Legal ☐ Yes ☐ No ☒ N/A	Finance ☐ Yes ☐ No ☒ N/A
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DESCRIPTION/SUMMARY

Action Item: Information will be presented on the Buildable Lands Report, a collaborative project that is currently underway with Kitsap County and its cities, working with BERK Consulting. The results of the report will be used to inform the 2016 Comprehensive Plan Updates. The specific focus of the presentation at the City Council meeting on July 14 will be the Commercial Buildable Lands Report and Capacity Analysis. The Kitsap Regional Coordinating Council has asked each jurisdiction to review the purpose, scope and methodology of the analysis to ensure that all questions have been identified and answered. Planning staff from Kitsap County and the City of Bainbridge Island will be available to help facilitate the discussion.

Background:

Please refer to attached staff memo.

RECOMMENDED ACTION

Information and discussion.

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City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT



MEMORANDUM

TO: City Council

FROM: Jennifer Sutton, AICP
Special Project Planner

DATE: June 26, 2014

RE: Kitsap County & Bainbridge Island Commercial Buildable Lands Report and Capacity Analysis

Background

In 1997, the Washington State legislature adopted an amendment to the Growth Management Act (GMA) that requires six counties (including Kitsap) in Western Washington, and the cities and towns within their boundaries to conduct a Buildable Lands Analysis and monitoring program (RCW 36.70A.215). The Buildable Lands Program requires participating jurisdictions to periodically gather data each year and evaluate the level of development occurring within their jurisdiction. The purpose of this quantitative approach is to determine how a county and its cities are growing, and achieving their growth strategies and targets for residential and commercial development. The results of the residential and commercial Buildable Lands Report (BLR) and Land Capacity Analysis (LCA) will inform the 2016 Comprehensive Plan Update. Tonight's discussion will focus on the current Buildable Lands Report update for commercial land.

The Kitsap Regional Coordinating Council (KRCC) and planning staff from Kitsap County and its cities (including Bainbridge Island) began work on the Buildable Lands Report (BLR) in 2013, with the County organizing the effort and collecting the permitting data from all of the cities. Attachment A outlines a schedule for the BLR. The last time the City/ County completed a BLR was in 2007.

The first step in the 2014 BLR was for the City to create reports of all residential, mixed use and commercial development building permits issued from 2006-2012. That permit data was integrated into GIS maps, and when combined with information related to existing development and zoning, yields a picture of City development from 2006-2012.

Capacity Analysis

The next step in the BLR report is the land capacity analysis (LCA). A series of "deductions" were taken out of vacant or underutilized lands, such as critical areas and buffers. The methodology for the commercial land deductions is explained in depth in the attached memo prepared for the County/ KRCC by BERK Consulting. A "quick look" table outlining the deductions is on the bottom of page 5 of the

memo. It should be noted that the City LCA did not deduct any area for future roads/ rights-of-way because density, floor area ratio (FAR), and lot coverage potential are measured on gross lot area prior to any required right-of way dedication (BIMC Section 18.12.050) . The BERK memo describes in detail the methodology for translating commercial floor area into number of jobs.

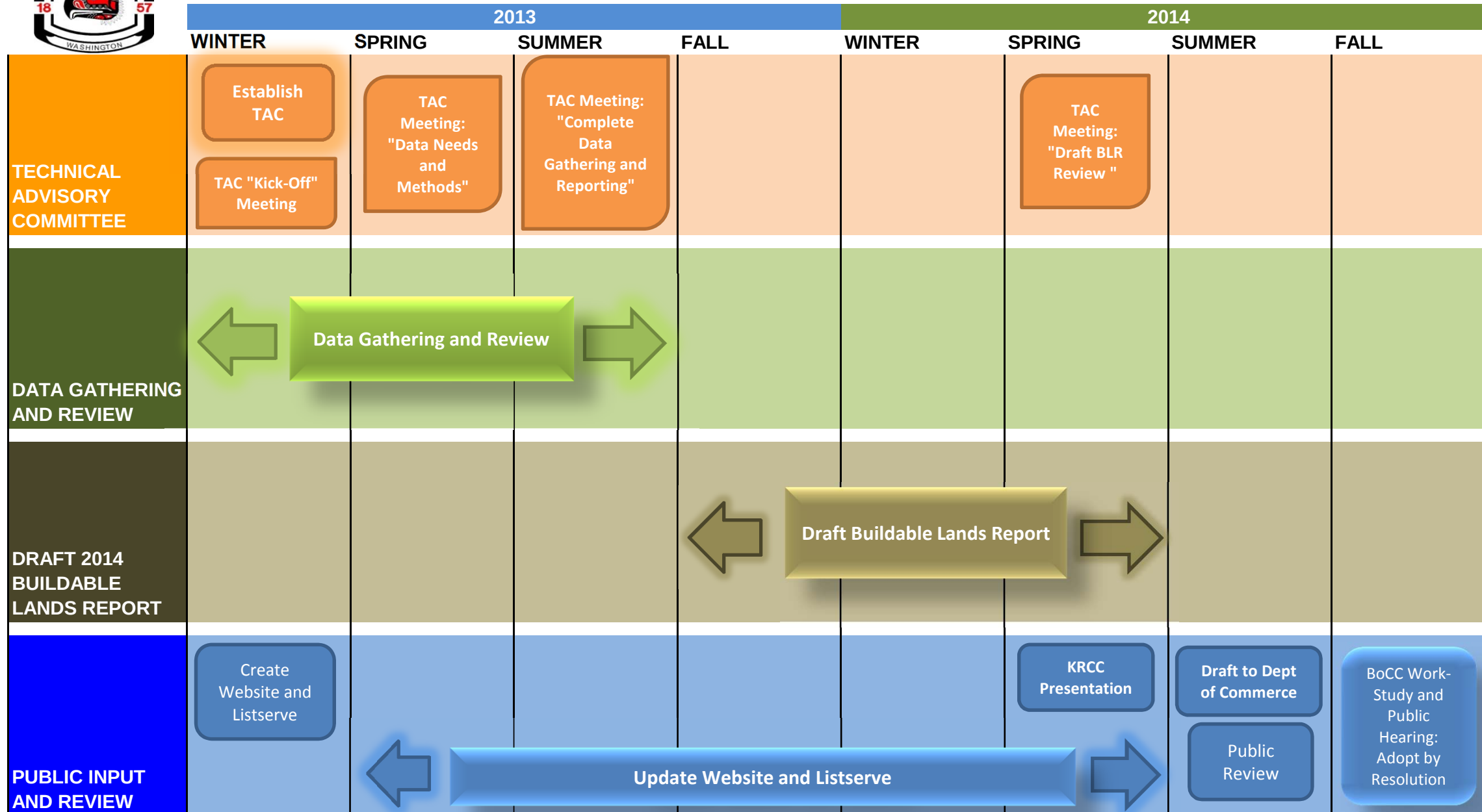
Employment Ratio

The next step for KRCC in the BLR/ LCA process is to finalize what employment ratio is going to be applied to underutilized and vacant lands. The employment ratio is a ratio of (City) population to jobs. KRCC is considering an employment ratio of 2.65- which means 2.65 persons (population) per job. The rationale for that ratio is described in the attached BERK memo. This employment ratio target will tell us how many jobs the City should plan for in the 2016 Comprehensive Plan Update. In evaluating and planning for commercial development for the 2016 Comprehensive Plan Update, the commercial LCA analyzes whether or not the City has enough commercial land to accommodate the employment targets, or whether additional commercial land will be needed.

The Planning Commission had a similar briefing on the commercial BLR/ LCA and employment ratio methodology on June 26th .



KITSAP COUNTY BUILDABLE LANDS REPORT SCHEDULE 2013-2014



KITSAP COUNTY EMPLOYMENT ALLOCATIONS & LAND CAPACITY REVIEW

Overview and Supplement | June 16, 2014

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INTRODUCTION

The Growth Management Act (GMA) requires that counties consult cities and allocate population growth within a range of projections provided by the Washington State Office of Financial Management (OFM). GMA also requires that counties consult with cities and size their Urban Growth Areas (UGAs) based on growth over a 20-year period. Last, GMA requires that comprehensive plans and development regulations provide sufficient land capacity for development to accommodate projected population and employment growth. (RCW 36.70A.110 and 115)

Kitsap County and cities have already agreed on population allocations in adopted Countywide Planning Policies. Under current consideration are employment allocations.

This document provides an overview of proposed Kitsap County employment allocations and associated land capacity review developed in collaboration with Kitsap County and city planners at the Kitsap Regional Coordinating Council Planning Directors Forums. Forums were held between January and June 2014.

This document supplements and updates the BERK Consulting memo prepared for Kitsap County dated February 6, 2014, titled “Preliminary Review of Kitsap County Countywide Employment Projection Options.” This document also illustrates the results of the buildable land capacity approach consistent with BERK Consulting’s March 24, 2014 memo titled “Kitsap County Commercial Buildable Lands Methods.”

COUNTYWIDE POPULATION/EMPLOYMENT RATIO

At the regional or county level, population and employment are typically linked and related, and grow or decline at similar rates. Growth or decline in population will contribute to growth or decline in employment, and vice versa. For this reason, it is important to understand the relationship between population and employment in Kitsap County when setting countywide employment targets.

Table 1 compares population/employment ratios illustrating the PSRC Vision 2040 strategy (Option 3e) as applicable to the 2010 to 2035 periods and applying that 2.65 population/employment ratio to the Kitsap County Countywide Planning Policy population target of 331,571 (Option 3f). The

population/employment ratio of 2.65 is added to the working allocation model as an option along with 2.6, 2.71, and 2.73 reflected in various options below.

Table 1. Summary of Employment Target Options including 2035 Regional Growth Strategy

Method	2035 Projections		
	Population	Total Non-Farm Employment	Population-Employment Ratio
1a. Applying 2035 adopted pop-emp ratio to new 2035 population	331,571	127,400	2.60
1b. Extending 2025 employment to 2035 at 2010-2025 growth rate	331,571	152,356	2.18
2. Growing 2010 Pop-Emp Ratio at same rate as State average	331,571	121,646	2.73
3a. PSRC Land Use Baseline	382,210	129,810	2.94
3b. PSRC Land Use Targets	368,881	136,119	2.71
3c. PSRC Land Use Baseline - Recommended 2035 Pop Target	331,571	112,611	2.94
3d. PSRC Land Use Targets - Recommended 2035 Pop Target	331,571	122,351	2.71
3e. PSRC VISION 2040 Regional Growth Strategy - 2035	355,406	134,074	2.65
3f. Alternative 2035 Adopted pop and 2035 RGS emp	331,571	125,082	2.65

Source: PSRC 2014; BERK Consulting 2014

Note: This table is updated from Exhibit 3 in the February 6, 2014 memo "Preliminary Review of Kitsap County Countywide Employment Projection Options".

Kitsap County and City Planners recommend a population/employment ratio of 2.65 for greater consistency with the VISION 2040 Regional Growth Strategy. A ratio of 2.65 is also similar to the Kitsap County Comprehensive Plan based ratio of 2.6, while also recognizing the demographic changes that are anticipated in the future looking at state trends (e.g. aging population).

Applying the 2.65 ratio to the adopted 2035 population target of 331,571, results in a countywide total employment of about 125,100 jobs; net growth from 2010-2035 would equal approximately 46,160 jobs. Allocation of projected jobs is addressed in the section below.

ALLOCATION SHARE COMPARISON

Table 2 and Table 3 present comparisons of different allocation shares among the cities and UGAs, showing shares of total jobs and shares of net jobs over the 2010-2035 period. These share options were developed using an Excel-based allocation model, and are described below.

- The 2010 Share represents a continuation of current 2010 employment shares based on Employment Security Data (ESD) allocated to transportation analysis zones and matched to cities, UGA, and rural areas.
- The Original Remand Share reflects the Kitsap County 2012 Comprehensive Plan as adopted following the Remand (essentially upholding 2006 Comprehensive Plan approach to employment since the Remand focused on residential issues). As noted in the February 6, 2014 memo "Preliminary Review of Kitsap County Countywide Employment Projection Options" Appendix A, the Remand largely reflected past trends with the exception of manufacturing that was increased per policy to reflect attraction of manufacturing to opportunity areas such as the South Kitsap Industrial Area (SKIA).

- The Remand plus SKIA Plan reflects the 2012 Kitsap County Comprehensive Plan as modified by the incorporation of the City of Bremerton's Sustainable SKIA Subarea Plan that incentivized a certain level of growth and plans for infrastructure investments.
- The PSRC Baseline is based on fall 2013 information (adapted from forecast analysis zone levels) and translated to cities, UGAs, and rural areas. PSRC describes this model as follows: "The Land Use Baseline is a long-range small area forecast developed using PSRC's new UrbanSim model. The Land Use Baseline is a representation of future development based on how the market responds to development capacities established in local jurisdictions' pre-VISION 2040 comprehensive plans (circa 2012)." Thus it is a representation of likely market trends given adopted plans.
- The PSRC Regional Growth Strategy is reflective of the growth shares to regional geographic (Metro, Large, Small, Urban Unincorporated, Rural). The approach started with the Regional Growth Strategy Shares of Growth between 2000-2040, as modified to remove growth that already occurred between 2000 and 2010; the horizon year was also adjusted to 2035. Given the growth that has already occurred between 2000-2010 and the remaining growth to occur through 2035, the Rural area grew faster in the first 10 year period and the City of Bremerton grew slower than expected; thus the Rural area would need only a 2.9% growth share to achieve the Regional Growth Strategy expectation for the 2010-2035 period, and Bremerton conversely would need a higher share of growth to achieve the Regional Growth Strategy expectation for the 2010-2035 period.
- The highlighted "Remand plus SKIA with Adj" column is recommended by Kitsap County and City planners. It is a blend of the Kitsap County Comprehensive Plan and the SKIA Subarea Plan with the following adjustments to bend the trend towards the Regional Growth Strategy:
 - Rural is reduced to 8.4%. The 8.4% share is a lower share than all other studied allocation options except the PSRC Regional Growth Strategy. The 8.4% is a nod to the Regional Growth Strategy that is pointing growth in the urban areas, and represents less than half the 2010 Share and is less than past plans and the PSRC Baseline "market trends." At the same time the 8.4% share recognizes the County has designated rural employment areas consistent with the Growth Management Act.
 - Bremerton's share reflects a share close to the Remand plus SKIA Plan. The share is lower than in the Original Remand Share, and higher than the 2010 Share and PSRC Baseline, to bend the trend towards the Regional Growth Strategy centers concept that is important for Bremerton's Downtown and SKIA.
 - The Port Orchard UGA share is reduced compared to the Original Remand and Remand plus SKIA plans, as well as the PSRC Baseline. The share is more consistent with the 2010 Share and reflects a trend towards the lower share of the Regional Growth Strategy.
 - Other shares consider PSRC Baseline (market trends) and Current Shares considering "on the ground" conditions including market interest and corridor and node land use patterns that are likely to intensify in present locations: Bremerton UGA, Central Kitsap, and Kingston.
 - The reduced Rural share and reduced Port Orchard UGA share are redirected to Silverdale (a designated Urban Center) and Poulsbo as well as other UGAs. These increased shares also reflect the trend towards the Regional Growth Strategy, and represent an increase above the 2010 Share and PSRC Baseline, as well as an increase above past plans (Original Remand and Remand plus SKIA Plan).

Table 2. Total Employment Allocation Share

Share Comparison: **Total** 2035

UGA	Remand plus SKIA with Adj	2010 Share	Original Remand Share	Remand plus SKIA Plan	PSRC Baseline	PSRC Regional Growth Strategy
Bainbridge Island	7.2%	7.8%	6.9%	7.2%	7.4%	7.6%
Bremerton	35.6%	33.6%	38.1%	34.9%	34.1%	38.5%
Bremerton UGA	3.0%	3.0%	2.5%	2.6%	3.5%	2.2%
Central Kitsap	4.3%	5.3%	4.2%	4.3%	4.3%	3.8%
Kingston	1.0%	0.8%	0.7%	0.8%	1.0%	0.6%
Port Orchard	5.4%	4.6%	5.1%	5.4%	4.4%	5.3%
Port Orchard UGA	5.2%	5.8%	7.1%	7.6%	6.1%	4.2%
Poulsbo	7.4%	6.4%	6.3%	6.7%	6.6%	7.3%
Poulsbo UGA	0.4%	0.6%	0.6%	0.6%	0.6%	0.4%
Silverdale	15.8%	13.5%	13.0%	13.8%	12.4%	17.3%
Rural	14.8%	18.5%	15.5%	16.1%	19.7%	12.8%

Source: BERK Consulting 2014

Table 3. Net Employment Allocation Share

Share Comparison: **Net** 2035

UGA	Remand plus SKIA with Adj	2010 Share	Original Remand Share	Remand plus SKIA Plan	PSRC Baseline	PSRC Regional Growth Strategy
Bainbridge Island	6.1%	7.8%	5.2%	6.1%	6.8%	7.2%
Bremerton	39.0%	33.6%	45.7%	36.9%	34.9%	46.8%
Bremerton UGA	3.0%	3.0%	1.6%	1.9%	4.2%	0.7%
Central Kitsap	2.6%	5.3%	2.3%	2.7%	2.6%	1.3%
Kingston	1.3%	0.8%	0.6%	0.7%	1.3%	0.2%
Port Orchard	6.8%	4.6%	5.8%	6.8%	3.9%	6.5%
Port Orchard UGA	4.0%	5.8%	9.2%	10.7%	6.5%	1.4%
Poulsbo	9.0%	6.4%	6.2%	7.2%	6.9%	9.0%
Poulsbo UGA	0.1%	0.6%	0.7%	0.8%	0.6%	0.1%
Silverdale	19.7%	13.5%	12.3%	14.3%	10.5%	23.9%
Rural	8.4%	18.5%	10.3%	12.0%	21.7%	2.9%

Source: BERK Consulting 2014

Table 4 presents the jobs allocated to UGAs and Rural areas. The total column represents the proposed allocation, whereas the sector share summary is for informational purposes only. More detail regarding sector shares is presented in Attachment A as background information. Each jurisdiction will determine the appropriate mix of industrial and commercial jobs in their comprehensive plans. Comprehensive Plans would be measured against the allocation total, not the sector breakdowns.

Table 4. Proposed Job Allocations by Urban and Rural Geography

	Sector Share Summary		Growth Allocation: 2010-2035	
	Commer- cial	Industrial	Total	Percent
UGA				
Bainbridge Island	1,984	823	2,808	6.1%
Bremerton	13,493	4,509	18,003	39.0%
Bremerton UGA	962	422	1,385	3.0%
Central Kitsap	1,030	171	1,200	2.6%
Kingston	437	163	600	1.3%
Port Orchard	2,571	560	3,132	6.8%
Port Orchard UGA	1,712	134	1,846	4.0%
Poulsbo	3,607	548	4,155	9.0%
Poulsbo UGA	44	2	46	0.1%
Silverdale	6,679	2,427	9,106	19.7%
Total Urban	32,521	9,760	42,281	91.6%
Rural	2,817	1,060	3,877	8.4%
Total Urban and Rural	35,338	10,820	46,158	100%

Source: BERK Consulting 2014

LAND CAPACITY REVIEW

Kitsap County and cities have considered buildable lands methods described in the March 24, 2014 memo prepared by BERK Consulting, titled “Kitsap County Commercial Buildable Lands Methods.” That memo presented a framework for determining employment capacity. The memo provided areas of flexibility for local circumstances. Each community has developed its approach consistent with the intent of the land capacity approach varying assumptions where there are different local trends. The buildable land capacity steps are illustrated in Table 5 below.

Table 5. Land Capacity Steps

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
Identify Vacant Parcels Zoned Commercial or Industrial	Identify Underutilized Parcels by Zone	Deduct Areas Impacted by Critical Areas	Deduct Future Roads/ R-O-W Needs	Deduct Future Public Facilities Needs	Deduct Capacity to Account for Unavailable Lands	Combine All Factors to Estimate Net Buildable Acres by Zone	Convert Net Buildable Acres to Determine Employment Capacity	Factoring in Vacant Employment Capacity

Note: Step 9 *Factoring in Vacant Employment Capacity* appears unnecessary after Kitsap County has reviewed its permit trends.

Source: BERK Consulting 2014

Areas where the county and cities have factored in local trends include, but are not limited to, road deductions, public facility deductions, and employment capacity assumptions for floor area ratios. Preliminary land capacity results as of June 2014 are shown in the Table 6 below. The greatest amount of job capacity lies in designated centers within Bremerton (SKIA and Downtown) and Silverdale.

Table 6. Preliminary Land Capacity Results (June 2014)

	Capacity by Zone Type		Total Capacity
UGA	Commercial Capacity	Industrial Capacity	Total Capacity
Bainbridge Island	2,739	201	2,941
Bremerton	6,097	14,320	20,417
Bremerton UGA	651	732	1,383
Central Kitsap	1,012	0	1,012
Kingston	579	59	638
Port Orchard	4,981	588	5,569
Port Orchard UGA	3,285	349	3,634
Poulsbo	3,177	833	4,010
Poulsbo UGA	0	48	48
Silverdale	4,684	3,561	8,246
Total Urban	27,206	20,691	47,897
Rural	NA	NA	NA
Total Urban and Rural	NA	NA	NA

Source: Kitsap County, Cities of Bainbridge Island, Bremerton, and Poulsbo 2014; BERK 2014

COMPARISON / USE OF ALLOCATION AND CAPACITY INFORMATION

Countywide, there is sufficient capacity for the future growth allocation as shown in Table 7 below, with land capacity approximately 13% above the growth allocation. Considering Kitsap County unincorporated UGAs only, the amount above allocations is 5%.

Due the number of assumptions about future employment conditions and associated land needs inherent in developing allocations and land capacity, the analysis should be recognized as broad and planning-level. Accordingly, in the past Kitsap County has considered UGA capacity within +/- 5% of the growth target to be appropriately sized.

Table 7. Comparison of Proposed Job Allocations and Capacity

	Growth Allocation: 2010-2035		Total Capacity	Difference	Percent Difference	
UGA	Total	Percent	Total Capacity	Total Capacity Minus Allocation	% Above or Below Allocation	County UGAs only
Bainbridge Island	2,808	6.1%	2,941	133	5%	
Bremerton	18,003	39.0%	20,417	2,414	13%	
Bremerton UGA	1,385	3.0%	1,383	-2	0%	
Central Kitsap	1,200	2.6%	1,012	-188	-16%	
Kingston	600	1.3%	638	38	6%	
Port Orchard	3,132	6.8%	5,569	2,437	78%	
Port Orchard UGA	1,846	4.0%	3,634	1,787	97%	
Poulsbo	4,155	9.0%	4,010	-145	-3%	
Poulsbo UGA	46	0.1%	48	2	4%	
Silverdale	9,106	19.7%	8,246	-861	-9%	
Total Urban	42,281	91.6%	47,897	5,616	13%	5%
Rural	3,877	8.4%	NA	NA	NA	NA
Total Urban and Rural	46,158	100%	NA	NA		

Source: Kitsap County, Cities of Bainbridge Island, Bremerton, and Poulsbo 2014; BERK 2014

UGAs having a noticeable mismatch in allocations and capacity would be the subject of individual jurisdictions' comprehensive plan updates. In areas where there is less or more capacity than the allocation, a jurisdiction may consider land use plan changes or UGA boundary adjustments to bring allocations and capacity more into alignment and consistent with local service and infrastructure capacities and community visions.

Attachment: Detailed Tables for Informational Purposes

Attachment 1. Allocation Share Comparisons – Total Employment

Share Comparison: **Total 2035**

UGA	MAN	WTU	RETAIL	FIRES	CONRES	GOVED	Remand plus SKIA with Adj	2010 Share	Original Remand Share	Remand plus SKIA Plan	PSRC Baseline	PSRC Regional Growth Strategy
Bainbridge Island							7.2%	7.8%	6.9%	7.2%	7.4%	7.6%
Bremerton							35.6%	33.6%	38.1%	34.9%	34.1%	38.5%
Bremerton UGA							3.0%	3.0%	2.5%	2.6%	3.5%	2.2%
Central Kitsap							4.3%	5.3%	4.2%	4.3%	4.3%	3.8%
Kingston							1.0%	0.8%	0.7%	0.8%	1.0%	0.6%
Port Orchard							5.4%	4.6%	5.1%	5.4%	4.4%	5.3%
Port Orchard UGA							5.2%	5.8%	7.1%	7.6%	6.1%	4.2%
Poulsbo							7.4%	6.4%	6.3%	6.7%	6.6%	7.3%
Poulsbo UGA							0.4%	0.6%	0.6%	0.6%	0.6%	0.4%
Silverdale							15.8%	13.5%	13.0%	13.8%	12.4%	17.3%
Rural							14.8%	18.5%	15.5%	16.1%	19.7%	12.8%
Remand plus SKIA with Adj.	6.6%	2.6%	15.8%	41.1%	5.2%	28.7%						
2010 Share	2.2%	2.9%	20.0%	33.2%	4.0%	37.7%						
Original Remand Share	8.9%	2.4%	14.7%	41.6%	5.2%	27.2%						
Remand plus SKIA Plan	6.5%	2.5%	15.5%	41.1%	5.5%	28.9%						
PSRC Growth Share	3.0%	3.7%	20.8%	35.6%	3.7%	33.2%						
PSRC Regional Growth Strategy	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%						

PSRC RGS does not allocate to shares.

Source: BERK Consulting 2014

Attachment 2. Allocation Share Comparisons – Net Employment Growth

Share Comparison: **Net 2035**

UGA	MAN	WTU	RETAIL	FIRES	CONRES	GOVED	Remand plus SKIA with Adj	2010 Share	Original Remand Share	Remand plus SKIA Plan	PSRC Baseline	PSRC Regional Growth Strategy
Bainbridge Island							6.1%	7.8%	5.2%	6.1%	6.8%	7.2%
Bremerton							39.0%	33.6%	45.7%	36.9%	34.9%	46.8%
Bremerton UGA							3.0%	3.0%	1.6%	1.9%	4.2%	0.7%
Central Kitsap							2.6%	5.3%	2.3%	2.7%	2.6%	1.3%
Kingston							1.3%	0.8%	0.6%	0.7%	1.3%	0.2%
Port Orchard							6.8%	4.6%	5.8%	6.8%	3.9%	6.5%
Port Orchard UGA							4.0%	5.8%	9.2%	10.7%	6.5%	1.4%
Poulsbo							9.0%	6.4%	6.2%	7.2%	6.9%	9.0%
Poulsbo UGA							0.1%	0.6%	0.7%	0.8%	0.6%	0.1%
Silverdale							19.7%	13.5%	12.3%	14.3%	10.5%	23.9%
Rural							8.4%	18.5%	10.3%	12.0%	21.7%	2.9%
Remand plus SKIA with Adj.	14.1%	2.2%	8.6%	54.7%	7.1%	13.3%						
2010 Share	2.2%	2.9%	20.0%	33.2%	4.0%	37.7%						
Original Remand Share	18.0%	1.8%	7.4%	53.0%	6.9%	13.0%						
Remand plus SKIA Plan	13.3%	1.9%	8.4%	53.6%	7.9%	14.9%						
PSRC Growth Share	3.3%	5.7%	20.4%	50.8%	2.5%	17.3%						
PSRC Regional Growth Strategy	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%						

Source: BERK Consulting 2014

**Attachment 3. Allocation and Capacity Comparisons including
Commercial/Industrial Breakouts**

PRELIMINARY UPDATED 6/10/2014																					
Employment Growth and Capacity: 2.65 Pop/Emp Ratio																					
UGA	Sector Share										Sector Share Summary		Growth Allocation: 2010-2035		Capacity by Zone Type		Total Capacity		Difference		Percent Difference
	Detailed Sector Share										Commer-		Total	Percent	Commercial Capacity	Industrial Capacity	Total Capacity	Capacity Minus Allocation	% Above or Below Allocation	County UGAs only	
	Man	WTU	Retail	FIRES	ConRes	GovEd	cial	Industrial	Total	Percent											
Bainbridge Island	154	180	823	995	489	166	1,984	823	2,808	6.1%	2,739	201	2,941	133	5%						
Bremerton	3,461	454	2,247	9,515	594	1,732	13,493	4,509	18,003	39.0%	6,097	14,320	20,417	2,414	13%						
Bremerton UGA	258	105	240	701	59	21	962	422	1,385	3.0%	651	732	1,383	-2	0%						
Central Kitsap	48	0	48	916	123	66	1,030	171	1,200	2.6%	1,012	0	1,012	-188	-16%						
Kingson	115	13	0	437	35	0	437	163	600	1.3%	579	59	638	38	6%						
Port Orchard	250	135	211	2,013	176	347	2,571	560	3,132	6.8%	4,981	588	5,569	2,437	78%						
Port Orchard UGA	47	0	31	1,505	87	177	1,712	134	1,846	4.0%	3,285	349	3,634	1,787	97%						
Poulsbo	47	122	65	2,919	379	623	3,607	548	4,155	9.0%	3,177	833	4,010	-145	-3%						
Poulsbo UGA	0	1	18	26	2	0	44	2	46	0.1%	0	48	48	2	4%						
Silverdale	2,053	27	170	5,688	348	822	6,679	2,427	9,106	19.7%	4,684	3,561	8,246	-861	-9%						
Total Urban	6,433	1,037	3,852	24,714	2,290	3,954	32,521	9,760	42,281	91.6%	27,206	20,691	47,897	5,616	13%						
Rural	98	-43	95	534	1,005	2,188	2,817	1,060	3,877	8.4%	NA	NA	NA	NA	5%						
Total Urban and Rural	6,531	994	3,947	25,248	3,295	6,142	35,338	10,820	46,158	100%	NA	NA	NA	NA							
Sector Percent	14.1%	2.2%	8.6%	54.7%	7.1%	13.3%															

Source: BERK Consulting 2014

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Ordinance 2014-04, Adopting the City of Bainbridge Island Shoreline Master Program Update	Date: July 14, 2014
Agenda Item: Public Hearing	Bill No.: 13-143
Proposed By: Planning Director Kathy Cook	

BUDGET INFORMATION

Depart/Fund:

Expenditure Req: Budgeted? ☐ Yes ☐ No Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

Workshops: March 24, April 28, 2014	Recommendation: Take public comment, consider approval
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A Finance ☐ Yes ☐ No ☒ N/A

DESCRIPTION/SUMMARY

Action Item:

Conduct Public Hearing on draft Ordinance 2014-04, Adopting the City of Bainbridge Island Shoreline Master Program Update, including adopting the new shoreline designations map and amending goals, policies and regulations; adopting amendments to the Comprehensive Plan; adopting amendments to Chapters 2.14, 2.16, 18.12, and 18.36 of the Bainbridge Island Municipal Code; and repealing Chapter 16.12 of the Bainbridge Island Municipal Code and adopting a substitute Chapter 16.12 in its place.

Background:

Please refer to attached staff memo

RECOMMENDED ACTION

Motion: I move to approve Ordinance 2014-04, adopting the City of Bainbridge Island Shoreline Master Program Update, including adopting the new shoreline designations map and amending goals, policies and regulations; adopting amendments to the Comprehensive Plan; adopting amendments to Chapters 2.14, 2.16, 18.12, and 18.36 of the Bainbridge Island Municipal Code; and repealing Chapter 16.12 of the Bainbridge Island Municipal Code and adopting a substitute Chapter 16.12 in its place. I further move to authorize the City Manager to submit a letter to the Department of Ecology, notifying Ecology of the City Council's approval of Ordinance 2014-04, and Council's agreement with Ecology's required changes as outlined in Attachments F through K and amended Exhibit 3 contained in the Council packet prepared for the July 14 public hearing; and Ecology's required and recommended changes and staff's proposed alternative language previously approved at the November 20, 2013 City Council public hearing.

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City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT



MEMORANDUM

TO: City Council
City Manager Doug Schulze

FROM: Kathy Cook, Planning Director

DATE: June 26, 2014

RE: Public Hearing on Ordinance No. 2014-04, City's Shoreline Master Program Update - July 14, 2014

The City Council is scheduled to conduct the final public hearing on the City's Shoreline Master Program (SMP) Update on July 14, 2014. In accordance with the City's noticing requirements, a notice of the public hearing will be published three times in *The Review*, on June 27, July 4 and July 11, 2014. The purpose of this memo is to summarize the content of the material prepared for the public hearing, the Department of Ecology's (Ecology) required revisions and the scope of the public hearing.

Department of Ecology's Letter of Conditional Approval

On June 24, 2014, the City received a letter of conditional approval for the City's Shoreline Master Program Update, signed by Maia D. Bellon, Director of the Ecology (Ecology). Receipt of this letter indicates that Ecology has completed its review of the City's SMP Update and finalized the list of required and recommended changes. Pursuant to RCW 90.58.090 (2)(e), the City may either agree to the proposed changes, or submit a proposal for alternative language. Final Ecology approval will come when the City and Ecology agree on the final Ecology changes or proposed alternative language.

Director Bellon's letter of conditional approval is attached to this staff memo, and includes the following material:

- **Attachment A:** Findings and conclusions that support Ecology's decision to issue a conditional letter of approval.
- **Attachment B:** Ecology's **required** changes to the SMP Update, with an explanation of the rationale for the required changes. **Please note that the City Council reviewed the required changes 1 through 45 at previous meetings; only 46 through 51 are new.**
- **Attachment C:** Ecology's **recommended** changes to the SMP Update, with a rationale for the recommended changes.
- **Attachment D:** Ecology's response to public comments received during the 30-day Ecology public comment period (July 22 through August 23, 2013).
- **Attachment E:** "Literature Cited in SMP Update Background Documents." This is a list of the scientific references used in the development of the City's SMP Update, in addition to the Herrera report prepared for the City, "Buffer Recommendation Memorandum." (Appendix C to the SMP Update document).

Ordinance 2014-04 and Exhibits

Ordinance 2014-04 adopts the City of Bainbridge Island Shoreline Master Program Update, including adopting the revised shoreline designations map and amending goals, policies and regulations. This Ordinance also amends shoreline-related goals and policies of the Comprehensive Plan; amends Chapters 2.14 and 2.16 of the Bainbridge Island Municipal Code; amends Chapters 18.12 and 18.36 of the Bainbridge Island Municipal Code; repeals Chapter 16.12 of the Bainbridge Island Municipal Code and adopts a substitute Chapter 16.12 in its place. These Exhibits to Ordinance 2014-04 are included as follows:

- **Exhibit 1:** The revised, updated Shoreline Master Program, including the revised shoreline designations map. The document includes Ecology's required/recommended revisions and staff's proposed alternative language and clarifications that were accepted by the Council on November 20, 2013, as well as minor typographical corrections identified in April 2014. **Please note that Ecology's required changes incorporated in Exhibit 1 include changes 1 through 7; 9 and 10; 12; 13 through 15; 16 partially; 17 through 21; 23 and 24.** Since the Council last saw this document, staff also corrected the pagination on the Table of Contents and updated the title page. Because the Council had not taken public comment on the proposed revisions or voted to accept them, Exhibit 1 does not include Ecology's required revisions that were discussed at the workshops on March 24 or April 28, or the new revisions included with the Ecology Director's conditional letter of approval received on June 24, 2014.
- **Exhibit 2:** Amendments to the Comprehensive Plan for consistency with the SMP Update, including amending Policy W6.5 of the Land Use Element; adding a new section to the Environmental Element; amending Policy WMP 2-3.8 of the Land Use Chapter to the Winslow Master Plan; adding new Policy WMP 2-6 to the Land Use Chapter of the Winslow Master Plan; and amending Policy 2-10.2 of the Land Use Chapter of the Winslow Master Plan.
- **Exhibit 3:** Amendments to Chapter 2.14 (*Land Use Approvals*) and Chapter 2.16 (*Land Use Procedures*) of the Bainbridge Island Municipal Code for consistency with the SMP Update.
- **Exhibit 4:** Amendments to Chapter 18.12 (*Dimensional Standards*) and Chapter 18.36 of the Bainbridge Island Municipal Code, to delete sections pertaining to shoreline structure setbacks. These regulations have been relocated to the SMP regulations section, where all of the other shoreline dimensional regulations are located.

City Council SMP Review Activities—Ecology's Required/Recommended Changes

1. On November 20, 2013, the City Council conducted a public hearing on Ordinance 2013-34 (now Ordinance 2014-04), which would adopt the Shoreline Master Program Update, other associated sections of the Municipal Code, and sections of the Comprehensive Plan. At the November meeting, the Council reviewed and took comment on the non-substantive language amendments and internal inconsistencies corrected by staff prior to the submittal of the draft SMP Update to Ecology on

June 7, 2013; the required and recommended changes that were received from Ecology (transmitted on October 16, October 25, November 15, 2013); and staff's proposed alternative language for some of Ecology's changes. The Council deliberated and then voted to authorize the City Manager to submit a letter to the Department of Ecology, outlining the City Council's acceptance of Ecology's required/recommended changes or proposed alternative language.

2. The Council also voted to schedule a final public hearing for December 11, 2013. The final public hearing was subsequently cancelled, because the City learned there would be additional changes from Ecology.

3. The Department of Ecology transmitted additional required changes to the City on February 7 and March 17, 2014, and the City conducted a workshop on these additional changes on March 24, 2014. The majority of these new changes pertained to the aquaculture policies and regulations contained in Section 5.2 of the draft SMP Update. There were also some changes to BIMC Title 2 (*Administration, Personnel and Land Use Procedures*) that were of a "housekeeping" nature to ensure consistency with WAC and RCW provisions.

4. At the March 24, 2014 workshop, the Council reviewed and discussed Ecology's required revisions to the policies and regulations, with Cedar Bouta and Barbara Nightingale from Ecology in attendance to answer questions. Upon conclusion of the workshop, the Council requested that a follow-up workshop be scheduled, and that staff bring back additional information on two of the required aquaculture changes and on revisions to language in the SMP Update that pertain to minor and major Conditional Use Permits.

5. The follow-up workshop was conducted on April 28, 2014. At Ecology's recommendation, the Council postponed further action until receipt of Ecology's signed letter of conditional approval.

6. The conditional letter of approval signed by Ecology Director Maia Bellon was received by the City on June 24, 2014. It includes a matrix showing all of Ecology's required revisions (Exhibit 2). Please note that the City Council has seen required changes 1-45 at previous meetings. The matrix includes six new revisions that the Council and community have not seen before, pertaining to policies and regulations related to public access requirements for public entities to ensure consistency with WAC provisions, and to policies and regulations related to dock prohibitions in areas with physical limitations.

Reviewing the Revisions Required by Ecology and Received in 2014

The revised, updated Shoreline Master Program is included as Exhibit 1 to Ordinance 2014-04. It includes the Ecology's revisions, staff's recommended alternative language, and staff's corrections that were approved by the Council on November 20, 2013. Because the Council had not taken public comment on the proposed revisions or voted to accept them, Exhibit 1 does not include Ecology's required revisions that were discussed at the workshops on March 24 or April 28, 2014 or the new revisions included with the Ecology Director's conditional letter of approval received on June 24, 2014. These revisions are shown in Ecology's matrix, along with all previous required revisions. To facilitate review for the July 14, 2014 public hearing, staff is also providing the revisions (not included in Exhibit 1) in context as follows:

- Revisions to aquaculture policies and regulations contained Section 5.2 (*Aquaculture*) of the draft SMP Update, shown in strikeout/underline: **Changes 8, 11, 14, 16 as numbered in the Ecology matrix--refer to Attachment F(a).**

- o Revisions to aquaculture definitions contained in SMP Section 8.0 (*Definitions*) shown in strikeout/underline. **Change 30 as numbered in the Ecology matrix—refer to Attachment F(b).**
- o All revisions made to Section 5.2 (*Aquaculture*) of the draft SMP Update, shown in strikeout/underline, including those approved at the November 20, 2013 public hearing. Staff is providing this additional information because the majority of Ecology’s required changes are in the aquaculture section. **Refer to Attachment F(c) to this memo.**
- Revisions to SMP Section 3.2.3 (*Management Policies - Shoreline Residential Conservancy*) shown in strikeout/underline. **Change 28 in the Ecology matrix—refer to Attachment G.**
- Revisions to three sections of the SMP shown in strikeout/underline Section 4.2.1.8 (*Regulations - Existing Residential and Commercial: Aquatic Structures and Accessory Aquatic Structures*); Section 6.2.5 (*Regulations – General*); and Section 6.2.8.3 (*Specific Regulations for the Point Monroe District*). Ecology is requiring that the references to “major” and “minor” conditional uses be deleted, because the State Shoreline Management Act does not recognize major or minor conditional uses. This does not mean that the City cannot have a major/minor permitting process, but rather that references to such a process should be contained within BIMC Title 2 (*Land Use Procedures*). **Changes 43-45 as numbered in the Ecology matrix--refer to Attachment H.**
- Revisions to SMP Section 4.1.5 (*Critical Areas*) shown in strikeout/underline. **Changes 25-27 as numbered in the Ecology matrix—refer to Attachment I.**
- Revisions to SMP Table 4.1(*Shoreline Use and Modification Activity Matrix*) shown in strikeout/underline. **Change 29 in the Ecology matrix—refer to Attachment J.**
- All other revisions received as part of Ecology’s conditional letter of approval, June 24, 2014, including policies and regulations related to public access requirements for public entities to ensure consistency with WAC provisions, and to policies and regulations related to dock prohibitions in areas with physical limitations. **Changes 47-51 as numbered in the Ecology matrix—refer to Attachment K.**
- Revisions to new BIMC Section 2.16.165 (*Shoreline Master Program Administration*) shown in strikeout/underline **Changes 31-42 as numbered in the Ecology matrix--refer to Exhibit 3.**

Scope of the July 14, 2014 Public Hearing

The City Council will take public comment on all components of Ordinance 2014-04 as described above. Public comment will also be taken on the Department of Ecology’s required and recommended changes to the Shoreline Master Program Update that were provided to the City on October 16, October 25 and November 15, 2013 and presented at a public hearing on November 20, 2013; and at two City Council workshops conducted on March 24 and April 28, 2014. The majority of these changes are to the goals and policies related to Aquaculture General Regulations, Aquaculture Activities, Aquaculture Design Standards and Aquaculture Operational Standards, and are intended to ensure consistency with state and federal law and with the Department of Ecology’s SMP Guidelines. Ecology is also requiring changes to clarify the scope and applicability of the Shoreline Management Act and

Shoreline Master Program on Bainbridge Island, as well as some changes to BIMC Title 2 (*Administration, Personnel and Land Use Procedures*) to ensure consistency with WAC and RCW provisions.

Public comment will also be taken on the final set of required changes received from Ecology on June 24, 2014, pertaining to policies and regulations related to public access requirements for public entities to ensure consistency with WAC provisions, and to policies and regulations related to dock prohibitions in areas with physical limitations.

Council Action at the July 14, 2014 Public Hearing

Upon close of public testimony and Council's deliberations at the July 14, 2014 public hearing, staff recommends that the City Council discuss the public testimony and Ecology's requested and recommended revisions and then vote on whether to authorize the City Manager to submit a letter to Ecology, outlining Council's acceptance of Ecology's required/recommended changes or proposed alternative language.

Final Letter of Approval

Once the City formally accepts Ecology's conditions of approval, Ecology will then send the City a final letter of approval, and the City's SMP Update becomes state law fourteen (14) days from the date of Ecology's letter.

Attachments

Attachment A: Ecology's Findings and Conclusions

Attachment B: Ecology's required changes to the SMP Update

Attachment C: Ecology's recommended changes to the SMP Update

Attachment D: Ecology's response to public comments

Attachment E: "Literature Cited in SMP Update Background Documents"

Attachment F: Revisions to Aquaculture Policies, Regulations, Definitions

Attachment G: Revisions to SMP Section 3.2.3 *Management Policies*

Attachment H: Revisions pertaining to major/minor permitting processes

Attachment I: Revisions to SMP Section 4.1.5, *Critical Areas*

Attachment J: Revisions to SMP Table 4.1, *Shoreline Use and Modification Activity Matrix*

Attachment K: Other revisions received with Ecology's conditional letter of approval, June 24, 2014

Exhibits

Exhibit 1: Updated Shoreline Master Program, with new shoreline designations map

Exhibit 2: Amendments to the Comprehensive Plan

Exhibit 3: Amendments to BIMC Chapter 2.14 *and* Chapter 2.16, with additional DOE required changes

Exhibit 4: Amendments to BIMC Chapter 18.12



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 23, 2014

The Honorable Anne Blair
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110

**Re: City of Bainbridge Island Comprehensive Shoreline Master Program Update –
Conditional Approval**

Dear Mayor Blair:

I would like to take this opportunity to commend the city of Bainbridge Island (City) for its efforts in developing the proposed comprehensive Shoreline Master Program (SMP) update. It is obvious that a significant effort was invested in this update. The SMP will provide a framework to guide development and habitat restoration along the City's shorelines.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) identified specific changes necessary to make the proposal approvable. These changes are detailed in Attachment B. Recommended changes are proposed in Attachment C. The findings and conclusions that support Ecology's decision are contained in Attachment A.

Pursuant to RCW 90.58.090 (2)(e), at this point, the City may:

- Agree to the proposed changes (required and/or recommended changes), or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally developed by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the City and Ecology agree on language that meets statutory and Guideline requirements.



The Honorable Anne Blair
June 23, 2014
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Please provide your written response within 30 days to the Director's Office at the following address:

WA State Department of Ecology
Attention: Director's Office
PO Box 47600
Olympia, WA 98504-6700

The City can request additional time to develop a response to Ecology's conditional approval.

Ecology appreciates the dedicated work that the City Council, City staff, citizen advisory committee members, and the community have put into the Shoreline Master Program update.

We look forward to concluding the SMP update process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Barbara Nightingale, at Barbara.Nightingale@ecy.wa.gov or (425) 649-4309.

Sincerely,

A handwritten signature in blue ink, reading "Maia D. Bellon", followed by a long horizontal flourish.

Maia D. Bellon
Director

Enclosures (5)

By Certified Mail [7012 1010 0003 3028 3508]

cc: Kathy Cook, City of Bainbridge Island
Doug Schulze, City of Bainbridge Island
Joe Burcar, Ecology
Barbara Nightingale, Ecology
Betty Renkor, Ecology
Erik Stockdale, Ecology

ATTACHMENT A:

FINDINGS AND CONCLUSIONS
FOR PROPOSED COMPREHENSIVE UPDATE OF THE
CITY OF BAINBRIDGE ISLAND SHORELINE MASTER PROGRAM

SMP Submittal June 7, 2013, Resolution No.2013-10
Prepared by Barbara Nightingale, on June 18, 2014

BRIEF DESCRIPTION OF PROPOSED AMENDMENTS

The City of Bainbridge Island (City) is proposing a comprehensive update of the full Shoreline Master Program (SMP) in accord with the Washington State SMP-Guidelines at WAC 173-26 (Part Three). A comprehensive update of the City's SMP is required by the Shoreline Management Act (SMA) at RCW 90.58.080.

Bainbridge Island is located on the western side of Central Puget Sound, across from the City of Seattle, and along the eastern edge of Kitsap County. The Island has 53 miles of marine shoreline. These marine shorelines include Blakely Harbor, the northern shorelines of Rich Passage, Eagle Harbor, Murden Cove, Rolling Bay, Point Monroe and Point Monroe Lagoon, Port Madison Bay, the east side of Agate Passage, Big and Little Manzanita Bay, Battle Point Lagoon, Fletcher Bay, and Tolo Lagoon. Bainbridge shorelines of statewide significance include all marine waters waterward of extreme low tide. Bainbridge has no streams or lakes that qualify as state shorelines under the SMA.

SMP PROVISIONS TO BE CHANGED BY THE AMENDMENT AS PROPOSED

This comprehensive SMP amendment is intended to replace Bainbridge Island's existing SMP in its entirety. The SMP will reside in Title 16 of the Bainbridge Island Municipal Code (BIMC). BIMC Title 2 is also being amended to include the SMP Administration Section. The SMP - Appendix B replaces the critical area regulations of BIMC 16.20 for critical areas within shoreline jurisdiction, specifically BIMC 16.20.030-060, 090 and 110-170. The SMP excludes BIMC Sections 16.20.070 Variances, 16.20.080 Reasonable Use Exceptions and 16.20.180-250 Critical Area administrative sections for those critical areas in shoreline Jurisdiction.

This draft SMP is to be implemented in conjunction with the following BIMC sections for permit and project review and appeal procedures and the City's Administrative Manual.

- BIMC 2.16.020(K)(5) will apply to construction noticing in geologically hazardous areas.
- BIMC 15.20 will apply during permit review for consistency with the Surface and Storm Water Management Code.
- BIMC 2.16.165 (See Proposed Ordinance 2012-04, Exhibit 3) contains Administration Amendments to BIMC Title 2 that accompanies the SMP. This will apply to shoreline

variance procedures, shoreline substantial development and exemptions, shoreline conditional use permits, and shoreline application appeals and amendments.

FINDINGS OF FACT

The record submitted by the City, including Resolution 2013-10, supporting documents and the City's submittal letter provide information related to the need for the proposed amendments. In 1990, Winslow annexed all communities on Bainbridge Island and changed its name to the City of Bainbridge Island. On November 26, 1996, Bainbridge Island adopted its first Shoreline Master Program (SMP). The 1996 Bainbridge Island SMP, the Island's first SMP, was codified as Bainbridge Island Municipal Code (BIMC) Chapter 16.12. This comprehensively updated proposed SMP will replace Bainbridge's first SMP and all its subsequent amendments.

Chapter 16.12 had a minor revision in 1998 and three significant amendments respective to boats and docks in Blakely Harbor, Ferry Maintenance Facility in Eagle Harbor and an Open Water Marina in Eagle Harbor. The proposed SMP includes these amendments:

- On September 10, 2003, the City Council passed Ordinance 2003-30 to more strictly identify accepted uses for community docks and limit development of new docks and piers within Blakely Harbor to two community docks, one on the north shore, one on the south shore, and one small public dinghy loading dock.
- On February 23, 2005, the City Council passed Ordinance 2005-02 to accommodate the Washington State Ferries Vessel Maintenance Facility in Eagle Harbor.
- On October 10, 2007, the City Council passed Ordinance 2007-16 to establish an open water marina in Eagle Harbor, in order to provide an open water location with sanitary and parking facilities to accommodate existing live-aboard guest vessels using the harbor.

NEED FOR AMENDMENT

The proposed amendments are needed to comply with the statutory deadline required by RCW 90.58.080 for a comprehensive update of the Bainbridge Island SMP. The 2003 Guidelines, WAC 173-26-171 through 251, require a baseline inventory to be established as a reference condition for the updated SMP.

The SMP update is also intended to reflect current shoreline conditions as existing conditions, consistent with RCW 90.58. "Current shoreline conditions" refers to both the state of physical conditions and how shoreline lands are being used.

CURRENT CONDITIONS DOCUMENTED

This documentation of current conditions is vital to assess the SMP capacity to achieve no net loss of ecological functions during its implementation. This no net loss standard is a requirement of the State SMP guidelines (WAC 173-26-186).

In anticipation of updating its 1996 SMP, Bainbridge began conducting an inventory of City shorelines, as reflected in the following inventory and characterization reports:

- *Bainbridge Island Nearshore, Habitat Characterization and Assessment, Management Strategy Prioritization, and Monitoring Recommendations*; 2004; Battelle Marine Sciences Laboratory.
- *City of Bainbridge Island Addendum to the Summary of Science Report*; 2011; Herrera Environmental Consultants, Inc.
- *Bainbridge Island Nearshore Assessment, Summary of Best Available Science*; 2003; Battelle Marine Sciences Laboratory.
- *City of Bainbridge Island Shoreline Restoration Plan*; 2012; Herrera Environmental Consultants, Inc.
- *Blakely Harbor Dock Shoreline Amendment: Alternatives Analysis & Cumulative Impacts*; 2006; City of Bainbridge Island Department of Planning and Community Development.
- *Bainbridge Island Current and Historic Coastal Geomorphic/Feeder Bluff Mapping*; 2010; Coastal Geologic Services.
- *City of Bainbridge Island Addendum to the Summary of Science*; 2011; Herrera Environmental Consultants, Inc.
- *Herrera Environmental Consultants, Inc. Memorandum*; 2011 Documentation of Marine Shoreline Buffer Recommendation Discussion; Herrera Environmental Consultants, Inc. and The Watershed Company.
- *Single Family Residence Shoreline Mitigation Manual*; 2012; Herrera Environmental Consultants, Inc.
- *Spit Science Summary for Point Monroe*; 2012; Herrera Environmental Consultants, Inc.
- *Cumulative Impacts Analysis for City of Bainbridge Island's Shoreline: Puget Sound*; 2012; Herrera Environmental Consultants Inc. and The Watershed Company.
- *SMP Inventory Characterization Addendum*; 2013; Ryan Ericson.

The 2004 Battelle Nearshore Assessment provided a framework for analyzing all Bainbridge Island shorelines. This document analyzed the Island's shoreline ecological features and conditions by dividing it into nine management areas and subdividing those nine management areas into 201 reaches. Later documents used that same management area framework to assess cumulative impacts and identify restoration and public access opportunities for the development of the updated SMP.

These reports collectively provide an island-wide and reach scale analysis of ecological functions along Bainbridge Island's marine and estuarine shorelines. These reports include the use of GIS and aerial photos to generally characterize the existing conditions of Bainbridge Island shorelines for the nine management areas.

Each of these nine management areas, which are defined by alongshore drift cells, were scored according to adverse alterations to nearshore ecological functions. The results scored Eagle Harbor as the most impacted, with the smallest area of natural vegetation and a high level of shoreline armoring and overwater structures. Murden Cove and Blakely Harbor scored the highest in ecological functions with more natural vegetation and reduced armoring within the 200-foot shoreline jurisdiction. The remaining management areas scored as moderately impacted by the same factors.

New development, ongoing maintenance of existing structures, armoring and related shoreline alteration such as vegetation removal were identified as having the potential for adverse impacts to ecological functions directly, indirectly and cumulatively (Battelle 2004, Herrera 2011).

Ecology finds that Bainbridge Island was thorough and careful in evaluating and characterizing the current conditions of its shoreline areas through interactive GIS and science-based process. The inventory and characterization documents provide an extensive bibliography of scientific references. The resulting collection of documents, listed above, provides a foundation consistent with WAC Guidelines for updating the Bainbridge Island Shoreline Master Program.

BASIS FOR ASSIGNING SHORELINE ENVIRONMENT DESIGNATIONS

Assignments of Environment Designation are a fundamental aspect of SMP updates. WAC 173-26-211(1)(2)(a) states: "Master programs shall contain a system to classify shoreline areas into specific environment designations. This classification system shall be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section."

Each environment designation includes purpose statements, designation criteria, and management policies and each designation is indicated on an up-to-date Designation Map. How lands have been used historically and how they are presently developed or remain in relatively undisturbed states has been factored into each of these designations.

Based on the above inventory and characterization reports and GIS data, the citizen work groups, task force members, the Environmental Technical Advisory Committee (ETAC), city staff

and consultants were able to provide recommendations for SMP designations, policies and regulations. These SMP Shoreline Designations are:

- **Urban**, consistent with WAC 173-26-211(5)(d), High Intensity, to provide for high-intensity water-oriented commercial, transportation, industrial, mixed use, multi-family residential, public access and recreational uses, while protecting natural resources and processes.
- **Shoreline Residential**, consistent with WAC 173-26-211(5)(f), Shoreline Residential, to accommodate residential development, while providing appropriate public access and recreational areas.
- **Shoreline Residential Conservancy**, consistent with WAC 173-26-211(5)(e) Urban Conservancy, to provide protection of existing ecological functions of open space and other sensitive lands, where they exist, in the incorporated urban setting of Bainbridge Island, yet allowing existing residential uses.
- **Island Conservancy**, consistent with WAC 173-26-211(5) (e), Urban Conservancy, to specifically provide for recreational uses and open space in existing publically owned shoreline park areas that are suitable for water-related or water-enjoyment uses, and to retain important ecological functions. Generally, these areas should not be more intensively developed. These areas include some of the least altered high bluffs, sandy beaches with intact riparian vegetation, marsh and lagoon habitats and extensive tide flats that are publically owned and operated as city parks.
- **Natural**, consistent with WAC 173-26-211(5)(a), Natural, to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions, intolerant of human uses.
- **Aquatic**, consistent with WAC 173-211 (5)(c), Aquatic, to protect, restore, and manage the unique characteristics and resources of areas waterward of the ordinary high-water mark (OHWM). The management policies for this designation limits overwater structures to the minimum size necessary and only allows them if the upland designation allows it.
- **Priority Aquatic**, consistent with a combination of WAC 173-211(5)(c) and WAC 173-211(5)(a), to protect, restore and manage aquatic areas of sensitive and unique ecological value. These areas include tidal lagoons, salt marshes, mudflats and other areas with sensitive marine vegetation. The SMP designation consists of two sub-categories of Priority Aquatic: Priority Aquatic A and Priority Aquatic B. Priority Aquatic A is more protective and is intended to be the default classification and Priority Aquatic B includes those areas located adjacent to upland areas with a high level of existing development.

In general, the upland designations of Urban, Shoreline Residential, Shoreline Residential Conservancy, Island Conservancy, and Natural are based upon the ecological conditions, the built environment and uses of Island shorelines above the ordinary high water mark (OHWM);

while Aquatic and Priority Aquatic designations apply to submerged intertidal and marine-influenced areas located waterward of the OHWM. These two aquatic designations reflect the level of development in the surrounding upland areas and the sensitivity of these aquatic areas to modifications. The Aquatic designation has more surrounding upland development, while the purpose of the Priority Aquatic designation is to protect, preserve, restore and manage aquatic areas of sensitive and unique ecological value that include those portions of the marine waters existing in a relatively natural state or which contain unique, historical, archeological, cultural, or educational features that merit special protection.

The approximate shoreline area falling under the above designations are:

- Urban – less than 2%
- Shoreline Residential - 37%
- Shoreline Residential Conservancy - 38%
- Island Conservancy - 23%
- Natural - less than 1%
- Aquatic- 95%
- Priority Aquatic – less than 5%

The shoreline designations in the Draft SMP are the designations recommended by the Planning Commission.

Ecology finds there is a substantive basis for designation of Shoreline Environments, and that analysis related to Shoreline Environments was appropriately conducted and assignments of Shoreline Environments effectively completed.

SHORELINE DEVELOPMENT

Essential to an SMP Update is an evaluation of how many shoreline properties are presently developed and how many are likely to support future development. Developed areas need to be described relative to waterfront areas remaining in undisturbed condition. This is vital to projecting likely future development in shoreline areas and determining if the SMP can be anticipated to achieve no net loss of ecological functions upon implementation. This information is essential in determining the degree to which ecological resources would likely be affected by development allowed under the new SMP regulations.

According to the Bainbridge Cumulative Impacts Analysis (CIA), there are over 2,100 shoreline parcels on Bainbridge Island within shoreline jurisdiction. Seven percent of these existing lots are vacant and developable with an additional four percent that could be added through subdivision (The Watershed Company 2012).

Based on the Battelle Nearshore Assessment, along with the present GIS and aerial photography provided by the City, the City shoreline was found to be 93% developed with 75% of that development being residential use. Given the increased importance of the shoreline area immediately adjacent to the Ordinary High Water Mark (OHWM), Herrera recommended focusing upon protection of shoreline intact riparian habitat through a two-zone system with Zone 1, the Riparian Protection Zone (RPZ), being most protective immediately adjacent to OHWM and allowing Zone 2, the landward portion of the buffer area, to be a less restrictive shoreline buffer area that allows more flexibility in landscaping and structures.

Using GIS, Herrera and city staff were able to identify where structures are located relative to OHWM for each shoreline designation (Herrera Environmental Consultants, Inc. August 2, 2011 and August 31, 2011 Documentation of Marine Shoreline Buffer Recommendations Discussions). By identifying the location of existing primary residential structures for each shoreline designation, the City was able to develop a shoreline buffer system that can protect existing intact riparian habitat, allow more landscaping flexibility for the more landward portions of the total buffer area, avoid a large portion of existing structures becoming nonconforming, while building in incentives to enhance vegetation over time, based on site-specific variations.

Consistent with WAC 173-26-186 (5), the City's planning policies reflect the principle that the regulation of private property needs to be consistent with all relevant constitutional and other legal limitations. SMP Section 4.1.2.1 states: "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." Regulation of development consistent with constitutional and statutory limitations is also reflected in SMP Sections 3.1. General shoreline designation policies and regulations, 4.1 2.1 mitigation policies and regulations required to be proportionate to the identified negative impact, and 4.2.1.2, nonconforming provisions. The nonconforming provisions clearly state, "It is the purpose of this Program to recognize legally established primary residential structures and allow them to be maintained, repaired, remodeled, replaced and in some cases expanded in conformance with Program rules for these structures. Residential structures not conforming to this Program should, over time, as the owner proposes changes to the structure, conform as completely as possible to this Program with due regard to unique site conditions and property rights." Section 4.2.4.5(3) & (4) public access provisions also require a nexus and proportionality analysis for requiring public access for specific projects. Consistent with these provisions, Appendix B Critical Areas provisions acknowledge legally existing development and also provide prescriptive buffer variations, based on specific site conditions.

Ecology finds that Bainbridge Island thoughtfully and deliberately evaluated reasonably foreseeable future development and sought to ensure that ownership rights were protected while meeting the requisite regulatory limitations on adverse impacts.

SHORELINE PUBLIC ACCESS

The Bainbridge Island Metropolitan Park & Recreation District has completed an extensive Comprehensive Parks, Recreation & Open Space Plan (2008-2014). This plan was finalized on March 12, 2009, just prior to beginning the SMP update process, and was developed by the Parks district, city staff and consultants. This planning process included community surveys to understand resident public opinion and understand visitor-use patterns on Bainbridge Island. The survey results indicated that island residents continue to value parks and open space with the highest areas of concern related to shorelines, trails, playgrounds and community facilities.

This plan includes shoreline and upland planning with shoreline trails and public access being an integral element of this plan. This comprehensive plan is based on an analysis of existing public, non-profit and private property ownerships. The Bainbridge comprehensive parks plan identifies the need for a broad spectrum of parks from providing playgrounds and athletic fields to protecting lands with environmental features, such as critical areas and areas of ecological importance, such as shorelines, wetlands and watersheds. The SMP states that public access should be designed to connect to planned trails specified in the parks comprehensive plan or the Non-motorized Transportation Plan.

Key to the SMP update process were citizen work groups on specific shoreline topics of special concern to citizens. Shoreline public access was one of the citizen work group topics. These work groups met regularly throughout the SMP development work to collaborate and inform the planning commission. This is also noted in the SMP public participation plan.

Although the majority of Bainbridge shorelines are privately owned with residential use being the primary shoreline use, there are ten parks with direct water access. These parks range in size from 240 feet of shoreline at Fairy Dell Park to 4,400 feet of shoreline at Fort Ward. These parks also include Waterfront Park in Eagle Harbor, Rockaway Beach Park, Blakely Harbor Park, Battle Point Park, Point White Dock, West Port Madison Nature Preserve, Faye Bainbridge Park, and a future park along Bill Point at the Wyckoff EPA clean-up site. There are also over thirty road ends with public access and seven shore-view locations along Island roads.

SMP Chapter 4.2.4 is specific to providing visual and physical public access. This section includes goals and policies for increasing public access specific to expanding public access diversity, requiring public access for public, private or new commercial development, and completing and protecting, through acquisition and easement, dedication for the Winslow Waterfront Trail. The SMP requires that public access be designed to avoid or minimize adverse impacts to private

property, and to ensure public safety and preservation of shoreline views from public upland areas. The SMP public access regulations address where, when and how public access will be required along with design and location standards.

Consistent with WAC 173-26-221(4)(d)(i), the proposed SMP provides a policy basis for long-range public access planning for each designation at an island-wide scale, with management policies for each designation requiring new development to provide public access appropriate to that designation. Consistent with this, Section 4.1.1.3(5) specifically states the policy to increase public access to publically-owned shorelines of state-wide significance.

The SMP preserves road ends for public access and sets maximum height limits and setbacks to protect view corridors and minimize impacts to existing views. A 30% of lot-width side-yard setback is applied in all designations except in the most intensely developed Urban designations in Eagle Harbor and Rich Passage. A standard height of 30 feet is also included. The ability to increase that height is only allowed through a CUP for essential public facilities with an approved view analysis that demonstrates the proposed height will not obstruct views of the water for a substantial number of residences (4.1.2.9(2)).

Ecology finds that Bainbridge Island has thoughtfully addressed the need for maintaining and increasing opportunities for the public to access shoreline areas, both visually and for direct access. Provisions include recognition of WAC 173-26-186 to ensure public access requirements are consistent with constitutional and other legal limitations.

SHORELINE MODIFICATIONS

WAC 173-26-231 requires SMP provisions for shoreline modification standards to assure no net loss of ecological functions. Those modifications specific to Bainbridge Island include shoreline stabilization, piers and docks, dredging and dredge disposal and fill.

The Bainbridge Island Historic and Current Coastal Geology Report and the Cumulative Impacts Analysis both identify shoreline armoring as common to residential uses along marine shorelines and identify this armoring as a concern. Owners often feel compelled to armor their land against the erosive effects of wind, waves, and currents by using conventional concrete or rip-rap structures. However, bulkheads can disrupt sediment generation and net-shore drift patterns and adversely affect shoreline morphology and habitat function. The coastal geology report has identified the impacts of shoreline armoring along Bainbridge shorelines (2010 Coastal Geologic Services Inc.).

Shoreline Stabilization

Consistent with WAC 173-26-231, provisions in SMP Sections 6.1 and 6.2 set standards to avoid or mitigate adverse impacts to shoreline ecological functions caused by hard structural shoreline stabilization. These provisions include:

- Requiring new development to locate away from the shoreline.
- Requiring a demonstration of need for hard shoreline stabilization structures.
- Setting a preference for softer shoreline stabilization.
- Providing incentives for using less-impacting technologies, such as large woody debris or soft shore and hybrid structures to diffuse wave action.
- Limiting the extent of armoring.

Residential provisions will ensure that new homes are placed farther landward than existing homes built under the previous master program; softer alternatives to hard armoring are preferred, wherever feasible. This is consistent with Guidelines requirements for protecting nearshore habitat and avoiding the need for armoring to protect structures.

Gabions, groins, vertical, concave and flat (hard) faced structures are prohibited for shoreline stabilization. However, sheet pile style hard stabilization may be allowed for remediation projects. Shoreline stabilization is prohibited on shores where valuable geo-hydraulic or biological processes are sensitive to interference or critical to shoreline conservation, such as feeder bluffs, wetlands, or accretion shore forms. There are some exceptions to protect a primary single-family residence, primary appurtenance or primary public or transportation facilities.

When evaluating the need for new, expanded or replacement stabilization, SMP Section 6.2 requires an analysis that examines preferred alternatives ranging from no action to hybrid structures, to, lastly, hard structures. For new shoreline stabilization, the geotechnical report must demonstrate a significant possibility that the primary structure will be damaged within three years as a result of shoreline erosion. For replacement structures, if a geotechnical report demonstrates a need within 5 years, the report may be used to justify more immediate authorization to protect against erosion using soft-treatment or hybrid structure.

Piers and Docks

SMP Section 6.3 regulates overwater structures, including pilings, piers, and floats for single family, community and joint-use piers and docks, mooring buoys and recreational floats, including both commercial/industrial facilities. Section 5.3 regulates the specific uses of boating facilities (marinas), boat launches and marine railways. Collectively, these SMP overwater structure regulations are consistent with present federal regulations and requirements for Puget Sound and are consistent with WAC 173-26-231(3)(b). This includes locations,

dimensions, materials for overwater structures and maintaining the size to the minimum necessary.

Dredging and Dredge Material Disposal

SMP Chapter 6.4 regulates dredging and dredge material disposal with the goal to minimize dredging and dredge material disposal within the shoreline jurisdiction. It requires that applications for dredging meet the no net loss standards. The SMP prohibits dredging activity in stream mouth estuaries and wetlands except by a shoreline conditional use permit. It prohibits dredging in areas that are prone to significant sloughing and refilling due to currents or tidal activity, in areas critical to life cycles of officially designated or protected fish or shellfish, and in areas where drift cell or geo-hydraulic processes would be lost. When dredging cannot be avoided, the operations and dredged material disposal shall be located and conducted in a manner which minimizes damage to the ecology and natural resources of both the area to be dredged and the disposal site.

Fill

SMP Chapter 6.5 regulates fill. These regulations prohibit speculative fill activity, fill that would result in significant adverse impacts that cannot be avoided or mitigated, and fill in Priority Aquatic designations. Fill landward of the OHWM is defined as Landfill and is allowed with a Conditional Use permit in Urban, Shoreline Residential, and Shoreline Residential Conservancy designations. Fill is only allowed in Island Conservancy and Natural for restoration enhancement or maintenance of natural resources and only with a Conditional Use Permit. In the Aquatic designation, fill is only allowed for commercial and industrial water-dependent or essential public facilities, or part of a permitted environmental enhancement or remediation project. When allowed, fill waterward of the OHWM is authorized only for approved marinas, ports and other water-dependent industries where upland alternatives or structural solutions including piling or pier supports are infeasible; development or maintenance of essential public infrastructures and facilities; environmental clean-up activities required by MTCA and CERCLA; maintenance of lawfully established use or development; ecological restoration and enhancement projects benefiting water quality and/or fish and wildlife habitat; and public access and public water-oriented recreation projects benefiting substantial numbers of people.

Ecology finds that the city of Bainbridge Island has followed SMP Guidelines requirements for limiting the modification of shorelines, preventing adverse impacts from shoreline armoring by design and placement of new structures on the landscape, and regulating dredging and fill activities in shoreline jurisdiction. The proposed SMP includes standards setting forth the circumstances under which alteration of the shoreline is permitted and the design and type of protective measures required. The City's standards for overwater structures reflect the Army Corps of Engineers (ACOE) standards for dimensions and materials for the marine waters surrounding Bainbridge Island.

WATER ORIENTED USES

SMP Section 3.2.1.3 Management Policies for upland uses states a priority for water-oriented uses in the order of preference: water-dependent, water-related, and water-enjoyment uses. Uses which derive minimal benefit from a water location are discouraged or prohibited. Non-water-oriented uses should be allowed only if the use is otherwise compatible with the purpose of the shoreline designation and the setting, does not displace water-dependent uses and results in no net loss of ecological functions and ecosystem-wide processes.

SMP Section 3.3.1.3 Management Policies for Aquatic Designations do not allow uses that adversely impact ecological functions of critical and saltwater habitats, except where necessary to achieve restoration objectives. New overwater structures are allowed only for water-dependent uses, public access or ecological restoration with such structures required to be the minimum size necessary. Aquaculture practices should be limited to those activities that can demonstrate that significant impacts to ecological functions, ecosystem-wide processes, and adjacent land uses will not occur. Development and uses on navigable waters and tidelands should be located to avoid interference with navigation.

Ecology finds that the Bainbridge Island proposed SMP has appropriately recognized and provided for the water-oriented use preferences and priorities identified in RCW 90.58 and the SMP Guidelines.

AQUACULTURE

Bainbridge Island has very little ongoing aquaculture other than the Puget Sound Restoration Fund aquaculture project in the Bloedel Reserve on the northeast side of island and the Atlantic salmon net-pen facility on the south side of the Island. WAC 173-26-241(3)(b)(A) identifies aquaculture as an activity of statewide interest that when properly managed, can result in long-term over short-term benefit with the potential to protect the resources and ecology of the shoreline. As a water-dependent use, when consistent with the control of pollution and prevention of damage to the environment, it is a preferred use of the water area. The WAC requires local government to consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of aquaculture for the local conditions and assure no net loss of ecological functions.

In consideration of WAC 173-26-241(3)(b), Ecology added a number of required and recommended changes (listed in Attachments B and C) to SMP Chapter 5.2 - Aquaculture provisions. In response, the City Council has agreed to numerous revisions to the SMP Aquaculture sections to set standards consistent with science and allow aquaculture along Bainbridge Island shorelines in a manner that brings the Bainbridge SMP current with present state standards. Aquaculture is addressed in more detail in Attachment D.

Ecology finds that Bainbridge Island thoughtfully evaluated the existing and likely degree of expanding aquaculture uses in its jurisdiction. With Ecology's required changes, the SMP has appropriate regulatory constraints in its SMP to protect ecological resources while allowing this water-dependent industry to be conducted according to those criteria and regulations.

CUMULATIVE IMPACTS EVALUATION

The SMP guidelines require that implementation of the SMP will result in no net loss of existing ecological functions along state shorelines. WAC 173-26-211(2)(a) requires master programs to classify shoreline areas into specific environment designations, based upon existing use patterns, the biological and physical character of the shoreline, and the goals and aspirations of the community, as expressed through comprehensive plans and the criteria provided in the SMP. Protection of currently existing shoreline ecological functions, as characterized by the inventory and characterization reports, shall be achieved by implementing all the updated SMP goals, policies, regulations and standards.

While the most common use of Bainbridge Island shorelines is residential, the density of development varies by area. Bainbridge is largely single family residential, but also supports multi-family residential use in the more densely populated areas, such as the downtown Winslow area. The cumulative impact analysis reports that there are a total of 2,193 shoreline lots on the Island, 154 vacant developable lots and 18 projected land divisions over the next 20-year planning horizon.

The 2012 SEPA Checklist notes: "In general, the SMA requires local jurisdictions to meet the requirement of no-net-loss of ecological functions. On that order, the draft SMP policies and regulations require mitigation sequencing to reduce the impacts of proposed development such that the cumulative impacts of development will achieve the no net loss standard. The SMP environmental impacts section provides that all new development must meet the no net loss standard, use mitigation sequencing and a process for determining mitigation through site-specific analysis. The SMP shoreline buffer two-zone system consists of a more protective lower zone immediately adjacent to the shoreline and an upper buffer zone, allowing more flexibility for limited structures, while retaining trees. The SMP provides includes mitigation alternatives for single-family residences to provide homeowners a choice to either do a site-specific analysis to determine the appropriate mitigation to meet the no net loss standard or they can choose to do prescriptive mitigation. The SMP regulates shoreline stabilization and overwater structures, requiring limitations on bulkheads and docks to limit impacts to the shoreline environment, while allowing protection of primary structures from impacts caused by currents, tidal action or waves, provided a geotechnical analysis demonstrates the need for protection."

Projected Development Impacts Relative to No Net Loss of Ecological Functions

The City's Cumulative Impacts Analysis (Watershed 2012) reports 75% of Bainbridge marine shorelines is designated for residential uses, with a split of 37% Shoreline Residential and 38% Shoreline Residential Conservancy. The remaining 25% of the Island is designated 23% Island Conservancy, used as public parks, less than 2% Urban and less than 1% designated as Natural. Potential impacts of residential development include increases in stormwater runoff and contaminants, increased use of pesticides and fertilizers, increased erosion and turbidity, reduction in shoreline habitat complexity, increased water temperatures and loss of riparian habitat, lighting effects to the nearshore, disruption of shoreline wetlands, and hydrologic impacts associated with shoreline stabilization. The SMP Appendix C - 2011 buffer recommendations memorandum provided by Herrera Environmental Consultants documents the scientific importance of marine shoreline buffers and riparian areas and the methodology used to develop marine buffer recommendations specific to the existing conditions of Bainbridge Island in order to achieve no net loss of ecological functions.

The proposed shoreline buffer and setback standards are expected to maintain riparian buffer functions consistent with average existing conditions, retain trees within the shoreline jurisdiction, and require mitigation to avoid or mitigate adverse impacts. New residences and substantial remodels/additions are the primary shoreline use and development activities anticipated to occur in the City's shorelines. SMP Appendix D Single Family Shoreline Residence Mitigation Manual provides specific mitigation options to address the impacts of clearing vegetation, constructing new impervious surface and other anticipated impacts of residential uses.

Potential stormwater impacts of residential development will be minimized through the proposed SMP provisions requiring implementation of low impact development techniques. The combination of buffers tailored to particular shoreforms and existing conditions, setback standards, and provisions for residential development, are expected to maintain ecological functions of the shoreline over the long term, resulting in no net loss of shoreline ecological function.

Overwater shoreline structures such as piers and docks are nearshore structures primarily associated with residential development. Over the next 20 years, there are projected to be 26 potential new docks, 36 dock replacements, 36 dock repairs and 22 dock expansions. According to the cumulative impacts analysis, SMP provisions are expected to mitigate the impacts of overwater structures through the use of grated decking, removing unused piles, reducing pile size and quantity, and limiting the square footage of cover for new or replaced docks to be constructed according to the updated SMP standards. As the City's requirements are consistent with ACOE requirements for single family docks, this also reflects appropriate mitigation for impacts. Through the SMP dock provisions, including restrictions on dock locations, the SMP dock dimensions and material standards are expected to limit additional impacts to hydrologic

functions and habitat functions in the nearshore over time. Overall, the cumulative impacts analysis reports that the proposed SMP with its emphasis on protection and enhancement of shoreline resources could achieve no net loss of ecological functions over time, in the repair, replacement of overwater structures and limit the impacts of new construction of overwater structures (2012 The Watershed Company).

Ecology finds that Bainbridge Island has realistically assessed the present condition and projected reasonably likely future development of various kinds in its shoreline areas, based on available information and has established appropriate measures to manage future development with minimum adverse impacts to achieve no net loss of ecological functions.

SHORELINE RESTORATION PLAN

Per WAC 173-26-201 (2)(c), "Master programs shall also include policies that promote restoration of ecological functions, as provided in WAC 173-26-201 (2)(f), where such functions are found to have been impaired based on analysis described in WAC 173-26-201 (3)(d)(i). It is intended that local government, through the master program, along with other regulatory and non-regulatory programs, contribute to restoration by planning for and fostering restoration and that such restoration occur through a combination of public and private programs and actions. Local government should identify restoration opportunities through the shoreline inventory process and authorize, coordinate and facilitate appropriate publicly and privately initiated restoration projects within their master programs. The goal of this effort is to have master programs which include planning elements that, when implemented, serve to improve the overall condition of habitat and resources within the shoreline area of each city and county."

Bainbridge Island conducted restoration planning actions pursuant to SMP Guidelines requirements. With Ecology support and funding, the City also participated in specialized efforts to set restoration priorities for different shoreline reaches in terms of the limiting factors that result in losses of shoreline ecological functions. Restoration prioritization, based on existing conditions and geologic features, was also undertaken in the Island's geomorphology work by Coastal Geologic Services Inc (Coastal Geologic Services, 2010). This work identified restoration opportunities and prioritized those shoreline reaches according to the potential value of restoration efforts.

Landscape ecology is essentially how the spatial extent, heterogeneity and geometry of landscape elements affect the flow of energy, biota and materials through the landscape. As human activities and development fragment these natural landscapes, the flow of these materials among habitats has been reduced to the point of causing local extinction of some populations (Weins 1985; Gonzales et al. 1998; Earn et al. 2000). Bainbridge Island's restoration approach uses the concepts of landscape ecology to improve landscape functions, involving

preservation of riparian zones and connectivity to surrounding habitats. As the relevance of stressors and controlling factors varies by shoreline geomorphic type, the City classified and ranked the entire 53 miles of marine shoreline according to five general landforms and nine habitat controlling factors. Each of the Island's nine management areas and the 201 reaches in those areas were scored for adverse impacts to habitat controlling facts (Williams et al. 2004).

The Bainbridge Island Restoration Plan, based on these management areas, recommends actions to improve native vegetation, in particular, along the Island's local marine shorelines that support shoreline ecological processes and functions.

Ecology finds that the Shoreline Restoration Plan and the inventory prioritization work provides a well- documented approach to restoring the Island's shorelines. The Restoration Plan can serve as a tool for the City, private landowners, government agencies, non-profit organizations and the public to collectively improve shoreline conditions ecologically in a better organized manner over time. Such restoration efforts are understood to help achieve the "no-net loss" standard of the state SMP guidelines (WAC 173-26-186).

AMENDMENT HISTORY, REVIEW PROCESS

City documents indicate the proposed SMP amendments originated from a local planning process that began on March 2, 2010. During March and April 2010, four public meetings were held with the community to develop a public participation plan for updating the SMP. The City Council adopted the participation plan on May 12, 2010. There was extensive public participation with respect to updating the SMP, including but not limited to holding public forums and open houses, meeting with property owners, and forming citizen involvement committees to review and recommend amendments to the designations, policies and regulations of the SMP, consistent with the SMA (RCW 90.58; WAC 173-26), from September 2010 through August 2011. Public participation meetings included 45 Citizen Workgroups and Task Force meetings. There were three workgroups with each workgroup focused on the following three major topics: shoreline modifications, setbacks and vegetation conservation, and shoreline nonconforming uses and structures, respectively. The Task Force included representatives from each workgroup. In addition to the Citizen Workgroups there were 25 SMP meetings held by the Bainbridge standing committee, the Environmental Technical Advisory Committee (ETAC).

From July 2011 through April 2012, the Planning Commission reviewed the citizen committees' recommendations on amendments to the designations, policies and regulations of the SMP and held 17 topic-based study sessions and other meetings on the SMP update. The Planning Commission held at least 25 meetings on the SMP.

The overall record shows that between September 2010 and May 2013, 140 SMP meetings were held with members of the public, Citizen Workgroups, the Environmental Technical Advisory Committee, Planning Commission and City Council, with final local adoption by the City Council on May 15, 2013. These included educational events, community meetings, City Council and Planning Commission meetings. The City Council had at least 30 Study Sessions.

In addition to the 140 meetings held in the community, city SMP staff attended 29 coordination meetings. These meetings included tribes with usual and accustomed hunting areas in Kitsap County; other Kitsap SMP updaters, including Kitsap County, Bremerton, Poulsbo, and Port Orchard; and state and federal agencies, such as the Army Corps of Engineers (ACOE) and Federal Emergency Management Agency (FEMA).

Public Process – Public Hearings

The Planning Commission held a public hearing on March 29, 2012, consistent with WAC 173-26-100, at which time members of the public had the opportunity to present testimony about the proposed amendment. Legal Ads were published in the *Bainbridge Island Review*, the official paper, for three consecutive weeks beginning on March 9, 2012 and ending on March 23, 2012. Thirty persons testified at the hearing and an additional 44 persons provided written comments. On April 12, 2012, the Commission made changes to the draft SMP in consideration of numerous public comments. On April 12, 2012, the Commission voted unanimously to pass their SMP recommendations to the City Council.

On Tuesday May 22, 2012, the City Council held a special introductory SMP workshop. Workshop topics included a summary of work to date, including the state requirements, the existing SMP, Planning Commission recommendations, and high-interest topic areas, such as nonconforming structures, designations, environmental impacts, shoreline stabilization and overwater structures. Public comments were taken at that meeting with 13 persons commenting on the SMP recommendations. Between May 22, 2012 and May 15, 2013, the Council held 11 SMP meetings, including a public hearing on May 8, 2013. Legal Ads for this public hearing were published in the *Bainbridge Island Review* for three consecutive weeks beginning on April 16, 2013 and ending on May 3, 2013. Fifty citizens testified on the SMP at the hearing. Notice was also posted to the City's website on Friday April 26, 2013, and in the City Hall Kiosk.

Following the May 8, 2013 hearing, the City Council held a special study session on May 15, 2013 and approved the passage of Resolution #2013-10, authorizing the transmission of the draft SMP to Ecology for approval. On November 20th the City Council held another public hearing to cover further changes to the SMP, including Ecology's draft recommended and required changes and the city staff proposed changes since the City's May 8, 2013 Public Hearing and the subsequent May 15, 2013 local adoption.

The record has established that the City has complied with each element in WAC 173-26-100 and 110 to: 1) hold at least one public hearing to consider the draft proposal; 2) publish notice of that hearing in the official city newspaper with the notice referencing the authority(s) under which the action is proposed; a statement or summary of the proposed changes to the master program, the date, time and location of the hearing, and the manner in which interested persons may present their view; and reference to the availability of the draft proposal for public inspection at the local government office or online. The record also shows the City has complied with RCW 43.21C, the State Environmental Policy Act.

Between April 2012 and May 2013, approximately 553 public comments and 116 agency and tribal comments were sent to the City Council on specific SMP elements. The City Council responded to each comment, explaining the context, background and future discussions for each topic. These responses are part of the SMP record of background documents.

STATE REVIEW

The proposed SMP update was received by Ecology on June 7, 2013 for state review and verified by Ecology as complete on June 13, 2013. Notice of the state comment period was distributed to state task force members and interested parties identified by the City on July 9, 2013, in compliance with the requirements of WAC 173-26-120. The state comment period began on July 22, 2013 and continued through August 23, 2013. A summary about the statewide review with related links was posted for the benefit of interested citizens on Ecology's website (<http://www.ecy.wa.gov/programs/sea/shorelines/smp/mycomments/Bainbridgeland.html>) and has remained online with periodic updates along with a chronology of SMP events.

On July 31, 2013, Ecology held a public hearing in the Bainbridge Island City Council Chambers at 280 Madison Avenue North, Bainbridge Island, WA to seek input on the proposed amendments. Notice of the hearing was mailed to over 2,000 citizens on the Interested Parties list; email notices were sent to others who provided email addresses. Notice of the hearing, including a description of the proposed amendment and the authority under which the action is proposed, the times and location of the hearing and the manner in which interested persons may obtain copies and present their views was provided in the July 12, 2013 edition of the *Bainbridge Island Review*, the City's official newspaper of record.

Ecology hosted an hour-long open house prior to the hearing at City Council Chambers. Three Ecology shoreline staff along with Ryan Ericson, City Planner, and Josh Machen, City Planning Manager, spoke directly with many individuals and answered questions particular to their homes, lands or other concerns.

Following the Open House, the Public Hearing was convened, and after ground rules were explained by Hearings Officer Bari Schreiner and agreed to by those attending, Ecology Shoreline Planner Barbara Nightingale gave a presentation explaining the statewide context of the Bainbridge Island SMP update and the overall process to date.

Approximately 200 individuals attended the State Public Hearing. A total of 112 individuals or organizations submitted comments on the proposed amendments. This included verbal testimony at the hearing and those received in written form. Ecology sent all oral and written comments it received to the City on September 5, 2013. The City summarized and grouped the public comments and provided responses in terms of consistency with the WAC 173-26 Guidelines. On September 20, 2013 the City submitted to Ecology its responses to issues raised during the state comment period. Ecology's own responses to issues raised during the comment period are available as part of the SMP amendment process record, as Attachment D.

CONSULTATION WITH OTHER AGENCIES AND TRIBAL GOVERNMENTS

The Department of Ecology recommends a cooperative approach to jurisdictional issues. The State of Washington has a policy of working cooperatively with the Tribes on a Government to Government basis and, based on this policy, Department of Ecology urges local governments to work with Indian tribes and Ecology to cooperatively define the extent of jurisdiction and to coordinate applicable regulations.

The Suquamish Tribe, Point No Point Treaty Tribes and the Port Gamble S'Klallam participated monthly in the Kitsap County SMP coordination meetings. The objective of these meetings was for all parties to regularly collaborate and cooperate in the process of SMP development over the three-year period. The Suquamish Tribe hosted these meetings and provided written comments during the 30-day public comment period. The Tribe requested to be on the list of organizations reviewing and consulting on permits issued by the City and upon discovery of historic and archaeological findings. The City has agreed to the request for tribal review of and consulting on permits issued by the City and incorporated them into the SMP.

SUMMARY OF ISSUES RAISED BY THE PUBLIC

Following is a review of issues raised by the public during Ecology's public comment period.

Issue: Need to ensure ability to rebuild existing homes not meeting SMP standards.

Response: The updated SMP assures the ability to rebuild existing homes not meeting SMP standards. It is clearly stated in Section 4.2.1.2 as a goal, in 4.2.1.3 as a policy that existing homes can be rebuilt and expanded, while Section 4.2.1.4 regulations provide for such rebuild. Section 4.2.1.6.1 allows existing structures to be maintained, repaired, renovated, or

remodeled provided a number of conditions are met. Section 4.2.1.6.3 allows an existing primary residential structure that is damaged or destroyed to be altered or expanded pursuant to 4.2.1.6.3 (2-4). This also applies to multifamily residential primary structures (see Section 4.2.1.6.4). Residential Accessory Structures are also allowed to be reconstructed to the same bulk dimensions as the existing structure and may be located in Zone 2 buffer area.

Issue: Nonconforming status would reduce property values.

Response: Commenters provided no evidence supporting this claim, and the record supports the opposite conclusion. The City undertook a study of Bainbridge Island home sales for purposes of evaluating whether nonconforming status reduced property values. The study compared assessor values and sale prices over a period of one year and found no devaluation of home value on the market consistent with whether a home was conforming or nonconforming with SMP setback and buffer requirements. In fact, the study found that nonconforming status did not affect home values on the market, nor in valuation by the assessor. Details on the City's study and the results of two other studies in Oregon on this topic are described in Attachment D Ecology Response to Public Comments. Notwithstanding the study's conclusion that nonconforming status does not affect property values, in response to public comment the City chose to characterize these homes as "legally established primary residential structures," "lawfully constructed residential structures" and "existing primary residential structures." terms that are generally consistent with Ecology's SMP Handbook section, "Legally Existing Uses and Development."

Issue: Buffers are too big and wide and constitute a "taking" of private property. Vegetation management requirements of native species and setback/buffer sizes are not based on science.

Response: These concerns had been discussed often, in great detail, as the SMP update was being conducted. The scientific basis for the vegetation management provisions and the setbacks and buffers is well-documented in the record. (See reference lists in Attachments E and F). The City based its buffers on existing conditions and scientific information, as well as an analysis of the anticipated impacts of future development. The Cumulative Impacts Analysis notes, "Removal of shoreline vegetation, which often accompanies residential development, reduces shade and large woody debris recruitment potential, which impacts the supply of prey resources for juvenile and resident salmon and decreases in-stream habitat complexity in river systems. Failure to maintain or plant vegetation along bluffs can decrease root strength and increased likelihood of future landslides with bluffs with significant modifications to both the natural drainage regime and vegetation being particularly susceptible to landsliding."

Regarding the size of buffers needed to protect marine riparian functions, Brennan et al (2009) reported an average of all literature on buffer sizes needed to achieve 80% effectiveness of specific ecosystem functions to be 358 feet for water quality, 190 feet for fine sediment control, 79 feet for shade, 180 feet for large wood debris recruitment and 570 feet for wildlife functions.

With much of the shoreline already developed much closer to the water than the buffers included in the Brennan report, the City looked at how to provide the functions of buffers considering the existing conditions. The City's GIS analysis of existing setbacks plus the characterization of shoreline functions and anticipated impacts of future development provided the basis for determining buffers and establishing a two-zone buffer system. Requiring protective riparian habitat area buffers does not mean property owners have no options for use of their land. The City has provided a *Single Family Residence Shoreline Mitigation Manual* to provide options for landowners and site-specific flexibility in the application of buffer standards with the two-zone system across designations. Buffers could potentially be reduced on a case by case basis as needed to accommodate the other policy goals of the SMP. There are numerous ways waterfront properties may be developed that appropriately limit ecological impacts while enabling owners to build safely sited homes and enjoy their property.

Ecology observes that the proposed buffer system was chosen as a reasonable approach premised upon the protection of the most vital of ecosystem components along the shoreline. The City provided literature explaining how buffers function in various ways including erosion control, shade for beaches, production of food valuable to aquatic species, and habitat protection. These materials described how different buffer widths were necessary to protect different functions from the anticipated impacts of development.

The City's SMP buffer system is a two-zone buffer system. This system consists of Zone 1 Riparian Protection Zone (RPZ) and a second Zone 2 buffer area that is less restrictive concerning allowed vegetation and structures. For example:

- **For developed Shoreline Residential lots**, the total buffer area ranges from a total of 50 feet to 75 feet for developed lots, with the first 30 feet being the most protected Zone 1 RPZ buffers required by the SMP. The size of Zone 1 depends upon site-specific conditions.
 - If there is 65% or more of existing vegetation canopy at the site, the Zone 1 protections would extend to include all of the 65% canopy area but not exceed 75 feet. The area where the RPZ or 65% canopy area ends is where Zone 2, with lesser restrictions, would begin. Zone 2 would then extend to 75 feet.
 - If there is no area of 65% covered canopy area, the minimum Zone 1 buffer is required to be at minimum 30 feet, if denuded, and extended to include all existing native vegetation, if not denuded. An additional 20 feet would be Zone 2, with fewer vegetation and allowed structure restrictions.
- **For developed Shoreline Residential Conservancy lots**, the total buffer area ranges from 75 to 115 feet. Zone 2 would be the remaining total standard buffer extent for that designation.

- If there is 65% or more of existing vegetation canopy at the site, the Zone 1 protections would extend to include all of the 65% canopy area but not exceed 115 feet. The area where Zone 1 or 65% canopy area ends is where Zone 2, with lesser restrictions, would begin.
- If there is no area 65% covered canopy area, a minimum of 30-foot Zone 1 buffer would be required and an additional 45 feet would be Zone 2, with fewer vegetation and allowed structure restrictions.

For further details on the two-zone buffer system, see SMP Appendix C, Herrera Environmental Consultants Memorandums dated August 2, 2011 and August 31, 2011.

Regarding takings, some comments refer to the recent Supreme Court decision in *Koontz v. St. Johns River Water Management District* and assert that the SMP buffers may result in a taking and violate constitutional nexus and proportionality requirements. The *Koontz* decision extended the concepts of nexus and proportionality from real property exactions to circumstances where a regulatory agency was requiring a developer to spend money on offsite mitigation. The issue in *Koontz* was the fact that the water district could not demonstrate the basis for its mitigation requirement. In contrast, the underlying premise of the entire SMP update process is to ensure that the SMP regulations are based on an analysis of anticipated impacts and the measures designed to address those impacts so as to achieve the no net loss requirement. The SMP guidelines require that the SMP regulations ensure no net loss of existing ecological functions from future development in shoreline jurisdiction. In order to demonstrate no net loss, a jurisdiction must evaluate the anticipated impacts of development in an SMP Cumulative Impacts Analysis and then analyze how provisions in the SMP prevent those impacts from adversely impacting the shoreline. In addition, the assignment of Environment Designations reflects actual conditions according to specified criteria, and the regulations correspond to those existing conditions.

For example, the **Natural** designation applies to ecologically intact shorelines free of structures, modifications and intense uses. These areas have large buffers of 200 feet to protect those existing functions. Similarly, the **Island Conservancy** designation applies to publicly-owned open space or park properties and requires buffers of 150 feet for shorelines with 65% intact vegetated canopy and undeveloped Island Conservancy lots and buffers of 100 feet for lots with less than 65% canopy. The **Shoreline Residential Conservancy** applies to residential lots. Those developed lots with less than 65% canopy area require a 75-foot buffer; for developed lots with 65% canopy, 115 feet; and a 150-foot buffer for undeveloped lots. The **Shoreline Residential** designation applies to residential lots and requires 75-foot buffers for undeveloped lots or 150-foot buffers for undeveloped lots adjacent to Priority Aquatic designation and 50-foot buffers for developed lots with less than 65% existing Canopy Area in Zone 1 or lots with a depth less than 200 feet or on a high bluff. Minimum total buffers of 30 feet are found in **Urban** designations. These Urban shorelines are limited to Eagle Harbor locations along the downtown

Winslow core area, the Washington State Ferry facilities, commercial marina sites and a small area in the northern reach of Rich Passage, adjacent to the Lynnwood Center commercial area.

These varying buffer widths are based on not only the pattern of existing development and shoreline ecological functions, but also by the anticipated impacts of future development that is authorized and expected to occur in each of the shoreline environment designations. The impacts of anticipated residential development within the jurisdiction are well-documented in the record, including the Cumulative Impacts Analysis. The SMP addresses these impacts while at the same time protecting the interests of property owners. There are numerous provisions in the SMP that are designed to provide relief to property owners in appropriate circumstances. In addition, the City takes it a step further with the *Single Family Residence Shoreline Mitigation Manual* that provides options for home owners that take into account size and type of structure, vegetation clearing and impervious surface. There is also the opportunity to obtain relief through the variance process.

In summary, the City engaged in a thorough, reasoned, and science-based process in which it analyzed the available science on buffers and considered it in light of local conditions and anticipated impacts from future development in shoreline jurisdiction. At the same time, the City was creative in its approach in providing flexibility for property owners and in protecting property rights. Shoreline property owners can apply the provisions of the SMP to reasonably develop their land while preserving the ecological functions which are essential to the long term well being of the regional environment.

Issue: Strengthen the 30-foot buffer widths by increasing 30-foot buffer minimums to 50 feet.

Response: The 30-foot minimum buffer widths only apply to Zone 1, the Riparian Protection Zone (RPZ) in the Shoreline Residential Conservancy and Shoreline Residential designations. In these designations, for lots that do not have 65% vegetation canopy in Zone 1, the buffer will expand to include the area with existing native vegetation. The minimum buffer widths are based on the existing development pattern and shoreline ecological functions and designed to meet the no net loss requirement. The overall shoreline buffer includes Zone 1 (the RPZ) plus Zone 2. The combination of Zone 1 and 2 encompasses overall buffer area. At minimum, buffers would be a total of 50 feet for lots with less than 65% vegetation canopy up to 75 feet. For undeveloped residential lots the buffers are 75 to 150 feet. These SMP buffers were developed based on the shoreline inventory and characterization and take into account the present condition of the property, including any existing structures. Accordingly, undeveloped areas have larger buffers. By tailoring the buffer provisions to existing conditions, the SMP could achieve no net loss of ecological functions as required under the SMP Guidelines (WAC 173-26).

Issue: Homes should be classified as water-dependent.

Response: Residential structures are not water-dependent. Under WAC 173-26-020(29), water-dependent use is defined as a use or portion of a use which cannot exist in a location

that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Residential use does not require a location adjacent to the water and it does not depend on the water because of the intrinsic nature of its operations. However, even though it is not a water dependent use as stated above and described below, single family residential use is a priority use of the shoreline. The SMA states, "Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures..." (RCW 90.58.020.)

Issue: The SMP seeks to phase out residential uses.

Response: This assertion is incorrect. As explained above, single family residential use is prioritized under the SMA, and the SMP reflects this policy. Consistent with the SMA, the SMP accommodates residential uses and explicitly states as a Goal in Section 5.9.2, "Promote residential development opportunities along the shoreline that are consistent with controlling pollution and preventing damage to the natural environment, recognizing that single-family residential development is a priority use in the shoreline and that impacts to other shoreline priority uses such as, shoreline views, aesthetics, and access, should be considered and minimized." Also, in Section 5.9.3.1 Policies, "consider single-family residential use as a priority use in the shoreline and develop single-family residences in a manner consistent with producing no net loss of shoreline functions or ecosystem-wide processes, and in conformance with the requirements of this SMP." This SMP is consistent with both the SMA and the implementing WAC 173-26-241(3) "Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment."

The City set the buffer standards based upon existing conditions and the present location of structures along the shoreline. This effort was specific to avoiding existing homes being classified as nonconforming structures. In addition, the buffer standards are site specific and allow for flexibility. This buffer flexibility, based on specific site conditions, is also further enhanced with the development of single-family mitigation options identified in the SMP's Appendix D, *Single Family Residence Shoreline Mitigation Manual*.

Issue: SMP violates the SMA by prohibiting docks.

Response: The SMP Section 6.3.4 prohibits new docks in the following specific sensitive and hazardous locations:

1. Priority Aquatic designations and areas adjacent to the Natural designation except for Priority Aquatic B designations where salt marsh vegetation does not exist.
2. Locations where the following physical limitations are mapped and defined: shallow sloping tidelands, areas of frequent high winds, waves or current exposure; high accretion areas; geologically hazardous areas; and feeder bluffs.

3. Within Blakely Harbor between Restoration Point and the most eastern point along the north shore of Blakely Harbor (sometimes referred to as "Pigott Point" or "Jasmine Point"), except as provided in the SMP.
4. Murden Cove, among the least altered high bluff reaches and marsh/lagoon reaches on Bainbridge Island (2004 Battelle Report).

The prohibition on single-family docks in Blakely Harbor has been a part of the Island SMP since 2003, when it was approved by Ecology as a limited amendment. A 2006 Blakely Harbor Dock Shoreline Amendment Alternatives Analysis and Cumulative Impact Assessment concluded that these regulations were necessary to protect the natural resources in the bay. The prohibition on single-family docks in # 1 and 4 above supports the city's intentions to protect natural resources in these areas.

As described above, overwater structures are prohibited in areas with physical limitations due to potential adverse impacts on the environment (shallow sloping tidelands, feeder bluffs) or potential dangers to public health and safety (high wind, geologically hazardous areas, high accretion areas). These areas have been defined in the SMP and the City will be providing maps as further guidance. With respect to areas of high waves, high winds and current exposure, these prohibitions will be removed from the SMP because the City has not defined criteria with any specificity and has indicated the desire to address them in a later SMP amendment.

These prohibitions are consistent with state standards and with the court's decision in the *Samson* case, *Samson v. City of Bainbridge Island*, 149 Wn.2d 33 (2009). As stated in *Samson*, there is no requirement under the SMA that docks and piers be allowed everywhere. Rather, under the SMA, development is allowed when consistent with protection of the shoreline environment. RCW 90.58.020. This principle is reflected in the WAC 173-26-231(3)(b), which sets requirements for SMP pier and dock standards.

Issue: The SMP public access section seeks to achieve public access to the shoreline by alternate means not mandated or authorized by the SMA. Section 4.2.4.4(3)-(7). Commenter claims that these Public Access policies set forth strategies for acquiring public access over and to private land.

Response: The SMA requires local jurisdictions to protect and facilitate public access to the shoreline. WAC 173-26-221(4) sets forth the principles and standards to provide for public access to publically owned lands and provide for public access where developments have created a demand for public access, unless it is not feasible due to conflicting uses or due to constitutional or other applicable legal limitations.

The SMP policies are consistent with WAC 173-26-221(4). SMP Section 4.2.4.3 calls for recognition of rights of private property ownership in providing public access to the shoreline. Section 4.2.4.4(5) requires public access for new commercial use development or development

by public entities. They also require public access for any new private or public shoreline development unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment. Section 6 requires the Winslow Waterfront Trail to be completed and protected through acquisition, easement dedication, or other appropriate means. Section 7 requires public access, both visual and physical, as a condition of approval for any new private shoreline development which diminishes existing public access or increases demand for public access commensurate with the impacts of such development and the corresponding benefit to the public. SMP Section 9 reserves city-owned shorelines for water-dependent public recreational uses or to be maintained as open space.

In this way, the City's requirements for public access reflect constitutional requirements, as they set limits on providing public access and require that the public access be commensurate with the impacts that a particular development has on diminishing public access, or the increased demand for public access resulting from the development. The public access provisions are consistent with public access provisions in other SMPs, including the Spokane County SMP public access provisions, which have been upheld by the Growth Management Hearings Board.

Issue: The SMP must declare existing, lawfully built homes to be "conforming" structures as per SSB 5451.

Response: This is an incorrect statement of the law. RCW 90.58.620 (SSB 5451) states that an SMP may include provisions authorizing lawfully built residential structures to be "conforming" structures. It does not require that an SMP declare residential structures that do not meet local codes "conforming." However, consistent with the desires of the commenter, the City opted not to use the term "nonconforming" with respect to single family or multifamily residential structures. Rather these residential structures are referred to as "legally established primary residential structures," "lawfully constructed residential structures" and "existing primary residential structures." The term "nonconforming" is limited to nonconforming lots, nonconforming uses, nonconforming commercial and industrial structures, nonconforming public facilities, and nonconforming transportation facilities.

Issue: SMP Section 7, Violations, Enforcement and Penalties, was a surprise and was not part of the public hearing. Commenters claimed that Section 7 goes too far and criminalizes behavior that should not be criminalized and claimed that people would be punished for weeding their gardens.

Response: The omission of this section from the copy of the SMP used in the May 8, 2013 public hearing was inadvertent. This section was not new and had appeared in all other versions of the draft SMP and had been previously discussed and voted on in hearings held prior to and after May 8, 2013. Section 7 was also included in the SMP for the Ecology state public hearing on July 31, 2013.

RCW 90.58 and WAC 173-27 SMA Permit and Enforcement Procedures require an SMP to include violations and enforcement sections. WAC 173-27-240 through 300 sets the requirements of SMP enforcement procedures. The City's penalties and procedures in response to violations are consistent with WAC 173-26-240 through 300 and RCW 90.58.200 through 230, which establish the rights of local jurisdictions to set up such regulations and penalties. Ecology has reviewed Section 7 and has determined that as conditioned by Ecology, it is consistent with the SMA and the SMA Guidelines. Upon adoption, in addition to being part of the SMP, Section 7 will be included in the Administration section (Title 2) of the City's code.

It is inaccurate to state that the SMP prohibits a landowner from weeding the garden. The SMP Vegetation Management section has defined exceptions which do not have to follow the Vegetation Management regulations, such as maintaining existing vegetation. Regulations allow removal of invasive species, removal of woody vegetation less than 3 inches in diameter and hazard tree removal, and where a clearing may be required. The SMP addresses maintenance of existing residential landscaping, as shown in the following, from SMP Section 4.1.3.4 Vegetation Management 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.
 - 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.”

Issue: The shellfish industry commented that commercial shellfish farming should be allowed in all marine waters within city boundaries. Aquaculture is a preferred water-dependent use, provides ecological benefits, and should be protected from activities that threaten water quality.

Response: Similar to other water dependent uses, the SMA does not mandate that a jurisdiction authorize this activity throughout the jurisdiction. Rather, similar to other shoreline uses, the allowance of aquaculture must be informed by the inventory and characterization, the CIA, and the environment designations. Ecology is requiring changes to the SMP to reflect this and the SMP Guidelines, including WAC -173-26-241(3)(b). These required changes are in Attachment B and recommended changes are Attachment C.

Issue: Objects to shoreline designation of Shoreline Residential Conservancy on grounds that “Rural Conservancy” does not apply to Bainbridge Island.

Ecology Response: It is incorrect that the Shoreline Residential Conservancy environment designation is mirrored after WAC 173-26-211(5)(b) Rural Conservancy. The Rural Conservancy designation allows for low-intensity residential development at the same time protecting natural resources, natural floodplain processes, and open space outside incorporated municipalities and urban growth areas.

As explained by City planner Ryan Ericson, the City is an incorporated municipality and based its Shoreline Residential Conservancy designation on the Urban Conservancy designation in the SMP Guidelines WAC 173-26-211(5)(e). The stated purpose of Urban Conservancy is: “(i) **Purpose.** The purpose of the ‘urban conservancy’ environment is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.” Consistent with this, the SMP states: “The purpose of Shoreline Residential Conservancy is to accommodate compatible residential uses while protecting, conserving, and restoring shoreline ecological functions and processes of open space, floodplains or other-flood prone areas, and other sensitive lands. It is the further purpose to conserve and manage valuable historic and cultural

resources where they exist. Due to the more sensitive characteristics of these areas, a higher level of development standards is warranted.”

Local governments have the option to develop environment designations different than those listed in the SMP Guidelines. Under the Guidelines, areas to be designated Urban Conservancy “are appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area...”

The shoreline inventory shows that Shoreline Residential Conservancy areas have 20 to 25 feet larger existing setbacks and larger percentages of areas covered with native vegetation within the area 200 feet landward from OHWM than the Shoreline Residential designations (Herrera 2011, Battelle 2004). These segments designated as Shoreline Residential Conservancy also include sensitive areas such as marshes, lagoons, mudflats and feeder bluffs. Murden Cove and Blakely Harbor had the highest rating of ecological functions within the shoreline jurisdiction. Only these two areas were rated low-moderate impact with Blakely Harbor having the lowest level of shoreline armoring and highest natural functions in the City. Shoreline buffers, setbacks and vegetation conservation standards are critical to ensuring against adverse environmental impacts with avoiding and minimizing impact being of top concern for these areas (Herrera and The Watershed Co 2012). In 2006, the City produced an alternatives analysis and Cumulative Impact Assessment specific to Blakely Harbor for an informed policy discussion on the future of this harbor and an analysis of various potential build-outs. The City decided, based on an alternative build-out analysis, that the designation of Shoreline Residential Conservancy is the one designation that will provide for existing development in this harbor and protect against net loss of existing ecological functions.

ADDITIONAL FINDINGS

Consistency with Chapter 90.58 RCW: The proposed amendments have been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090. The City has also provided evidence (see above) of its compliance with SMA procedural requirements for amending an SMP contained in RCW 90.58.090.

Consistency with applicable guidelines: (Chapter 173-26 WAC, Part III): The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program guidelines (WAC 173-26-171 through 251 and -020 definitions). This included review of a SMP Submittal Checklist, which was completed by the City.

Consistency with SEPA Requirements: The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance for the proposed SMP amendments on February 27, 2012. Ecology did not comment on the SEPA determination.

OTHER STUDIES OR ANALYSES SUPPORTING THE SMP UPDATE

In addition to the documents listed above, Ecology also reviewed the following reports, studies, map portfolios and data prepared for the City support of the SMP amendment.

- *City's April 16, 2013 Draft Shoreline Master Program Update – Consistency Analysis Report.*
- *City's Response to Public Comments.*
- *February 9, 2011 SMP Workgroup Recommendations Draft SMP Policies.*
- *May 12, 2010 Public Participation Plan prepared by AHBL.*
- *SMP-Public Comments to Planning Commission with City Responses to Comments.*
- *SMP Public Comments to City Council with City Responses to Comments.*
- *U.S. Dept. Of Commerce, NOAA ESA Section 7 Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the Proposed Approval of Finfish Rearing Facility Provision Contained in the Sediment Management Standards Rule Promulgated by the Washington State Dept. of Ecology (HUC 17110019, Puget Sound) (April 8, 2011) See Attachment E.*
- *U.S. EPA Aquaculture Re-Approval of Washington's Revised Sediment Management Standards (WAC 173-204) including the Marine Finfish Rearing Facility Provision (April 22, 2011) See Attachment E.*
- *Public Access Guidebook (2004) See Attachment E.*
- *Shoreline Master Program (SMP) Handbook Chapters and sections.*

SUMMARY OF ADDITIONAL ISSUES IDENTIFIED BY ECOLOGY AS RELEVANT TO ITS DECISION

Ecology reviewed all of the records of individual public comments from the Statewide Public Comment period. Those were all considered by Ecology in relation to the record from the public comments throughout the SMP development proceedings. Many of the issues raised in the statewide review had previously been considered and addressed in the process leading to local adoption.

In addition, Ecology identified public access provisions in the draft SMP that are inconsistent with the SMP Guidelines, as they require public access for development on public lands only if the development would increase demand or reduce existing access. See Required Changes in Attachment B that require public access for development on public lands or by public entities unless incompatible due to safety, security, or impacts to the shoreline environment.

Ecology also determined that Title 2 Administrative provisions allow for major and minor conditions uses and variances. As major and minor variance and conditional use permits are not recognized by the SMA, these cannot be part of the SMP. However, they can remain part of the City's general administrative process in Title 2.

Ecology also determined that dock prohibitions for three areas of geophysical limitations require additional data. These areas are areas of high wind, high waves and high currents. Therefore, Ecology is requiring the following changes: delete these three areas from the list of dock prohibitions in SMP Section 6.3.4. Regulations Prohibited (2) and define Shallow Sloping Tidelands in Section 6.3.4. See Attachment B Required Changes.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City's SMP proposal, subject to and including Ecology's required changes (itemized in Attachment B), is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions).

This includes a conclusion that the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new master program amendments over time (WAC 173-26-201(2)(c)).

Ecology also concludes that a separate set of recommended changes to the submitted SMP (identified during the review process and itemized in Attachment C) would be consistent with SMA policy and the guidelines and would be beneficial to SMP implementation. These changes are not required, but can, if accepted by the City of Bainbridge Island, be included in Ecology's approved SMP amendments.

Ecology concludes that those segments of the Bainbridge Island SMP relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5)).

Ecology concludes that the city of Bainbridge Island has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the city of Bainbridge Island has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP amendment process.

Ecology concludes that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's SMP amendment submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in WAC 173-26-120.

Ecology concludes that the City has chosen not to exercise its option pursuant to RCW 90.58.030(2)(f)(ii) to increase shoreline jurisdiction to include buffer areas of all critical areas within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the City's critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies outside of SMA jurisdiction. All remaining designated critical areas (with buffers NOT extending beyond SMA jurisdiction) and their buffer areas shall be regulated solely by the SMP.

Ecology finds that the City thoughtfully and deliberately evaluated reasonably foreseeable future development and sought to ensure that property rights were protected while also meeting the requisite no net loss standard.

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments are consistent with the policy of the Shoreline Management Act, the applicable guidelines and implementing rules, once required changes set forth in Attachment B are approved by the City. Ecology approval of the proposed amendments with required changes is effective 14 days from Ecology's final action approving the amendment.

As provided in RCW 90.58.090(2)(e)(ii) the City may choose to submit an alternative to all or part of the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58 and the applicable guidelines, then the department shall approve the alternative proposal and that action shall be the final action on the amendment.

Attachment B:

Ecology Required Changes

The following changes are required.

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	BI 5.2.1	Aquaculture Applicability Change accepted by City Council	These provisions apply to the commercial cultivation and harvesting of fish, shellfish or other aquatic animals or plants, but also to non-commercial harvesting, and to the incidental preparation of fish and shellfish for human consumption, or cultivation for restoration purposes. Incidental small-scale aquaculture that is strictly for personal consumption may be considered accessory to residential use and must adhere to all applicable regulations in this program.	Aquaculture for personal consumption may occur on property other than residential. Also, Table 4-1 allows Shellfish Gardens in multiple environment designations where uses other than residential may occur. Deleting this statement would make this regulation and the use table consistent.
2	BI 5.2.1	Aquaculture Change accepted by City Council	Aquaculture activities may not be <u>are not considered dredging nor</u> subject to the regulations found in Section 6.4, Dredging and Dredge Material Disposal, <u>depending on site specific circumstances.</u>	The City should not be inconsistent with federal law. Certain aquaculture activities may be considered dredging under federal law, depending on site specific conditions. The required change will ensure projects are not automatically subject to Section 6.4, but also will not conflict with Nationwide Permit 48 <u>under federal regulations.</u>

3	BI 5.2.2	Aquaculture Change accepted by City Council Applicability	Aquaculture is dependent on the use of the water and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. Recognize that w When properly managed, aquaculture can result in long-term <u>over short-term</u> ecological and economic benefit and can protect the resources and ecology of the shoreline.	For consistency with WAC 173-26-241(3)(b)(i). The WAC contains “consistent with control of pollution and prevention of damage to the environment” and other qualifiers that are important to interpretation and application of the SMA and WAC.
4	BI 5.2.2(3)	Aquaculture policies Change accepted by City Council	Prohibit aquaculture where it would result in a net loss of shoreline ecological functions; adversely affect the quality or extent of habitat for native species including eelgrass, kelp, and other macroalgae; adversely impact City and state critical habitat areas and other habitat conservation areas;	See Attachment C. Recommended Changes 6 and 7 (p. 2, BI 5.2.2) for suggested wording that better captures the intent of policy BI 5.2.2(3). Commercial, subsistence and recreational shellfish beds are critical saltwater habitats. Having this statement here results in circular reasoning. Typically, the CAO language is adequate to meet the intent here, without creating conflicts within the aquaculture provisions.
5	BI 5.2.3(3)(e)	Aquaculture Regulations-Prohibited Change accepted by City Council	Areas that do not have potential to support native populations of the type(s) of aquaculture under consideration.	Pacific oysters, manila clams, Atlantic salmon, and other species currently cultured and farmed are not native species. This policy constitutes a defacto ban on an overwhelming majority of aquaculture.

6	BI 5.2.3(4)	Aquaculture Regulations- Prohibited Change accepted by City Council	Aquaculture that uses or releases herbicides, pesticides, antibiotics, fertilizers, non-indigenous species, parasites, pharmaceuticals, genetically modified organisms, feed or other materials known to be potentially harmful into surrounding waters is prohibited unless: 1) except that the following may be allowed: a. Experimental forms of aquaculture involving new species, new growing methods or new harvesting techniques may be allowed consistent with this Program and applicable state and federal regulations. a.b Shellfish seeding/culturing may be permitted when <u>C</u>-conducted for native population recovery in accordance with government/Tribal approved plan <u>and all state and federal regulations or</u> b. Pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents, or other chemical applications for aquacultural operations <u>Approved by all</u> only if prior approval is obtained from all appropriate state and federal agencies, including, including but not limited to, the U.S. Food and Drug Administration, the Washington State Departments of Ecology, Fish and Wildlife and Agriculture, as required, and proof thereof is submitted to the City.	Commercial aquaculture already requires state and federal permits which address the issues identified in the first sentence and subsection c. The required changed makes this regulation consistent with what is currently covered through state and federal law and regulations. Pacific oysters, manila clams, Atlantic salmon, and other species currently cultured and farmed are not native species. As written, this regulation constitutes a defacto ban on an overwhelming majority of aquaculture.
7	BI 5.2.3(5)	Aquaculture Prohibited Change accepted by City Council	Mechanical and/or hydraulic harvesting or other activities that involve substantial substrate modification through dredging, trenching, or digging shall be prohibited in existing kelp beds or in beds of native eel grass (<i>Zostera marina</i>) containing more than two (2) turions per one-quarter (1/4) square meter in winter or three (3) turions per one-quarter (1/4) square meter in summer.	The DNR definition of ‘eelgrass bed’ may change over time and is not used by all state and federal agencies, including Ecology’s Clean Water Act Section 401 Water Quality Certifications administered for new geoduck aquaculture projects. Not defining what constitutes a "bed" allows the City to rely on the most current science at the time of project review. It's important to note that this will only apply to new aquaculture and to existing kelp and eelgrass (<i>Zostera marina</i>) beds at the time of review.

8	BI 5.2.4(1)	Regulations General	5.2.4 Regulations - General 1. Aquaculture may be allowed as a conditional use in Shoreline Residential, Urban, and adjacent Aquatic designations and as provided below: a. Community Shellfish Gardens may be <u>are</u> allowed as a conditional use in the Island Conservancy, Shoreline Residential Conservancy, <u>Shoreline Residential and Urban</u> designations and in adjacent Aquatic designations except Priority Aquatic (unless as part of an approved restoration project). b. Individual Shellfish Gardens may be <u>are</u> allowed in the Island Conservancy, Shoreline Residential Conservancy, <u>Shoreline Residential and Urban</u>, Shoreline designations, and in adjacent Aquatic <u>designation designations</u> Priority B. They also are allowed in Aquatic Priority A when for the recovery of native populations, restoration, or personal use as defined in Aquaculture 16.12.5.3. except in Priority Aquatic A (unless as part of an approved restoration project).	Reword for clarity and be consistent with Table 4-1, Shoreline Use and Modification Activity Matrix
9	BI 5.2.5	Regulations Design Standards Change accepted by City Council	Floating and submerged aquaculture structures shall be located to <u>avoid or minimize</u> interference with <u>navigation navigable waters</u> and the normal public's use of the surface waters, the water and shoreline	Edit as noted. Change wording to make it more consistent with language used in WAC 173-26-241(3)(b) and to acknowledge that mitigation is first about avoidance, then minimization of impacts.
10	BI 5.2.5(2)	Regulations Design Standards Change accepted by City Council	Aquacultural structures and activities that are not water-dependent (e.g., warehouses for storage of products, parking lots) shall be located landward of the OHWM, upland of water-dependent portions of the project, and shall <u>avoid or</u> minimize detrimental impacts to the shoreline.	Edit as noted to acknowledge that mitigation is first about avoidance, then minimization of impacts.

11	BI 5.2.5(4)	Regulations Design Standards Change accepted by City Council	Onshore support structures shall meet the height and setback standards established in Table 4-2, Site Development Standards Matrix, except that reduced setbacks may be permitted <u>through a shoreline variance</u> where necessary for the operation of hatcheries and rearing ponds. Netting and fencing shall be the minimum necessary to deter targeted predators and shall not exceed 6 feet in height, as measured from <u>the ground</u> water surface	Edit as noted if this section refers to onshore structures, not overwater structures-
12	BI 5.2.5(5)	Regulations Design Standards Change accepted by City Council	Aquacultural proposals that include net pens or rafts shall not be located closer than one (1) nautical mile to any other aquacultural facility that includes net pens or rafts, provided that a lesser distance may be authorized by the Administrator if the applicant can demonstrate to the satisfaction of the Administrator that the environmental and aesthetic concerns expressed in the Master Program shall be addressed. If a lesser distance is requested, the burden of proof shall be on the applicant to demonstrate that the cumulative impacts of the existing and proposed operations would not be contrary to the policies and regulations of the Master Program.	Adequate rationale for the 1 mile distance was not provided and is arbitrary. delete or provide rationale. Grouping uses in one location actually may reduce aesthetic and environmental impacts, rather than spreading them along a longer length of shoreline and viewshed. Projects must address environmental and aesthetic impacts regardless of where they are located in proximity to each other. Cumulative impacts may be considered as part of any project proposal review. Since a CUP is required for almost all aquaculture projects, the City has the authority to consider and address cumulative impacts, and require mitigation or permit limits or conditions to address impacts.

13	BI 5.2.5 (9)	Aquaculture Design Standards Change accepted by City Council	Except as provided in Section 5.2.5(1), aquacultural developments approved on an experimental basis shall not exceed five (5) acres in area, except anchorage for floating systems, and five (5) years in duration,	Required change. The Inventory and Characterization and the CIA don't provide adequate rationale for the 5 acre limit and 5 year permit duration, and are arbitrary. Please provide rationale or delete.
14	BI 5.2.5 (10)	Aquaculture Design Standards Change accepted by City Council	Shellfish -Gardens -for -personal -consumption -are -allowed on private lands as an accessory use to a primary residential use provided the following can be met:	Aquaculture for personal consumption may occur on private property other than residential. -Also, Table 4-1 allows Shellfish Gardens in multiple environment designations where uses other than residential may occur. Deleting this statement would make this regulation and Table 4.1 consistent.
15	BI 5.2.5 (10)(c)	Aquaculture Design Standards Change accepted by City Council	The area used for cultivation is no greater than 400 square feet in area.	The Inventory and Characterization and CIA don't provide adequate rationale for the 400 square feet limit, and is arbitrary. Please provide rationale or delete.
16	BI 5.2.6(6)	Aquaculture Operational Standards Change accepted by City Council	When feasible the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing, or hand washing, rather than chemical treatment and applications. All nets will shall be maintained and cleaned in accordance with all applicable state NPDES permit and federal requirements.-If a state or federal permit is not required, cleaning of nets and other apparatus shall be accomplished by air drying, spray washing, or hand washing, rather than chemical treatment and applications.	<u>All new commercial geoduck operations require Clean Water Act Section 404 review and Section 401 Water Quality Certifications that typically include requirements for maintaining nets.</u> All NPDES permits for net pens also include requirements for maintaining nets.

17	BI 5.2.8	Aquaculture Commercial Geoduck Requirements Change accepted by City Council	<u>5.2.8 Commercial Geoduck Requirements</u> <u>In addition to other provisions in section 5.2, commercial geoduck aquaculture will be administered consistent with WAC 173-26-241(3)(b)(ii), (iii), and (iv). Where there is inconsistency between the provisions in 5.2.1, 5.2.2., 5.2.3, 5.2.4, 5.2.5, 5.2.6 or 5.2.7 and the geoduck provisions, the specific commercial geoduck provisions apply.</u> <u>A conditional use permit is required for all new commercial geoduck aquaculture and conversions from existing non-geoduck aquaculture to geoduck aquaculture. CUPs for new commercial geoduck and conversions will be administered consistent with WAC 173-26-241(3)(b)(ii), (iii), and (iv).</u>	The policies, regulations, standards and application requirements do not meet WAC 173-26-241(3)(b)(ii-iv) in its entirety. These commercial geoduck policies and regulations are needed to ensure the SMP aquaculture provisions comply with WAC 173-26-241(3)(b)(ii)-(iv). One way to comply would be to adopt the WAC subsections by reference as included as required change.
18	BI 1.2.2 (2)	Scope of Shoreline Management Act	2. Segments of streams and rivers with a <u>where the</u> mean annual flow <u>is more than</u> 20 cubic feet per second (cfs) or more ;	For consistency with RCW 90.58.030(2) (e)
19	BI 1.2.2 (3)	Scope of Shoreline Management Act Change accepted by City Council	3. Lakes and reservoirs 20 acres and greater larger than 20 acres in area;	For consistency with RCW 90.58.030(2) (e)
20	BI 1.2.2(4)	Scope of Shoreline Management Act Change accepted b y City Council	4. Wetlands (a specific Shoreline Management Act term which includes related upland, shoreland, and wetland areas) associated with all of the above; and <u>Shorelands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters.</u>	For consistency with RCW 90.58.030(2)(d)

21	BI 3.3.2.2	Designations Change accepted by City Council	Priority Aquatic shall be designated as follows: 1. Priority Aquatic Category A is more protective and intended to be the default classification. a. Those areas previously designated Aquatic Conservancy are as of the adoption of this date XXX XX, 2013 of this SMP, shall be are designated Priority Aquatic Category A. 2. Priority Aquatic areas located adjacent to upland areas with a high level of existing development will be classified as are Priority Aquatic B.	For clarity of designations and intent
22	BI 4.1.5.4 (2)	Critical Areas	Development, uses, and activities adjacent to critical areas, including critical saltwater habitats and fish and wildlife habitat conservation areas, proposed within shorelines of the state shall <u>be monitored</u> to assure that these areas are not being adversely impacted by approved development or restoration projects <u>consistent with Section 4.1.2. monitoring and mitigation requirements and the monitoring and mitigation requirements in Appendix B..</u>	For consistency with WAC 173-26-201(2)(e)
23	BI 3.3.1.3 (4)	Aquatic Designations Management Policies Change accepted by City Council	Aquaculture practices should be limited to those activities that can demonstrate that significant impacts to ecological functions, ecosystem-wide processes, and adjacent land uses will not occur. Aquaculture should be encouraged in those tidelands, waters and beds most suitable for such use. Intensive shellfish aquaculture is prohibited.	For consistency with the WAC 173-26-241(3)(b) and Table 4.1 as changed.

24	BI 8	Definitions Changes accepted by City Council	Houseboat— A particular type of vessel licensed and designed for use as a mobile structure with adequate self propulsion and steering equipment to be operated as a vessel but also characterized by detachable utilities or facilities for residential use. When principally used as an over water residence, it is a “live aboard vessel.” Floating Home— A non vessel structure designed and operated substantially as a permanently based over water residence. Floating homes lack adequate self propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi permanent anchorage/moorage facilities. Floating house - <u>any floating structure that is designed, or has been substantially and structurally remodeled or redesigned, to serve primarily as a residence. "Floating houses" include house boats, house barges, or any floating structures that serve primarily as a residence and do not qualify as a vessel as provided in subsection (74) of this section. A floating structure that is used as a residence and is capable of navigation, but is not designed primarily for navigation, nor normally is capable of self propulsion and use as a means of transportation is a floating house, not a vessel.</u>	For consistency with WAC 332-30-106(23)
25	BI 4.1.5.5 (1)(ii)	Regulations- Fish and Willdlife Habitat Conservation Areas and Critical Saltwater Habitat	ii. The A publicneed for such a structure is clearly demonstrated and an alternative alignment or location on the property that would avoid impacts to critical saltwater habitats is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose, as demonstrated through an alternatives analysis. The analysis should include in part, shoreline bathymetry, shoreline features at the site, and substrate composition;	For consistency with WAC 173-26-241(2)(b)(A)

26	BI 4.1.5.5 (1)(d)	Critical Area Regulations -Fish and Wildlife Habitat Conservation Areas and Critical Saltwater Habitat	For sites adjacent to sand lance and surf smelt spawning areas, all in-water work that has the potential to increase suspended sediments in the spawning area during the spawning period shall require a buffer of at least 2 feet vertical separation from the tidal elevation of the spawning bed, or a buffer of 180 feet horizontal distance from the lower edge of the spawning habitat zone. In-water work should occur during an outgoing tide when the water line is below the lower edge of a surf smelt/sand lance spawning habitat zone (5-6' MLLW). <u>For projects within WDFW documented Pacific herring spawning locations, in-water activities that would affect herring spawn should be restricted to WDFW's approved work window for Bainbridge Island (May 1 through January 14). For aquaculture projects, the city may consider alternative methods that are contained in federal and/or state aquaculture permits for reducing impacts to herring spawning habitat and other forage fish spawning habitat. that are contained in federal and/or state aquaculture permits.</u>	For consistency with current WDFW Guidelines
27	BI 4.1.5.5.(1)(e)	Critical Area Regulations -Fish and Wildlife Habitat Conservation Areas and Critical Saltwater Habitat	<u>e. For projects other than commercial aquaculture within WDFW documented sand lance and surf smelt spawning locations, no activities should occur during spawning windows as identified by WDFW. For commercial aquaculture projects within WDFW documented sand lance and surf smelt spawning locations, no harvesting may occur during the surf smelt or sand lance spawning seasons until a spawning survey is conducted. If surf smelt or sand lance spawn are present in the growing area to be harvested or adjacent tidelands, then no harvest activities may occur until the eggs are hatched. Extreme caution should be taken to avoid impact and minimize disturbance of sand lance and surf smelt larvae that are present.</u>	For consistency with current WDFW Guidelines

28	BI 3.2.3.3(5)	Shoreline Designations	High intensity development should be prohibited and commercial uses should be limited to those that are water-oriented and intended to be accessory to residential uses , consistent with zoning regulations.	This will provide reasonable accommodation of aquaculture, while providing the City with the ability to review individual projects and limit impacts to achieve no net loss of important ecological functions, protect critical saltwater habitats, and address use conflicts.
29	Table 4-1	Shoreline Use and Modification Activity Matrix	<u>See Table 4.1</u>	For consistency with WAC 173-26-211(5)(e): Delete Intensive and delete Aquaculture Community Shellfish Gardens from the use descriptions, leaving the uses to be Aquaculture and Aquaculture, Shellfish Gardens. Allow Aquaculture in Shoreline Residential Conservancy with a conditional use permit. For internal consistency with 6.5.4: Add row for Fill, Restoration and Enhancement with C for Natural and Island Conservancy.

30	BI 8	Definitions	Aquaculture— <u>The culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery. Upland finfish rearing facilities are included in the definition of agriculture and are not considered aquaculture for the purpose of this SMP. The cultivation of fish, shellfish, and/or other aquatic animals or plants including the harvesting and incidental preparation of these products for human use and consumption. Aquaculture does not include the harvest of free swimming fish or gathering of shellfish for non-commercial purposes. Aquaculture activities include, but are not limited to, the hatching, cultivating, planting, feeding, raising and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment and buildings and growing areas. Cultivation methods include, but are not limited to, fish pens, shellfish rafts, racks and long lines, seaweed floats and nets, and the planting and harvesting culture of geoduck, clams and oysters on tidelands and subtidal areas. Aquaculture includes intensive aquacultural uses and Shellfish Gardens (individual and community), but excludes fish farms that are complexly contained in upland areas.</u> Aquaculture, Intensive— <u>Large scale cultivation of shellfish, or cultivation of fish and/or other aquatic animals or plants, or use of embedment structures, or mechanical extraction methods, including the harvesting and incidental preparation of these products for human use and consumption. Activities include the hatching, cultivating, planting, feeding, raising and harvesting of aquatic plants and animals, and the maintenance and construction of necessary equipment, buildings, and growing areas. Cultivation methods include, but are not limited to, fish pens, shellfish rafts, racks and long lines, seaweed floats and nets, and the culture of geoduck, clams and oysters on tidelands and subtidal areas. Aquaculture does not include the harvest of wild stock geoduck and free swimming fish, or gathering of free swimming fish and shellfish for non-commercial purposes.</u>	For consistency with WAC 173-26-241(2)(b)(A) and WAC 173-26-020(6)
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			Aquaculture, Individual Shellfish Garden – Cultivation, harvesting, and incidental preparation of shellfish for personal human use and consumption on public and private tidelands. as an accessory use to a primary residential use. <u>Upland finfish rearing facilities</u> – Those private facilities not located within waters of the state where finfish are hatched, fed, nurtured, held, maintained, or reared to reach the size for commercial market sale. This shall include fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated facilities.	
31	BI Title 2 Admin	Ordinance 2012-04 Exhibit 3 2.16.165 F(1)	\$5718 <u>\$6416</u>	For consistency with OFM Recent Consumer Index respective to RCW 90.58.030(3)(e)
32	BI Title 2 Admin	Ordinance 2012-04 Exhibit 3 2.16.165 F(6)	(b)(ii) Ground coverage and height for each building is not increased more than ten (10) percent	For consistency with WAC 173-27-100 (2)(b)
33	BI Title 2 Admin	Ordinance 2012-04 Exhibit 3 2.16.165 F (6)	(b)(vii) No substantial , adverse, environmental impact will be caused by the project revision. WAC 173-27-100(2) as amended.	For consistency with WAC 173-27-100(2)(f)
34	BI Title 2 Admin	Ordinance 2012-04 Exhibit 3 2.16.165 G (6)	(c)(i)No additional over-water construction is involved except that a pier, dock or floating structure may be increased by ten percent (10%) <u>or 500 square feet whichever is less</u> over that approved under the original approval;	For consistency with WAC 173-27-100(2)(a)
35	BI Title 2 Admin	Ordinance 2012-04 Exhibit 3 2.16.165 G (6)	(c)(v) The revision will not cause adverse environmental impacts. beyond those originally authorized in the approval.	For consistency with WAC 173-27-100((2)(f)

36	BI Title 2 Admin	Ordinance 2012-04 Exhibit 3 2.16.165 H (6)	(c)(i) No additional over-water construction is involved except that a pier, dock or floating structure may be increased by ten percent (10%) <u>or 500 square feet whichever is less</u> over that approved under the original approval;	For consistency with WAC 173-27-100(20(a)
37	BI Title 2 Admin	Ordinance 2012-04 Exhibit 3 2.16.165 H (6).	(c)(v) The revision will not cause adverse environmental impacts beyond those originally authorized in the approval.	For consistency with WAC 173-27-100(2)(f0
38	BI Title 2 Admin	Ordinance 2012-04 Exhibit 3 2.16.165 H (6).	(g) If the proposed revision is to a development which a shoreline conditional use or variance was issued, the decision maker shall submit the revision to the Department of Ecology for <u>approval, approval with conditions, or denial</u>	For consistency with WAC 173-100(6)
39	BI Title 2 Admin	Ordinance 2012-04 Exhibit 3 2.16.165 I	(1)(e) Within eight (8) days of final action by the City, including completion of appeals or expiration of appeal periods, the Administrator shall file copies of the action with the Department of Ecology and the Attorney General pursuant to WAC 173-27-130(090) <u>RCW 90.58.140(6) or its successor.</u>	For consistency with RCW 90.58.140(6)
40	BI Title 2 Admin	Ordinance 2012-04 Exhibit 3 2.16.165 I	(2)(a) If a Shoreline Variance and Shoreline Conditional Use permit is denied by the City, the twenty-one (21) day appeal period begins on the day the denied permit or shoreline variance and other information required by WAC 173-27-18014-090 <u>RCW 50.85.140(6).</u>	For consistency with RCW 90.58.140(6)
41	BI Title 2 Admin	Ordinance 2012-04 Exhibit 3 2.16.165 I	(2)(c)Construction or use may occur during the time a court appeal is underway provided 1) the permit was approved by the local government and the State shorelines Hearings Board, and 2) permission is grated for the ocnsetruction, use or activity under RCW.90.58.140(5)(9).	For consistency with RCW 90.58.140
42	BI Title 2 Admin	Ordinance 2012-04 Exhibit 3 2.16.165 I	(3)(c)Development pursuant to a shoreline permit shall not begin and is not authorized until twenty-one (21) days from the date of filing, as defined in RCCW 90.58.140(5)(b & c) or its successor and WAC 173-130 or its successor or until all review procedures initiated within twenty-one (21) days from the date of such filing have been terminated, except as provided in <u>RCW 90.58.140(b)</u> or its	Incomplete citation

43	BI 4.2.1.8	Regulations- Existing Residential and Commercial Aquatic Structures and Accessory Aquatic Structures	a. Except that as a minor conditional use, an existing dock may be modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.	Note: This was a change to the SMP on November 20, 2013. However, the SMA does not recognize minor or major conditional uses. It is OK to have this in the administration Title 2 but not in the SMP.
44	BI 6.2.5	Regulations- General	3. New or replacement shoreline stabilization measures are a minor conditional use for the following:	Note: This was a change to the SMP on November 20, 2013. However, the SMA does not recognize minor or major conditional uses. It is OK to have this in the administration Title 2 but not in the SMP.
45	BI 6.2.8.3	Specific Regulations for the Point Monroe District	3. A minor conditional use permit shall be required for hybrid structural stabilization within Area III of the Point Monroe District, as depicted in the Point Monroe District Map, Appendix E.	Note: This was a change to the SMP on November 20, 2013. However, the SMA does not recognize minor or major conditional uses. It is OK to have this in the administration Title 2 but not in the SMP.
46	BI 4.2.1.6.3	Nonconforming Structures	Nonconforming Existing Structures-Residential single-family: Primary	For consistency with SMP text
47	BI 4/2/4/4 (7)	Public Access- Policies	7. Require public access, both visual and physical, as a condition of approval for any new private or public shoreline development which diminishes existing public access or increases demand for public access commensurate with the impacts of such development and the corresponding benefit to the public. In such cases, public access should be required unless health, safety, or environmental protection needs cannot be met.	For consistency with WAC 173-26-221(4)(d)(ii) Public access

48	BI 4.2.4.5 (8)	Public Access regulations- General	8. <u>Development by public entities shall include public access to the shoreline unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.</u>	For consistency with WAC 173-26-221 (4)(d)(ii)
49	BI 4.2.4.5 (1)(a) – (d)	Public Access Regulations - General	1. New development increasing demand for public access and/or reducing existing access by blocking or discouraging its use, shall incorporate provisions for visual and/or physical public access into any shoreline development that meets one or more of the following tests: a. <u>Any uses, except for single-family residential development with four or fewer dwelling units or building lots</u> is located in the Urban designation; b. Includes commercial, industrial or any nonresidential uses located in any shoreline designations; <u>or</u> c. Includes residential development and/or residential land division that provides five or more dwelling units or building lots located in any shoreline environments; or d. Includes new development or a use located on public land or managed by a public entity.	For consistency with WAC 173-26-221 (4)(d)
50	BI 6.3.3(b)	Overwater Structures- Policies	Prohibited at locations where physical limitations exist, such as shallow, sloping tidelands bottom areas of frequent high wind, wave, or current exposure ; high littoral drift areas; or landslide-prone areas and/or feeder bluffs.	Areas of high wind, wave and current exposure have not been defined and therefore this policy cannot be implemented at this time.

51	BI 6.3.4(2)	Overwater Structures Regulations-Prohibited	Overwater Structures at locations where critical physical limitations exist, such as shallow sloping tidelands <u>with gradients of 3% or less</u> , areas of frequent high wind, wave, or current exposure as depicted by charts, isometric maps, or other technical sources ; or areas mapped for high levels of accretion, or geological hazardous areas located outside of harbors and/or feeder bluffs, except when specifically allowed in Section 4.2.4, Public Access – Visual and Physical, or Section 5.3, Boating Facilities	Areas of high wind, wave and current exposure have not been defined and therefore this regulation cannot be implemented at this time.
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Attachment C:

Ecology Recommended Changes

The following changes are recommended to clarify elements of the City's updated SMP

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	BI 5.2.2(2)	Aquaculture Policies Accepted by City Council	Identify and encourage aquaculture activities which may provide opportunities for creating ecosystem improvements <u>and result in no net loss of ecological functions.</u>	Most development and uses can document “ecosystem improvements”. It is no net loss that is the standard. No net loss is captured in BI 5.2.2. and WAC 173-26-241(3)(b)(i)(C).
2	BI 5.2.2(2)(A)	Aquaculture Policies Accepted by City Council	Engage in coordinated planning to identify potential aquaculture areas and assess regional long term needs for aquaculture and coordinated education efforts to provide information on best practices to those operating small scale aquaculture for personal use and consumption. This includes working with the Department of Fish and Wildlife (WDFW), the Department of Natural Resources (DNR), area Tribes and shellfish interests to identify areas that are suitable for aquaculture and protect them from uses that would threaten aquaculture's long-term sustainability.	The City's intentions to engage in coordinated planning and education does not need to be contained here in the SMP. As written, this policy doesn't lay the foundation for any of the regulations except possibly 5.2.3.2, which uses the term “areas”. Since it is a Required Change to strike 5.2.3.2, it is recommended to delete this policy.
3	BI 5.2.2(2)	Aquaculture Policies Accepted by City Council	Allow experimental forms of aquaculture involving the use of new species, new growing methods, or new harvesting techniques when they are consistent with applicable state and federal regulations and this Program. Experimental aquaculture projects should be limited in scale and should be approved for a limited period of time. When feasible, limit or restrict new development <u>and uses</u> proposals in areas that affect existing experimental <u>aquaculture</u> monitoring programs .	Add “uses” and strike “proposals” to make this policy apply to all potential experimental projects. Replace “monitoring programs” with “aquaculture”, to allow a broader application of the policy, and make the

				last sentence more consistent with the first.
4	BI 5.2.2(3)	Aquaculture Policies City Council accepted	Limit aquaculture, including intensive shellfish aquaculture to activities that do not create adverse impacts to ecological functions and ecosystem-wide process.	Most development and uses create “adverse impacts to ecological functions and ecosystem-wide process”. The City has the tools of mitigation and permit limits and conditions to avoid or minimize adverse impacts, rather than banning most aquaculture outright.
5	BI 5.2.2	Aquaculture Policies City Council accepted	or interfere with navigation or other water-dependent uses.	Redundant, captured in BI 5.2.2. See change 6, below.
6	BI 5.2.2	Aquaculture Policies City Council accepted	<u>Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses.</u> Prohibit intensive aquaculture where such development or activity would: a. — Result in any significant adverse environmental impacts that cannot be eliminated or adequately mitigated through enforceable conditions of approval; or	All aquaculture should be "adequately mitigated" to result in no significant adverse impacts, not just “intensive” aquaculture. WAC 173-26-241(3)(b)(i)(B) and (C) has nuance and qualifiers, such as “significant”, that limit the intent and interpretation. The use of the word “significantly” is an important distinction in the degree of conflict. Including "significantly" is important in clarifying that there is inherent conflict between uses in the shoreline zone. The CAO language should provide the protection regarding critical habitat and conservation areas.

				Since mitigation is required, a. seems to be redundant. Also see Attachment B, Required Changes, change 4.
7	BI 5.2.2(5)	Aquaculture Policies City Council accepted	b. <u>Aquaculture facilities should be designed and located to not spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.</u> c. <u>Impacts to ecological functions shall be mitigated according to WAC 173-26-201(2)(e) and SMP Section 4.1.2.6.</u> Results in the spreading of disease, the introduction of non-native species, or impacts to shoreline aesthetic qualities, or	For more consistency with the intent and limitations of WAC 173-26-241(3)(b)(i)(C) Also see Attachment B, Required Changes, change 4.
8	BI 5.2.2 (5)	Aquaculture Policies City Council accepted	Result in impacts to other existing and approved land and water uses which would substantially and materially conflict, including impacts to navigation, moorage, sport or commercial fishing, underwater utilities, active scientific research, and/or the aesthetic qualities of a project area; and/or	All of these are covered by Policy 5 as "navigation and other water-dependent uses" and by Policy 6 as "aesthetic qualities of the shoreline" without adding qualifiers that would confound interpretation. (See recommended changes 6 and 7, above)
9	BI 5.2.2	Aquaculture Policies City Council accepted	Result in impacts to where water quality, temperature, oxygen content, current, and salinity restrictions make the area unsuitable for the type(s) of aquaculture under consideration. 5. Prohibit Community Shellfish Gardens where such development or activity would: a. Result in any significant adverse environmental impacts or aesthetic impact that cannot be eliminated or adequately mitigated through enforceable conditions of approval; or b. Where impacts to other existing and approved land and water uses would substantially and materially conflict, including impacts to navigation, moorage, sport or commercial fishing, underwater utilities, and/or active	All of these comprise ecological functions, and Policy 5 already does not allow a net loss of ecological functions.(See recommended change 6, above.) Delete if the policies (above) are revised. The revised policies include all types of aquaculture, and there is no need to restate specific ones for Shellfish Gardens here.

			scientific research; and/or c. Be unsuitable due to water quality, temperature, oxygen content, current, and salinity restrictions for the type(s) of aquaculture under consideration. Ensure Shellfish Gardens consider aesthetic impacts as part of the site design process.	Adding some clarification about what is meant by “preference” and deleting the second sentence could provide the City with more flexibility in meeting the policy stated in the first sentence.
10	BI 5.2.1	Aquaculture Policies City Council accepted	Give preference to those forms of aquaculture that have less environmental and/or visual impacts. Preference is given to those projects that require fewer submerged or intertidal structures, fewer land-based facilities, <u>and</u> limited substrate modification, and <u>that don’t rely</u> on artificial feeding.	Replace “reliance” with “don’t rely” to better describe intent.
11	BI 5.2.2	Aquaculture Policies City Council accepted	Ensure aquaculture does installation of net pens, raft cultures or surface embedded structures do not cause cumulative environmental impacts. and aesthetic impacts, or interfere with navigation.	If Policy 5 and 6 (See changes 6 and 7, above) are changed, recommend editing this policy as noted given aesthetic and navigation impacts are already addressed.
12	BI 5.2.3(1)	Aquaculture Prohibited City Council accepted	Aquaculture <u>is prohibited</u> in the Natural and Priority Aquatic designations, except as provided in Section 5.2.4 (1), below.	Incomplete sentence. Add “is prohibited” to ensure clarity.
13	BI 5.2.3(2)	Aquaculture Prohibited City Council accepted	Aquaculture, except individual Shellfish Gardens in the following areas: a. Areas where intensive aquaculture development would have potential adverse impacts on other existing and approved land and water uses, including navigation; and on the aesthetic qualities of a project area. i. Community Shellfish Garden is prohibited in areas listed in (a) above except the use may be allowed when adverse aesthetic impacts are avoided or adequately mitigated through enforceable conditions of approval. b. Areas where an aquaculture proposal will result in any significant adverse environmental impacts that cannot be eliminated or adequately mitigated through enforceable conditions of approval.	Delete this subsection. The issues addressed in this subsection are covered by other regulations. Mitigation and permit limits and conditions are important planning tools available to the City to ensure impacts are mitigated adequately.

			c. Areas devoted to established uses of the aquatic environment with which the proposed aquacultural method(s) would substantially and materially conflict. Such uses would include, but are not limited to navigation, moorage, sport or commercial fishing, log rafting, underwater utilities and active scientific research.	
14	BI 5.2.3(2)	Aquaculture Prohibited City Council accepted	Areas that have water quality, temperature, oxygen content, current, and salinity restrictions that make the areas unsuitable for the type(s) of aquaculture under consideration.	Delete this subsection. The issues addressed in this subsection are covered by other regulations. Mitigation and permit limits and conditions are important planning tools available to the City to ensure impacts are mitigated adequately.
15	BI 5.2.3	Regulations Prohibited City Council accepted	Mechanical and/or hydraulic harvesting or other activities that involve substantial substrate modification through dredging, trenching, or digging	Keep the definition of ‘substantial substrate modification’ more broad to allow more flexibility during project review.
16	BI 5.2.4(3)	Agriculture Regulations General City Council accepted	Aquaculture facilities shall avoid: a. A net loss of ecological functions or processes; b. Adverse impacts to eelgrass and macro algae; c. Significant conflicts<u>u</u> with navigation and water-dependent uses; d. The spreading of disease <u>to native aquatic life</u>; e. Establishing new <u>Introduction of</u> non-native species that <u>cause significant ecological impacts; and/or</u> f. <u>Significant i</u>mpacts to shoreline aesthetic qualities. 4. Shellfish Gardens shall minimize adverse aesthetic impacts and be restricted in the areas described in Section 5.2.3(2)(b)(c) and (d).	These changes would ensure consistency with the nuances of WAC 173-26-241(3)(b)(i). Delete “4” to avoid redundancy with

				other policies, above.
17	BI 5.2.5 (3)	Aquaculture Regulations Design Standards cc accepted	Hatchery and other aquaculture operations shall be required to maintain a vegetated buffer zone along the affected streamway as prescribed in Appendix B, provided that clearing of vegetation shall be permitted for essential water access points.	There is not a definition for “streamway” in the SMP. There is a definition for “stream.”
18	BI 5.2.5 (6)	Aquaculture Regulations Design Standards City Council accepted	Floating/hanging aquaculture facilities, and associated equipment, except navigation aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts. All materials, including those used for incidental aquacultural for personal consumption, shall be marked with owners contact information to provide identification after storm disturbance. <u>All floating and submerged aquaculture structures and facilities in navigable waters shall comply with all applicable state and federal requirements.</u>	Add to ensure navigation aids are covered, and that structures and facilities in navigable waters comply with US Coast Guard regulations.
19	BI 5.2.5 (10) Aquaculture	Regulations Design Standards	a. <u>It complies with all state and federal regulations, including transfer and harvest permits required by WDFW.</u> b. The cultivation and harvesting is limited to native species of shellfish <u>acquired from a licensed source consistent with state law;</u> and	These changes will ensure better compliance with WDFW permitting designed to avoid the spread of disease and highly invasive aquatic species within the state, and from outside Washington.
20	BI 5.2.5 (10) Aquaculture	Regulations Design Standards	c. The operation may utilize bottom culture or off-bottom culture bags <u>if in is</u>-accordance with best management practices and <u>it does not</u> shall significantly alter the tidal bed; and	Recommend adding a specific source for best management practices. See SHB No. 11-019 (2012) Long Branch Shellfish case, where the Shorelines Hearings Board allowed Pierce County to require compliance with the Pacific Coast Shellfish Growers Environmental Codes of Practice as a condition of their permit.

21	BI 5.2.6(2)	Aquaculture Regulations Operational Standards	2. Aquaculture occurring on nonconforming aquaculture sites is not considered discontinued or abandoned until the use has ceased for a period of more than 5 years. <u>e.d .Aquaculture operations that do not conform with this master program are considered discontinued if the use has ceased for a period of more than 5 years.</u>	Consider adding a timeframe for abandonment.
22	BI 5.2.7	Aquaculture Submittal Requirements	Submittal Requirements (a-m)	Ecology recommends that application requirements be moved out of the SMP to administrative procedures; this will avoid needing a formal amendment if there is a change in application requirements.
23	BI 4.1.5.5	Critical Area Regulations - Fish and Wildlife Habitat Conservation Areas and Critical Saltwater Habitat	.55 Regulations – Fish and Wildlife Habitat Conservation Areas and Critical Saltwater Habitat	A typographic error needs to reflect separate section formatting.
24	Appendix A	Designations	Shoreline Designation change for Parcel B (post BLA) from Shoreline Residential Conservancy to Urban	For consistency with upland land uses with Water Dependent Industrial Uses (WD-I) upland zoning.
25	BI 5.2.4(5)	Regulations General Change accepted by City Council	Legally established aquacultural enterprises, including authorized experimental projects, shall be protected from incompatible uses which may seek to locate nearby. Demonstration of a high probability that such an adjacent use would result in damage to, or destruction of, a legally established aquacultural enterprise shall be grounds for modification or denial of that use.	Delete or offer alternative language. This regulation appears to overreach the authority of Chapter 173-26 WAC because it applies to all existing aquaculture, including harvesting for personal consumption, and all non-aquaculture uses such as other water-dependent uses. Appears to be inconsistent with intent of SMA and SMP Guidelines to develop policies and regulations to address inherent incompatibility of shoreline uses.

ATTACHMENT D
ECOLOGY RESPONSE TO PUBLIC COMMENTS RECEIVED DURING 30-DAY PUBLIC
COMMENT PERIOD
FOR PROPOSED COMPREHENSIVE UPDATE OF THE
CITY OF BAINBRIDGE ISLAND SHORELINE MASTER PROGRAM

Topic 1

Commenters: J. Sweeney, D. Kircher, L. Young, R. Young, G. Tripp, Bainbridge Defense Fund, B Schairer, R. Reid, K. DeWitt, A. Benson, A. Tawresey, Lenards, S. Jepson, R. Weaver, Blacks, S. Snyder, T. Snyder, J. Rosling, P. Moldon, J. Bierly, T. Tiam, D. Haugan, M. Suraci, Jepsons, M. Levine, S. Tharpe, H. Snow, T. Newland, A. Lister, M. Winter, K. Hammer, C. Furlong, R. Drury, M. Whalen, M. Halvorsen, D. Dunavant, D. Reynolds, D. Kragerud, L. Peterson, J. Wright, Bainbridge Shoreline Homeowners, E. Thompson,, D. Jaffe, E. Spenser, L. Koss, Brian Hodges, Bainbridge Homeowners Association-Bomben.

Issues: Comments: 1) SMP does not allow rebuild of existing homes; 2) SMP is retroactive, and 3) Labeling a property non-conforming devalues the existing home.

Ecology Responses:

1) The SMP insures the ability to rebuild existing homes not meeting SMP standards. It is clearly stated in Section 4.2.1.2, as a goal, and in 4.2.1.3, as a policy, that existing homes can be rebuilt and even expanded. Section 4.2.1.4 regulations provide for such rebuilds. Section 4.2.1.6.1 General Provisions allows existing structures to be maintained, repaired, renovated or remodeled provided a number of conditions are met. Commercial and industrial structures cannot be altered or expanded without obtaining a variance (See Section 4.2.1.6.2). Section 4.2.1.6.3 allows existing single-family residential structures that are damaged or destroyed to be reconstructed, altered or expanded. This also applies to multifamily residential primary structures (see Section 4.2.1.6.4) and residential accessory structures (4.2.1.6.5).

2) The provisions of the SMP are not retroactive. The SMP clearly states this. See Sections 1.3.5.2, 4.1.3.1 and 4.1.3.4.

3) The City undertook a study of Bainbridge Island home sales over a period of one year. In this study, the sales data was compared sales for conforming and nonconforming homes. Note: the assessed value is not based on conformity or nonconformity with regard to buffers. The table below reflects the findings of City staff concerning the sale of homes along the island's shoreline from July 2010 to July 2011.

	Sale Price Average	Average Assessed Value	Delta Average	Percentage TV	Building Average	Land Average
Conforming	1,597,519	964,265	633,254	0.396398388	429,670	534,595
Nonconforming	1,723,273	854,389	868,884	0.504205769	428,559	425,830

Sale Price Average was based upon data from John L. Scott for 33 homes sold along the shorelines of Bainbridge Island between July 2010 and July 2011. Seventeen homes were conforming structures and 16 were nonconforming structures, relative to SMP buffer and setback requirements. Average Assessed Value was based upon the Kitsap County Assessor's value during that same time period. Delta Average is average

difference between the sales prices and assessor values. Percentage TV is the delta average as percentage of total value. Building Average is the portion of average assessed value for the building. Land Average is the portion of the average assessed value of the land.

It was found that the assessor's value is not based on a structure's nonconforming status relative to a CAO or shoreline buffer. Rather, it is based on the structure being a legal structure and a conforming use in a given neighborhood or zone. (For example, a single family residence located in an area zoned single family residential is a conforming use.) This finding demonstrates that a structure's nonconforming status relative to a CAO or shoreline buffer does not affect the assessed home value and that the assessed value is considerably lower than the market value.

Additional Economic studies, listed below, have found, consistent with the City's one-year study, that riparian buffers do not, in fact, devalue property. Despite limits on uses, results indicate that riparian property generally commands a high premium and no evidence indicates that mandatory buffer regulations have a significant impact on riparian property values, when compared to control groups (Maurer et al. 2013, and Bin et al. 2008).

- ***The Influence of Riparian Setbacks on Private Property Values: Hedonic Price Analysis of Riparian Properties in Jackson County, Oregon (Maurer, Soldavini and Blonigen 2013).*** This paper drew from previous literature on riparian buffers and employed two models to analyze any implications riparian ordinances have on residential property values using Jackson County, Oregon as a case study. In the City of Shady Cove, located within Jackson County, Oregon, there was considerable push back against implementing mandatory riparian buffers. Using sales data from Jackson County ranging from 1980-2013, two models were used to determine the effect of riparian ordinances, using hedonic price valuation model properties for Shady Cove, Jacksonville, Phoenix, Talent, and unincorporated Jackson County and a second hedonic price regression discontinuity model to compare properties in Shady Cove to properties in unincorporated Jackson County immediately outside of the city boundary. Both models found no significant effect of mandatory riparian ordinances on sales values in Jackson County, Oregon.
- ***Riparian Buffers and Hedonic Prices: A Quasi-Experimental Analysis of Residential Property Values in the Neuse River Basin (Bin, Landry and Meyer 2008).*** With data from the Neuse River Basin in North Carolina, this study attempted to provide empirical evidence on the effect of a mandatory buffer rule on the value of riparian properties. Spatial autoregressive hedonic models were estimated with a quasi-experimental framework using the imposition of the buffer rule as the treatment and non-riparian properties as a control group. Results indicated that riparian property generally commanded a high premium with no evidence that the mandatory buffer rule had a significant impact on riparian property values, when compared with the control group.

Topic 2

Commenters: A. Ferrin, David Benson, Gary Tripp, Bainbridge Defense Fund, M. Halvorsen, A. Tawresey, E. Wright, L. Young, D. Reynolds, Bainbridge Shoreline Homeowners, Pacific Legal Foundation - Brian Hodges, D. Dunavant, S. Andrews, D. Bennett, M. Sebastian, P. Willard and W. Bierut

Issues: Comments: 1) SMP buffers are not based on science, and 2) SMP buffers are too large.

Ecology Response: 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 Consultants, Inc.
- *Addendum to Summary of Science*, 2011, Herrera Environmental Consultants, Inc.
- *Bainbridge Island Current and Historic Coastal Geomorphic/Feeder Bluff Mapping*, 2010, Coastal Geologic Services, Inc.
- *Bainbridge Island Nearshore Assessment Summary of Best Available Science*, 2003, Battelle
- *Bainbridge Island Nearshore Habitat Characterization and Assessment*, 2004, Battelle.

These supporting documents include science addressing buffer sizes needed to achieve no net loss of ecological functions with anticipated new development. A list of references used in the effort to set Bainbridge-specific requirements is provided in Attachments E and F. Under the SMA, shoreline buffers must be based on existing shoreline conditions, preferred uses, and anticipated development patterns. Similarly, regulating uses and development within the shoreline jurisdictional area in a manner that can achieve no net loss of ecological functions requires buffers to be tailored to local conditions. This is the approach the City, Citizen Workgroups and the Planning Commission took in the analysis and recommendations for shoreline buffers. The SMP buffers are tailored to existing conditions and anticipated development for each environment designation. The anticipated quantity and type of development is identified in the Cumulative Impacts Analysis.

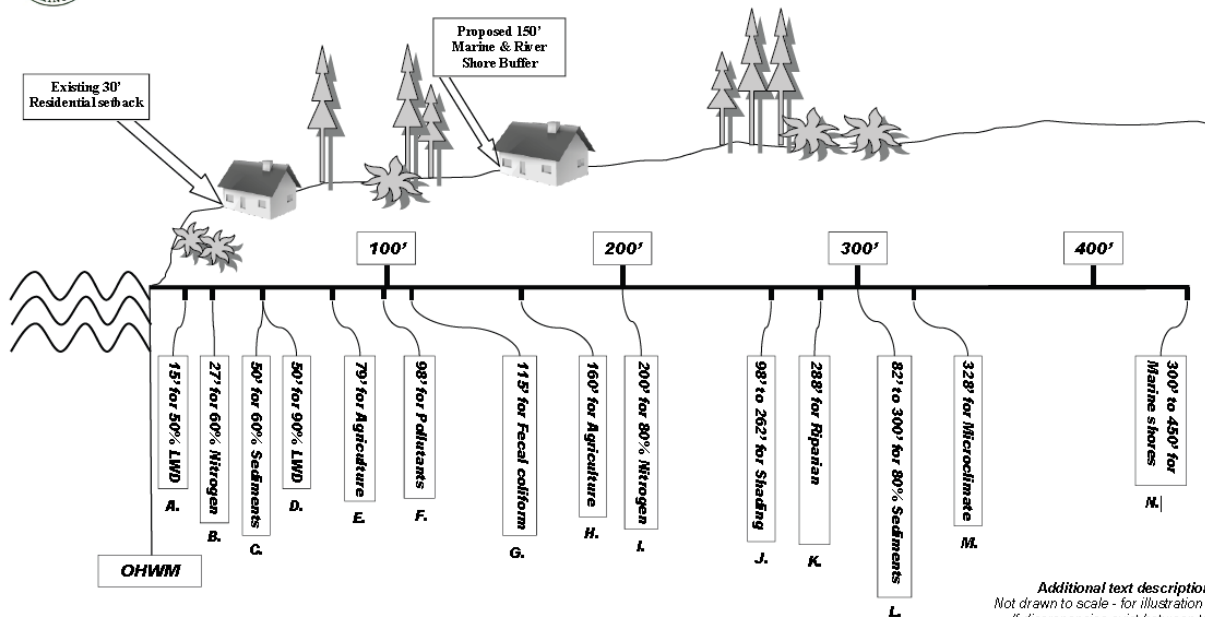
The Washington State Aquatic Habitat Group (AHG), a technical panel of state scientists, assessed the freshwater riparian scientific literature. This literature review and the Marine Riparian Workshop Proceedings, conducted by the scientific panel in 2008, reflected a consensus that freshwater riparian buffer research was applicable to marine shorelines. This research, documented in an extensive body of literature emerging over the last three decades, documents the specific importance of riparian areas to ecological functions related to waters of the state. The functions presented in summary form in the graphic below, taken from the Jefferson County SMP documents, indicate the need for larger buffers than the City's SMP requires (See also the detailed scientific references lists in Attachments E and F). However, the City was careful to base shoreline buffers on existing conditions and anticipated development, in order to meet no net loss of ecological functions.



Jefferson County Shoreline Master Program (SMP) Comprehensive Update

Buffer Science Summary

Source: Chapter 5.2 of the November 2008 Final Shoreline Inventory & Characterization Report



9-2-09

Overall, residential uses occupy 75% of City shorelines. In the City's SMP, the total buffer area includes a Riparian Protection Zone (RPZ), Zone 1, immediately adjacent to the aquatic habitat with a 30-foot minimum RPZ for all designations except Natural and Island Conservancy. The overall buffer is a total of 75 feet for Shoreline Residential, with a minimum of 30 feet in Zone 1 and ranging to a 75-foot maximum overall for Zone 1 and 2 combined, depending upon existing riparian conditions. Similarly, for Shoreline Residential Conservancy, again depending upon existing conditions, the RPZ buffers ranges from 30 feet, in Zone I, to a total of 115- foot maximum, when Zone 1 and 2 are combined. To determine buffers, the City used not only the region's respected scientific information (see attached reference lists, Attachments E and F) but also GIS data identifying the mean, median, and standard deviation of the actual distances between the ordinary high water mark and existing primary residential structures for each shoreline designation. This combined information allowed the City to set buffers that could reasonably ensure no net loss of ecological function over the SMP's 20-year planning horizon, based on existing conditions. The inner and outer marine buffers will protect existing native vegetation along the shorelines while avoiding increasing the number of non-compliant structures (See Appendix C. Buffer Recommendation Memorandums (Herrera August 2, 2011).

Projected Development Impacts Relative to No Net Loss of Ecological Functions

According to the Bainbridge Cumulative Impacts Analysis (CIA), there are over 2,100 shoreline parcels on Bainbridge Island within shoreline jurisdiction. Seven percent of these existing lots are vacant and developable with an additional four percent that could be added through subdivision (The Watershed Company 2012).

The City's Cumulative Impacts Analysis (Watershed 2012) reports 75% of Bainbridge marine shorelines designated for Residential uses, with an even split between 37% Shoreline Residential and 38% Shoreline Residential Conservancy. The remaining 25% of the Island is designated 23% Island Conservancy used as public parks, less than 2% Urban and less than 1% designated as Natural. Potential impacts of residential development include increases in stormwater runoff and contaminants, increased use of pesticides and fertilizers, increased erosion and turbidity, reduction in shoreline habitat complexity, increased water

temperatures and loss of riparian habitat, lighting effects to the nearshore, disruption of shoreline wetlands, and hydrologic impacts associated with shoreline stabilization.

The proposed shoreline buffer and setback standards are expected to maintain riparian buffer functions consistent with average existing conditions, retain trees outside the buffer area but within the shoreline jurisdiction, and require mitigation to avoid or mitigate adverse impacts. Potential stormwater impacts of residential development will be minimized through the proposed SMP provisions requiring implementation of low impact development techniques. New residences and substantial remodels/additions are the primary shoreline use and development activities anticipated to occur in the City's shorelines. The combination of buffers tailored to particular shoreforms and existing conditions, setback standards, and provisions for residential development are expected to maintain ecological functions of the shoreline over the long term, resulting in no net loss of shoreline ecological function.

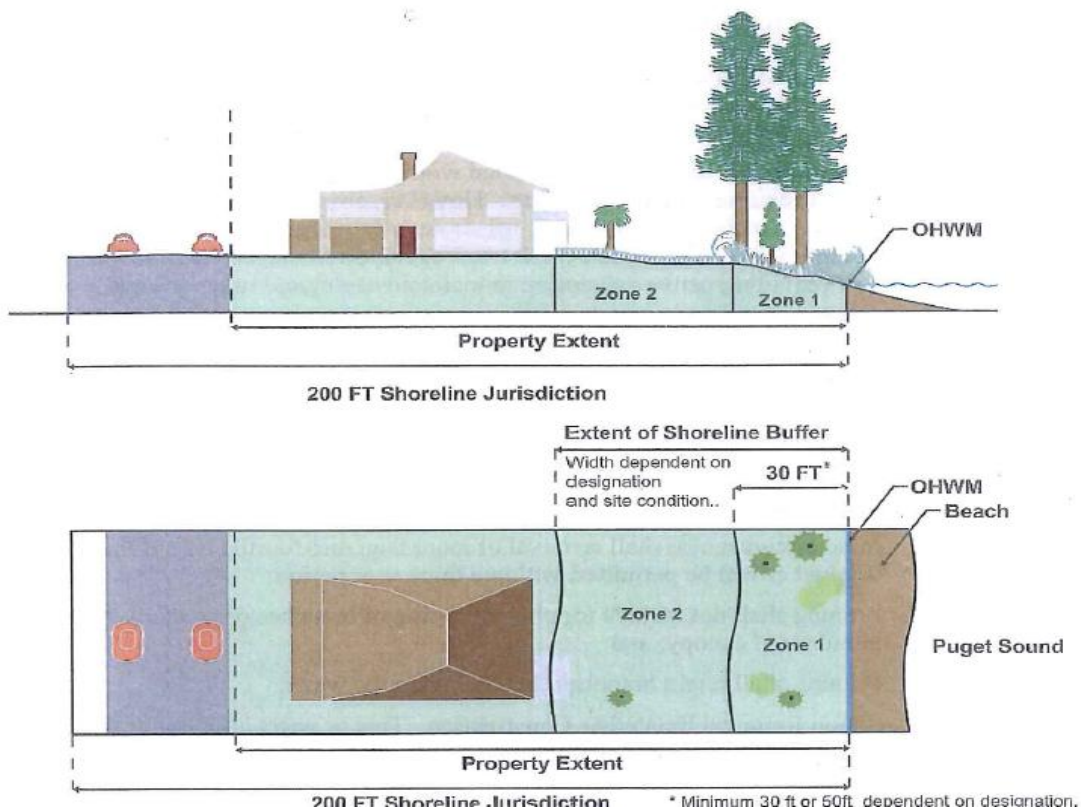
Overwater shoreline structures such as piers and docks are nearshore structures primarily associated with residential development. Over the next 20 years, there are projected to be 26 potential new docks, 36 dock replacements, 36 dock repairs and 22 dock expansions. According to the CIA, SMP provisions should mitigate the impacts of overwater structures through the use of grated decking, removing unused piles, reducing pile size and quantity, and a general reduction in overall square footage of cover for new or replaced docks to be constructed according to the updated SMP standards. As the City's requirements are consistent with ACOE requirements for single family docks, this also reflects appropriate mitigation for impacts. Through the SMP dock provisions, including restrictions on dock locations, the SMP dock dimensions and material standards are expected to reduce impacts to hydrologic functions and habitat functions in the nearshore over time. Overall, the CIA reports that the proposed SMP and its emphasis on protection on and enhancement of shoreline resources will achieve no net loss of ecological functions over time (2012 The Watershed Company).

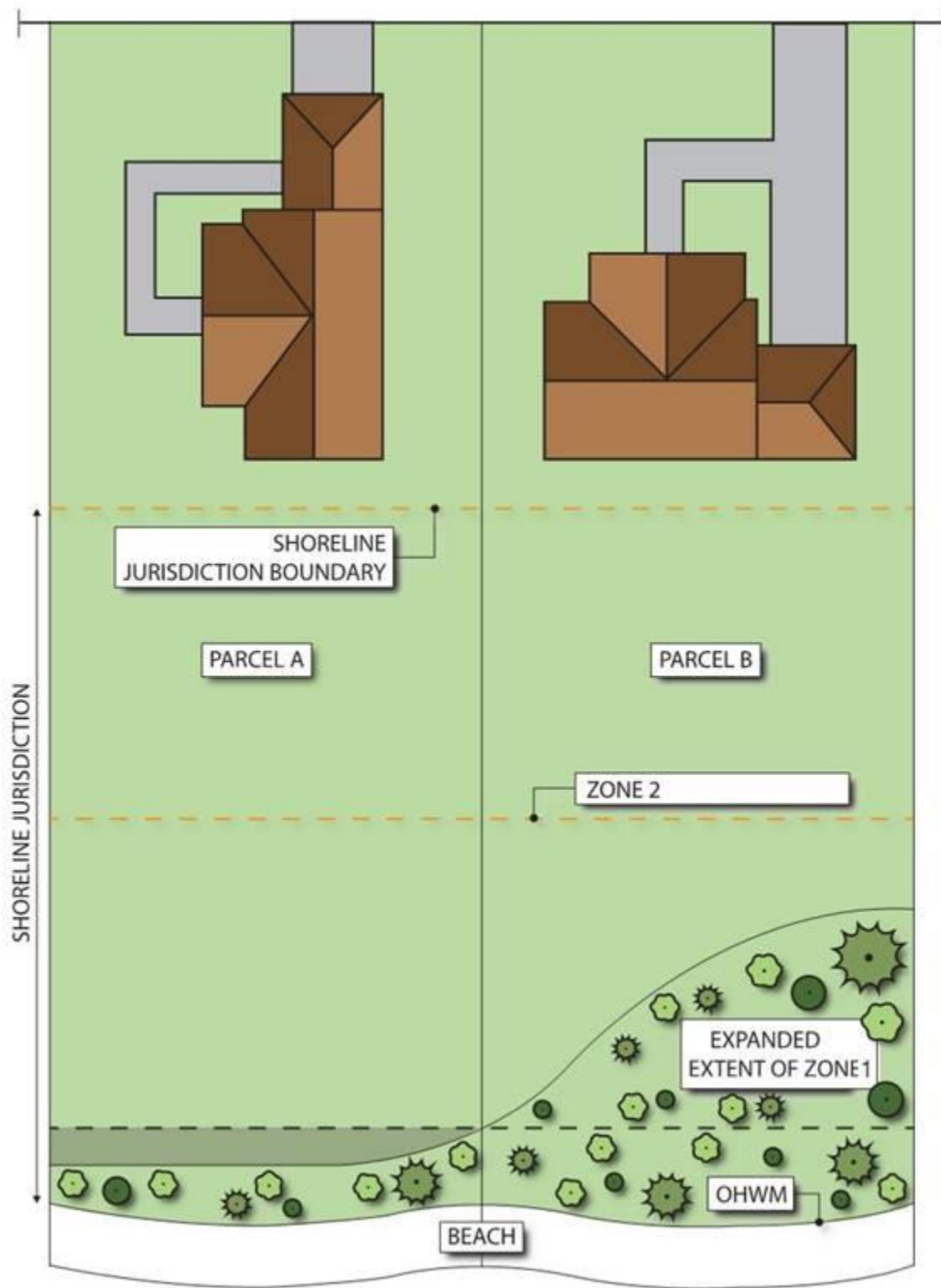
As described in the City's Cumulative Impacts Analysis, the measures in the SMP will ensure no net loss from development that occurs under the SMP. Protection of currently existing shoreline ecological functions, as characterized with the Inventory and Characterization, shall be maintained by implementing all the updated SMP goals, policies, regulations and standards, including buffers. These buffers protect all existing native vegetation and extend to include areas without vegetation. For example, the Agate Passage Management area at the northernmost end of the Island, is primarily in residential use with vegetation functions being relatively high with overhanging riparian vegetation and a ratio of natural vegetation to percent impervious surface being the highest in the City. Forage fish spawning beaches, eelgrass beds, and geoduck resources are common throughout this area. Future development is projected to be new and expanded residential structures, along with new buoys, staircase and tram replacements. Port Madison, a long narrow embayment on the northeast side of the island, has many single family homes and docks with future development projected to be largely new homes, home expansions, shoreline stabilization, new buoys, dock construction and clearing. The Single Family Shoreline Residential Mitigation Manual, Appendix D of the SMP, provides mitigation specific to the types of development proposed, both in size and type. Mitigation is required for vegetation clearing and new impervious surface creation.

To achieve no-net loss of ecological functions, the SMP requires each project to mitigate impacts by avoiding, then minimizing adverse effects, then replacing damaged resources through compensatory mitigation efforts. At the same time, numerous provisions in the SMP are designed to provide relief to property owners in appropriate circumstances. For example, the two-zone buffer provision takes into account the fact that the majority of the City's shoreline is already developed with residences. In addition, the City takes it a step further with the Single Family Mitigation Manual that provides options for home owners. In addition, shoreline variance permits can be approved, if a proposal meets the criteria of WAC 173-27-170. Waterfront property owners can apply the provisions of the SMP to reasonably develop their land while preserving the ecological functions which are essential to the long term well being of the regional environment.

Two-Zone Buffer System

The graphics below display the Two-Zone buffer system with Zone 1 immediately adjacent to the water, and classified as A or B, depending upon the level of existing vegetation. Zone 2 is the remaining area of the buffer, an area with less stringent protective measures and more flexibility for landscaping and accessory structures. In both Shoreline Residential and Shoreline Residential Conservancy designations, the minimum for Zone 1 is 30 feet, if the area is denuded or has 30 feet or less of existing native vegetation, plus a 45-foot buffer in Zone 2 for an overall buffer, Zone 1 and Zone 2, of 75 feet for Shoreline Residential Conservancy or 50 feet for Shoreline Residential.





The above graphic provides an example of two lots with different levels of existing vegetation. Parcel B has an expanded Zone (RPZ) compared to Parcel A, as it has a larger area of existing tree canopy area. However, the landward end of Zone 2 remains at the same level for both parcels.

6-19-2014 Attachment D Ecology Responses to Public Comments

The table below displays the buffer sizes for developed and undeveloped lots by designation and category, with the Category A or B determining the actual size of the RPZ.

Table 4-3 16.xx.xxx 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.					

The table below reflects the City’s GIS findings on existing primary structure locations by designation. Using this GIS information, the attached list of scientific sources, and the anticipated development identified in the Cumulative Impacts Analysis are important to assure that no net loss with future development can occur. Use of the GIS findings tailors the shoreline environment designation and SMP buffer requirements to existing conditions, rather than using a “one-size fits all” approach.

Table 1. Suggested Range of Riparian Protection Zones and Marine Shoreline Buffers by Use Designation.^a

Existing Distances from Shoreline to Primary Residential Structures (use designations are bold)	Riparian Protection Zone (RPZ) (inner buffer zone)	Minimum Standard Buffer (encompasses inner RPZ and outer marine shoreline buffer)	Maximum Standard Buffer (encompasses inner RPZ and outer marine shoreline buffer)
Urban Mean 59.8 feet Median 20.1 feet STD 72.1 feet	Minimum 30 feet from OHWM	Minimum 30 feet from OHWM ^b	30 feet from OHWM ^b
Shoreline Residential Mean 69.7 feet Median 60.2 feet STD 46.2 feet	Minimum 30 feet from OHWM up to standard buffer width	Condition: Shallow lots ^c or high bluff Standard Buffer: 50 feet from OHWM ^b	Condition: 65% coverage of native forest and shrub vegetation in RPZ ^d , and low bank, or marshes, or lagoons, or spit / barrier / backshores Developed - Standard Buffer: 75 feet from OHWM Undeveloped - 75 feet from OHWM unless adjacent to Aquatic Conservancy then 150 feet
Shoreline Residential Conservancy Mean 88.2 feet Median 86.3 feet STD 55.9 feet	Minimum 30 feet from OHWM up to standard buffer width	Condition: Shallow lots ^c or high bluff Standard Buffer: 75 feet from OHWM ^b	Condition: 65% coverage of native forest and shrub vegetation in RPZ ^d , and low bank, or marshes, or lagoons, or spit / barrier / backshores Standard Buffer: 115 feet from OHWM for developed lots 150 feet from OHWM for undeveloped lots
Island Conservancy Mean 144.9 feet Median 180.8 feet STD 62.9 feet	Minimum 50 feet from OHWM up to standard buffer width	Condition: Shallow lots ^c or high bluff Standard Buffer: 100 feet from OHWM ^b	Condition: Deeper lots ^c , low bank, marshes, lagoons, spit / barrier / backshores Standard Buffer: 150 feet from OHWM
Natural Mean 145.3 feet Median 169.7 feet STD 53.8 feet	Minimum 100 feet from OHWM up to standard buffer width	Condition: High bluff Standard Buffer: 200 feet from OHWM ^b	Condition: Low bank or feeder bluff, marshes, lagoons, spit / barrier / backshores Standard Buffer: 200 feet from OHWM ^b

Explanation of Terms in Table 1:**Mean** = average distance of existing structures from OHWM in each designation.**Median** = a location of a structure from OHWM halfway between all other structure locations from OHWM in each designation.**STD**= Standard Deviation is an average of all deviations from the mean for locations of all existing structures from OHWM in each designation.

Topic 3:

Commenters: M. Ferm, E. Ringland, E. Shriner, S. Davis, S. Ekholm, C. Taylor, J. Gleckler, K. Grant, R. Blaney, Frank Stowell, J. Quitslund, J. Knox, T. Fehsenfeld, M. Gale, M. Lagerloef, Futurewise-, T. Trohimovich, E. Wright, C. Schmidt, C. D'Angelo, J. Church, A. O'Sullivan- Suquamish Tribe. L. Macchio

Issues: 1) SMP buffers are too small and should be increased from the minimum 30-foot width to a minimum 50-foot width; 2) Section 4.1.3.5(3) allowing site-specific vegetation management with no buffer widths should be deleted; 3) Protect highly functioning aquatic areas by designating them with Priority Aquatic A or B in this SMP Update rather than waiting until later; 4) Require that native species be required for compensatory mitigation plantings; and 5) Prohibit clearing of vegetation for new views, and allow clearing only for existing views.

Ecology Responses: 1) Ecology recognizes both the science regarding buffers and the SMA requirement to tailor buffers to local conditions, including the built environment, and anticipated development. Ecology agrees with the City's rationale and documented scientific sources used to determine a minimum Zone 1 buffer width of 30 feet, depending upon existing conditions, in order to achieve the standard of "no net loss of ecological functions" with future development. The 30-foot minimum buffer width applies only to developed lots that do not have 65% vegetation canopy and sensitive areas. Ecology supports the City's effort to build in safeguards to the flexible buffer system to ensure no net loss. This flexible buffer system is anticipated to protect existing riparian vegetation while also providing tools and incentives for vegetation enhancement with future redevelopment.

2) SMP Section 4.1.3.5 (3) does not relieve the property owner from providing vegetation management. Rather it allows variations from the standard buffer but only if no net loss is achieved and only if a vegetation management plan is developed by the owner using all scientific and technical information available from the City's SMP Inventory, including the Herrera 2011 marine shoreline buffer recommendations and as determined by a qualified professional. A Management Plan must demonstrate how the plan protects ecological functions and processes. The City and its Work Groups have gone to considerable effort to build in safeguards anticipated to protect the existing ecological functions, consistent with the City's scientific sources, upon which the SMP was developed, and consistent with State Guidelines WAC 173-26. This allows flexibility without increasing net loss of ecological functions.

3) SMP Section 4.1.3.5 (5) Vegetation Management regulations require new vegetation planted in the Shoreline Buffer or Site Specific Vegetation Management Areas to be 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. In that same section, the option for other plant species may be approved if they 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. An optional plant species list must be submitted by a qualified professional and demonstrated to the satisfaction of the Administrator that the selected ornamental plants can serve the same ecological function as native plant species. Compensatory mitigation and mitigation sequencing are covered in Sections 4.1.2.6. Under SMP Section 4.1.2.6(2), compensatory mitigation must be necessary to offset impacts, although mitigation measures in the immediate vicinity of the impact shall be the preferred mitigation option. Although the City has provided flexibility for the unusual possibility that a non-native may provide the same functions, it might be a difficult thing to prove that non-native species could provide the same habitat and ecological functions as the native plants.

4) Section 4.1.3.8(4) allows limited removal of existing vegetation for pre-existing or new single family residential structures provided that: "(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.” The applicant must obtain an approved Bluff Management Plan per 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, as well as consistency with vegetation removal requirements of this Program. (Note: Significant native trees that may be exempt are those at street intersections that must be removed for sight clearance purposes, as provided in Public Works standards)

Topic 4

Commenters: Gary Tripp, Bainbridge Defense Fund, S Snyder, Blacks, E. Thompson, M. Suraci

Issues: Comment that homes should be classified as water-dependent.

Ecology Response: Classifying homes as water-dependent is inconsistent with WAC 173-26-020, definition of water-dependent use: (39) "Water-dependent use' means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations." Residential use does not require a location adjacent to the water and it does not depend on the water by reason of the intrinsic nature of its operations. Any change to this definition would have to be changed by the legislature.

Furthermore, the SMP Guidelines, at WAC 173-26-201(20)(d), require local governments to set preferences and priorities when determining allowable uses. This section states, "Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses." This does not classify single family residential uses as water-dependent. The Shoreline Management Act includes single family residences and their appurtenant structures as a priority use of the shoreline "in those limited instances when authorized."

Topic 5

Commenter: L. Young

Issues: Comments that the City seeks to phase out residential uses through the SMP.

Ecology Response: This is incorrect. As stated above, the SMA recognizes single family residences as a priority use of the shoreline. Consistent with the SMA, the SMP accommodates and plans for residential uses and explicitly states that in Section 5.9.3 Residential Development: "Consider single-family residential use as a priority use in the shoreline. Develop single-family residences in a manner consistent with producing no net loss of shoreline functions or ecosystem-wide processes, and in conformance with the requirements of this Shoreline Master Program." The policies and regulations in this SMP are consistent with the SMA and the implementing WAC 173-26-241(3) (j): "Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm water runoff, septic systems, introduction of pollutants, and vegetation modification and removal. Residential

development also includes multifamily development and the creation of new residential lots through land division.”

The strategy to identify buffers and environment designations in the SMP is intended to avoid the creation of nonconforming homes. Residential uses are clearly a priority and major use on Bainbridge Island. Residential uses are allowed uses in both the Shoreline Residential and Shoreline Residential Conservancy environment designations, which include approximately 75 percent of the shoreline. The claim that the City wants to increase nonconforming status across the shoreline is clearly not the case in either shoreline designation strategy or the buffer sizes.

Topic 6

Commenters: L. Koss, L. Young, D. Benson, G. Tripp, M. Halvorsen, A. Ferrin, Blacks, D. Kragerud, S. Snyder, T. Snyder, L. Barrett, D. King, J. Cairns, J. Bierly, Eric Thompson, M. Soraci, B. Grant, D. Reynolds

Issues: Comments that dock prohibitions and standards prohibit docks on 75% of shorelines.

Ecology Response: The City’s inventory reflects that residential uses occupy approximately 75% of the City’s shorelines. Along those 75% of shorelines, there are already several hundred existing docks that are allowed to be repaired and replaced. The areas with SMP prohibitions for new docks are due to critical physical limitations such as currents, waves, accretion, wind and other hazards and are limited to those areas that can be defined and mapped. Areas of high wind, waves and currents cannot be mapped at this time. Therefore Ecology has required that these three prohibitions be deleted from the list of prohibitions. The following list of prohibited areas are mapped and/or defined:

- **Areas of high accretion**, approximately 5% of the shoreline area, listed by the Coastal Geologic Services Inventory that with high levels of accretion could result in docks being unusable without dredging and docks impacting the ecological functions of the accretion areas.
- **Geologically Hazardous Areas, including feeder bluffs** are also mapped by Coastal Geologic Services in 2010, and available on the city’s website. SMP Section 4.1.5.8 for Geologically Hazardous Areas, allows docks at the face of marine bluffs when existing hard shoreline stabilization is in place. Landslide risk could destroy single family docks.
- **Shallow Sloping Tidelands with gradients of less than 3%.** This includes wide tidal flats, such as Murden Cove. Docks in areas with shallow bottoms often require much longer docks to avoid impacting the aquatic substrate and the presence of longer docks can pose risks to public navigation in shallow harbors.
- **Blakely Harbor** between Restoration Point and the most eastern point along the north shore of Blakely Harbor (sometimes referred to as “Pigott Point” or “Jasmine Point”), except as provided in this section. (Note: The prohibition in Blakely Harbor is a product of a limited amendment approved by Ecology and has had an alternative analysis and a cumulative effects analysis in 2006. The present code, now in the updated SMP, has been assessed to be the alternative best protecting the bay’s natural resources.)

The Priority Aquatic designations and adjacent to the Natural designation except new individual, community or joint-use residential docks or piers are permitted in the Priority Aquatic B designation, only in areas where salt marsh vegetation, such as pickleweed (*Salicornia* sp.), does not exist. This protects the ecological functions of salt marsh vegetation.

In general, the City has been consistent with WAC 173-26-231(3)(b), which requires that piers and docks be restricted to the minimum size necessary. SMP Section 6.3 Overwater Structures goals, policies and regulations

are consistent with the SMA and with current state and federal standards for single-family residential docks. The following dock and pier standards under WAC 173-26-231(3)(b) are minimum standards. “New piers and docks shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section. Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. Water-related and water-enjoyment uses may be allowed as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.”

Topic 7

Commenter: L. Young

Issues: Comments that the public access section is a “takings”, demonstrating that the City intends to turn private property into parks.

Ecology Response: The SMA requires local jurisdictions to protect and facilitate public access to the shoreline. Consistent with the SMA, SMP Goal Section 4.2.4.3 clearly states that the goal is to maintain and enhance a safe, convenient and balanced system of visual and physical public access to the shoreline while recognizing or acknowledging the fragile natural features of the shoreline and the rights of private property ownership. The SMP is consistent with the WAC on the subject of public access. The policies are consistent with WAC 173-26-221(4). The SMP has four tests incorporating provisions for visual and/or physical public access into any shoreline development. These are: 1) locations in Urban designation, which are designated for higher intensity uses under the comprehensive plan and are used or designated for high intensity commercial, industrial, recreational use, multifamily residential developments and used for water-oriented and port activities; 2) commercial, industrial or any nonresidential uses located in any shoreline designations; 3) residential development or division that provides five or more dwelling units or building lots located in any shoreline environments; or 4) new development or a use located on public land or managed by a public entity. These four (4) tests are completely consistent with the WAC 173-26-221(4) SMP requirements for public access. These requirements are consistent with the non-motorized transportation plan, the comprehensive plan and no net loss provisions as indicated in section 4.1.2.1 Applicability section.

There is no evidence to support the commenter’s allegation. The public access provisions must be implemented and applied consistent with constitutional protections for private property. This is reflected in the language of the SMP which does not require public access on private property, unless there is an increased demand or diminishment of public access caused by the development.

Topic 8:

Commenters: S. Tharp, L. Peterson, Bainbridge Homeowners Association-Bomben

Issues: Comments that SMP must declare existing, lawfully built homes to be conforming structures per SSB 5451.

Ecology Responses: The City did not classify lawfully built homes as nonconforming. Please be advised that RCW 90.58.620(SSB 5451) states that an SMP may include provisions authorizing lawfully built residences to be “conforming” structures. It is not a requirement. RCW 90.58.620 states: “(1) New or amended master programs approved by the department on or after September 1, 2011, may include provisions authorizing: (a)

Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following to be considered a conforming structure: Setbacks, buffers, or yards; area; bulk; height; or density; and (b) Redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure if it is consistent with the master program, including requirements for no net loss of shoreline ecological functions. (2) For purposes of this section, "appurtenant structures" means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or over-water structures. (3) Nothing in this section: (a) Restricts the ability of a master program to limit redevelopment, expansion, or replacement of over-water structures located in hazardous areas, such as floodplains and geologically hazardous areas; or (b) affects the application of other federal, state, or local government requirements to residential structures."

The SMP submitted to Ecology uses the term "existing structures" for residential structures rather than "nonconforming" for residential structures, so the City did in fact opt not to use the term "nonconforming" as authorized under the statute.

Topic 9

Commenters: J. Green, R. Day, J. Rosling, J. Cairns, F. Thompson, E. Thompson, D. Haugan, M. Surachi, L. Fergusson, D. Snider, R. King, R. Young, D. Jaffe, S. & T Snyder, D. Bennett, M. Levine

Issues: Stormwater pollution is a major source of contamination. SMP is virtually silent on this.

Ecology Response: WAC 173-26-221(6) requires SMPs to:

“(i) Prevent impacts to water quality and storm water quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.

(ii) Ensure mutual consistency between shoreline management provisions and other regulations that address water quality and storm water quantity, including public health, storm water, and water discharge standards. The regulations that are most protective of ecological functions shall apply.”

The SMP Water Quality and Stormwater Section are found in Section 4.1.6. This section includes measures that address pesticides, surface runoff, low impact development, and secondary containment for bulk storage of oil and hazardous materials to the extent required by the SMP. Included in this section is a reference to the City’s Stormwater Management Plan codified in BIMC Chapter 15.20 and approved through Ecology’s approved NPDES permit WAR04-5503 for Bainbridge Island. Local jurisdictions meet the requirements of the Clean Water Act through their Stormwater Management Programs and NPDES permits. It is important to note that the City’s Stormwater Management plan meets the requirements of the Clean Water Act through the NPDES Permit. The SMP provisions regarding water quality meet the requirements of the SMA and the WAC Guidelines for water quality.

Topic 10

Commenters: D. Kircher, L. Koss, D. Benson, M. Levine, G. Tripp, Bainbridge Defense Fund, R. Weaver, L. Young, D. Bennett, Blacks, MC Halvorsen, S. Snyder, G. Hepp, E. Thompson, M. Suraci, S. Jepson, E. Weaver, J. Tingley

Issues: Comments that 1) Section 7 Violations was a surprise with no public hearing.; 2) Section 7 criminalizes behavior such as weeding and lawn-mowing, and 3) There is draconian punishment for personal conduct where there isn't any proof of damage and where there is no right to trial.

Ecology Responses: The omission of this section from the copy of the SMP used in the May 8, 2013 public hearing was inadvertent. This section was not new and had appeared in all other versions of the draft SMP and had been previously discussed and voted on in hearings held prior to and after May 8, 2013. Section 7 was also included in the SMP for the Ecology state public hearing on July 31, 2013. RCW 90.58 and WAC 173-27 SMA Permit and Enforcement Procedures require an SMP to include violations and enforcement sections. WAC 173-27-240 through 300 sets the requirements of SMP enforcement procedures. The City's penalties and procedures in response to violations are consistent with WAC 173-26-240 through 300 and RCW 90.58.200 through 230, which establish the rights of local jurisdictions to set up such regulations and penalties. Any person receiving an infraction citation has the right to request a hearing in municipal court under Title 1.26.030. In summary, section 7 is consistent with the elements required under state law WAC 173-26-191(2)(a)(iii)(C) Administrative permit review and enforcement procedures and WAC 173-27 Part II and the RCW 90.58 authorizing it).

It is incorrect to assert that weeding and lawn-mowing will not be allowed. Section 4.1.3.4 Regulations-Exceptions state that 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. The SMP allows for the removal of noxious weeds and continued maintenance and trimming of lawns, gardens and hazardous tree associated with existing structures and uses. If you are weeding or mowing your existing lawns and gardens, you can continue to do so, as the SMP allows for this. There would be no criminal citation for such work.

This SMP continues the existing SMP protections of native vegetation from the effects of new development. It does not retroactively apply to existing homes. In short, the SMP applies only to new development. Just as the existing SMP limits the extent of changes to the native vegetation zone, the updated SMP limits the removal of native vegetation in buffer areas. Property owners are strongly encouraged to voluntarily improve shoreline vegetation conditions over the long term. 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.

The removal of noxious or invasive weeds in order to enhance buffers is also allowed, provided the vegetation removal is based on the Kitsap County Noxious Weed Board or the State Noxious Weed List, and is conducted in a manner consistent with best management practices, including replanting in the disturbed area, in accordance with revegetation standards and location.

The SMP Single-Family Shoreline Residential Mitigation Manual provides plant lists, recommended plant spacing, and a mitigation menu for clearing and replacing plants. The manual offers a low cost alternative for meeting no net loss, as it provides mitigation for common types of single family residential development as an alternative to submitting a site-specific analysis.

Topic 11:

Commenters: L. Young, G. Tripp, Bainbridge Defense Fund, Bainbridge Shoreline Homeowners Association, D. Benson, A. Ferrin, Blacks, S. Snyder, T. Snyder, J. Bierly, E. Thompson, M. Suraci.

Issues: Comments that a ban on bulkheads puts homeowners at risk.

Ecology Responses: It is incorrect to say that the SMP bans bulkheads. The SMP recognizes that some structures may need protection. However, as hard stabilization can have negative impacts to shoreline health, it is important to select a form of stabilization that avoids or minimizes negative environmental impacts, while still providing effective protection. Similar to WAC 173-26-213, the SMP sets a preference for non-structural or soft stabilization, with lesser impact on ecological functions, over hard forms, whenever feasible. Stabilization on shores with valuable biologic or geo-hydraulic processes, such as feeder bluffs, is prohibited, except for protection of primary single-family residences, primary appurtenances or public transportation. Although some form of protection may be needed, identifying the form required to protect a given site without negative environmental impact requires a geotechnical report to identify the level of risk and the particular type of stabilization needed to protect the structure.

Topic 12:

Commenters: D. Reynolds, (with client list), G. Tripp, L. Young, Bainbridge Defense fund, Bainbridge Shoreline Homeowners, P. Dusbabek, P. Willard, W. Beirut, M & S. Cohn, S. Kane, J. Rudolph, J. Tingley, P. Moldon.

Issues: Comments that the City has made seventeen substantive changes after public notice and the hearing and requests that Ecology return the Draft SMP to the City.

Ecology Responses: WAC 173-26-100 (1) requires local government to “conduct at least one public hearing to consider the draft proposal.” On May 15, 2013, following the May 8, 2013 Public Hearing, the City Council deliberated and voted on individual council member’s proposed changes in response to public comments given in the hearing. The Council agreed that changes were limited to clarifications, syntax, grammar, internal consistency, and consistency with WAC 173-26. The Council directed City staff to make changes to the document, which were non-substantive syntax, grammar and clean-up changes. It also included replacement of the term “nonconforming” with “existing development” throughout the document, in response to public comments, and other non-substantive changes to improve syntax, clarification, internal consistency and consistency with WAC 173-26. As the Council had noted, this is a Resolution and not an Ordinance, and there will likely be more changes from Ecology as part of the state approval process. The resolution shows the intent to adopt the draft SMP. At the May 15, 2013 SMP study session, the Council voted to send the draft to Ecology. The City has held additional public hearings on these and other changes required and recommended by Ecology and City staff in response to public comments through January 2014.

On the general subject of public participation, pursuant to WAC 173-26 and RCW 36.70A, the City conducted a robust public participation process, including extensive citizen involvement in every step of the SMP involvement, and even in the development of the SMP public participation process. (See attached City SMP Meeting Chronology of BI SMP Update Public Meetings, Study Sessions, Citizen Task Forces, and Community Outreach 2009-2013) The City’s extensive and robust public participation process provides a model for public participation for other jurisdictions across the state. The City provided for early and continuous public participation through broad dissemination of informative materials, development of proposals and alternatives, strong use of citizen workgroups in the development of SMP policies and regulations, opportunity for written comments, over 100 public meetings, provision of opportunities for open discussion and consideration of and response to public comments. The City’s public participation process met the requirements of RCW 90.58.130 and WAC 173-26-090 & 201.

Topic 13:

Commenters: Dennis Reynolds (and clients)

Issues: Objects to shoreline designation of Shoreline Residential Conservancy on grounds that “Rural Conservancy” does not apply to Bainbridge Island.

Ecology Responses: It is incorrect that the SMP designation Shoreline Residential Conservancy is mirrored after WAC 173-26-211(5)(b) Rural Conservancy, which is a resource protection, floodplain and open space designation. Rather, for the Bainbridge SMP, the Shoreline Residential Conservancy designation is a version of WAC 173-26-211(5)(e) Urban Conservancy for incorporated areas. The stated purpose of Urban Conservancy, under the WAC is: “(i) **Purpose.** The purpose of the ‘urban conservancy’ environment is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.” Consistent with this, the SMP purpose states: “The purpose of Shoreline Residential Conservancy is to accommodate compatible residential uses while protecting, conserving, and restoring shoreline ecological functions and processes of open space, floodplains or other-flood prone areas, and other sensitive lands. It is the further purpose to conserve and manage valuable historic and cultural resources where they exist. Due to the more sensitive characteristics of these areas, a higher level of development standards is warranted.”

The purpose of Shoreline Residential Conservancy is to accommodate compatible residential uses while protecting, conserving, and restoring shoreline ecological functions and processes of open space, floodplains or other-flood prone areas, and other sensitive lands. Based on the inventory, Shoreline Residential Conservancy areas have 20 to 25 feet larger existing setbacks and larger percentages of areas covered with native vegetation within 100 feet from OHWM than the Shoreline Residential designations (Battelle 2004). These segments designated as Shoreline Residential Conservancy also include sensitive areas such as marshes, lagoons, mudflats and feeder bluffs. Murden Cove and Blakely Harbor had the highest rating of ecological functions within the shoreline jurisdiction. Only these two areas were rated low-moderate impact with Blakely Harbor having the lowest level of shoreline armoring and highest natural functions in the City. Shoreline buffers, setbacks and vegetation conservation standards are critical to ensuring against adverse environmental impacts with avoiding and minimizing impact being of top concern for these areas (Herrera and The Watershed Co 2012). In 2006, the City produced an alternatives analysis and Cumulative Impact Assessment specific to Blakely Harbor for an informed policy discussion on the future of this harbor and an analysis of various potential build-outs. The City decided, based on an alternative build-out analysis, that the designation of Shoreline Residential Conservancy is the one designation that will provide for existing development in this harbor and protect against net loss of ecological functions with anticipated future development.

Topic 14

Commenters: J. Grundman and M. Dawson

Issues: Comments that the SMP requires monitoring but it is not clear who is responsible for monitoring.

Ecology Response: For jurisdictions with critical saltwater habitats, identification of methods for monitoring conditions and adapting management practices to new information is required (WAC173-26-251(3)(d)(i)).

For **SSWS**, evidence that standards ensuring protection of ecological resources of statewide importance consider cumulative impacts of permitted development. Pursuant to WAC 173-26-191-2(a)(iii)(D).

Master programs or other local permit review ordinances addressing shoreline project review shall include a mechanism for documenting all project review actions in shoreline areas. Local governments shall also identify a process for periodically evaluating the cumulative effects of authorized development on shoreline conditions.” The City is continuing to work on developing a tracking system to monitor for no net loss. This will involve the City staff and the City’s environmental Technical Committee (ETAC).

The SMA requires local governments to conduct a review of their master programs 8 years following the statutory due date for the comprehensive update.. For Bainbridge Island, that initial review is scheduled to occur in 2020. “The purpose of the review is: (i) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and (ii) 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” RCW 90.58.080(4)(a). Monitoring for no net loss of ecological functions is an important component to the SMP. Ecology has drafted indicators for this task for local jurisdictions and the scientific inventory material supporting the Bainbridge SMP provides monitoring recommendations specific to the monitoring task for Bainbridge Island. However, individual mitigation monitoring requirements are the responsibility of the property owner. Appendix D to the SMP is a Single Family Shoreline Residential Mitigation Manual discusses mitigation monitoring goals and the Bainbridge Island Nearshore Habitat Nearshore Characterization (Battelle 2004) provides monitoring recommendations.

Topic 15

Commenters: Plauche’ and Carr, representing Pacific Coast Shellfish Growers Association

Issues: Comments that aquaculture is a preferred water-dependent use in the Shoreline Residential and Shoreline Residential Conservancy designations. Given this, they argued that the SMP must contain policies to promote this preferred, water-dependent use and it must protect aquaculture from activities that threaten water quality and critical saltwater habitat. They argued that local governments cannot prohibit preferred, water-dependent shoreline uses outright.

Ecology Response: Ecology issued a number of required and recommended changes (listed in Attachments B and C) for the SMP Chapter 5.2 Aquaculture provisions, Chapter 4.1.5.5 Fish and Wildlife Habitat Conservation Areas and Critical Saltwater Habitats, and Section 8 Definitions. The City Council deliberated and accepted a majority of these changes, resulting in an SMP consistent with WAC 173-26-(3)(b) and other state water quality and federal regulations. These changes include defining aquaculture as water-dependent and when consistent with control of pollution and prevention of damage to the environment, a preferred use of the water area; limiting prohibited areas for aquaculture; updating design standards; and adding language to avoid environmental impacts.

Although the changes expand the area open to aquaculture, they are now consistent with the SMP purpose and management policies of both the Shoreline Residential Conservancy and Shoreline Residential designations. This change provides the landowner the ability to lease shoreline property for aquaculture. However, the MP prohibits aquaculture practices known to be potentially harmful to surrounding waters and requires a CUP for almost all aquaculture projects, with the City having the authority to consider and address cumulative impacts and require mitigation or set conditions to reduce impacts.

Topic 16

Commenter: Washington Department of Natural Resources (WDNR), Aquatics Division

Issues: Comments that 1) New covered moorages and boat houses are not allowed on state-owned aquatic lands and 2) Requests to be on agency list for stabilization and modification permits for overwater structures, dredging and buoys. Also requested change of floating home definition to WDNR “floating house” definition for consistency with WAC 332-23-106(23).

Ecology Response: New covered moorages and boat houses are prohibited. The City added WDNR as an agency reviewer for boating facilities, shoreline stabilization, docks and dredging on state owned aquatic lands. The City changed the definition of floating home to the WDNR definition of Floating House for consistency with WAC 332-30-106(23).

Topic 17

Commenter: Sanjay Pal

Issues: Opposes change in shoreline designation for Bainbridge Island Marina (Whiskey Creek)

Ecology Response: Due to existing conditions and uses, Ecology agrees with the City that a change in shoreline designation for the area adjacent to the west side of the marina is more consistent with the extension of Urban rather than Shoreline Residential Conservancy or a Natural designation. Ecology recommends this change of shoreline designation for the extension of Parcel B further west of the Water Dependent-Industrial upland zoning due to existing uses.

Topic 18

Commenters: M. Guidry and G. Elfendahl

Issues: Comments that SMP is too big and complex to read.

Ecology Response: Ecology does not evaluate an SMP based on its size. Rather, the consistency of the SMP with the Shoreline Management Act and state guidelines and regulations are measurements by which Ecology evaluates SMPs. The Bainbridge SMP is long and complex. This is due to using more site-specific requirements that allow for flexibility and options for the homeowner, rather than using one-size fits all buffer and mitigation requirements. To assist in this, the City has provided a Single Family Residence Shoreline Mitigation Manual to provide mitigation options and will provide a vegetation management manual.

Topic 19

Commenter: Barbara Phillips

Issue: Comments that vegetated buffers pose wildlife dangers to humans.

Ecology Response: This comment provides no evidence that vegetated buffers pose wildlife danger risks to humans. State law requires the protection of ecological functions from no net loss over time and vegetated buffers are among the requirements to accomplish that in the SMP.

Topic 20

Commenter: S. Gilpin

Issue: States there is a need for increased public access to shorelines.

Ecology Response: To protect public access to shorelines, when feasible with public safety, private property rights, and privacy concerns is an objective of the SMA and the Bainbridge SMP does provide for this.

Topic 21

Commenter: S. Woods

Issue: States there is a need to protect natural resources

Ecology Response: Protection of natural resources and the ecological functions that support those resources is a cornerstone of the SMA. The Bainbridge SMP does provide for this.

ATTACHMENT E

Literature Cited in SMP Update Background Documents

(Additional to Literature Cited in Addendum to Summary of Science Report – Bainbridge Island)

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Attachment F(a)

5.2 Aquaculture

5.2.1 Applicability

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

5.2.2 Policies

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

7. Ensure aquaculture does not cause cumulative environmental, aesthetic, or recreational impacts.

5.2.3 Regulations - Prohibited

1. Aquaculture is prohibited in the Natural and Priority Aquatic designations, except as provided in Section 5.2.4 (1), below.
2. Aquaculture that uses or releases herbicides, pesticides, antibiotics, fertilizers, parasites, pharmaceuticals, genetically modified organisms, feed or other materials known to be potentially harmful into surrounding waters is prohibited, unless:
 - a. When conducted for native population recovery in accordance with government/Tribal approved plan and all state and federal regulations; or
 - b. If approved by all appropriate state and federal agencies and proof thereof is submitted to the City.
3. Mechanical and/or hydraulic harvesting or other activities that involve substantial substrate modification shall be prohibited in existing kelp beds or in beds of native eel grass (*Zostera marina*).

5.2.4 Regulations - General

1. Aquaculture may be allowed as follows as a conditional use in Shoreline Residential, Urban, and adjacent Aquatic designations and as provided below:
 - a. ~~Intensive aquaculture as a conditional use in Shoreline Residential, Urban, and adjacent Aquatic designations.~~
 - b. Community Shellfish Gardens are allowed as a conditional use in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential, and Urban designations, and in adjacent Aquatic designations ~~except Priority Aquatic (only as part of an approved restoration project).~~
 - c. Individual Shellfish Gardens ~~may be~~ are allowed in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential and Urban shoreline designations, and in adjacent Aquatic designations, ~~including Priority Aquatic B.~~ They also are allowed in Aquatic Priority A when for the recovery of native populations, restoration, or personal use as defined in Aquaculture 16.12.5.3.
2. When a shoreline conditional use permit is issued for a new aquaculture use or development, that permit shall apply to the initial siting, construction, and/or planting or stocking of the facility or farm, and shall be valid for the period specified in the permit.
3. Aquaculture facilities shall avoid:
 - a. A net loss of ecological functions or processes;
 - b. Adverse impacts to eelgrass and macro algae;
 - c. Significant conflict with navigation and water-dependent uses;
 - d. The spreading of disease to native aquatic life;

City Council SMP Public Hearing, July 14, 2014
Required Changes to SMP Section 5.2, *Aquaculture*
Includes DOE amendments and alternative staff language, approved by Council 11-20-2013
DOE required changes Received in 2014 shown in strikeout/underline

- e. Establishing new non-native species that cause significant ecological impacts;
- f. Significant impacts to shoreline aesthetic qualities; and/or
- g. Significant modifications of the substrate.

5.2.5 Regulations – Design Standards

1. Floating and submerged aquaculture structures shall be located to avoid or minimize interference with navigation and the normal public use of the surface waters. Floating structures shall remain shoreward of principal navigation channels. Other restrictions on the scale of aquaculture activities to protect navigational access may be necessary based on the size and shape of the affected water body. Netting and fencing shall be the minimum necessary to deter targeted predators and shall not exceed six (6) feet in height, as measured from water surface.
2. Aquacultural structures and activities that are not water-dependent (e.g., warehouses for storage of products, parking lots) shall be located landward of the OHWM, upland of water-dependent portions of the project, and shall avoid or minimize detrimental impacts to the shoreline.
3. Hatchery and other aquaculture operations shall be required to maintain a vegetated buffer zone along the affected stream as prescribed in Appendix B, provided that clearing of vegetation shall be permitted for essential water access points.
4. Onshore support structures shall meet the height and setback standards established in Table 4-2, Site Development Standards Matrix, except that reduced setbacks may be permitted through a shoreline variance where necessary for the operation of hatcheries and rearing ponds. Netting and fencing shall be the minimum necessary to deter targeted predators and shall not exceed six (6) feet in height, as measured from the ground.
5. The following shall be limited to the minimum size or number necessary for approved aquaculture development, uses, and activities:
 - a. Submerged or intertidal structures.
 - b. Land-based facilities.
 - c. Structures which modify substrate.
6. Floating/hanging aquaculture facilities and associated equipment, except navigation aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts. All materials, including those used for incidental aquacultural for personal consumption, shall be marked with owners' contact information to provide identification after storm disturbance. All floating and submerged aquaculture facilities in navigable waters shall comply with all applicable state and federal requirements.
7. Floating aquaculture facilities may require a visual impact analysis consisting of information comparable to that found in the Department of Ecology's Aquacultural Siting Study (1986), as updated. Such analysis may be prepared by the applicant

without professional assistance, provided that it includes an adequate assessment of impacts, as determined by the Administrator.

8. For aquacultural projects using over-water structures, storage of necessary tools and apparatus waterward of the OHWM shall be limited to containers of not more than three (3) feet in height, as measured from the surface of the raft or dock, provided that, in locations where the visual impact of the proposed aquaculture structures will be minimal, the City, based upon written findings and without requiring a variance, may authorize storage containers of greater height. In such cases, the burden of proof shall be on the applicant. Materials which are not necessary for the immediate and regular operation of the facility shall not be stored waterward of the ordinary high water mark. A temporary sanitation station may be allowed on fixed overwater pier structures when utilities are not available within a reasonable distance.
9. Shellfish Gardens for personal consumption are allowed on private lands provided the following can be met:
 - a. They comply with all state and federal regulations, including transfer and harvest permits required by WDFW.
 - b. The operation may utilize bottom culture or off-bottom culture bags if in accordance with best management practices and it does not significantly alter the tidal bed.

5.2.6 Regulations – Operational Standards

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

5. Predator control shall not involve the killing or abusive harassment of birds or mammals. Approved controls include, but are not limited to, double netting for seals, overhead netting for birds, fencing or netting for otters. The use of other nonlethal, non-abusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service, as required.
6. All nets shall be maintained in accordance with all applicable state and federal requirements. If a state or federal permit is not required, cleaning of nets and other apparatus shall be accomplished by air drying, spray washing or hand washing, rather than chemical treatment and applications.

5.2.7 Commercial Geoduck Requirements

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

Attachment F(b)

8.0 Aquaculture Definitions

Aquaculture – The culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state-managed wildstock geoduck fishery. Upland finfish rearing facilities are included in the definition of agriculture and are not considered aquaculture for the purpose of this SMP. The cultivation of fish, shellfish, and/or other aquatic animals or plants including the harvesting and incidental preparation of these products for human use and consumption. Aquaculture does not include the harvest of free swimming fish or gathering of shellfish for non-commercial purposes. Aquaculture Activities include, but are not limited to, the hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals, and the maintenance and construction of necessary equipment and buildings, and growing areas. Cultivation methods include, but are not limited to, fish pens, shellfish rafts, racks and long lines, seaweed floats and nets, and the planting and harvesting culture of geoduck, clams and oysters. on tidelands and subtidal areas. Aquaculture includes intensive aquacultural uses and Shellfish Gardens but excludes fish farms that are completely contained in upland areas.

Aquaculture, Intensive — Large scale cultivation of shellfish, or cultivation of fish and/or other aquatic animals or plants, or use of embedment structures, or mechanical extraction methods, including the harvesting and incidental preparation of these products for human use and consumption. Activities include the hatching, cultivating, planting, feeding, raising and harvesting of aquatic plants and animals, and the maintenance and construction of necessary equipment, buildings, and growing areas. Cultivation methods include, but are not limited to, fish pens, shellfish rafts, racks and long lines, seaweed floats and nets, and the culture of geoduck, clams and oysters on tidelands and subtidal areas. Aquaculture does not include the harvest of wild stock geoduck and free swimming fish, or gathering of free swimming fish and shellfish for non-commercial purposes.

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

Upland finfish rearing facilities – Those private facilities not located within waters of the state where finfish are hatched, fed, nurtured, held, maintained, or reared to reach the size for commercial market sale. This shall include fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated facilities.

Attachment F(c)

5.2 Aquaculture

5.2.1 Applicability

These provisions apply to the commercial cultivation and harvesting of fish, shellfish or other aquatic animals or plants, ~~but and~~ also to non-commercial harvesting, and to the incidental preparation of fish and shellfish for human consumption, or cultivation for restoration purposes. ~~Aquaculture is dependent on the use of the water, and when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area.~~ ~~When~~ properly managed, aquaculture can result in long-term ~~over short-term~~ benefit and can protect the resources and ecology of the shoreline. ~~Incidental small-scale aquaculture that is strictly for personal consumption may be considered accessory to residential use and must adhere to all applicable regulations in this program.~~ Aquaculture activities ~~are may be not~~ considered dredging nor subject to the regulations found in Section 6.4, Dredging and Dredge Material Disposal, depending ~~on site-specific standards circumstances.~~ Aquaculture activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; and Appendix B, when applicable. Other portions of this Program may also apply.

Comment [kc1]: Grammatical correction.

Comment [kc2]: City Council approved on November 20, 2013: Ecology required amendment

Comment [kc3]: City Council approved on November 20, 2013: Ecology required amendment

Comment [kc4]: DOE required that "standards" be replaced with "circumstances." This was not reflected in previous version. DOE/staff identified error.

Comment [kc5]: City Council approved on November 20, 2013: Ecology required amendment

5.2.2 Policies

1. ~~Recognize that when properly managed, aquaculture can result in long-term ecological and economic benefits.~~ Identify and encourage aquaculture activities which may provide opportunities for creating ecosystem improvements and ~~result in no net loss of ecological functions.~~ ~~Engage in coordinated planning to identify potential aquaculture areas and assess regional long-term needs for aquaculture and coordinated education efforts to provide information on best practices to those operating small-scale aquaculture for personal use and consumption. This includes working with the Department of Fish and Wildlife (WDFW), the Department of Natural Resources (DNR), area Tribes and shellfish interests to identify areas that are suitable for aquaculture and protect them from uses that would threaten aquaculture's long-term sustainability.~~
2. Allow experimental forms of aquaculture involving the use of new species, new growing methods, or new harvesting techniques, when they are consistent with applicable state and federal regulations and this Program. Experimental aquaculture projects should be limited in scale and should be approved for a limited period of time. When feasible, limit or restrict new development ~~and uses proposals~~ in areas that affect existing experimental aquaculture ~~monitoring programs.~~
3. ~~Limit aquaculture, including intensive shellfish aquaculture to activities that do not create adverse impacts to ecological functions and ecosystem-wide process.~~ ~~Prohibit~~

Comment [kc6]: Typographical correction: words missing

Comment [kc7]: City Council approved on November 20, 2013: Ecology recommended amendment.

Comment [kc8]: City Council approved on November 20, 2013: Ecology recommended amendment.

Comment [kc9]: City Council approved on November 20, 2013: Ecology recommended amendment.

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~~aquaculture where it would result in a net loss of shoreline ecological functions; adversely affect the quality or extent of habitat for native species including eelgrass, kelp, and other macroalgae; adversely impact City and state critical habitat areas and other habitat conservation areas; or interfere with navigation or other water dependent uses;~~

Comment [kc10]: City Council approved on November 20, 2013: Ecology required amendment.

3. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass ~~and- or~~ macroalgae, or significantly conflict with navigation and other water dependant uses. ~~Prohibit intensive aquaculture where such development or activity would:~~

Comment [kc11]: Grammatical correction

~~a. Result in any significant adverse environmental impacts that cannot be eliminated or adequately mitigated through enforceable conditions of approval; or~~

~~b. Results in the spreading of disease, the introduction of non native species, or impacts to shoreline aesthetic qualities; or~~

~~c. Result in impacts to other existing and approved land and water uses which would substantially and materially conflict, including impacts to navigation, moorage, sport or commercial fishing, underwater utilities, active scientific research, and/or the aesthetic qualities of a project area; and/or~~

~~d. Result in impacts to where water quality, temperature, oxygen content, current, and salinity restrictions make the area unsuitable for the type(s) of aquaculture under consideration.~~

Comment [kc12]: City Council approved on November 20, 2013: Ecology recommended amendment.

54. Aquaculture facilities should be designed and located to not spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

~~Prohibit Community Shellfish Gardens where such development or activity would:~~

~~a. Result in any significant adverse environmental impacts or aesthetic impact that cannot be eliminated or adequately mitigated through enforceable conditions of approval; or~~

~~b. Where impacts to other existing and approved land and water uses would substantially and materially conflict, including impacts to navigation, moorage, sport or commercial fishing, underwater utilities, and/or active scientific research; and/or~~

~~c. Be unsuitable due to water quality, temperature, oxygen content, current, and salinity restrictions for the type(s) of aquaculture under consideration.~~

Comment [kc13]: City Council approved on November 20, 2013: Ecology recommended amendment.

65. Impacts to ecological functions should be mitigated according to WAC 173-26-201(2)(e) and Section 4.1.2 Environmental Impacts. Ensure Shellfish Gardens consider aesthetic impacts as part of the site design process.

Comment [kc14]: City Council approved on November 20, 2013: Ecology recommended amendment.

76. Give preference to those forms of aquaculture that have less environmental and/or visual impacts. Preference is given to those projects that require fewer submerged or intertidal structures, fewer land-based facilities, ~~and~~ limited substrate modification, and ~~reliance that don't rely on~~ artificial feeding.

Comment [re15]: City Council approved on November 20, 2013 Ecology's recommended amendment.

87. Ensure aquaculture does ~~installation of net pens, raft cultures or surface embedded structures do~~ not cause cumulative environmental, ~~impacts and~~ aesthetic impacts, or recreational impacts ~~interfere with navigation~~.

Comment [kc16]: Typographical error.

5.2.3 Regulations - Prohibited

1. Aquaculture is prohibited in the Natural and Priority Aquatic designations, except as provided in Section 5.2.4 (1), below.

Comment [re17]: City Council approved on November 20, 2013 Ecology's recommended amendment.

~~Aquaculture, except individual Shellfish Gardens in the following areas:~~

~~a. Areas where intensive aquaculture development would have potential adverse impacts on other existing and approved land and water uses, including navigation, and on the aesthetic qualities of a project area.~~

~~i. Community Shellfish Garden is prohibited in areas listed in (a) above except the use may be allowed when adverse aesthetic impacts are avoided or adequately mitigated through enforceable conditions of approval.~~

~~b. Areas where an aquaculture proposal will result in any significant adverse environmental impacts that cannot be eliminated or adequately mitigated through enforceable conditions of approval.~~

~~c. Areas devoted to established uses of the aquatic environment with which the proposed aquacultural method(s) would substantially and materially conflict. Such uses would include, but are not limited to navigation, moorage, sport or commercial fishing, log rafting, underwater utilities and active scientific research.~~

~~d. Areas that have water quality, temperature, oxygen content, current, and salinity restrictions that make the areas unsuitable for the type(s) of aquaculture under consideration.~~

Comment [kc18]: City Council approved on November 20, 2013: Ecology recommended amendment.

~~e. Areas that do not have potential to support native populations of the type(s) of aquaculture under consideration.~~

Comment [kc19]: City Council approved on November 20, 2013 Ecology's required amendment.

2. Aquaculture that uses or releases herbicides, pesticides, antibiotics, fertilizers, ~~non-indigenous species~~, parasites, pharmaceuticals, genetically modified organisms, feed or other materials known to be potentially harmful into surrounding waters is prohibited, ~~unless~~ except that the following may be allowed:

Comment [kc20]: Previous versions incorrectly deleted "is prohibited." Staff correction

~~a. Experimental forms of aquaculture involving new species, new growing methods or new harvesting techniques may be allowed consistent with the Program and applicable state and federal regulations.~~

a. ~~Shellfish seeding/culturing may be permitted. When conducted for native population recovery in accordance with government/Tribal approved plan and all state and federal regulations; or:~~

Comment [kc21]: City Council approved on November 20, 2013 Ecology's required amendment.

b. ~~Pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents, or other chemical applications for aquacultural operations only if prior approval is obtained from all. Unless If approved by all appropriate state and federal agencies, including, including but not limited to, the U.S. Food and Drug Administration, the Washington State Departments of Ecology, Fish and Wildlife and Agriculture, as required, and proof thereof is submitted to the City.~~

Comment [kc22]: Grammatical correction

23. Mechanical and/or hydraulic harvesting or other activities that involve substantial substrate modification ~~through dredging, trenching or digging~~ shall be prohibited in existing kelp beds or in beds of native eel grass (*Zostera marina*). ~~containing more than two (2) turions per one-quarter (1/4) square meter in winter or three (3) turions per one-quarter (1/4) square meter in summer.~~

Comment [kc23]: City Council approved on November 20, 2013 Ecology's recommended amendment.

Comment [kc24]: Previous versions incorrectly deleted "shall be prohibited." Staff correction

Comment [kc25]: City Council approved on November 20, 2013 Ecology's required amendment.

5.2.4 Regulations - General

1. ~~Aquaculture may be allowed as follows as a conditional use in Shoreline Residential, Urban and adjacent Aquatic designations and as provided below:~~

Comment [kc26]: Ecology required change March 2014

a. ~~Intensive aquaculture as a conditional use in Shoreline Residential, Urban and adjacent Aquatic designations.~~

Comment [kc27]: Ecology required change March 2014

b. ~~a. Community Shellfish Gardens are allowed as a conditional use in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential, and Urban designations, and in adjacent Aquatic designations, except Priority Aquatic (only as part of an approved restoration project).~~

e b. ~~Individual Shellfish Gardens may be are allowed in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential and Urban shoreline designations, and in adjacent Aquatic designations, including Priority Aquatic B. They also are allowed in Aquatic Priority A when for the recovery of native populations, restoration, or personal use as defined in Aquaculture 16.12.5.3.~~

Comment [kc28]: City Council approved on November 20, 2013: Staff's alternative language to Ecology's required amendment. **NOTE: Ecology required modifications to revision, March 2014**

~~Aquaculture may be allowed as a conditional use in Shoreline Residential, Urban, and adjacent Aquatic designations and as provided below:~~

a. ~~Community Shellfish Garden may be allowed as a conditional use in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential and Urban designations and in adjacent Aquatic designations except Priority Aquatic (unless as part of an approved restoration project).~~

b. ~~Individual Shellfish Gardens may be are allowed in the Island Conservancy, Shoreline Residential Conservancy Shoreline, Shoreline Residential and Urban designations, and in adjacent Aquatic designations Priority B. They area also~~

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~~allowed in Aquatic Priority A when for recovery of native populations, restoration, or personal use as defined in Aquaculture 16.12.5.3, except in Priority Aquatic B (unless as part of an approved restoration project).~~

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

3. Aquaculture facilities shall avoid:

- a. ~~A net~~ loss of ecological functions or processes;
- b. ~~Adverse~~ impacts to eelgrass and macro algae;
- c. Significant conflict with navigation and water-dependent uses;
- d. The spreading of disease to native aquatic life;
- e. ~~Establishing new~~ introduction of non-native species that cause significant ecological impacts;
- f. Significant impacts to shoreline aesthetic qualities; and/or
- g. Significant modifications of the substrate.

Comment [kc29]: City Council approved on November 20, 2013: Ecology recommended amendment

Comment [re30]: City Council approved on November 20, 2013 alternative language and Ecology's recommend amendments

Comment [kc31]: City Council approved on November 20, 2013: Ecology recommended amendment

~~4. Shellfish Gardens shall minimize adverse aesthetic impacts and be restricted in the areas described in Section 5.2.3(b) (c) and (d).~~

~~5. Legally established aquacultural enterprises, including authorized experimental projects, shall be protected from incompatible uses which may seek to locate nearby. Demonstration of a high probability that such an adjacent would result in damage to, or destruction of, a legally established aquacultural enterprise shall be grounds for modification or denial of that use.~~

Comment [kc32]: City Council approved on November 20, 2013: Ecology required amendment

5.2.5 Regulations – Design Standards

1. Floating and submerged aquaculture structures shall be located to ~~avoid or~~ minimize interference with ~~navigation navigable waters~~ and the ~~normal~~ public's use of the ~~surface waters and shoreline~~. Floating structures shall remain shoreward of principal navigation channels. Other restrictions on the scale of aquaculture activities to protect navigational access may be necessary based on the size and shape of the affected water body. ~~Netting and fencing shall be the minimum necessary to deter targeted predators and shall not exceed six (6) feet in height, as measured from the water surface ground.~~
2. Aquacultural structures and activities that are not water-dependent (e.g., warehouses for storage of products, parking lots) shall be located landward of the OHWM, upland of water-dependent portions of the project, and shall ~~avoid or~~ minimize detrimental impacts to the shoreline.
3. Hatchery and other aquaculture operations shall be required to maintain a vegetated buffer zone along the affected streamway as prescribed in Appendix B, provided that clearing of vegetation shall be permitted for essential water access points.

Comment [re33]: City Council approved on November 20, 2013 Ecology's required amendment

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Comment [re34]: City Council approved on November 20, 2013 Ecology's required amendment

Comment [re35]: City Council approved on November 20, 2013 Ecology's recommended amendments

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4. Onshore support structures shall meet the height and setback standards established in Table 4-2, Site Development Standards Matrix, except that reduced setbacks may be permitted through a shoreline variance where necessary for the operation of hatcheries and rearing ponds. Netting and fencing shall be the minimum necessary to deter targeted predators and shall not exceed six (6) feet in height, as measured from the ground.

Comment [re36]: City Council approved on November 20, 2013 Ecology's required amendment

5. The following shall be limited to the minimum size or number necessary for approved aquaculture development, uses, activities:

Comment [kc37]: Ecology required change, March 2014

a. Submerged or intertidal structures.

b. Land-based facilities.

c. Structures which modify substrate.

Comment [re38]: City Council approved on November 20, 2013 alternative language

~~Aquacultural proposals that include net pens or rafts shall not be located closer than one (1) nautical mile to any other aquacultural facility that includes net pens or rafts, provided that a lesser distance may be authorized by the Administrator if the applicant can demonstrate to the satisfaction of the Administrator that the environmental and aesthetic concerns expressed in the Master Program shall be addressed. If a lesser distance is requested, the burden of proof shall be on the applicant to demonstrate that the cumulative impacts of the existing and proposed operations would not be contrary to the policies and regulations of the Master Program.~~

Comment [re39]: City Council approved on November 20, 2013 Ecology's required amendment

6. Floating/hanging aquaculture facilities, and associated equipment, except navigation aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts. All materials, including those used for incidental aquacultural for personal consumption, shall be marked with owners' contact information to provide identification after storm disturbance. All floating and submerged aquaculture facilities in navigable waters shall comply with all applicable state and federal requirements.
7. Floating aquaculture facilities may require a visual impact analysis consisting of information comparable to that found in the Department of Ecology's Aquacultural Siting Study (1986), as updated. Such analysis may be prepared by the applicant without professional assistance, provided that it includes an adequate assessment of impacts, as determined by the Administrator.
8. For aquacultural projects using over-water structures, storage of necessary tools and apparatus waterward of the OHWM shall be limited to containers of not more than three (3) feet in height, as measured from the surface of the raft or dock, provided that, in locations where the visual impact of the proposed aquaculture structures will be minimal, the City, based upon written findings and without requiring a variance, may authorize storage containers of greater height. In such cases, the burden of proof shall be on the applicant. Materials which are not necessary for the immediate and regular operation of the facility shall not be stored waterward of the ordinary high water mark. A temporary sanitation station may be allowed on ~~a~~-fixed overwater pier structures when utilities are not available within a reasonable distance.

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~~9. Except as provided in Section 5.2.5(1), aquacultural developments approved on an experimental basis shall not exceed five (5) acres in area, except anchorage for floating systems, and five (5) years in duration, provided that the City may issue a new permit to continue an experimental project as many times as is deemed necessary and appropriate.~~

~~109.~~ Shellfish Gardens ~~for personal consumption~~ for personal consumption are allowed ~~on private lands and public lands as an accessory use to a primary residential use~~ provided the following can be met:

- a. ~~It-They complyes~~ with all state and federal regulations, including transfer and harvest permits required by WDFW. The cultivation and harvesting is limited to native species of shellfish; and
- b. The operation may utilize bottom culture or off-bottom culture bags ~~if inis~~ in accordance with best management practices and it does shall not significantly alter the tidal bed; ~~and~~
- c. ~~The area used for cultivation is no greater than 400 square feet in area.~~

5.2.6 Regulations – Operational Standards

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

Comment [re40]: City Council approved on November 20, 2013 Ecology's required amendment

Comment [kc41]: NOTE: DOE required modification to previous revisions, March 2014

Comment [re42]: Alternative Language discussed on November 20, 2013. (Ecology verbally agreed to make recommended change for regulation clarity after approval of Ecology's amendments.)

Comment [re43]: City Council approved on November 20, 2013 Ecology's required amendment

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Comment [re44]: City Council approved on November 20, 2013 Ecology's required amendment

Comment [re45]: City Council approved on November 20, 2013 Ecology's recommended amendments

Comment [re46]: City Council approved on November 20, 2013 Ecology's required amendment

Comment [kc47]: Word "discontinued" missing in previous version. Error identified by Council member

Comment [kc48]: Verb tense correction

Comment [re49]: City Council approved on November 20, 2013 Ecology's recommended amendments

Comment [kc50]: Word missing in previous version. Error identified by Council member

Comment [kc51]: Grammatical correction

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approval from the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service, as required.

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

Comment [re52]: City Council approved on November 20, 2013 Ecology's required amendment

Comment [kc53]: Ecology required change, March 2014

Comment [re54]: City Council approved on November 20, 2013 alternative language to move all submittal requirements to the Administrative Manual.

5.2.7 Submittal Requirements

1. ~~Applicants shall include in their applications all information needed to conduct thorough evaluations of their aquaculture proposals, including the items listed in BIMC Section 2.16.020(H), Land Use Review Procedures; General Provisions; Application, and the following submittal requirements. The administrator may waive some or all of the following based on specific project requirements:~~
 - a. ~~Shellfish Gardens must only meet BIMC Section 2.16.020(H), Land Use Review Procedures; General Provisions; Application;~~
 - b. ~~Species to be reared;~~
 - c. ~~Aquaculture method(s);~~
 - d. ~~Anticipated use of any feed, antibiotics, or other substances and their predicted impacts. List all pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents, or other chemicals that the applicant anticipates using;~~
 - e. ~~Manpower/employment necessary for the project;~~
 - f. ~~Harvest and processing location, method, and timing;~~
 - g. ~~Location and plans for any shoreside activities, including loading, unloading, and product processing;~~
 - h. ~~Methods of traffic control and waste disposal;~~
 - i. ~~Environmental assessment, including best available background information on water quality, turbidity, tidal variations, prevailing storm wind conditions, current flows, flushing rates, aquatic and benthic organisms, including existing kelp beds or in beds of native eel grass (*Zostera marina*), and probable impacts on water quality, biota, currents, littoral drift, and any existing shoreline or water uses. Further baseline studies may be required, depending upon the adequacy of available information, existing conditions, the nature of the proposal, and probable adverse environmental impacts. Baseline monitoring shall be at the applicant's expense unless otherwise provided for;~~
 - j. ~~Method of disposal of processing waste to control noxious odors and prevent releasing material in to the environment;~~
 - k. ~~Methods of predator control, if any;~~

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and DOE required changes received in 2014, presented at workshops on March 24, April 28

- ~~l. Use of lights, noise-generating equipment, and traffic patterns associated with the project that will occur during regular operation of the facility (including marine and terrestrial transportation) and the potential impacts on surrounding uses;~~
- ~~m. Documentation of meeting noise standards of BIMC Chapter 16.16, light regulations and/or other pertinent information deemed necessary by the City; and~~

Comment [re55]: City Council approved on November 20, 2013 staff recommend amendments to the May 08, 2013 public hearing draft

5.2.7 Commercial Geoduck Requirements

Comment [R56]: City Council approved on November 20, 2013 Ecology's required amendment

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

Strikeout/Underline SMP Update Section 5.2, *Aquaculture*

All DOE required changes, alternative staff language & corrections approved by Council 11-20-2013 and DOE required changes received in 2014, presented at workshops on March 24, April 28

Attachment G

3.2.3.3 Management Policies (Shoreline Residential Conservancy)

1. New residential and other development that preserves the natural character of the area, maintains shoreline vegetation buffers and/or promotes preservation of open space, floodplains or sensitive lands, either directly or over the long-term, should be the principal uses. Development that enhances or results in restoration of ecological functions and ecosystem-wide processes should be encouraged if the use is otherwise compatible with the purpose of the designation, the setting, and with adjacent uses and activities, including aquatic designations.
2. Standards should be established for protecting the sensitive shoreline characteristics in this designation to assure no net loss of shoreline ecological functions and ecosystem-wide process, including measures that provide the following:
 - a. Minimum frontage width, setbacks, and shoreline buffers;
 - b. Lot coverage limitations;
 - c. Shoreline modification standards; and
 - d. Protective measures for vegetation conservation, critical areas and water quality.
3. Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to navigable waters, water-dependent uses should be given highest priority.
4. Public access, common access and public recreation objectives should be implemented as required whenever feasible and significant ecological impacts can be mitigated.
5. High intensity development should be prohibited and commercial uses should be limited to those that are water-oriented ~~and intended to be accessory to residential uses~~, consistent with zoning regulations.
6. Recreational developments should provide shoreline areas for community or public open space and public access to shorelines.

Attachment H

4.2.1.8 Regulations - Existing Residential and Commercial: Aquatic Structures and Accessory Aquatic Structures

1. Existing docks, floats, and buoys may be repaired and replaced in the same foot print and shall comply with this Program's requirements for materials and standards, to the extent practicable.
 - a. Except that as a ~~minor~~ conditional use, an existing dock may be modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.
2. Except for docks and floats, repair and replacement up to 50% of the footprint of any existing aquatic structures, including shoreline modifications, or buildings or portions thereof within the Aquatic or Priority Aquatic designations, shall only be done once within any five year period. Such replacements shall comply with this Program's requirements for materials and standards to the extent practicable. If the structure is composed of several components, then the 50% shall be calculated independently for each component.
3. The replacement shall meet Section 4.1.2, Environmental Impacts, including the mitigation sequencing standards of Section 4.1.2.6, Regulations-Mitigation, to meet the standard of no net loss of shoreline ecological functions and/or processes. Shoreline stabilization shall also meet the alternative analysis provision of Section 6.2.8(1).

6.2.5 Regulations - General

1. All shoreline stabilization proposals shall meet applicable provision of Section 6.1, Shoreline Modifications, and assurance of no net loss of ecological functions and processes, Section 4.1.2, Environmental Impacts.
2. Soft-treatment stabilization shall be used to the maximum extent feasible.
3. New or replacement shoreline stabilization measures are a ~~minor~~ conditional use for the following:
 - a. Proposed shoreline stabilization is adjacent to a feeder bluff.
 - b. The nearest adjacent existing shoreline stabilization is greater than one hundred (100) feet of the subject property.
 - c. Sheet pile style hard stabilization may be used in:
 - i. Remediation projects to contain contaminated soils or sediments when demonstrated to the satisfaction of the Administrator to be the most appropriate solution; or

- ii. Hybrid stabilization when used as a stop-gap measure at or near extreme high water.

6.2.8.3 Specific Regulations for the Point Monroe District

1. New foundations and redevelopment of existing foundations that impede the natural over-wash process with the Federal Emergency Management Administration (FEMA) flood zone are considered flood protection works and shall meet provisions in Section 5.9, Residential Development.
2. New hard shoreline stabilization measures are prohibited in Area I, II, and IV of the Point Monroe District, as depicted in the Point Monroe District Map in Appendix E.
3. A ~~minor~~ conditional use permit shall be required for hybrid structural stabilization within Area III of the Point Monroe District, as depicted in the Point Monroe District Map, Appendix E.

Attachment I

4.1.5.4 Regulations – General

1. Development, uses, and activities proposed within shorelines of the state shall meet the requirements of the City's shoreline-specific Critical Areas Regulations as contained in Appendix B, in addition to the requirements found elsewhere in the Master Program.
2. Development, uses, and activities adjacent to critical areas, including critical saltwater habitats and fish and wildlife habitat conservation areas, proposed within shorelines of the state shall be monitored to assure that these areas are not being adversely impacted by approved development or restoration projects, consistent with Section 4.1.2 monitoring and mitigation requirements and the monitoring and mitigation requirements in Appendix B.
3. Special Reports. For development proposed on property with marine bluffs, steep slopes, erosion hazard areas and/or landslide hazard areas, a geotechnical report shall be required to assess potential hazards and propose measures to mitigate such hazards consistent with the requirements of this Master Program and attached appendices.

4.1.5.5 Regulations – Fish and Wildlife Habitat Conservation Areas and Critical Saltwater Habitat

1. Water-dependent development and uses, including marinas, docks, piers, mooring areas, underwater parks, utility crossings, and shoreline modifications, shall not intrude into or be built over critical saltwater habitat unless:
 - a. The applicant can show that all of the following criteria can be met:
 - i. The use preferences of Section 4.1.1 shall be utilized for uses in Shorelines of State-wide Significance; and
 - ii. The A-public need for such a structure is clearly demonstrated and an alternative alignment or location on the property that would avoid impacts to critical saltwater habitats is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose, as demonstrated through an alternatives analysis. The analysis should include in part, shoreline bathymetry, shoreline features at the site, and substrate composition;
 - iii. It can be demonstrated that the project is consistent with the state's interest in resource protection and species recovery; and
 - iv. Impacts to critical saltwater habitat functions and processes are mitigated to result in equal or better ecological function; or

- b. The proposal is for private, non-commercial, residential docks for single use, community, or joint-use, which may be authorized, provided that:
 - i. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible; and
 - ii. The project, including any required mitigation, will result in no net loss of ecological functions and processes associated with critical saltwater habitat.
- c. New or expanded overwater structures shall be located the greater or most protective of:
 - i. A horizontal distance of 25 feet from the outside edge of the structure to native aquatic vegetation attached to or rooted in substrate;
 - ii. A horizontal distance equal to the maximum distance shade will be cast by the structure and vessel;
 - iii. A 4-foot vertical distance from eelgrass or relevant submerged aquatic vegetation;
 - iv. A distance the diameter of the turning circle, if the structure is to be utilized for motorized vessels. The turning circle is defined as 3.5 times the length of the longest vessel to use the structure.
 - v. Alternative measures that demonstrate no net loss of ecological functions.
- d. ~~For sites adjacent to sand lance and surf smelt spawning areas, all in-water work that has the potential to increase suspended sediments in the spawning area during the spawning period shall require a buffer of at least 2 feet vertical separation from the tidal elevation of the spawning bed, or a buffer of 180 feet horizontal distance from the lower edge of the spawning habitat zone. In-water work should occur during an outgoing tide when the water line is below the lower edge of a surf smelt/sand lance spawning habitat zone (5-6' MLLW)~~
For projects within WDFW documented Pacific herring spawning locations, in-water activities that would affect herring spawn should be restricted to WDFW's approved work window for Bainbridge Island (May 1 through January 14). For aquaculture projects, the City may consider alternative methods that are contained in federal and/or state aquaculture permits for reducing impacts to herring spawning habitat and other forage fish spawning habitat.
- e. For projects other than commercial aquaculture within WDFW documented sand lance and surf smelt spawning locations, no activities should occur during spawning windows as identified by WDFW. For commercial aquaculture projects within WDFW documented sand lance and surf smelt spawning locations, no harvesting may occur during the surf smelt or sand lance spawning seasons until a spawning survey is conducted. If surf smelt or sand lance spawn are present in the growing area to be harvested or adjacent tidelands, then no harvest activities may occur until the eggs are hatched. Extreme caution should be taken to avoid impact and minimize disturbance of sand lance and surf smelt larvae that are present.

Attachment J

Ecology's Required Changes to Table 4-1, Strikeout/Underline

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

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

~~1] Allowed for non-commercial activities for recovery of native populations, restoration, and personal use as defined in Aquaculture 16.12-5.3.~~

Attachment J

Ecology's Required Changes to Table 4-1, "Clean"

Table 4-1 Shoreline Use and Modification Activity Matrix									
“P” = Permitted Use		“X” = Prohibited Use				“A” = Accessory Use			
“C” = Conditional Use		“#” = Same as Upland Property				“CA” – Conditional Accessory Use			
SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Natural Resource Management									
Aquaculture	C[1]	X	C	C	C	C	C[1]	C[1]	
Aquaculture, Shellfish Garden	X	P	P	P	P	P	P[1]	P[1]	

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

4.2.4 Public Access – Visual and Physical

4.2.4.4 Policies

7. Require public access, both visual and physical, as a condition of approval for any new private ~~or~~ public shoreline development which diminishes existing public access or increases demand for public access commensurate with the impacts of such development and the corresponding benefit to the public. In such cases, public access should be required unless health, safety, or environmental protection needs cannot be met.

4.2.4.5 Regulations - General

1. New development increasing demand for public access and/or reducing existing access by blocking or discouraging its use, shall incorporate provisions for visual and/or physical public access into any shoreline development that meets one or more of the following tests:
 - a. Any uses, except for single-family residential development with four or fewer dwelling units or building lots ~~is~~ located in the Urban designation;
 - b. Includes commercial, industrial or any nonresidential uses located in any shoreline designations; or
 - c. Includes residential development and/or residential land division that provides five or more dwelling units or building lots located in any shoreline environments; ~~or~~
 - d. ~~Includes new development or a use located on public land or managed by a public entity.~~
8. Development by public entities shall include public access to the shoreline unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

6.3 Overwater Structures

6.3.3 Policies

3. Locate and design piers, floats, and docks to avoid and minimize possible adverse impacts on ecological functions and ecosystem-wide processes, including fish and wildlife habitat, and impacts to ecosystem-wide shoreline processes such as littoral drift and sand movement. Ensure that piers, floats and docks are:
 - b. Prohibited at locations where physical limitations exist, such as shallow, sloping tidelands ~~bottoms; areas of frequent high wind, wave, or current exposure;~~ high littoral drift areas; or landslide-prone areas and/or feeder bluffs.

6.3.4 Regulations - Prohibited

2. Overwater Structures at locations where critical physical limitations exist, such as shallow sloping tidelands with gradients of 3% or less; ~~areas of frequent high wind, wave, or current exposure as depicted by charts, isometric maps, or other technical sources;~~ or areas with high levels of accretion, or geological hazardous areas located outside of harbors and/or feeder bluffs, except when specifically allowed in Section 4.2.4, Public Access – Visual and Physical, or Section 5.3, Boating Facilities.

ORDINANCE NO. 2014-04
(formerly Ordinance No. 2013-34)

AN ORDINANCE of the City of Bainbridge Island, Washington, adopting the City of Bainbridge Island Shoreline Master Program Update, including adopting the new shoreline designations map and amending goals, policies and regulations; amendments to the Comprehensive Plan; amendments to Chapters 2.14, 2.16, 18.12, and 18.36 of the Bainbridge Island Municipal Code; and repealing Chapter 16.12 of the Bainbridge Island Municipal Code and adopting a substitute Chapter 16.12 in its place.

WHEREAS, the Washington Shoreline Management Act (RCW 90.58, referred to herein as “SMA”) recognizes that shorelines are among the most valuable and fragile resources of the state, and that state and local government must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; and

WHEREAS, the City of Bainbridge Island (the “City”) adopted a Comprehensive Plan on September 1, 1994, which establishes goals and policies for managing the land, shorelines and resources areas of Bainbridge Island; and

WHEREAS, on September 19, 1996, the City adopted a Shoreline Master Program (Ordinance No. 96-38), which took effect upon Washington State Department of Ecology approval on November 26, 1996; and

WHEREAS, on June 11, 2003, the City adopted Ordinance No. 2003-25; on September 10, 2003, the City adopted Ordinance No. 2003-30; and on February 23, 2005, the City adopted Ordinance No. 2005-02, each amending the City’s Shoreline Master Program; and

WHEREAS, the City is required to update its Shoreline Master Program pursuant to the SMA and WAC 173-26; and

WHEREAS, during March and April, 2010, through four public meetings the City developed a Public Participation Plan with the community to review and update the City’s Shoreline Master Program, and the City Council adopted the participation plan on May 12, 2010; and

WHEREAS, there was extensive public participation with respect to updating the City’s Shoreline Master Program, including but not limited to the following: holding public forums and open houses, meeting with property owners and forming citizen involvement committees to review and recommend amendments to the designations, policies and regulations of the Shoreline Master Program consistent with the Shoreline Management Act

(RCW 90.58; WAC 173-26) through a succession of 43 public meetings from September 2010 through August 2011; and

WHEREAS, the Planning Commission reviewed the citizen committees' recommendations on amendments to the designations, policies and regulations of the Shoreline Master Program and held seventeen topic-based study sessions and other meetings on the Shoreline Master Program Update from July 2011 through April 2012; and

WHEREAS, on March 2, 2012, a Determination of Non-Significance consistent with the State Environmental Policy Act (RCW 43.21C) was published; and

WHEREAS, on March 29, 2012, the Planning Commission held a public hearing on the Shoreline Master Program Update consistent with WAC 173-26-100, at which time members of the public had the opportunity to present testimony and other evidence in favor of or against the proposed amendment; and

WHEREAS, on April 12, 2012, the Planning Commission considered public testimony and other evidence submitted regarding the proposed Shoreline Master Program Update and recommended approval, and found the proposed amendments consistent with the Shoreline Management Act (RCW 90.58; WAC 173-26); and

WHEREAS, from May 2012 through April 2013, the City Council reviewed the Planning Commission's recommendation relating to the Shoreline Master Program Update and associated amendments and held eleven study sessions (May 22, 2012, June 20, 2012, July 2 and 18, 2012, August 1 and 15, 2012, September 5, 2012, January 16, 2013, February 6, 2013, March 13, 2013, and April 10, 2013), and a duly noticed public hearing on May 8, 2013, and

WHEREAS, on May 15, 2013, the City Council considered public testimony and other evidence submitted regarding the proposed Shoreline Master Program Update; and after giving full consideration of all public testimony and other evidence submitted regarding the Shoreline Master Program Update, recommended approval, finding the proposed amendments consistent with the Shoreline Management Act (RCW 90.58; WAC 173-26); and

WHEREAS, the City Council approved Resolution No. 2013-10 on May 15, 2013, authorizing the Director of Planning and Community Development to forward the proposed Shoreline Master Program Update to the Washington State Department of Ecology for review and comment prior the City's formal adoption of the Shoreline Master Program Update in accordance with WAC 173-26-110, and

WHEREAS, on June 7, 2013, the Shoreline Master Program was submitted to the Washington State Department of Ecology as required by RCW 90.58.090, and Washington State Department of Ecology determined the submittal complete and in compliance with WAC 173-26-100 and 110 on June 20, 2013; and

WHEREAS, in accordance with WAC 173-26-100 and RCW 36.70A.106, a Notice of Intent was transmitted to the Washington State Department of Commerce on June 19, 2013; and

WHEREAS, on November 20, 2013 the City Council held a duly noticed public hearing to consider Washington Department of Ecology draft amendments provided to the City on October 16, October 25 and November 15, 2013; and staff-recommended alternative language to the Shoreline Master Program submitted to the Department of Ecology on June 7, 2013; and

WHEREAS, on November 21, 2013, the City notified the Department of Ecology that at the November 20, 2013 public hearing, the City Council had accepted Ecology's draft required amendments, draft recommended amendments and staff's alternative language, as amended by the Council; and

WHEREAS, the Washington State Department of Ecology subsequently notified the City that there would be additional required and recommended changes; and

WHEREAS, the City Council conducted two public workshops on March 24, 2014 and April 28, 2014, to discuss the additional changes from the Washington State Department of Ecology; and

WHEREAS, on June 23, 2014 the City received the Shoreline Master Program Preliminary Approval letter from the Department of Ecology; and

WHEREAS, on July 14, 2014 the City Council held a duly noticed public hearing on all components of the Shoreline Master Program update, and on July 14, 2014 approved Washington Department of Ecology final amendments to the Shoreline Master Program;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN, AS FOLLOWS:

Section 1. The City Council hereby concludes the following with regard to the 2012 Shoreline Master Program adopted and approved in this ordinance:

- A. Implementation of the Shoreline Master Program Update will result in "no net loss" of shoreline ecological functions relative to the established baseline and may ultimately produce an improvement in shoreline ecological functions through incentive-based restoration; and
- B. The Shoreline Master Program Update is consistent with and meets the State Shoreline Master Program Guidelines established under Chapter 173-26WAC; and
- C. The Shoreline Master Program Update is consistent with and implements the Shoreline Management Act (Chapter 90.58 RCW) and the Growth Management Act (Chapter 36.70A RCW).
- D. The Shoreline Master Program Update is consistent with the Bainbridge Island Comprehensive Plan; and
- E. The Shoreline Master Program Update is internally consistent; and

- F. Based upon an analysis prepared by the Interim City Attorney and presented under attorney-client privilege, the Shoreline Master Program Update will not constitute an unconstitutional taking of private property in violation of RCW 36.70A.020(9), RCW 36.70A.370, and the Washington State Attorney General's "Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property."

Section 2. Chapter 16.12 of the City of Bainbridge Island Municipal Code is hereby repealed in its entirety.

Section 3. The City Council hereby adopts the amended City of Bainbridge Island Shoreline Master Program, including new Shoreline Designations Map and Appendices, a copy of which is attached to this ordinance as Exhibit 1 and incorporated herein by this reference. Pursuant to RCW 36.70A.480(1), the shoreline goals and policies set forth in Exhibit 1 shall be an element of the City of Bainbridge Island Comprehensive Plan. Also pursuant to RCW 36.70A.480(1), all other provisions of the Shoreline Master Program attached as Exhibit 1, including use regulations, shall be a part of the City's development regulations and shall be codified as a new Chapter 16.12 of the Bainbridge Island Municipal Code. The Director of Planning and Community Development shall work with the codifier of the Bainbridge Island Municipal Code in order to ensure that the regulations in the Shoreline Master Program are appropriately codified and that the goals and policies are appropriately incorporated into the Comprehensive Plan.

Section 4. In addition to the shoreline element amendments adopted in Section 3, the City of Bainbridge Island Comprehensive Plan is hereby amended to include those policy amendments and additions set forth in Exhibit 2 attached to this ordinance and incorporated herein by this reference. The policy amendments and additions include amendments to Policy W 6.5 of the Land Use Element, Policy WMP 2-3.8 of the Land Use Chapter of the Winslow Master Plan, and Policy WMP 2-10.2 of the Land Use Chapter of the Winslow Master Plan; the addition of a new section in the Environmental Element; and the addition of a new Policy WMP 2-6 in the Land Use Element of the Winslow Master Plan.

Section 5. Chapters 2.14 and 2.16 of the City of Bainbridge Island Municipal Code are hereby amended to read as set forth in Exhibit 3 attached to this ordinance and incorporated herein by this reference.

Section 6. Chapters 18.12 and 18.36 of the City of Bainbridge Island Municipal Code are hereby amended to read as set forth in Exhibit 4 attached to this ordinance and incorporated herein by this reference.

Section 7. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. This ordinance shall take effect upon the date of a letter to the City of Bainbridge Island from the Washington State Department of Ecology approving the Shoreline Master Program Update adopted by this ordinance.

PASSED by the City Council this xxrd day of xx, 2014.

APPROVED by the Mayor this xxth day of xx, 2014.

Anne Blair, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER:

2014-04

City of Bainbridge Island Shoreline Master Program

The Bainbridge Island Shoreline Master Program was prepared under the guidance of citizen Shoreline Work Groups who met regularly with the City and the project facilitator during Master Program development. The City would like to thank the citizen work groups; Bainbridge Island Planning Commission; Bainbridge Island City Council; Katharine Cook, Planning Director; Libby Hudson, Long Range Planning Manager; Ryan Ericson, Associate Planner; Theresa Rice, Department Secretary; and all other citizen and group participants for their assistance in the completion of this project. Original art was prepared by Steve Kennel, who retains all copyrights to that work. Front cover by John Owen.

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1.0 Introduction

1.1 Shoreline Master Program Introduction

This Shoreline Master Program (SMP) establishes regulations, enforcement procedures and policies for protection and development of Bainbridge Island's shoreline areas. The regulations in the SMP state specific legal requirements which future development must follow. The regulations in the SMP are part of the City's development regulations. The policies in the SMP state the underlying objectives the regulations are intended to accomplish. The policies are a component of the City's Comprehensive Plan and guide the interpretation and enforcement of the Shoreline Master Program's regulations. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations.

1.1.1 Purpose and Intent

The Shoreline Master Program is intended to implement the Shoreline Management Act of 1971 (Chapter 90.58 Revised Code of Washington) by:

- Planning for and guiding the orderly development of the shoreline in a positive, effective, and equitable manner, protecting and restoring shoreline resources, and helping to assure public access to the shoreline;
- Promoting the health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for use and development of Bainbridge Island's shorelines;
- Ensuring, at minimum, no net loss of shoreline ecological functions and ecosystem-wide processes;
- Planning for the restoration of shorelines that have been impaired or degraded in the past and in a manner that educates the community in the use and protection of its shorelines;
- Adhering to and fostering the policies of the Act contained in RCW 90.58.020 for shorelines of the state; and
- Improving the water quality of the Puget Sound.

1.2 Requirements of the Shoreline Management Act

In June 1971, the Washington State Legislature approved a comprehensive regulatory program for shorelines of the state with the adoption of the Shoreline Management Act of 1971 ("SMA" or "Act"). The Act carried with it provisions for a vote by the people and in November 1972, the people of the State of Washington enacted the Shoreline Management Act (Chapter 90.58 RCW). The Act's paramount objectives are to protect and restore the valuable natural resources that shoreline represent, and to plan for and foster all "reasonable and appropriate uses", including single-family development, that are dependent upon a waterfront location or

that offer the opportunities for the public to enjoy the state's shoreline. With this clear mandate, the Shoreline Management Act establishes a planning and regulatory program, initiated at the local level under state guidelines.

1.2.1 Shoreline Management Act Administration

Administration of the Act is a cooperative effort balancing local and statewide interest in the management and development of shoreline areas by requiring local government to plan (via the SMP) and regulate (via permits) shoreline development. Local government actions are monitored by the Washington State Department of Ecology (Ecology), which approves new or amended SMPs, reviews substantial development permits, and approves shoreline Conditional Use permits and Variances. The SMP is essentially a shoreline comprehensive plan with distinct environmental orientation applicable to shoreline areas and customized to local circumstances. Collectively, the local master programs comprise the State SMP. By law, the City is responsible for the following:

1. Preparation of a SMP in accordance with the policies and requirements of the Act and the State Master Program Approval/Amendment Procedures and Master Program Guidelines (the "Guidelines" or "Shoreline Master Program Guidelines"; Chapter 173-26 WAC). The purpose of a SMP is to protect shoreline resources, manage the uses and activities on local shorelines, and assure continued public use of waters of the state.
2. The Act specifies that local SMPs include goals and policy statements for each of the required elements and take into account economic development, public access, circulation and transportation, and recreation. Local government is further encouraged to identify any other elements that are deemed appropriate and necessary to implement the intent of the Act, and to develop goals and policies for those additional elements.
3. Master program regulations are developed and adopted by local government to implement the goals and policies for each of the elements. These regulations address various types of shoreline development, including agriculture, aquaculture, forest management, commercial development, marinas, mining, outdoor advertising and signs, residential development, utilities, ports and water-related industries, bulkheads, breakwaters, jetties and groins, landfills, solid waste disposal.
4. Administration of a shoreline permit system to further the goals and policies of both the Act and the local SMP for proposed substantial development within two hundred (200) feet of the ordinary high water mark (OHWM) of designated water bodies. [Local government has the option to adopt the administrative process as part of the SMP or as a reference document not considered part of the SMP. This allows local government to make changes without the need of a SMP amendment. See WAC 173-26-191(2)(a)(iii)(C).]
5. Development of an inventory of natural characteristics and land use patterns along those designated water bodies. Local governments are required to prepare a detailed shoreline inventory that provides the foundation for development of a system that classifies the shoreline into distinct shoreline "environments" These environments, or

designations, provide the framework for implementing shoreline policies and regulatory measures.

6. Local governments have the primary responsibility for initiating the planning program and administering the regulatory requirements. The City of Bainbridge Island SMP must be consistent with the policies and requirements of the Act and the Guidelines. The role of the Department of Ecology is to provide support and review of the SMP and subsequent shoreline development permits and approvals and ensure compliance with the policies and provisions of the Act.

1.2.2 Scope of Shoreline Management Act

The Act covers all shorelines of the state, including “shorelines” and “shorelines of state-wide significance.” Figure 1-1 illustrates shoreline jurisdiction on coastal shorelines.

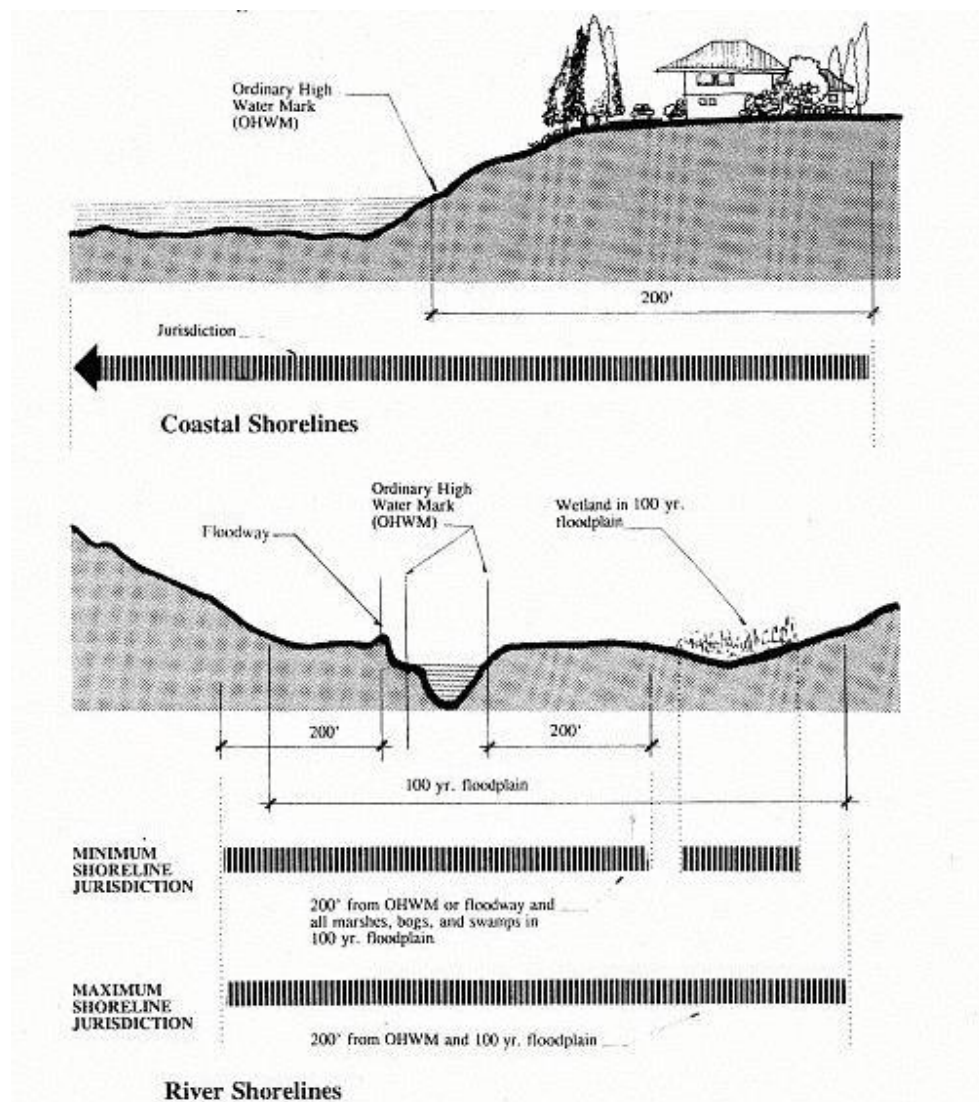


Figure 1-1 Shoreline Jurisdiction

Provisions of the Act apply to the following geographical shoreline areas:

1. All marine waters of the state, together with the lands underlying them;
2. Segments of streams and rivers where the mean annual flow is more than 20 cubic feet per second (cfs);
3. Lakes and reservoirs 20 acres and greater in area;
4. Shorelands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous flood plain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters; and
5. Shorelines of state-wide significance as defined in RCW 90.58.030 or its successor. This includes those areas of Puget Sound lying seaward from the line of extreme low tide.

1.2.3 Development of the City's Shoreline Master Program

The City of Bainbridge Island adopted a SMP in 1996 after annexation of the entire Island occurred in March 1991. Prior to annexation, Bainbridge Island's shorelines were managed under the Kitsap County SMP and the City of Winslow SMP. The goals and policies in the SMP are an element of the City's Comprehensive Plan. All other portions of the SMP, including the use of regulations, are part of the City's development regulations.

The "precautionary principle" was employed as guidance in updating the policies and regulations of this SMP. The "precautionary principle" is cited in the State Shoreline Guidelines under WAC 173-26-201(3)(g) and states, in part that "as a general rule, the less known about existing resources, the more protective shoreline master program provisions should be to avoid unanticipated impacts to shoreline resources."

1.2.4 Public Involvement

Public participation strategies were used in developing the SMP adopted in 1996, and updating the SMP in 2012.

For the 1996 SMP, the City convened a citizen committee that worked from 1991-1993 to develop the first SMP for the City of Bainbridge Island. In addition, approximately 45 citizen volunteers participated in a shoreline survey. The City used a variety of tools for public outreach, and conducted several public meetings, special topic meetings, and public hearings.

In updating this SMP, the City first developed a public participation plan with the community in March 2010. The public participation plan was accepted by the City Council in May, 2010, and the City used the plan as a guide for public involvement and notification throughout the update process. An SMP Ad Hoc Committee composed of two members from the City Council and two members from the Planning Commission also helped guide the public participation process.

The public participation plan developed with the community identified the following key challenges and opportunities:

- Build Common Understanding
- Clearly Address the Use of Science
- Engage the Community
- Allow Respectful Dialog
- Sustain Community Involvement
- Formed Ad Hoc Committee

To meet these challenges, the City developed the following outreach components:

- Set up the SMP Update web page
- Identified stakeholders in the SMP Update process
- Created community outreach list
- Developed a Shoreline Education series to inform the community and decision makers about the natural resource processes and the legal requirements of updating the SMP.

At the Shoreline Education series, experts in the field presented information related to the SMP Update and Bainbridge Island. At the end of each presentation, there was an open discussion with the presenter related to issues of the SMP Update. Each of these educational events was advertised and filmed, and the video was made available on the City's SMP Update webpage. The education series included the following topics:

- June 3, 2010, Event #1 Ecology's Role in the SMP Update with Department of Ecology representatives Geoff Tallent, Regional Manager, and Barbara Nightingale, the [City's](#) Ecology Project Officer and primary contact;
- June 17, 2010, Event #2, Shoreline Processes with Hugh Shipman, coastal geologist with the Dept. of Ecology's Shorelands and Environmental Assistance program and Jeff Adams, Marine Water Quality Specialist with Washington Sea Grant;
- June 22, 2010, Event #3, Property Rights/Listening Session with Dawn Findlay Reitan, Interim City Attorney from the firm of Inslee Best;
- July 8, 2010, Event #4, Coastal Bluffs and Beaches with Jim Johannesen, [principal](#) scientist at Coastal Geological Services; and
- July 27, 2010, Event #5, Nearshore Assessment with Ron Thom, who leads the Coastal Assessment and Restoration group at Battelle's Marine Sciences Laboratory.

Citizen Committees

The City solicited citizen volunteers and formed topic-based workgroups to assist in drafting revisions to SMP policies and regulations that reflected the requirements of the State SMP Guidelines and community values. Four community organizations (Bainbridge Shoreline Property Owners, Bainbridge Concerned Citizens, Association for Bainbridge Communities,

and Bainbridge Island People for Puget Sound) self-selected members to represent their organization on the SMP Workgroups. The remaining volunteers were selected by the SMP Ad Hoc Committee. The three topic-based workgroups focused on major issues of the program. A fourth committee, the SMP Task Force, was formed from members selected from each of the three topic-based workgroups. The committees drafted the revisions between September 2010 and August 2011, over the course of approximately 45 public meetings. The citizen committee's recommendations were made available on the City's website for public review and forwarded to the Planning Commission in July 2011. Public comment was accepted throughout the process, and comments were posted on the City's website.

From July 2011 through March 2012, the Planning Commission reviewed the recommendations and made amendments. Public comment opportunity was provided at each of the Planning Commission's seventeen study sessions. A public hearing on the draft amendments was held on March 29, 2012. The Commission considered public comment and approved the draft on April 12, 2012, and forwarded their recommendation to the City Council for consideration.

The City Council considered the Planning Commission recommendations conducting eleven (11) study sessions from May 2012 to April 2013, and holding a public hearing on May 8, 2013. The Council approved the amendments on May 15, 2013 and forwarded the program to the Department for review on June 7, 2013. After holding a final public hearing on the draft on July 14, 2014, the Department of Ecology approved the amended program on **TBD**.

1.3 Bainbridge Island's Shoreline Master Program (SMP)

1.3.1 Bainbridge Island's Shorelines

Bainbridge Island has approximately 53 miles of waterfront. (See Figure 1-2 Map of Bainbridge Island.) It has seven harbors or bays, each having a long and interesting history and a wide variety of uses. Eagle Harbor has the most activity, including a ferry landing, boatyard repair, a boatyard, numerous marinas and restaurants, a waterfront park, a Superfund site, condominiums, detached homes, and a live-aboard community. Most of the Bainbridge Island's shorelines have been developed with single-family residences, from small summer cabins to large mansions. Their locations range from below ordinary high water to high water cliffs nearly 200 feet above the water. At the north end of the island is a large sand spit called Point Monroe, while at the south end is Restoration Point, composed of raised bedrock located on the Seattle fault.

Bainbridge Island's shorelines exhibit many uses and geologic characteristics. The shoreline is home for about twenty percent of the island residents, as well as numerous species of fish and wildlife. Bald eagles, herons, seals, otters, and numerous waterfowl depend on the shoreline. There are also salmon streams and bays necessary for fish, shellfish, clams, and vegetation to survive. At the south end of the island is an aquaculture farm for salmon. In short, Bainbridge Island's shorelines support a wide variety of life.

Located on the eastern border of Kitsap County, Bainbridge Island is connected to the rest of Kitsap County by one bridge and to Seattle (King County) by a 35-minute ferry ride. Because of its proximity to Seattle, the island has close cultural and economic ties to Seattle. Approximately 23,000 people currently live on Bainbridge Island. The population increased from 15,846 in 1990 to 23,090 in 2012. Until 2008 with the national economic decline, the Island grew at a fairly steady rate of approximately 300 people each year. This increased growth, reflected in higher waterfront land values and taxes, along with a growing concern for the environment, motivated citizen participation in the update of the SMP. The program must strike a balance between imposing regulatory powers for the benefit of the community at large and the rights of the individual property holder. Fortunately, the Act and the public trust doctrine provide the guidance to create a program which recognizes both of these values.

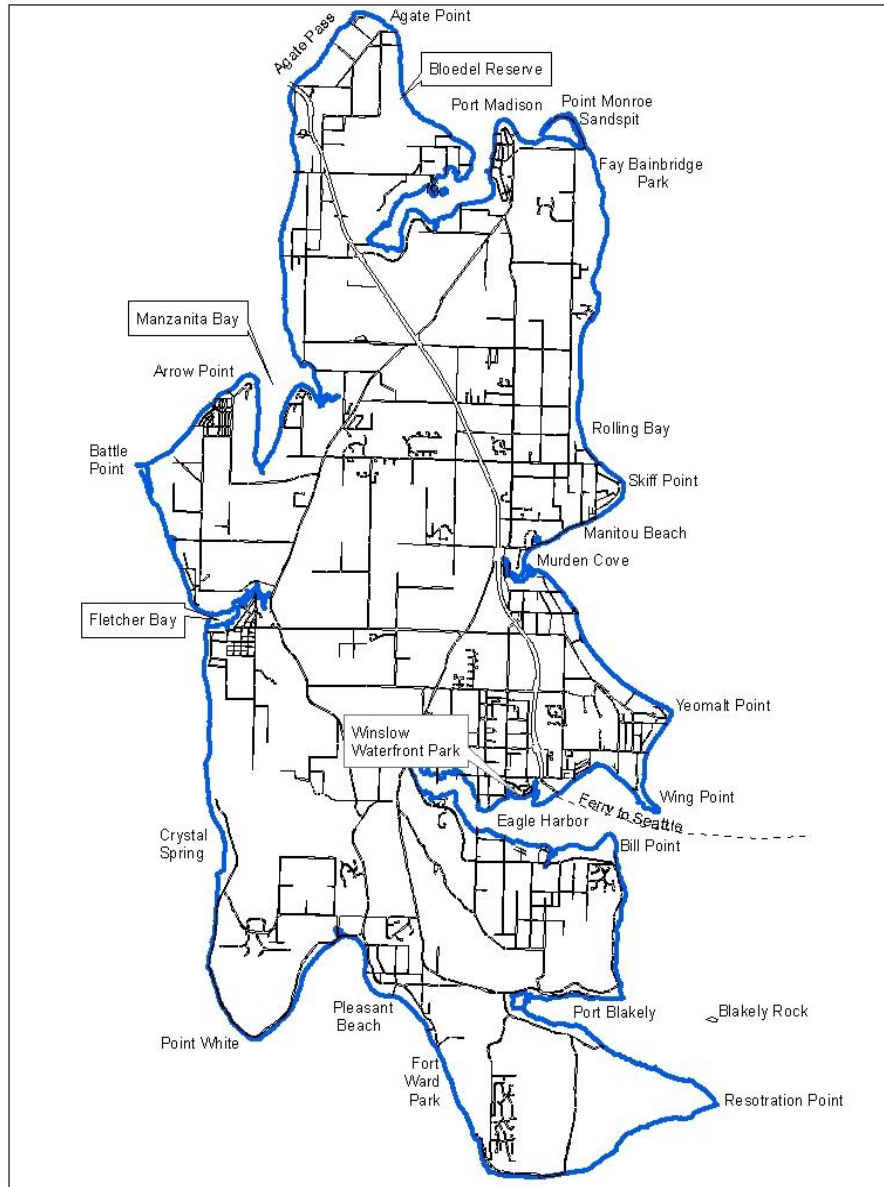


Figure 1-2 Map of Bainbridge Island

1.3.2 Title

This document shall be known as the Bainbridge Island Shoreline Master Program (“the Shoreline Master Program,” “Master Program,” “the Program”, or the “SMP”).

1.3.3 Adoption Authority

This Bainbridge Island Shoreline Master Program is adopted under the authority granted by Chapter 90.58 RCW and Chapter 173-26 WAC.

1.3.4 Relationship to Other Plans and Regulations

The Shoreline Master Program regulations are used as an overlay to other City policies and regulations for properties within shoreline jurisdiction. The following provisions apply to this program in relationship to other plans and regulations:

1. In addition to compliance with the provisions of the Shoreline Management Act of 1971 (also called “the Act”; RCW 90.58) and the State Master Program Approval/Amendment Procedures and Master Program Shoreline Guidelines (the “Guidelines” or “Shoreline Master Program Guidelines”; WAC 173-26);, this Shoreline Master Program must be consistent with local plans and policy documents, specifically, the City’s Comprehensive Plan and the City’s critical areas regulations. This Shoreline Master Program must be consistent with the regulations developed by the City to implement its plans, such as the zoning code and subdivision code, as well as regulations relating to building construction and safety.
2. Uses and developments regulated by this Program may also be subject to other provisions of the Bainbridge Island Municipal Code, the City of Bainbridge Island Comprehensive Plan, the Washington State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC), Chapter 173-27 WAC Shoreline Management Permit and Enforcement Procedures, and other local, state and federal laws.
3. Project proponents are responsible for complying with all applicable laws prior to commencing any use, development or activity.
4. Where this Program makes reference to any RCW, WAC, or other state or federal law or regulation the most recent amendment or current edition shall apply.
5. In the event of a conflict between the provisions of this program and the laws, regulations, codes or rules of any other authority having jurisdiction within the City, the regulations that provide more protection to the shoreline area shall apply, except when constrained by federal or state law, or where specifically provided otherwise in this Program.
6. Other activities that could occur along the shoreline (starting bonfires, disposing or spilling/releasing of regulated or hazardous waste products, use of pesticides, activities within wetlands) may require other permits, review, or approval not identified here.

1.3.5 Applicability of Bainbridge Island Shoreline Master Program

1. The Bainbridge Island Shoreline Master programs applies to 200 feet landward of ordinary high water mark and all marine waters out to the midline of Puget Sound, Port Madison, Agate Pass, Port Orchard and Rich Passage. The SMP does not apply to freshwater lakes or streams on Bainbridge Island.

2. The provisions of the Program apply to new development and activities and are not retroactive. All existing legally constructed single-family residences and accessory structures, including lawns, landscaping and recreation areas, which do not meet the adopted standards of this Shoreline Master Program are allowed to continue, and may be maintained, repaired, and remodeled if destroyed or damaged by natural causes as provided in Section 4.2.1 Nonconforming Uses, Nonconforming Lots, and Existing Development. Residences may be expanded, provided the expansion meets the provisions of this Program, including addressing environmental impacts and meeting the standard for no net loss of ecological functions and ecosystem-wide processes as provided in Section 4.1.2, Environmental Impacts. All proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act and this Shoreline Master Program. All uses, even those not meeting the definition of development, are subject to the provisions and development regulations of this Shoreline Master Program, even though a permit may not be required.
3. Any person wishing to undertake activities constituting “development” within shoreline jurisdiction shall apply to the Administrator for a Shoreline Permit. Based on the provisions of this Master Program, the Administrator shall determine if a Letter of Exemption, a Substantial Development Permit, a Shoreline Conditional Use Permit, and/or a Shoreline Variance is required. Substantial development shall not be undertaken within the jurisdiction of the Act and this Master Program unless a Substantial Development Permit has been obtained and the appeal period has been completed and any appeals have been resolved and/or the project proponent is allowed to proceed under the provisions of the Act or by court order. “Substantial development” shall be defined as it is by the Act (RCW 90.58.030) and supplementing provisions of the Washington Administrative Code (WAC 173-27-040).
4. Developments exempt from a Substantial Development Permit, which are outlined in BIMC Section 2.16.165, shall require a Letter of Exemption. A project that qualifies as “exempt development” may also require a Shoreline Conditional Use Permit, and/or a Shoreline Variance.
5. This Master Program shall apply to every individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other entity which develops, owns, leases or administers lands, wetlands, or waters that fall under the jurisdiction of the Act.
6. Applicability of this Master Program to federal lands and agencies shall be consistent with WAC 173-27-060.

1.3.6 Program provisions

1. Exempt developments shall not be undertaken within the jurisdiction of the Act and this Master Program, unless a Letter of Exemption has been obtained documenting that the

development is consistent with the policies and procedures of the Act, all applicable state regulations and this Master Program.

2. The request for a Letter of Exemption shall be in writing, on forms required by the Administrator, and include the information required by the Administrator.
3. Approved shoreline restoration projects that cause a landward shift in the ordinary high water mark may be relieved from the standards of this Program pursuant to RCW 90.58.580.
4. The “policies” in this Master Program provide broad guidance and direction and will be used by the City in applying the “regulations.”

1.3.7 Bainbridge Island Shoreline Master Program Administrative Procedures

As described in the adopted Ordinance 2014-04, with the exception of specific enforcement procedures, the general administrative sections of Shoreline Master Program as listed below are included in Title 2 of the Bainbridge Island Municipal Code. The use of separate local administrative and enforcement procedures is consistent with the 2003 Washington State Shoreline Master Program Guidelines, Administrative provisions [WAC 173-26-191(2)(a)(iii)(C)]:

Local governments may include administrative, enforcement, and permit review procedures in the master program or the procedures may be defined by a local government ordinance separate from the master program. In either case, these procedures shall conform to the Shoreline Management Act, specifically RCW 90.58.140, 90.58.143, 90.58.210 and 90.58.220 and to Chapter 173-27 WAC.

This allows the City to revise local administrative procedures (fees, application meetings, authority of Administrator, etc.) without another formal SMP amendment process. These chapters must still be consistent and remain consistent with the related provisions in the Shoreline Management Act and state shoreline rules (WAC’s). In the event of a conflict, the state RCW or WAC, as amended, will prevail over the local ordinance.

The following administrative sections are part of the Bainbridge Island Municipal Code, BIMC 1.26, Code Enforcement, and BIMC 2.16.165, Shoreline Master Program Administration:

1. Permit or Exemption Required- Before Undertaking Development or Activity
2. Applications
3. Statement of Exemptions from Shoreline Substantial Development Permit
4. Shoreline Substantial Development Permit
5. Shoreline Variance
6. Shoreline Conditional Use Permits
7. Shoreline Application Appeals
8. Enforcement

1.4 Restoration Planning

To achieve island-wide improvements in ecological functions and ecosystem-wide processes as required by WAC 173-26-201(2)(f) and meet the no net loss standard of WAC 173-26-201(2)(c), the City developed a Restoration Plan that guides improvements of degraded shoreline areas over time by restoring shoreline ecological functions and processes over time. The Restoration Plan is linked to the goals and policies of Section 4.1.8, Shoreline Restoration and Enhancement, and is intended to be accomplished through voluntary and incentive-based public and private programs that restore and enhance shoreline areas identified and prioritized for improvement. The Restoration Plan can be found on the City's web page: www.ci.bainbridge-isl.wa.us.

The Restoration Plan provides the following information for shoreline improvements:

1. Identification of degraded areas and opportunities for restoration.
2. Identification of development that is adversely impacting shorelines.
3. Opportunities for protection and conservation.
4. Identification of programmatic restoration strategies.
5. A summary of ongoing and proposed restoration projects.
6. A summary of completed restoration projects.

1.5 Master Goal

The City's shorelines are among the most valuable and fragile of our natural resources and their use, protection, restoration, and preservation is of public interest to all residents of the City. The Island shorelines provide for a significant part of our way of life as a place of residence, recreational enjoyment, and occupation. It is the intent of this program to manage the shorelines of Bainbridge Island consistent with the requirements of the Shoreline Management Act, the Shoreline Master Program Guidelines, and the Growth Management Act, giving preference to water-dependent and water-related uses, and to encourage all reasonable and appropriate development and other activities to occur in a manner which will promote and enhance the public interest and protect environmental resources. An over-arching goal of this master program is to ensure that future use and development of the City's shoreline maintain a balance between competing uses, results in no net loss of shoreline ecological functions, and achieves a net ecosystem improvement over time.

2.0 Shoreline Inventory and Characterization

2.1 Summary

To characterize the Island's 53 miles of shoreline, the City initiated a series of studies to update the Shoreline Master Program with the most current science. A shoreline structure inventory and two shoreline characterization reports were completed. The primary inventory and characterization data is found in the *Nearshore Habitat Characterization and Assessment, Management Strategy Prioritization, and Monitoring Recommendations* produced by Battelle Laboratories for the City of Bainbridge Island in 2004 (Battelle 2004). The assessment uses a conceptual model to determine potential level of impact from alterations to the nearshore environment. The conceptual model identifies nine controlling factors which represent physical, biological, and chemical attributes of the nearshore marine habitats. The integrated spread-sheet model and geographical information system developed by Battelle, quantifies existing anthropogenic impacts by converting qualitative factor values to standardized scores. The model's scoring approach uses a 5-point scale to assign qualitative categories to potential impacts for the nine controlling factors identified in the nearshore conceptual model.

The model divides the shoreline into 201 reaches, which are then grouped into nine (9) management units. The controlling factor score for each represents the predicted impacts affecting nearshore processes. To allow island-wide comparison across different types of shorelines, a normalized index was calculated called the cumulative reach index. Controlling factor scores are best used to prioritize conservation and restoration efforts in the nearshore as indicators for identifying the probability for successful conservation and restoration strategies (Battelle 2004).

The model uses ecological information collected by Washington Department of Natural Resources (WDNR) for a regional shoreline inventory. The data is available through the Department of Ecology's Coastal Atlas. Additional datasets from the City's shoreline structural inventory and other sources are listed in Table 3 in the Battelle document.

An Island-wide inventory of current geomorphic features and an accompanying analysis of historic conditions were produced for the City in 2010 by Coastal Geological Services. This study maps coastal geomorphic shore types (such as "feeder bluffs") and prioritizes restoration and conservation sites. The study includes current and historic mapping of coastal processes and process-impaired areas. Report conclusions integrate a qualitative, coastal processes-based prioritization with an objective of restoring and preserving coastal processes that sustain and maintain critical habitats.

These documents can be accessed from the City's website (www.bainbridgewa.gov).

3.0 Shoreline Designation Policies and Regulations

3.1 General

The Master Program establishes seven shoreline designations based on a combination of existing shoreline features and conditions and types of existing and potential future use. When applied to geographic areas of the island, these designations form an overlay for addressing shoreline considerations to the City's land use regulations. Uses which are consistent with a particular designation are encouraged, while uses which are in conflict are discouraged or prohibited. A conditional use process is available when further review is needed to determine whether the use is compatible with the particular designation at the proposed site. Table 4.1, Shoreline Use and Modification Table, provides a summary of uses in relation to the various shoreline designations. Legally existing uses and activities which are incompatible with their shoreline designation are subject to provisions for shoreline uses and structures which do not conform to the SMP. (See Section 4.2.1, Nonconforming Uses, Non-Conforming Lots, and Existing Development)

Shoreline Designation Map

The official Bainbridge Island Shoreline Designation Map (Appendix A) shall be in the custody of the Department of Planning and Community Development and shall be available for public inspection during normal business hours.

The purpose of the map is to depict those areas of Bainbridge Island within the jurisdiction of the Master Program and the various shoreline designations.

Designation Boundaries

Where the shoreline jurisdiction or designation is uncertain, the official shoreline designation map shall be used to determine boundary location. If the conflict cannot be resolved using the shoreline designation map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other roadways shall be construed to follow such center lines.
2. Boundaries indicated as approximately following lot, fractional section, or other subdivision lines shall be construed as following such subdivision lines.
3. Boundaries indicated as parallel to or extensions of features identified in subsections 1 and 2 above shall be so construed.
4. When not specifically indicated on the Shoreline Designation Map, distances shall be determined by the scale of the map.
5. If there is no designation on the map, then the Shoreline Residential Conservancy designation applies.

Where existing physical or cultural features are at variance with those shown on the Shoreline Designation Map and cannot be determined with certainty by applying subsections 1 through 4

above, the Department shall determine the location or existence of such feature utilizing any appropriate criteria contained in the Master Program.

3.2 Upland Designations

3.2.1 Urban

3.2.1.1 Purpose

The purpose of Urban is to provide for high-intensity water-oriented commercial, transportation, industrial, mixed-use, multi-family residential, public access and recreational uses while protecting existing natural resources, ecological functions and ecosystem-wide processes, and restoring ecological functions in areas that have been previously degraded.

3.2.1.2 Designation Criteria

Areas to be designated Urban should not have biophysical limitations to development such as wetlands and estuaries, floodplains, steep slopes, landslide hazard areas, and/or other sensitive areas; and must meet one or more of the following criteria:

1. Shorelines used or designated for high intensity commercial, industrial, recreational use, or for multifamily residential development.
2. Areas where adjacent land use is urban and urban services are available or areas designated for higher intensity use under the comprehensive plan.
3. Shorelines used for water-oriented and port activities.

3.2.1.3 Management Policies

1. Priority should be given to the following uses in order of preference: water-dependent, water-related, and water-enjoyment uses. Uses which derive minimal benefit from a water location should be discouraged or prohibited. Nonwater-oriented uses should be allowed only if the use is otherwise compatible with the purpose of the Urban designation and the setting, does not displace water-dependent uses, and results in no net loss of ecological functions and ecosystem-wide processes.
2. New development applications should demonstrate they will not result in a net loss of shoreline ecological functions and ecosystem-wide processes.
3. Environmental remediation and restoration priorities should be established for the shoreline that comply with relevant state and federal law.
4. Because urban use tends to preclude other shoreline uses, emphasis should be given to directing new development into already developed areas consistent with the Master Program.

5. Full utilization of existing urban areas should be achieved before additional areas are designated Urban.
6. Visual and physical public access should be required and implemented where feasible. Industrial and commercial facilities should be designed to permit pedestrian waterfront activities. Planning for the acquisition of land for permanent public access to the water in the Urban designation should be encouraged and implemented, where feasible.
7. To protect shoreline character and promote compatible development within the Urban designation, aesthetic considerations should be actively promoted by mechanisms such as sign control regulations, appropriate development siting, screening and architectural standards, flexible lot design process, and through the maintenance of Shoreline Buffer and Site Specific Vegetation Management Areas.
8. In order to make maximum use of the available shoreline resource and to accommodate future water-dependent uses, redevelopment and restoration for a net ecosystem improvement of degraded urban shoreline areas should be encouraged.
9. Developments within the Urban designation should be compatible with uses and activities in adjacent designations, including Aquatic and Priority Aquatic.

3.2.2 Shoreline Residential

3.2.2.1 Purpose

The purpose of Shoreline Residential is to provide for residential development and appurtenant structures, appropriate public access and recreational use, which are consistent with the Shoreline Management Act, while protecting existing natural resources, ecological functions and ecosystem-wide process, and restoring ecological functions in previously degraded areas.

3.2.2.2 Designation Criteria

Areas to be designated Shoreline Residential should be presently zoned, platted or developed for residential use, and should meet one or more of the following criteria:

1. Areas having the physical ability to support low to medium density residential uses and associated recreational and public service facilities; and/or
2. Areas which can provide, and have the capabilities to support, the necessary public services, utilities, and access to accommodate low to medium density residential development. Sewage disposal and water supply facilities may be provided on an individual or community basis.

3.2.2.3 Management Policies

1. Development and new uses should assure no net loss of shoreline ecological function by compliance with:
 - a. Minimum frontage width, setbacks, and buffers;
 - b. Lot coverage limitations;
 - c. Shoreline stabilization standards; and
 - d. Protective measures for vegetation conservation, critical areas and water quality.
2. New development should be permitted only in those shoreline areas that are capable of supporting the proposed use in a manner which protects or enhances the shoreline environment, and reflects the character of the surrounding area such as providing open space and maintaining shoreline vegetation buffers.
3. Public access to shorelines should be required for multi-family residences, apartments, and subdivisions. Common access for single-family residential short subdivisions should be encouraged and should be required where feasible.
4. Recreational developments should provide shoreline areas for community or public open space and public access to shorelines.
5. Access, utilities and public services should be available and adequate to serve existing needs and planned future development.
6. Developments within the Shoreline Residential designation should be compatible with uses and activities in adjacent designations, including Aquatic and Priority Aquatic.
7. Restoration of shoreline ecological functions and ecosystem-wide processes should be encouraged through non regulatory programs.

3.2.3 Shoreline Residential Conservancy

3.2.3.1 Purpose

The purpose of Shoreline Residential Conservancy is to accommodate compatible residential uses while protecting, conserving, and restoring shoreline ecological functions and processes of open space, floodplains or other-flood prone areas, and other sensitive lands. It is the further purpose to conserve and manage valuable historic and cultural resources where they exist. Due to the more sensitive characteristics of these areas, a higher level of development standards is warranted.

3.2.3.2 Designation Criteria

Areas to be designated Shoreline Residential Conservancy should include the following criteria:

1. Areas that are appropriate and planned for water-related or water-enjoyment uses that are compatible with maintaining or restoring ecological functions and processes; or

2. Areas that are not generally suitable for commercial/industrial water-dependent uses or more intensive uses due to the potential impacts these uses may have on the existing shoreline characteristics; and one or more of the following criteria:
 - a. Areas subject to severe biophysical limitations such as:
 - i. Sediment sources for littoral cell (Feeder Bluffs).
 - ii. Flood-prone areas.
 - iii. Geo-hydraulic shoreforms (e.g., accretion beaches, barrier beaches, and sand spits).
 - iv. Wetlands and estuaries
 - v. Areas important to the maintenance of surface water level groundwater flow, and water quality.
 - vi. Biodiversity maintenance.
 - b. Areas that retain important ecological functions and processes, even though partially developed.
 - c. Areas with valuable historic or cultural features.

3.2.3.3 Management Policies

1. New residential and other development that preserves the natural character of the area, maintains shoreline vegetation buffers and/or promotes preservation of open space, floodplains or sensitive lands, either directly or over the long-term, should be the principal uses. Development that enhances or results in restoration of ecological functions and ecosystem-wide processes should be encouraged if the use is otherwise compatible with the purpose of the designation, the setting, and with adjacent uses and activities, including aquatic designations.
2. Standards should be established for protecting the sensitive shoreline characteristics in this designation to assure no net loss of shoreline ecological functions and ecosystem-wide process, including measures that provide the following:
 - a. Minimum frontage width, setbacks, and shoreline buffers;
 - b. Lot coverage limitations;
 - c. Shoreline modification standards; and
 - d. Protective measures for vegetation conservation, critical areas and water quality.
3. Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to navigable waters, water-dependent uses should be given highest priority.

4. Public access, common access and public recreation objectives should be implemented as required whenever feasible and significant ecological impacts can be mitigated.
5. High intensity development should be prohibited and commercial uses should be limited to those that are water-oriented and intended to be accessory to residential uses, consistent with zoning regulations.
6. Recreational developments should provide shoreline areas for community or public open space and public access to shorelines.

3.2.4 Island Conservancy

3.2.4.1 Purpose

The purpose of Island Conservancy is to accommodate a variety of private or public recreational uses that might have a higher level of impact than would be allowed in the Natural designation. Uses should incorporate elements compatible with protecting, conserving and restoring ecological functions and ecosystem-wide processes of open space, floodplains or other flood prone areas, and other sensitive lands, and manage valuable historic and cultural resources where they exist.

3.2.4.2 Designation Criteria

Areas to be designated Island Conservancy should include the following criteria:

1. Areas that are in public ownership such as open space or parks or in private ownership which are voluntarily designated and one of the following:
 - a. Areas that are appropriate and planned for recreational or cultural development that is compatible with maintaining or restoring ecological functions and processes; or
 - b. Areas that are suitable for water-oriented recreational or cultural uses, but not generally suitable for intensive uses due to the potential impacts these uses may have on the existing shoreline characteristics.
 - c. Areas of high scenic or recreational value such as shoreline parks including urban parks, active use parks, passive use parks, and those privately held recreation areas that voluntarily agree to the designation.
2. Areas with extensive or unique historic or cultural resources.
3. Areas where intensive development or use would interfere with natural processes and result in significant damage to other resources.

3.2.4.2 Management Policies

1. New recreational uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long-term should be the principal uses. Uses that enhance or result in restoration of

ecological functions and ecosystem-wide processes should be strongly encouraged if the use is otherwise compatible with the purpose of the designation, the setting, and with adjacent uses and activities, including aquatic environments.

2. When required by this Program or other land use covenants, public access and public recreation objectives should be implemented whenever feasible and when significant ecological impacts can be mitigated.
3. Uses in the “Island Conservancy” should be limited to those which sustain the shoreline area’s physical and biological resources and uses of a nonpermanent nature, except those preferred uses in 3.2.4.2(4) below, that do not substantially degrade ecological functions or natural character of the shoreline area.
4. Water- recreation facilities that do not deplete the resource over time, such as boating facilities, recreational fishing, wildlife viewing trails, and swimming beaches, are preferred uses, provided shoreline resources are conserved over time and significant adverse cumulative impacts to the shoreline are mitigated.
5. Commercial and industrial uses are not permitted except that low intensity, water-oriented commercial uses may be permitted in limited instances where sites possess shoreline conditions and available services to support the development.
6. Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing primary structure or park use (Section 6.2, Shoreline Stabilization) and mitigation is applied, consistent with WAC 173-26-231, Shoreline Modifications. New development should be designed and located to preclude the need for such work.
7. When allowed, new shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed consistent with these guidelines to ensure that the natural shoreline functions and ecosystem-wide processes are protected. Such shoreline modification should be consistent with planning provisions for the restoration of shoreline ecological functions and processes.

3.2.5 Natural

3.2.5.1 Purpose

The purpose of the Natural designation is to protect those shoreline areas where the majority of natural ecological functions and/or shoreline ecosystem-wide processes are retained, often evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, they include ecologically intact shorelines that are free of structural shoreline modifications, structures, and intensive human uses or have potential for restoration.

3.2.5.2 Designation Criteria

Areas to be designated Natural shall meet the following criteria:

1. Areas that perform irreplaceable shoreline ecological functions or ecosystem-wide process that would be damaged by human activity, including areas that contain largely undisturbed or restored shoreline features or unique natural features, such as wetlands, estuaries, unstable bluffs, coastal dunes, sand spits, and ecologically intact shoreline habitats, and one or more of the following:
 - a. Wildlife Habitats.
 - i. A shoreline area that provides food, water, or cover and protection for any rare, endangered, or diminishing species, or for significant populations of flora or fauna during critical stages of their life cycle.
 - ii. A seasonal area for concentration of native animals, fish, or fowl such as a migration route, breeding site, rearing ground, or spawning site.
 - b. Areas of Scientific and Educational Value.
 - i. Areas considered to best represent basic ecosystems and geologic types that are of particular scientific and educational interest.
 - ii. Areas which best represent undisturbed natural areas.
 - iii. Areas with established histories of scientific research.
 - c. Areas of Scenic and Recreational Value
 - i. Those areas having an outstanding or unique scenic feature in their natural state.
 - ii. Areas having a high value for wilderness experience.
 - iii. Areas which in their natural state have a high value for low intensity recreational use.
 - d. Areas with Restoration Potential.
 - i. Areas which have been degraded, but which have a high potential of being successfully restored to a natural or near natural condition, or are capable of natural regeneration if left undisturbed.

3.2.5.3 Management Policies

1. Any use that would substantially degrade the ecological functions and ecosystem-wide processes or natural character of the shoreline area should not be allowed. The following new uses should not be allowed in the Natural designation:
 - a. Residential uses.
 - b. Agriculture uses.
 - c. Commercial uses.

- d. Industrial uses.
 - e. Nonwater-oriented recreation.
 - f. Roads, utility corridors, and parking areas that can be located outside of Natural designated shorelines.
2. Limited access should be permitted for scientific, cultural, educational, and passive recreational purposes, provided that no significant, adverse impact on the area will result.
 3. Physical alterations, including new development or “significant removal of vegetation”, should only be considered when: a) they serve to protect a significant, unique, or highly valued feature which might otherwise be degraded or destroyed; and b) when alterations would not result in a net loss of shoreline ecological functions and ecosystem-wide processes; and c) alterations would not further degrade other shoreline values; and d) vegetation removal would not reduce the capability of vegetation to perform normal ecological functions and processes.
 4. Uses and activities within the Natural designation should be compatible with uses and activities in adjacent, including aquatic designations.
 5. A single active use area should be allowed with appropriate compensatory mitigation to accommodate cultural events and passive recreational uses near the log pond at Blakely Harbor Park.

3.3 Aquatic Designations

3.3.1 Aquatic

3.3.1.1 Purpose

The purpose of the Aquatic designation is to protect, restore and manage the sensitive and unique characteristics and resources of the waters of the Puget Sound, tidelands, and submerged intertidal areas located waterward of the ordinary high water mark. The Aquatic designation may allow either multiple water-dependent uses or specific dominant water-dependent uses. It is intended to promote sustainable use of the natural features and resources of Aquatic areas which are substantially different in character from those of the adjoining uplands and backshores.

3.3.1.2 Designation Criteria

Aquatic areas include:

1. All marine areas waterward of the OHWM which have not been designated Priority Aquatic.
2. All wetlands associated to the above which have not been designated priority aquatic.

3.3.1.3 Management Policies

1. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the restoration objectives, and then only when the impacts are mitigated to assure no net loss of ecological functions and ecosystem-wide processes. Compatibility between upland and aquatic uses should be confirmed.
2. New over-water structures are allowed only for water-dependent uses, public access or ecological restoration and such structures must be limited to the minimum size necessary to support the structure's intended use while protecting and conserving aquatic resources.
3. Diverse public access opportunities should be encouraged and developed and should be compatible with the existing shoreline and aquatic uses.
4. Aquaculture practices, should be limited to those activities that can demonstrate that significant impacts to ecological functions, ecosystem-wide processes, and adjacent land uses will not occur. Aquaculture should be encouraged in those tidelands, waters and beds most suitable for such use.
5. Multiple use of over-water facilities or tidelands is preferred over a single industry use. In appropriate areas, fishing and water recreation should be protected from competing uses.
6. All developments and uses on navigable waters, tidelands or bedlands should be located to avoid and designed to minimize interference with navigation.
7. Development and uses on navigable waters, tidelands or bedlands should be located to avoid and designed to minimize impacts to public views.
8. Development and uses on navigable waters, tidelands or bedlands should be designed and located for the safe, unobstructed passage of fish and wildlife, including species whose life cycles are dependent on migration that would be impacted by in-water development.
9. Uses that accommodate deep draft vessels and/or require placement of fill, if allowed, should not occur in areas requiring extensive initial or maintenance dredging or if significant adverse environmental impacts cannot be mitigated.
10. Development of underwater pipelines and cables on tidelands should be discouraged except where adverse environmental impacts can be shown to be less than the impact of upland alternatives. When permitted, such facilities should include adequate provisions to ensure against substantial or irrevocable damage to the environment and no net loss of ecological functions and ecosystem-wide processes.
11. Abandoned and/or neglected structures which cause adverse visual impacts or are a hazard to public health, safety, and welfare should be removed or restored to a useable condition consistent with the provisions of this Program.
12. Restoration or enhancement of aquatic resources and adjacent uplands is encouraged.

3.3.2 Priority Aquatic

3.3.2.1 Purpose

The purpose of the Priority Aquatic designation is to protect, preserve, restore and manage aquatic areas of sensitive and unique ecological value that include those portions of the marine waters of the City that exist in a relatively natural state, free of human influence, or which contain resources, biological diversity, or other features that are particularly sensitive to human activity, or which contain unique, historical, archeological, cultural, or educational features that merit special protection.

3.3.2.2 Designation Criteria

A number of separate criteria are required to define the diverse character of Priority Aquatic types. Tidal lagoons and sensitive portions of tidal inlets will require protection in terms of water salinity and quality, sediment quality and quantity, native vegetation on adjacent shorelines, and remaining areas of native salt-tolerant vegetation. Other types, such as aquatic vegetation, have similar requirements. The Priority Aquatic designation requires additional restrictions than the Aquatic designation on the intensity and type of permitted uses to maintain the integrity of the shoreline environment. Two subcategories of Priority Aquatic will be established in order to recognize the level of development adjacent to the Priority Aquatic and provide an appropriate level protection for the critical habitat. Priority Aquatic shall be designated as follows:

1. Priority Aquatic Category A is more protective and intended to be the default classification.
 - a. Those areas previously designated Aquatic Conservancy are designated Priority Aquatic Category A.
2. Priority Aquatic areas located adjacent to upland areas with a high level of existing development are classified as Priority Aquatic B.

The City shall map the limits of the designations with assistance from state resource agencies and other cooperating agencies. Any aquatic area in which actions have been taken under an approved permit that create, restore, or enhance characteristics of the aquatic area that meet any of these criteria shall be designated Priority Aquatic through an amendment to this program as specified in BIMC Section 2.16.200. Where there is a conflict between the map and criteria, the criteria will prevail provided a report is prepared within three years by a qualified professional verifying that the map is in error. The report will be the responsibility of the party requesting the map change. The City may require a third party review at the applicant's expense. If areas are determined to be appropriate for designation, an amendment to this Program is required to designate Priority Aquatic and shall be processed as specified in Shoreline Master Program Administration, BIMC Section 2.16.200.

3.3.2.3 Type 1: Embayment: Barrier Estuary, Barrier Lagoons, or Closed Lagoon and Marshes

The upland boundary of Type 1 Priority Aquatic shall be the OHWM. There are two barrier lagoons currently identified on the Island; “Point Monroe Lagoon” and “Battle Point Lagoon”; two closed lagoons and marshes “Wing Point Lagoon” and “Tolo Lagoon”; and one barrier estuary “Fletcher Bay”.

3.3.2.4 Type2: Salt marshes and mud flats in Open Coastal Inlets

Embayments and related intertidal areas subject to the daily influence of tides where they support salt-tolerant vegetation and/or exposed mudflats. Open coastal inlets areas should be designated Priority Aquatic if they meet either Criterion I or II below. Only those areas designated will be subject to the Priority Aquatic management policies and regulations.

This type of Priority Aquatic designation shall extend from the OHWM to six (6) feet below mean lower low water (MLLW). If the inlet is less than six hundred (600) feet wide, or less then (6) feet deep at the MLLW, the resource should be considered to be a single system encompassing both sides and the channel. In these cases, boundaries should be drawn from the OHWM to a line perpendicular to the average direction of the tidal flow where the criteria are no longer met. Parts of tidal inlets that do not fit either criterion, and do not fit other types of Priority Aquatic designation, shall be designated Aquatic.

Criterion I: The area between the OHWM and MLLW that provides a habitat for at least one quarter (1/4) acre of salt-tolerant vegetation. Vegetated patches may be smaller than one quarter (1/4) acre, but the total vegetated area must be at least one quarter (1/4) acre.

Criterion II: At least one quarter (1/4) acre of exposed flats is exhibited between OHWM and MLLW whose sediments are at least thirty (30) percent muds.

3.3.2.5 Type 3: Marine Vegetation

Areas waterward of the MLLW that support a sustainable community of kelp, or eelgrass and/or other submerged aquatic vegetation in sufficient quantities to provide special value as habitat for marine life.

Consideration for Priority Aquatic designation under Type 3 may be initiated by any interested person, group, or the City. A petition for nomination shall be submitted by an interested person or group. The following information shall be used by the City to determine when an area meets the criteria for Priority Aquatic under Type 3:

1. Delineation of proposed area, including aerial extent and bathymetric contours.
2. Inventory of submerged aquatic vegetation. Use percent coverage for macro algae and shoot density for eelgrass.
3. Further information, as determined by the Administrator, may be required in addition to the above including but not limited to:

- a. Relationship of proposed area to nearby ecosystems.
- b. List of species utilizing the proposed area.
- c. Abundance and diversity of species in the proposed area.

The City shall keep a record and review data annually to determine whether sites are appropriate for nomination under Type 3. If areas are determined to be appropriate for designation, an amendment to this program is required to designate Priority Aquatic and shall be processed as an amendment as specified in the Shoreline Master Program Administration, BIMC Section 2.16.200.

3.3.2.6 Type 4 Other areas

Areas, as designated through the Shoreline Master Program amendment process [BIMC Section 2.16.200], whose existing natural state is relatively free of human influence, or in which resources, biological diversity, or other features are particularly sensitive to human activity, or in which unique ecology, historical, archeological, cultural, or educational features merit special protection. Designation under this type shall be based on a report documenting the presence, function, and distribution of the resources in the area to be designated.

3.3.2.7 Priority Aquatic Category A Management Policies

1. The City should develop a program that identifies critical saltwater habitat appropriate for greater protection under the provisions of the Priority Aquatic designation. The program should include a process to review citizen petitions for Priority Aquatic designation.
2. Uses and activities which would potentially degrade or significantly alter the natural or visual character or ecological functions and ecosystem-wide processes of the shoreline should be severely restricted or prohibited and only allowed if adverse impacts can be mitigated to ensure no net loss of ecological functions and processes.
3. Public use and access should be permitted for scientific, cultural, educational, and recreational purposes if such use is compatible with the purposes of this designation and no significant adverse impact to the biological and visual resources of the areas will result. Motorized vessels should not be allowed.
4. In conjunction with the Island-wide shoreline restoration plan, physical alterations should only be considered when they serve to protect or enhance significant, unique, or highly valued features which might otherwise be degraded or destroyed.
5. Uses and activities adjacent to shorelines designated Priority Aquatic should be compatible with and not compromise the integrity of the Priority Aquatic designation.
6. Protection of shoreline vegetation should be established in all adjacent upland designations to protect the ecological functions, ecosystem-wide processes and characteristics of the Priority Aquatic designation. (See Section 4.1.5, Critical Areas.)

7. A management study of each area should be conducted with appropriate agencies and residents to determine possible refinements to the adopted types, changes in the boundaries of the designated areas, and/or inclusion of additional management strategies.
8. Restoration or enhancement of aquatic resources and adjacent uplands is encouraged.

3.3.2.8 Priority Aquatic Category B Management Policies

1. Implement policy number 1 in Priority Aquatic A management policies (3.3.2.7).
2. Uses and activities which would potentially degrade or significantly alter the natural or visual character or ecological functions and ecosystem-wide processes of the shoreline should be limited and only allowed when adverse impacts can be mitigated to ensure no net loss of ecological functions.
3. Public use and access should be permitted for:
 - a. Scientific, cultural, educational purposes;
 - b. Recreational shellfish harvesting of a de minimis nature;
 - c. When vessels are operated to limit wake and noise impacts; and
 - d. Uses compatible with the purpose of this designation, provided that no significant, adverse impact to the biological and visual resources of on the area will result.
4. In conjunction with the part of an Island-wide shoreline restoration plan, physical alterations should only be considered when they serve to protect or enhance significant, unique, or highly valued features which might otherwise be degraded or destroyed.
5. Protection and enhancement of shoreline buffers should be established in all adjacent upland designation to protect the ecological functions, ecosystem-wide processes and characteristics of the Priority Aquatic designation areas. (See 4.1.5 Critical Areas)
6. Restoration or enhancement of aquatic resources and adjacent uplands is encouraged.

3.4 Island Conservancy, Shoreline Residential and Shoreline Residential Conservancy Designation Strategy

In general, shoreline designations criteria are based on the existing use, characteristics of the shoreline environment, and modified by the expected land use. To ensure consistent application of shoreline residential designation criteria a framework was developed to meet natural resource management strategies recommended by the Environmental Technical Advisory Committee. The committee recommended using a broad stroke approach to manage natural resources in an attempt to avoid a piecemeal development pattern. The following rules apply:

1. For properties zoned single family residential, the default shoreline designation is Shoreline Residential.

2. Properties within the Winslow Master Plan area will be designated Shoreline Residential to accommodate the comprehensive plan policy of focusing new residential development into the plan's service area.
3. If less than ten parcels or 1,000 linear feet exist between Shoreline Residential Conservancy designations, then the properties between the two designations will also be designated Shoreline Residential Conservancy to avoid fragmented management of ecological functions and ecosystem-wide processes.
4. If a property has a conservation easement and is adjacent to either a Shoreline Residential Conservancy or Island Conservancy designation, then the property is designated Shoreline Residential Conservancy.
5. All publicly owned open space or park properties shall be designed Island Conservancy or Natural.
6. All publicly owned saltwater road ends shall be designated Island Conservancy.

4.0 General (Island-wide) Policies and Regulations

Introduction

The following general policies and regulations apply to all designations. These provisions are to be used in conjunction with the more specific shoreline use (referred to as “uses”) and shoreline modification activity (referred to as “activities”) policies and regulations found in Sections 4.0 and 5.0 respectively.

4.0.1 Regulations - General

1. All new shoreline uses and shoreline modification activities, including those that do not require a Shoreline Substantial Development Permit, must conform to all applicable goals, policies, shoreline designations (including the shoreline designation map), and regulations and use tables provided in this Master Program.
2. Shoreline modification activities must be in support of an allowable shoreline use which conforms to the provisions of the Master Program. Except as otherwise noted, all shoreline modification activities not associated with a legally existing or approved shoreline use are prohibited.
3. Shoreline uses, modification activities, and conditions listed as “prohibited” in Table 4-1 shall not be eligible for consideration as a Shoreline Variance or Shoreline Conditional Use Permit.
4. Uses, modification activities, and conditions that are not “prohibited” and not listed in Table 4-1 shall be reviewed through the Shoreline Conditional Use process.
5. The policies listed in the Master Program shall provide broad guidance and direction and shall be used by the Director in interpreting the “regulations.”
6. BIMC Title 18 Zoning or its successor also apply to shoreline parcels.
7. Where provisions of this Master Program or other provision in BIMC conflict, the more restrictive provisions shall apply unless specifically stated otherwise.
8. The use table (Table 4-1), shoreline setback table (Table 4-2), and the shoreline buffer table (Table 4-3) provide regulatory use and dimensional provisions for each shoreline designation.
9. An increase in the dimensional height standard (Table 4-2) for essential public facilities shall be reviewed through a Shoreline Conditional Use. Submittal requirements are in Section 4.1.2.9(2).
10. Submittal requirements for all shoreline development permits or shoreline exemptions are in BIMC Title 2 and the Administrative Manual.

EXPLANATION OF TABLE ABBREVIATIONS

- The abbreviations used in the Permitted Use Table have the following meanings:
 - “P” in a cell indicates that the use is permitted by right in that designation. Permitted uses are subject to all other applicable regulations of this Program, including the use-specific standards.
 - “C” in a cell indicates that, in the respective designation, the use is a conditional use that is allowed only if reviewed and approved in accordance with the procedures set forth in BIMC Title 2. Unless otherwise stated in this Program or in a conditional use approval, conditional uses are subject to all other applicable regulations of this Code, including the use-specific standards.
 - An “A” in a cell indicated that the use is permitted as an accessory use to a permitted use or to an approved conditional use in the same designation. In the case of approved conditional uses, accessory uses listed in the table are permitted unless the terms of the conditional use permit prohibit that accessory use.
 - A “CA” in a cell indicated that the use is permitted as an accessory use to a permitted use or to an approved conditional use, but that a conditional use permit is always required.
 - An “X” indicated that the use is prohibited in the respective designation. The use may be allowed outside the shoreline jurisdiction, see Title 18 Zoning.
 - The column headed “Use Specific Standards” identifies a subsection within BIMC 16.12 that imposes additional standards with which the use must comply. The use specific standard may limit the “P” or “C” designation to certain areas.

Table 4-1. Shoreline Use and Modification Table

Table 4-1 Shoreline Use and Modification Table									
“P” = Permitted Use “C” = Conditional Use			“X” = Prohibited Use “#” = Same as Upland Property			“A” = Accessory Use “CA” – Conditional Accessory Use			
SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Natural Resource Management									
Agriculture	X	X	X	X	X	X	X	X	
Aquaculture, Intensive	X	X	X	C	C	#	X	X	
Aquaculture, Community Shellfish Garden	X	C	C	C	C	#	X[1]	X[1]	
Aquaculture, Shellfish Garden	X	P	P	P	P	#	#[1]	#	
Flood Hazard Management [7]	X	C	C	C	C	#	X	X	
Stormwater Management [7]	X	P	P	P	P	#	X	X	
Forest Practices	X	X	C	C	C	X	X	X	
Shoreline Restoration	P	P	P	P	P	P	P	P	
Commercial Development									
Boating Facilities	X	C[8]	X	C[9]	P	#	X	X	
Nonwater-Oriented	X	X[8]	X[22]	X	C[17]	X	X	X	
Water-Dependent	X	X	X[22]	C	P	#	X	X	
Water-Related or Enjoyment	X	X	X[22]	C	P	X	X	X	

Table 4-1 Shoreline Use and Modification Table

"P" = Permitted Use

"C" = Conditional Use

"X" = Prohibited Use

"# " = Same as Upland Property

"A" = Accessory Use

"CA" – Conditional Accessory Use

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Educational and Community Facilities									
Educational Facility	X	C	C	C	P	X	X	X	
Governmental Facility	X	X	C	C	P	X	X	X	
Religious Facility	X	C	C	C	P	X	X	X	
Cultural and Entertainment Facilities									
Club	X	C	C	C	P	X	X	X	
Commercial Amusement	X	X	C	C	P	X	X	X	
Cultural Facility	X	C	C	C	P	X	X	X	
Entertainment Facility	X	X	C	C	P	X	X	X	
Industrial									
Mining	X	X	X	X	X	X	X	X	
Nonwater-Oriented	X	X	X	X	X	X	X	X	
Solid Waste Disposal	X	X	X	X	X	X	X	X	
Water-Dependent	X	X	X	X	P	#	X	X	
Water-Related	X	X	X	X	C	#	X	X	
Water Enjoyment	X	X	X	X	X	X	X	X	
Overwater Structures									
Boatlift	X	X	P	P	P	#	X	#	

Table 4-1 Shoreline Use and Modification Table

"P" = Permitted Use

"C" = Conditional Use

"X" = Prohibited Use

"#" = Same as Upland Property

"A" = Accessory Use

"CA" – Conditional Accessory Use

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Marine Railway	X	X	P	P	P	#	X	X	
Marine Railway, Retractable [12]	X	P	P	P	P	#	X	#	
Mooring Buoys	X	P	P	P	P	#	X	X	
Piers and Docks	X	C[16]	P	P	P	#	X	P	
Recreational Floats	X	X	X	P	P	#	X	X	
Recreational Development									
Golf Courses	X	C	X	C	C	X	X	X	
Nonwater-Oriented	X	X	X	C	C	X	X	X	
Recreation, Active	X	C[16]	C[19]	C	P	#	X	X	
Recreation, Passive	P	P	P	P	P	#	P[14]	P[14]	
Event: Recreation, Culture, Education									
Water-Oriented	X	P	P	P	P	#	X	X	
Residential									
Accessory Dwelling Unit	X	C	C[19]	C	C	X	X	X	
Subdivision	C	P	P	P	P	#	#	#	
Multi-family	X	X	X	P	P	X	X	X	
Single-family	X	C	P	P	P	X	X	X	

Table 4-1 Shoreline Use and Modification Table

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SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Shoreline/Aquatic Modification [5] [7]									
Beach Nourishment (Mitigation)	C	P	P	P	P	#	#	#	
Beach Enhancement (non-restoration) [6]	C[12]	C[12]	C[12]	C[12]	C[12]	#	#	#	
Breakwaters	X	X	X	X	X	X	X	X	
Dredging	X	X	X	X	X	C	X	C	
Drift Sill	X	X	X	X	X	P	P	P	
Landfill	C	C	C	C	C	#	X	X	
Fill	X	C	X	X	C	#	X	X	
Repair of Shoreline Stabilization	X	P	P	P	P	#	#	#	
New or Replacement Shoreline Stabilization, Hard [4]									
New Bulkheads	X	X	P[19]	P	P	#	X	X	
Replacement Bulkheads	X	X	P[19]	P	P	#	#	#	
Gabions	X	X	X	X	X	X	X	X	
Weirs, Groins (rock or concrete)	X	X	X	X	X	X	X	X	
Jetties	X	X	X	X	X	X	X	X	
Levees/Dikes	X	X	X	X	X	X	X	X	

Table 4-1 Shoreline Use and Modification Table

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"A" = Accessory Use

"CA" – Conditional Accessory Use

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Retaining Walls and Bluff Walls	X	C	C	C	C	X	X	X	
Revetments	X	X	X[2]	X[2]	X[2]	#	X	X	
Seawalls	X	X	X	X	X	X	X	X	
Hybrid	X	P	P	P	P	#	#	#	
New or Replacement Shoreline Stabilization Non-Structural and Soft									
Non-Structural Stabilization, Soft-treatment	X	P	P	P	P	#	#	#	
Transportation									
Existing Road repair	X	P	P	P	P	X	X	X	
New Arterials	X	X	X	X	X	X	X	X	
New Highways	X	X	X	X	X	X	X	X	
New Secondary Arterials	X	X	X	X	X	X	X	X	
Float Plane Facilities and Services	X	X	X	X	C	#	X	X	
Heliports	X	X	X	X	X	X	X	X	
Additional Bridge to Bainbridge Island	X	X	X	X	X	X	X	X	

Table 4-1 Shoreline Use and Modification Table

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"#" = Same as Upland Property

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"CA" – Conditional Accessory Use

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Parking (primary)	X	X	X	X	X	X	X	X	
Public Access Facilities									
Public Ferry Terminal Facilities and Services	X	X	X	X	P	#	X	X	
Over-water Public Ferry Terminal Facilities and Services	X	X	X	X	C[10]	#	X	X	
Railroads	X	X	X	X	X	X	X	X	
Trails	P	P	P	P	P	#	#	#	
Utilities & Telecommunication									
Utilities (primary)	X	X	C[11]	C[11]	C[11]	#	X	X	
Signs									
Primary	X	X	X	X	X	P	X	X	
Accessory Structures									
All Uses									
Potable Water Wells	X	A	A	A	A	X	X	X	
Signs	X[20]	X[20]	P	P	P	P	X[20]	X[20]	
Tram	X	A	A	A	A	#	X	X	
Underground Utilities	X	A[21]	A[21]	A[21]	A[21]	#	X	X	

Table 4-1 Shoreline Use and Modification Table

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"# " = Same as Upland Property

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"CA" – Conditional Accessory Use

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Residential									
Upland appurtenant Structures	X	CA	A	A	A	#	X	X	
Commercial									
Upland appurtenant structures that support a water-dependent use [13]	X	X	X	CA	A	#	X	X	
Upland appurtenant structures that support a water related or water enjoyment use [13]	X	X	X	CA	A	X	X	X	
Upland appurtenant structures that support a non-water oriented use [13]	X	X[8]	X	X	C[17]	X	X	X	
Industrial									
Upland appurtenant structures that support a water-dependent use [13]	X	X	X	X	A	#	X	X	
Upland appurtenant structures that support a water related [13]	X	X	X	X	CA	#	X	X	
Upland appurtenant structures that support a water enjoyment use [13]	X	X	X	X	X	X	X	X	

Table 4-1 Shoreline Use and Modification Table

"P" = Permitted Use
 "C" = Conditional Use

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 "#" = Same as Upland Property

"A" = Accessory Use
 "CA" – Conditional Accessory Use

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Upland appurtenant structures that support a non-water oriented use [13]	X	X	X	X	X	X	X	X	
Public Park/Recreational Development									
Public pathways to the shoreline	A	A	A	A	A	#	#	#	
Public Stairway	A	A	A	A	A	#	#	#	
Access Roads	X	A	A	A	A	X	X	X	
Upland appurtenant structures that support a water-oriented Active recreational use	X	A	CA	CA	A	#	X	X	
Upland appurtenant structures that support a water oriented passive recreational use	A	A	A	A	A	#	A[14]	A[14]	
Upland appurtenant structures that support a non-water oriented use	X	X	X	X	X	X	X	X	

Table 4-1 Shoreline Use and Modification Table

"P" = Permitted Use

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"#" = Same as Upland Property

"A" = Accessory Use

"CA" – Conditional Accessory Use

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION		Use Specific Standards	
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A		B
[1] Allowed for non-commercial activities for recovery of native populations, restoration, and personal use as defined in Aquaculture 16.12 5.3 [2] Revetments are prohibited unless they are constructed as part of a public facilities project. [3] Construction of a bulkhead, revetment, or other structure for the purpose of retaining a landfill or creating dry land is prohibited, unless it is proposed in conjunction with a water-dependent or public use. [4] Stabilization that would cause significant impacts to adjacent or down current properties is prohibited. [5] Shoreline modification should not be located on feeder bluffs, except when the area is already developed with a single family primary structure, in which case stabilization may be allowed pursuant to the provisions in Section 6.2, Shoreline Stabilization. [6] Beach enhancement is prohibited if it interferes with the normal public use of the navigable waters of the state. [7] Shoreline stabilization and flood protection works are prohibited in wetlands (located in both the upland and the shoreline jurisdiction). They are also prohibited in salmon and trout spawning areas, except for fish or wildlife habitat enhancement. [8] Public parks only. Nonwater-oriented commercial development only for concessions as accessory use allowed as an SSDP. [9] Community and joint use docks providing moorage for six or more vessels are permitted with an SSDP but must comply with the provisions in BIMC 16.12.5.4, Boating facilities, as well as the provisions in BIMC 16.12.6.3, Overwater Structures. [10] New overwater facilities are permitted as a conditional use only in the ferry terminal district. Normal repair and maintenance of existing over-water facilities do not require a Shoreline Conditional Use Permit, but may require an SSDP. [11] Permitted as a conditional use if no feasible alternative exists. [12] If upland of Priority Aquatic designation, then the use is prohibited. [13] All structures are prohibited in Zone 1 upland of a Priority Aquatic Category A designation. [14] Passive recreational uses and activities are allowed. Development and associated structures is allowed through a Shoreline Conditional Use Permit. [15] As allowed by Island Conservancy designation 3.3.5.2(6) [16] Except in Waterfront Park a dock is permitted with a SSDP. [17] Mixed-use Commercial/Industrial only. [18] Day use only. [19] Prohibited or restricted in the Point Monroe District. [20] Allowed for Public Park, Interpretive, Information, Direction or Dedication. Temporary signs are allowed in accordance with Section 4.2.5 Signs [21] Conditional use when primary use is a conditional use. [22] Mixed use development is allowed in areas within the Mixed Use Town Center zones, in accordance with Section 5.4 Commercial Development.									

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION		Use Specific Standards	
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A		B
Natural Resource Management									
Aquaculture									
Setbacks									
Water-dependent	X	0'	0'	0'	0'	DOES NOT APPLY TO DEVELOPMENT BELOW OHWM			
Water-related	X	25'	25'	25'	25'				
Nonwater-oriented	X	150'	115'	100'	100'				
Height Limit									
Overwater Structures	DOES NOT APPLY TO DEVELOPMENT ABOVE THE OHWM					3'	X	3'	
Accessory use on overwater structures						3'	X	3'	
Overwater Structure Predator Control						6'	X	6'	
Upland	X	30'	30'	30'	30'	DOES NOT APPLY TO DEVELOPMENT BELOW OHWM			

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Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Aquaculture, Noncommercial for Recovery of Native Population									
Setbacks									
Water-dependent	X	0'	0'	0'	0'	DOES NOT APPLY TO DEVELOPMENT BELOW OHWM			
Water-related	X	25'	25'	25'	25'				
Nonwater-oriented	X	150'	115'	100'	100'				
Height Limit									
Overwater	DOES NOT APPLY TO DEVELOPMENT ABOVE THE OHWM					3'	X	3'	
Upland	X	30'	30'	30'	30'	DOES NOT APPLY TO DEVELOPMENT BELOW OHWM			
Commercial Development									
Boating Facilities									
Setbacks									
Accessory Structures	X	X	X	50'	30'				
Water-dependent	X	X	X	0'	0'				
Dry Moorage	X	X	100'	100'	100'				

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Height Limit									
Dry moorage	X	X	20'	20'	30'				
Buildings	X	X	20'	20'	30'				
Non-water Oriented									
Setbacks									
	X	X	X	200'[2]	200'[2]				
Height Limit									
	X	X	X	30'	30'				
Water-Dependent									
Setback									
	X	X	X	0'	0'				
Height Limit									
	X	X	X	30'	30'				

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Water-Related and Enjoyment									
Setback									
	X	X	X	50'[1]	30'				
Height Limit									
	X	50'[1]	X	30'	30'				
Educational and Community Facilities									
Educational Facility									
Setbacks									
Water-dependent	X	X	0'	0'	0'				
Water-related	X	X	50'[1]	30'[1]	30'[1]				
Nonwater-oriented	X	X	115'[1]	30'[1]	30'[1]				
Height Limit									
Upland	X	X	30'	30'	30'				

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Governmental Facility									
Setbacks									
Water-dependent	X	X	0'	0'	0'				
Water-related	X	X	50'[1]	30'[1]	30'[1]				
Nonwater-oriented	X	X	115'	75'	30'				
Height Limit									
Upland	30'	30'	30'	30'	30'				
Religious Facility									
OHWM Setback									
Water-dependent	X	0'	0'	0'	0'				
Water-related	X	50'[1]	50'[1]	30'[1]	30'				
Nonwater-oriented	X	150'	115'	75'	30'				
Height Limit									

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Upland	X	30'	30'	30'	30'				
Cultural and Entertainment Facilities									
Club									
Setbacks									
Water-dependent	0'	0'	0'	0'	0'				
Water-related	100'	50'[1]	50'[1]	30'[1]	30'				
Nonwater-oriented	100'	150'	115'	75'	30'				
Height Limit									
Upland	30'	30'	30'	30'	30'				
Commercial Amusement									
Setbacks									
Water-dependent	X	X	0'	0'	0'				

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Water-related	X	X	50'[1]	30'[1]	30'				
Nonwater-oriented	X	X	150'	75'	30'				
Height Limit									
Upland	X	X	30'	30'	30'				
Cultural Facility									
Setbacks									
Water-dependent	0'	0'	0'	0'	0'				
Water-related	100'	50'[1]	50'[1]	30'[1]	20'				
Nonwater-oriented	100'	150'	115'	75'	20'				
Height Limit									
Upland	30'	30'	30'	30'	30'				
Entertainment Facility									
Setbacks									
Water-dependent	X	0'	0'	0'	0'				

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Water-related	X	100'[1]	100'[1]	50'[1]	30'				
Nonwater-oriented	X	150'	115'	75'	30'				
Height Limit									
Upland	X	30'	30'	30'	30'				
Industrial									
Water-Dependent									
Setbacks									
	X	X	X	X	0"				
Height Limit									
Upland	X	X	X	X	30'				
Water-Related									
Setbacks									
	X	X	X	X	100'				
Height Limit									
Upland	X	X	X	X	30'				

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION		Use Specific Standards	
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A		B
Overwater Structures									
Marine Railway									
Setbacks									
	X	X	10'						
Height Limit									
Upland	X	X	10'						
Marine Railway, Retractable [12]									
Setbacks									
	X	10'							
Height Limit									
Upland	X	10'							
Mooring Buoys									
Setbacks									

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
From Overwater Structures	100'								
Piers and Docks									
Setbacks From Property Lines									
	10'					X	10'		
Recreational Floats									
Setbacks									
From Overwater Structures	100'					X	X		
Recreational Development									
Height Limit									
Upland	X	20'	20'	20'	30'				
Nonwater-oriented									
Setbacks									
	200'	200'	200'	200'	100'				

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Park, Active Recreation									
Setbacks									
Water-Dependent Primary Structure	X	[2]	[2]	[2]	[2]	[2]	[2]	[2]	
Car/RV Camp Site	X	100'	100'	100'	50'				
Golf Course	X	100'	100'	100'	100'				
Play-structure	X	100'	100'	100'	50'				
Playfields or other Intensive use areas	X	150'	150'	100'	100'				
Height									
Upland	X	20'	20'	20'	20'				
Park, Passive Recreation									
Setbacks									
Water-Dependent Primary Structure	X	[2]	[2]	[2]	[2]	[2]	[2]		
Picnic Area and Related	X	75'[1]	75'[1]	75'[1]	30'[1]				

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION		Use Specific Standards	
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A		B
Kayak/Hiking and Related Camp Site	X	50'[1]	50'[1]	50'[1]	30'[1]				
Accessory Use									
Setbacks									
Access Roads	X	75'[1][3]	75'[1][3]	75'[1]	50'[1][3]				
Parking	X	100'[1]	100'[1]	100'	50'				
Events, Recreation; Education; Culture									
Setbacks									
Water-Dependent	X	0'	0'	0'	0'				
Water-related/Enjoyment	X	50'[1]	50'[1]	50'[1]	30'				

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Residential									
Flex lot Subdivision									
Setbacks									
SUBJECT TO 30% SIDE YARD SETBACK, SHORELINE SETBACK AND ZONING AND SUBDIVISION REQUIREMENTS									
Height Limit									
Upland	X	30'	30'	30'	30'				
Multi-family									
Setbacks									
SUBJECT TO 30% SIDE YARD SETBACK, SHORELINE SETBACK AND ZONING REQUIREMENTS AND BIMC Title 18									
Height Limit									
Upland	X	X	30'	30'	30'				
Single-family									
Setbacks									

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
SUBJECT TO 30% SIDE YARD SETBACK, SHORELINE SETBACK AND ZONING REQUIREMENTS									
Height Limit									
Upland	X	30'	30'	30'	30'				
Shoreline/Aquatic Modification [5] [7]									
Utilities & Telecommunication									
Utilities (primary)									
Primary Structure	X	200'	200'	200'	200'				
Accessory Use	X	100'	100'	100'	100'				
Telecommunication Accessory Use	X	100'	100'	100'	100'				
Height									
Distribution Poles	X	X	30'[1][5]	30'[1][5]	30'[1][5]				
Buildings, storage Tanks, Accessory Uses	X	X	30'[1][4]	30'[1][4]	30'[1][4]				

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION		Use Specific Standards	
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A		B
Accessory Structures									
Architectural Elements									
Setback									
	SUBJECT TO SETBACK REQUIREMENTS OF PRIMARY STRUCTURE								
Height									
	TOTAL HEIGHT OF ARCHITECTURAL ELEMENT AND PRIMARY STRUCTURE SHALL NOT TOTAL MORE THAN 35’.								
Residential									
Primary Appurtenant Structures and Non-habitable Structures (boat house, deck, patio, stairway)									
Setbacks									
	SUBJECT TO 30% SIDE YARD SETBACK, SHORELINE SPECIFIC USE SETBACK AND ZONING REQUIREMENTS					SAME AS SPECIFIC USE SETBACK	X	#	

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Height									
Boat house, shed, well house, etc.	X	12'	12'	12'	12'	SHORELINE SPECIFIC USE SETBACK	X	X	
Commercial/Industrial									
Primary appurtenant structures that either support public access or are necessary to support a water-dependent use [13]									
Setbacks									
	SAME AS SPECIFIC USE						X	#	
Public Park									
Primary appurtenant structures that either support public access or are necessary to support a water-dependent recreational									

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Setbacks									
	15'	75'	75'	75'	50'				
Event, Recreation; Culture; Education									
Setbacks									
	N/A	75'[1]	75'[1]		75'[1]				
Parking	N/A	100'[1][3]	100'[1][3]		100'[3]				
[1] Must be located outside of site specific Zone 1 [2] Same as Use specific setback [3] ADA access roads may be allowed a lesser setback than standard 5.6.5(2)									

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.					

4.1 Environmental Quality and Conservation

4.1.1 Shorelines of State-wide Significance

4.1.1.1 Purpose

The Shoreline Management Act of 1971 designated certain shoreline areas as shoreline of state-wide significance (SSWS). Because these shorelines are resources from which all people in the state derive benefit, preference is given to uses which favor public and long-range goals.

4.1.1.2 Applicability

Within the City's jurisdiction all those areas lying waterward from the line of extreme low tide are shorelines of state-wide significance. [RCW 90.58.030(2)(f)(iii) or its successor]. Development, use, or activities located within shorelines of statewide significance shall follow all the provisions of this program. Proposed development, use, and activity within shorelines of statewide significance shall be reviewed in accordance with preferred policies listed in 4.1.1.3. The Administrator may reduce, alter, or deny proposed development, use, or activity to satisfy the preferred policy.

4.1.1.3 Policies (In order of preference)

1. Recognize and protect the state-wide interest over local interest.
 - a. Solicit comments and opinions from groups and individuals representing state-wide interests by circulating the Master Program, and any amendments thereof affecting Shorelines of State-wide Significance, to state agencies, adjacent jurisdictions, citizen's advisory committees, local officials, and state-wide interest groups.
 - b. Recognize and take into account state agencies' policies, programs, and recommendations in developing and administering use regulations, and in approving shoreline permits.
 - c. Solicit comments, opinions, and advice from individuals with expertise in ecology, geology, limnology, aquaculture, and other scientific fields pertinent to shoreline management.
2. Preserve the natural character of the shoreline.
 - a. Designate and administer shoreline designation and use regulations to minimize damage to the ecology and environment of the shoreline as a result of man-made intrusions on the shorelines.
3. Result in long-term over short-term benefit.

- a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.
 - b. In general, preserve resources and values of shoreline of state-wide significance for future generations and restrict or prohibit development that would irreversibly damage shoreline resources.
 - c. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.
4. Protect the resources and ecology of the shoreline.
- a. Minimize development activity that will interfere with the natural functioning of the shoreline ecosystem including, but not limited to, stability, drainage, aesthetic values, and water quality.
 - b. All shoreline development should be located, designed, constructed, and managed to avoid disturbance of, and to minimize adverse impacts on, fish and wildlife resources including spawning, nesting, rearing, and habitat areas and migratory routes.
 - c. Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human uses.
 - d. Shoreline materials including, but not limited to, bank substrate, soils, beach sands, and gravel bars should be left undisturbed by shoreline development.
5. Increase public access to publicly owned areas of the shorelines.
- a. Give priority to developing paths and trails to shoreline areas, linear access along the shorelines, and to upland parking.
 - b. Locate development landward of the ordinary high water mark.
 - c. Limit public access when environmental or habitat values warrant such limitations.
6. Increase recreational opportunities for the public on the shoreline.
- a. Plan for and encourage development of facilities for recreational use of the shorelines.

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.

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.

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).

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
 - 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
 - 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.

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

- 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 ever 20 linear feet of shoreline and one shrub per ever 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.

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

- 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.

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.

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.

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.

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.
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.

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.
 - 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.

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 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.

- 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.
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:
 - 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:
 - 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 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.

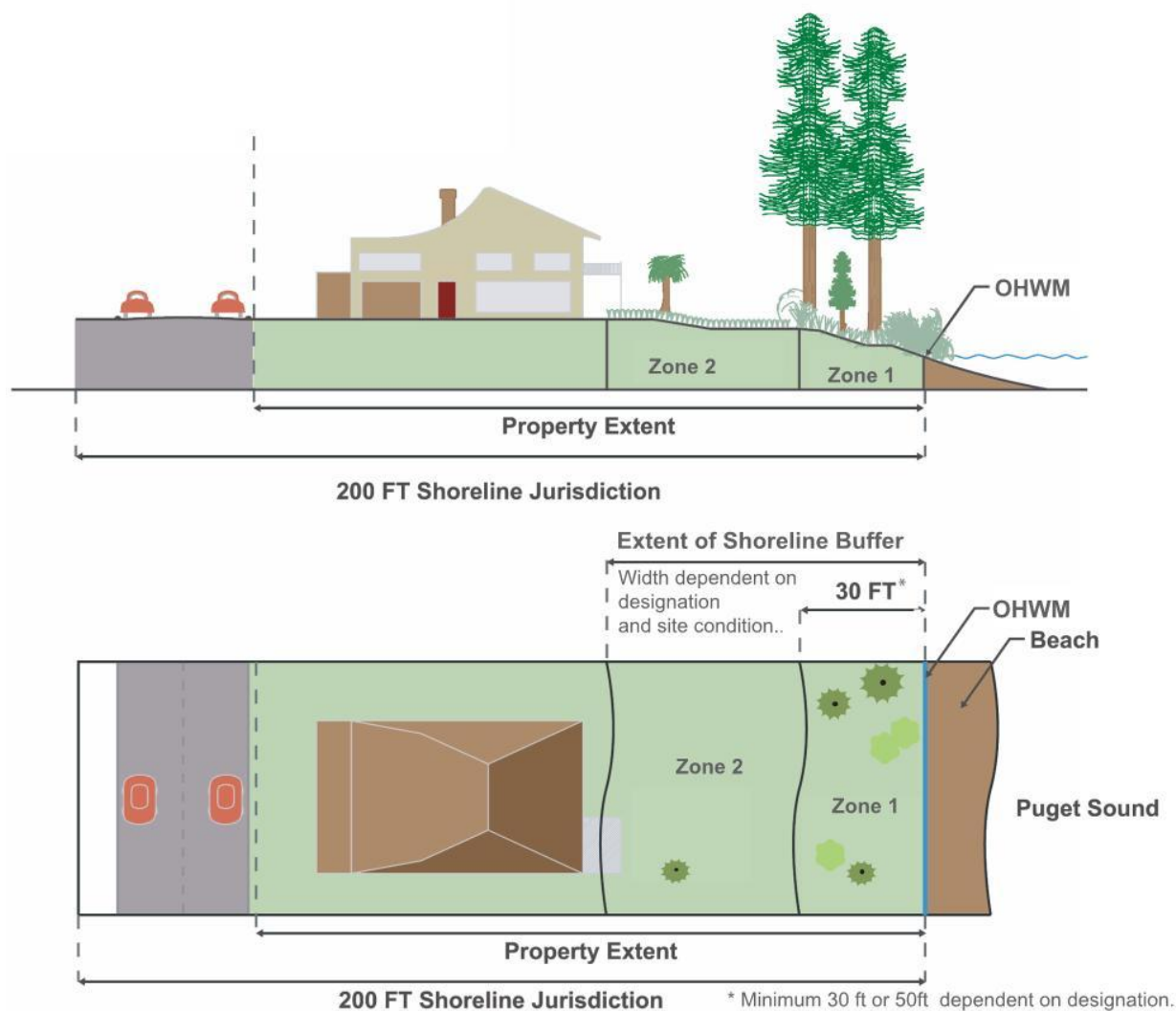


Figure 4-1 Dual Shoreline Buffer

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.

- 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 is 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.
 - 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
 - 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.

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 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.

4. View Maintenance – Single-family Residential Only.

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
- 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

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 Zone1 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 250 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).
- 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).

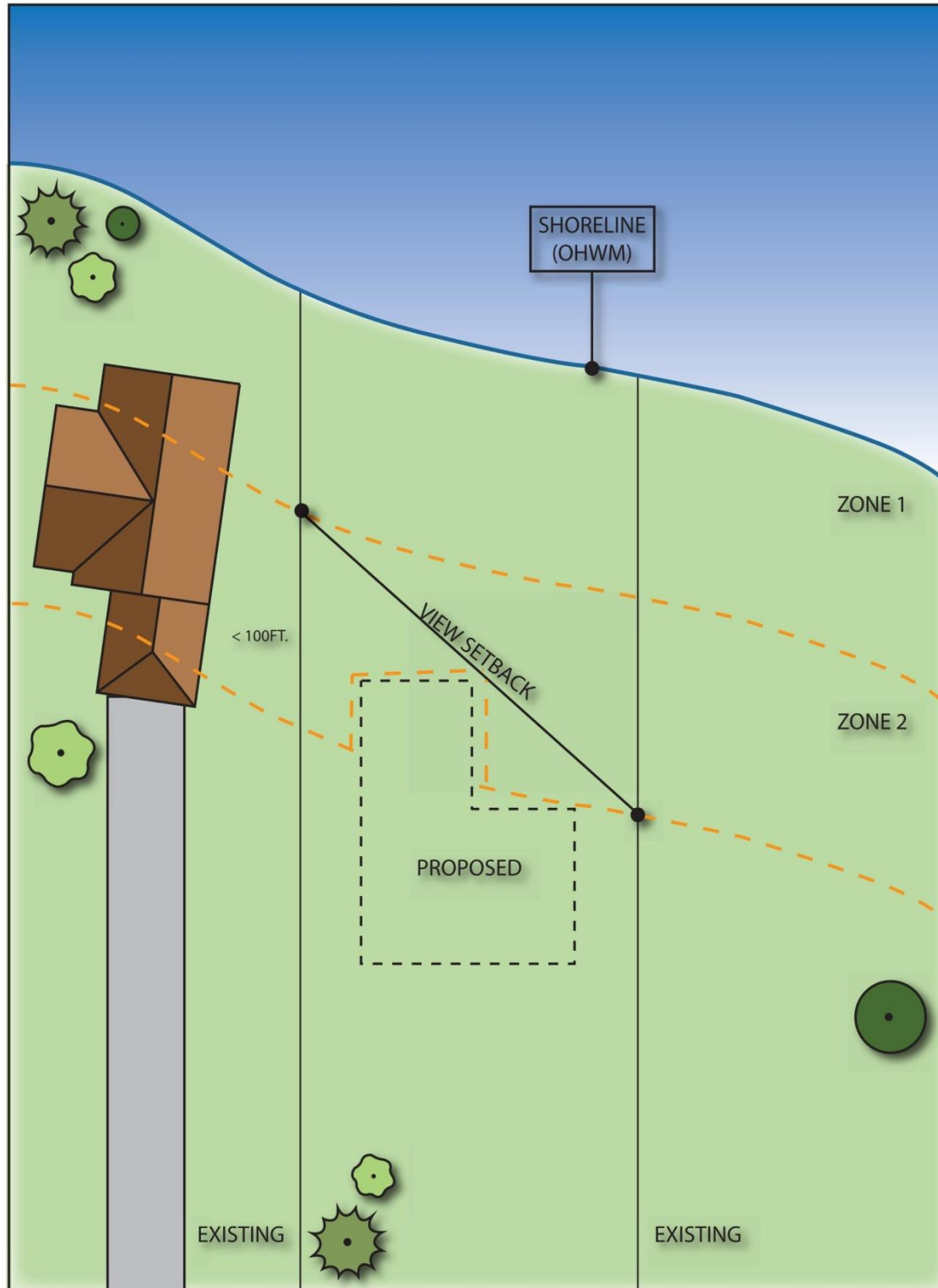


FIGURE 4-1(A) I

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Ecology's amendments, alternative language &
Staff corrections June 2013 and April 2014

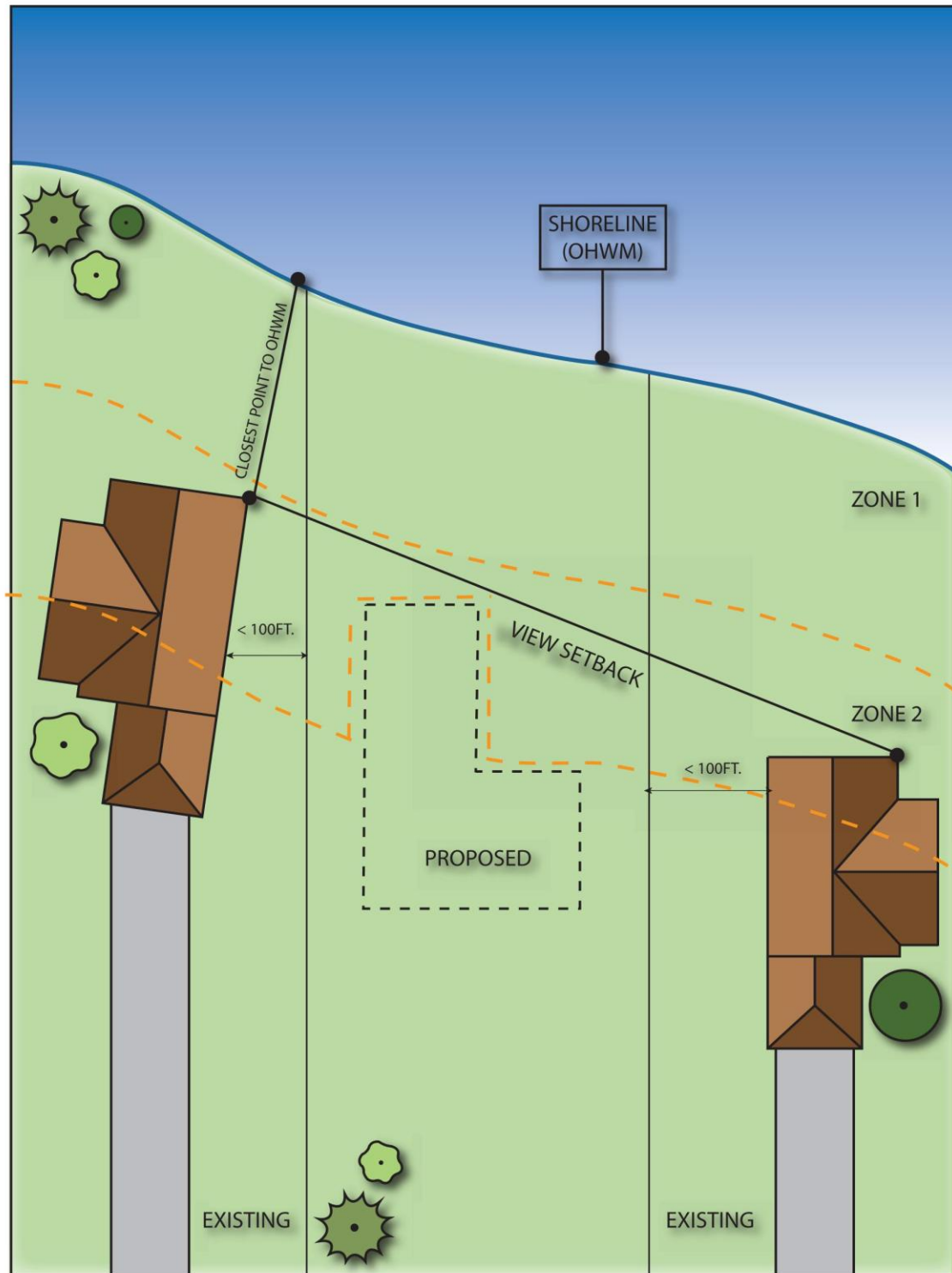


FIGURE 4-1(B) I

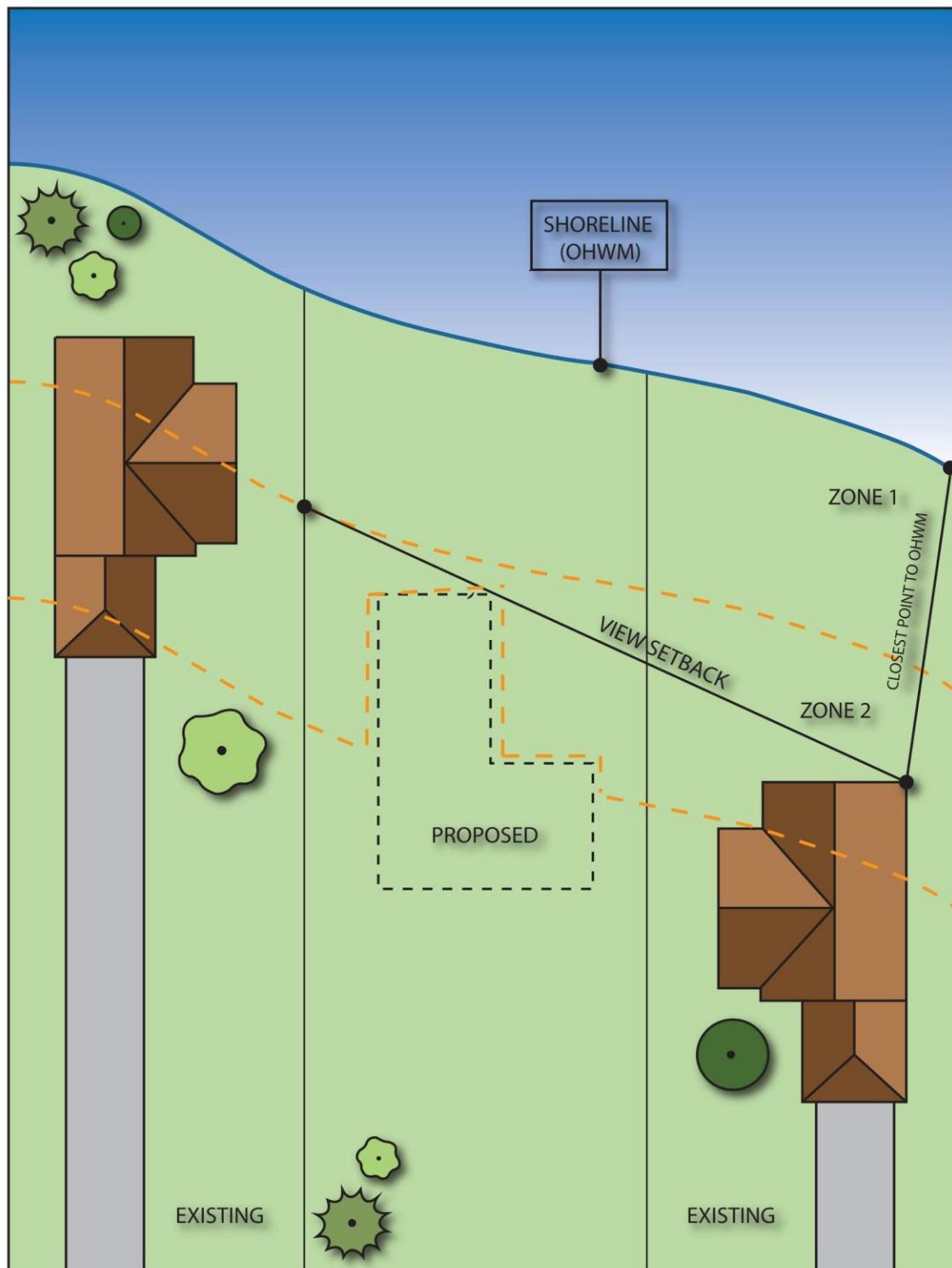


FIGURE 4-1(B) II

includes City Council November 20, 2013 approved
Ecology's amendments, alternative language &
Staff corrections June 2013 and April 2014

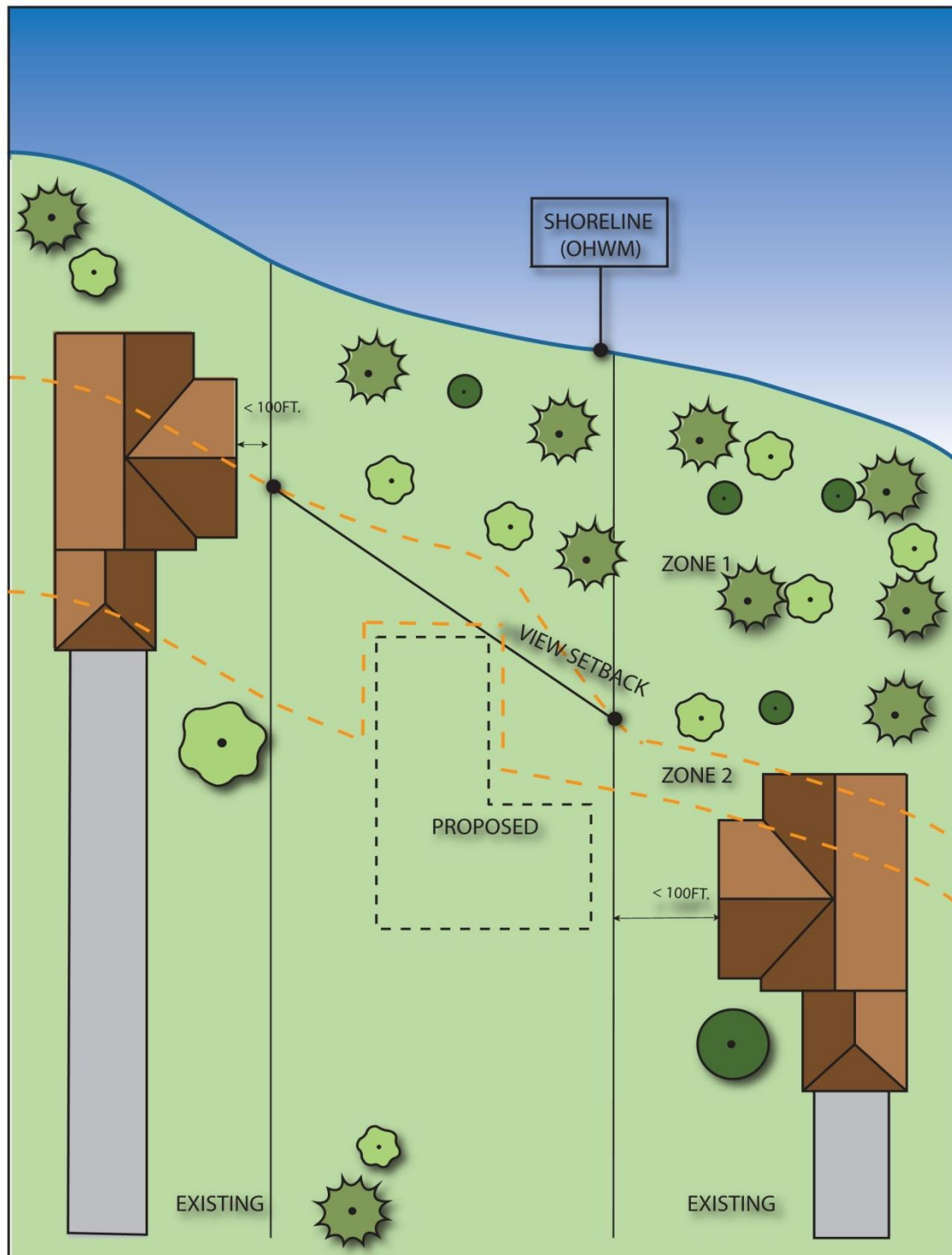


FIGURE 4-1(B) III

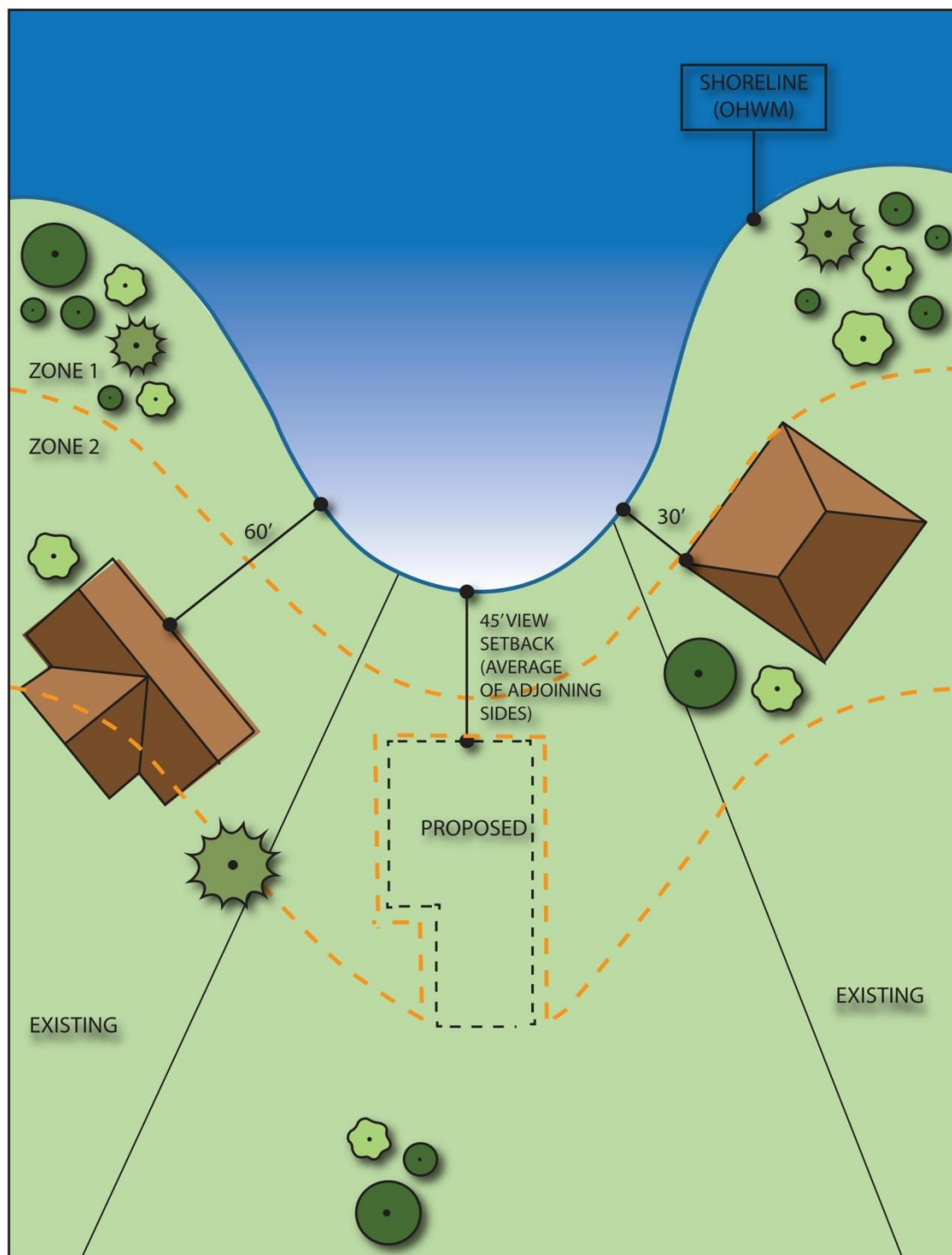
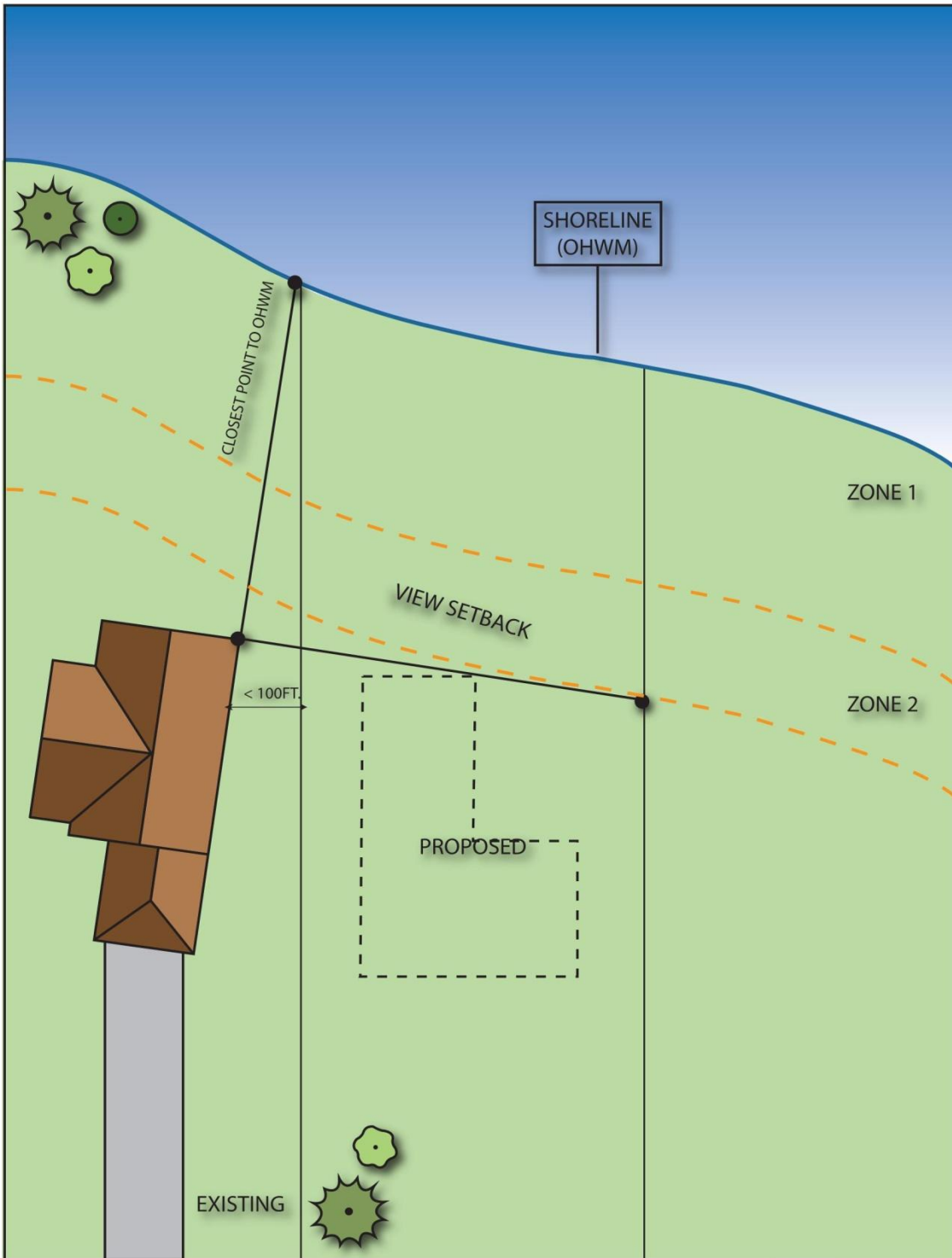


FIGURE 4-1(C) II



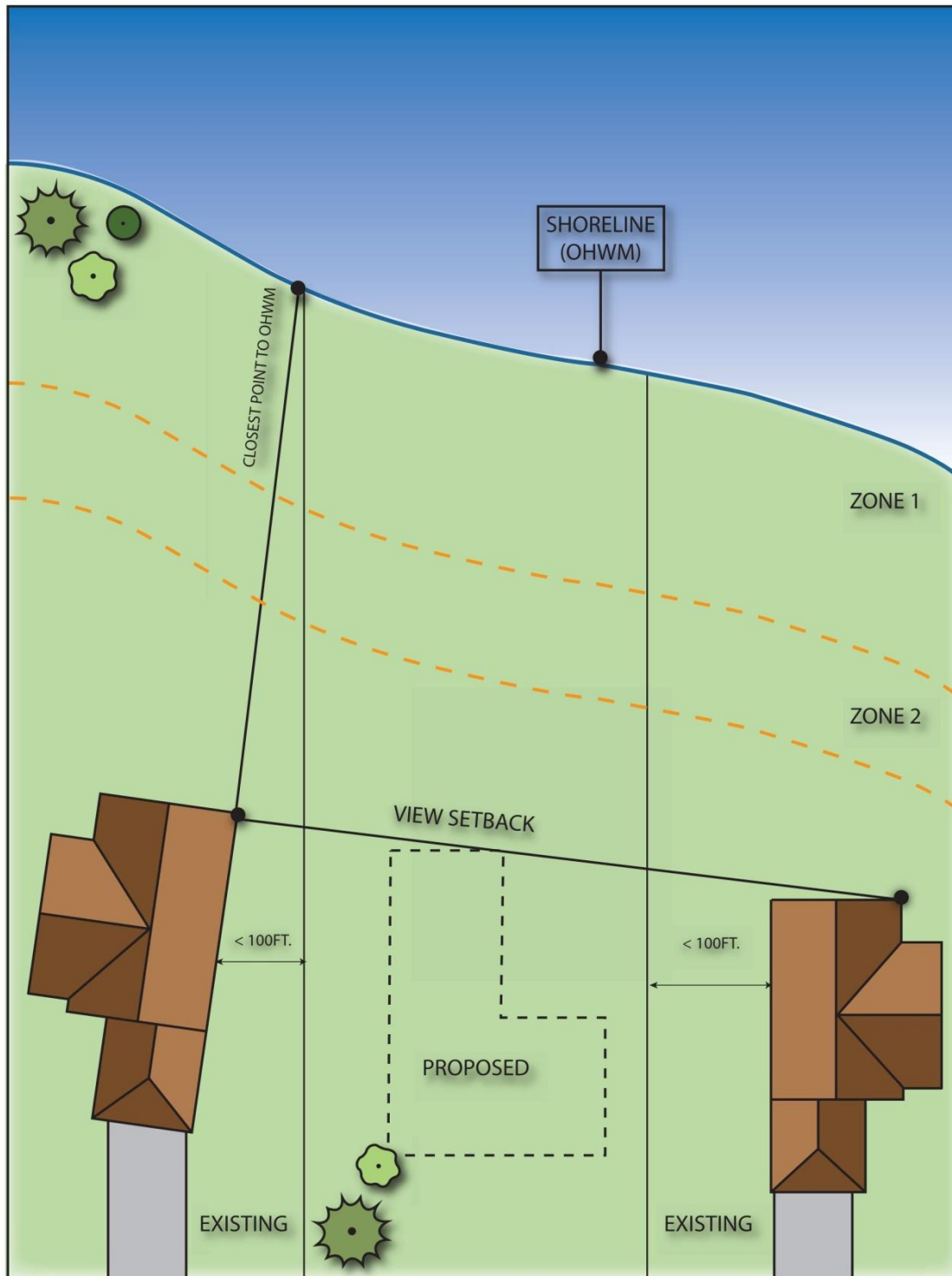


FIGURE 5-1 B

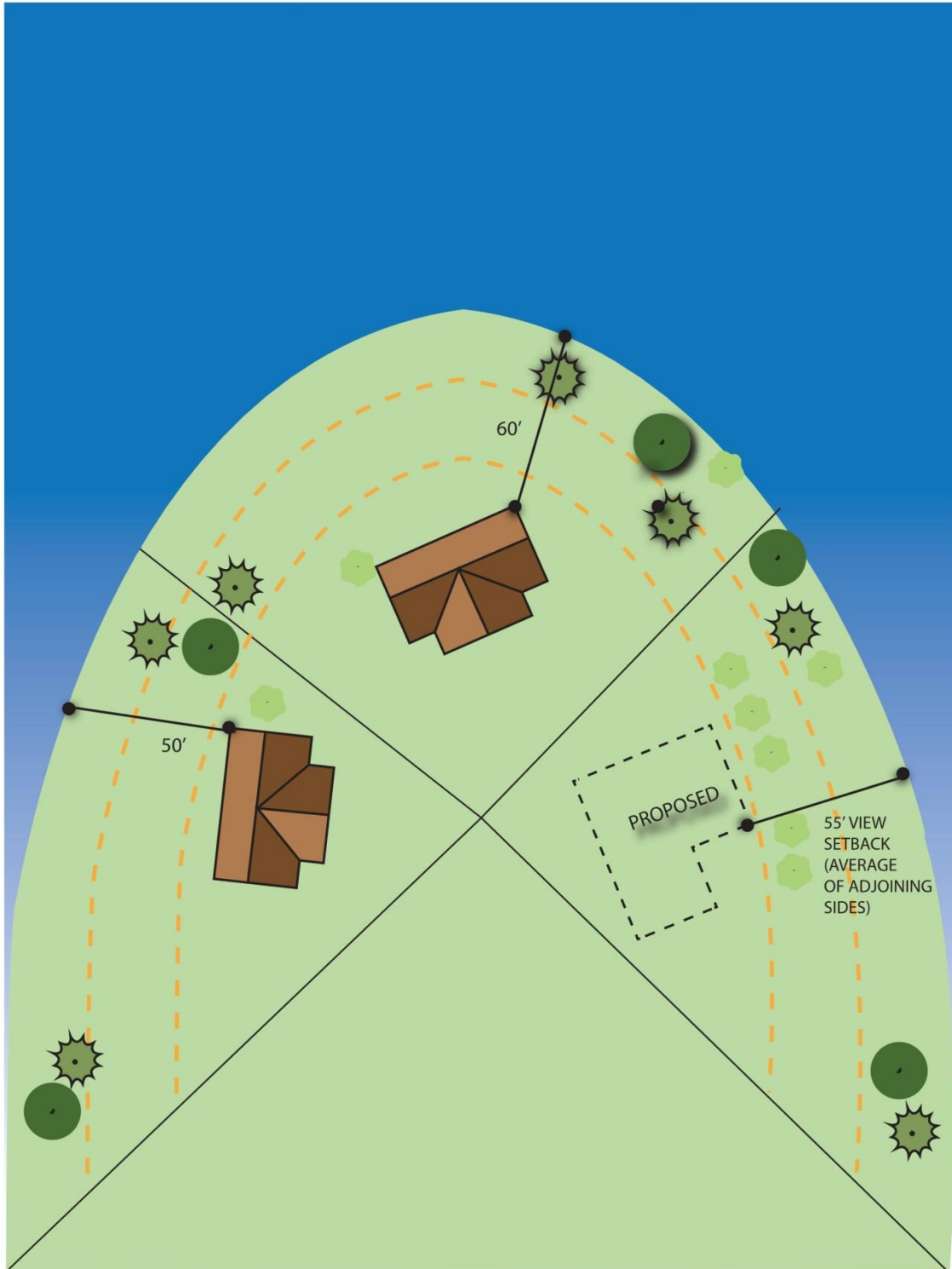


FIGURE 5-1 C

Includes City Council November 20, 2013 approved
Ecology's amendments, alternative language &
Staff corrections June 2013 and April 2014

4.1.4 Land Modification

4.1.4.1 Applicability

All shoreline uses and activities must conform to the clearing and grading provisions herein, including development which does not require a shoreline permit. Shoreline development and land modification activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island Wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; Appendix B; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.1.4.2 Policies

1. Allow alteration of the natural landscape only in association with existing legal uses or new permitted or allowed shoreline use/or development. Prohibit speculative clearing, grading, or vegetation removal.
2. Avoid and minimize potential adverse impacts from land surface modification activities through proper site planning, construction timing practices, and use of erosion and drainage control methods. Generally, these activities should limit alteration of the natural landscape to the minimum extent necessary to accommodate the proposed use, and should be designed and located to protect shoreline ecological functions and ecosystem-wide processes.
3. Assure clearing and grading activities are consistent with the Stormwater Manual to prevent adverse impact to wildlife habitat, streams, lakes, and wetlands from erosion.
4. For clearing and grading proposals, provide a clearing and grading plan addressing vegetation removal, erosion and sedimentation control, and protection of critical areas and shoreline vegetation conservation and management zones. Use low impact development techniques to minimize adverse impacts to natural hydrologic conditions, such as soil compaction and transpiration.
5. Promptly replant disturbed areas following project completion. Replanting with native shoreline vegetation should be a priority, however, flexible planting plans that incorporate non-native plant species which provide similar functions and ecosystem-wide processes can be considered.

4.1.4.3 Regulations – Prohibited

1. All clearing and/or grading not associated with an approved development, use or activity, unless specifically provided for in this program.

4.1.4.4 Regulations - General

1. Clearing and/or grading within shoreline jurisdiction shall require an approved clearing or grading permit in association with an existing legal use or a new permitted or allowed

shoreline use or development. Such activities shall meet the mitigation and revegetation provisions in Section 4.1.2, Environmental Impacts and Section 4.1.3, Vegetation Management.

2. Upon completion of development, use or activity, the remaining cleared areas shall be replanted within the first applicable planting season.
3. All vegetation that is intended to be retained but may likely be disturbed by the clearing and grading activity shall be protected in accordance with the standards of BIMC Chapter 18.15.010, Landscaping, Screening, and Tree Retention, Protection and Replacement.
4. Land alteration (clearing, grading, and filling) shall be limited to the minimum extent necessary for the proposed development, use or activity. All land alteration must meet the standards of BIMC Chapter 15.20 Surface and Storm Water Management.

4.1.5 Critical Areas

4.1.5.1 Applicability

This section provides policies and regulations that apply to critical areas including critical saltwater and freshwater habitats as defined by WAC 173-26-221(2)(c)(iii) and (iv), including those portions of streams and wetlands, and flood plains or other flood prone areas within the shoreline jurisdiction. These policies and regulations apply in addition to the critical areas protection standards for fish and wildlife habitat conservation areas found in Appendix B. All shoreline uses and activities, including development which does not require a shoreline permit, must conform to these provisions. Shoreline development and activities associated with critical areas 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 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.1.5.2 Goal

Comprehensively manage shoreline uses and activities to protect, enhance, and restore existing ecological functions and ecosystem-wide processes of critical areas by utilizing the most current, accurate, and complete scientific and technical information.

4.1.5.3 Policies

1. Protect shoreline resource areas, including but not limited to critical areas, including:
 - a. Critical Aquifer Recharge Areas
 - b. Fish and Wildlife Habitat Conservation Areas
 - c. Frequently Flooded Areas

- d. Geologically Hazardous Areas
 - e. Wetlands
 - f. Critical Saltwater and Freshwater Habitat Areas
 - g. Critical Habitat
2. Encourage development proposals to include elements of preservation, conservation, restoration, or enhancement of critical areas, including saltwater habitat and fish and wildlife conservation areas, through incentives and ecosystem-wide restoration planning.
 3. Locate, design, construction, and manage all shoreline uses and activities in ways that assure no net loss of shoreline ecological functions and ecosystem-wide processes, and protect critical saltwater habitat, including fish and wildlife habitat conservation areas.
 4. Locate and design shoreline uses, activities, and/or development to avoid risks to people and property. See also Section 3.0, Shoreline Designation Policies and Regulations, for additional provisions.
 5. Ensure that proposed shoreline uses, activities and/or development proposed adjacent to critical areas or their buffers, will not adversely impact shoreline ecological functions and/or ecosystem-wide process or critical areas, fish and wildlife habitat conservation areas and critical saltwater habitat.
 6. Promote and manage shoreline uses and activities, such as public access and recreation that are compatible with critical areas, provided they do not adversely impact ecological function.
 7. Monitor critical areas, including critical saltwater habitats, and fish and wildlife habitat conservation areas, to assure that these areas are not being adversely impacted by approved development or restoration projects.

4.1.5.4 Regulations – General

1. Development, uses, and activities proposed within shorelines of the state shall meet the requirements of the City's shoreline-specific Critical Areas Regulations as contained in Appendix B, in addition to the requirements found elsewhere in the Master Program.
2. Development, uses, and activities adjacent to critical areas, including critical saltwater habitats and fish and wildlife habitat conservation areas, proposed within shorelines of the state shall monitor to assure that these areas are not being adversely impacted by approved development or restoration projects.
3. Special Reports. For development proposed on property with marine bluffs, steep slopes, erosion hazard areas and/or landslide hazard areas, a geotechnical report shall be required to assess potential hazards and propose measures to mitigate such hazards consistent with the requirements of this Master Program and attached appendices.

4.1.5.5 Regulations – Fish and Wildlife Habitat Conservation Areas and Critical Saltwater Habitat

1. Water-dependent development and uses, including marinas, docks, piers, mooring areas, underwater parks, utility crossings, and shoreline modifications, shall not intrude into or be built over critical saltwater habitat unless:
 - a. The applicant can show that all of the following criteria can be met:
 - i. The use preferences of Section 4.1.1 shall be utilized for uses in Shorelines of State-wide Significance; and
 - ii. A public need for such a structure is clearly demonstrated and an alternative alignment or location on the property that would avoid impacts to critical saltwater habitats is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose, as demonstrated through an alternatives analysis. The analysis should include in part, shoreline bathymetry, shoreline features at the site, and substrate composition;
 - iii. It can be demonstrated that the project is consistent with the state's interest in resource protection and species recovery; and
 - iv. Impacts to critical saltwater habitat functions and processes are mitigated to result in equal or better ecological function; or
 - b. The proposal is for private, non-commercial, residential docks for single use, community, or joint-use, which may be authorized, provided that:
 - i. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible; and
 - ii. The project, including any required mitigation, will result in no net loss of ecological functions and processes associated with critical saltwater habitat.
 - c. New or expanded overwater structures shall be located the greater or most protective of:
 - i. A horizontal distance of 25 feet from the outside edge of the structure to native aquatic vegetation attached to or rooted in substrate;
 - ii. A horizontal distance equal to the maximum distance shade will be cast by the structure and vessel;
 - iii. A 4-foot vertical distance from eelgrass or relevant submerged aquatic vegetation;
 - iv. A distance the diameter of the turning circle, if the structure is to be utilized for motorized vessels. The turning circle is defined as 3.5 times the length of the longest vessel to use the structure.
 - v. Alternative measures that demonstrate no net loss of ecological functions.

- d. For sites adjacent to sand lance and surf smelt spawning areas, all in-water work that has the potential to increase suspended sediments in the spawning area during the spawning period shall require a buffer of at least 2 feet vertical separation from the tidal elevation of the spawning bed, or a buffer of 180 feet horizontal distance from the lower edge of the spawning habitat zone. In-water work should occur during an outgoing tide when the water line is below the lower edge of a surf smelt/sand lance spawning habitat zone (5-6' MLLW)
2. Aquatic herbicide treatments, mechanical removal of vegetation or aquatic pesticide treatments shall not be used on critical saltwater habitats, except for approved habitat restoration or enhancement measures that meet the provisions of Section 4.1.6, Water Quality and Stormwater Management.
3. Sand, gravel or other materials shall not be added or removed from critical saltwater habitat, unless approved as part of a restoration effort or beach nourishment program or as allowed in 1, above.
4. New outfalls (including stormwater and sewer outfalls) and discharge pipes shall not be located in critical saltwater habitats or areas where outfall or discharge will adversely affect critical saltwater habitat, unless the applicant can show that all of the following can be met:
 - a. There is no feasible alternative location for the outfall or pipe; and
 - b. The outfall or pipe is placed below the surface of the beach or bed of the water body; and
 - c. The discharge point(s) on the outfall or discharge pipe is located so the discharges, including nutrients and flow, do not adversely affect critical saltwater habitats; and
 - d. For public sewage outfalls:
 - i. The outfall discharges waterward of the intertidal zone.
 - ii. The disturbed area will be revegetated with native vegetation.
5. The use of existing outfalls shall be maximized to limit the need for additional outfalls, provided the existing outfall meets the standards of this section, or unless an alternatives analysis demonstrates the dispersal is less impacting to the shoreline environment.
6. For activities adjacent to fish and wildlife habitat conservation areas the maximum prescribed buffer shall apply. These buffers can be modified on a case-by-case basis through a habitat management plan, pursuant to Section B-4 contained in Appendix B. In order to determine the need or extent of a buffer, a critical area report shall be required for all development in or adjacent to a habitat conservation area.
 - a. In addition to the requirements in Appendix B, the Habitat Management Plan shall:

- i. Describe actions that will be implemented to ensure that buffer areas provide ecological functions and processes equivalent to a dense native plant-community to the extent possible given the area that is feasibly available; and
 - ii. Demonstrate that no net loss of ecological functions and processes in critical saltwater habitat and other critical areas will occur, as specified in WAC 173-26-201(3)(d) and WAC 173-26-221(2)(c)(iii).
7. Until an inventory of critical saltwater habitat is completed, all over water and near-shore development shall conduct an inventory of site and adjacent beach sections to assess the presence of critical saltwater habitat and/or functions and processes. The inventory shall occur prior to construction and the methods and extent of the inventory shall be consistent with accepted research methodology. New studies shall be required only when existing information is out dated or does not exist.

4.1.5.6 Regulations – Frequently Flooded Areas

1. All new development and new uses within the jurisdiction of this Master Program shall comply with the provisions of Section B-11, Frequently Flooded Areas located in Appendix B of this Master Program.

4.1.5.7 Regulations – Geologically Hazardous Areas

1. All new development and new uses within the jurisdiction of this Master Program shall comply with regulations for Geologically Hazardous Areas as set forth in the shoreline-specific Critical Areas Regulations contained in Section B-9 of Appendix B of this Master Program.
2. Additional standards for marine bluffs (i.e., slopes greater than 40 percent that exceed a vertical height of 10 feet within the marine shorelines jurisdiction) are provided in section 4.1.5.8, Special Reports and Determination of Buffers, and 4.1.5.9, Regulations – Bluff Drainage, below.

4.1.5.8 Special Reports and Determination of Buffers

1. Applicants proposing development adjacent to a marine bluff shall submit a geotechnical engineering report prepared in accordance with the requirements of this Master Program and the shoreline-specific Critical Areas regulations contained in Appendix B. In terms of this regulation, “adjacent” means development proposed either within 50-feet from the crest of a marine bluff or within a distance equal to the height of the slope from the crest (measured from the top), whichever is greater.
2. The geotechnical engineering report shall be prepared by a Washington State licensed professional civil engineer with a specialty in geotechnical engineering or an engineering geologist with a Washington State specialty license in engineering geology as specified in RCW 18.220, Geologists. The report shall be based upon the most appropriate and current science, existing and proposed uses, risks of slope failure, and coastal erosion rates over at least 100 years, if applicable.

3. All proposed development on the face of a marine bluff or in the required buffer area shall be prohibited, except:
 - a. Development may be allowed as specified in Appendix B; Subsection B-9(E)(3)(a)(i)(F) of this Master Program;
 - b. Minor development for public access (e.g., public trails, stairs, or view points) may be allowed, provided that environmental impacts are mitigated and the development can meet the factor of safety in Appendix B; subsection-B-9(E)(1); and
 - c. Minor development permitted in the Shoreline Buffer and Site-specific Vegetation Management Area pursuant to Sections 4.1.3.8 through 4.1.3.11 such as boathouses, decks, stairs, trams, piers, and docks except at the toe of unstabilized feeder bluffs and the development can meet the factor of safety in Appendix B; subsection-B-9(E)(1).
4. All alterations to the vegetation within a geological hazardous area shall provide a Bluff Management Plan developed by qualified professional(s) to address vegetation management for slope stability and ecological functions and processes for a ten year period. The plan at a minimum shall include:
 - a. A geotechnical analysis of slope stability as defined in B-9, Geologically Hazardous Areas of Appendix B.
 - b. A site plan showing existing vegetation location and species.
 - c. An analysis of identified vegetation appropriate for removal or alteration.
 - d. An analysis of vegetation management strategies for slope stability.
 - e. A mitigation plan developed according to Section 4.1.2, Environmental Impacts and Section 4.1.3, Vegetation Management.
 - f. The Administrator may include additional conditions for a site-specific analysis and require a third party review by a qualified professional at the cost of the applicant.

4.1.5.9 Regulations – Bluff Drainage

1. Surface drainage shall be directed away from marine bluffs. When no other solution is feasible, surface drainage piping may be located on the face of a steep slope when contained in a tight line (closed, non-leaking pipe) and in such a way that erosion will not be increase at the base of the bluff and provided that physical access along the shoreline is not degraded. Furthermore, conditions may be applied to mitigate the aesthetic impacts of the proposed drainage systems as viewed from public areas.

4.1.5.10 Regulations – Wetlands

1. All development, development proposals and alterations that are located within or adjacent to shoreline jurisdictional wetlands or their buffers, or that are likely to

significantly impact shoreline jurisdictional wetlands shall prepare a wetland analysis pursuant to Subsection B- 4.7 10 of Appendix B, of this Master Program. The wetland analysis shall include the wetland rating (using the Washington State Wetland Rating System for Western Washington (2006) or as revised by Ecology), a functional assessment of potential buffers (based on Ecology's best available science for wetlands), and noting of any water features and other critical areas and their related buffers in the proximity of the proposed development.

2. Wetlands will be delineated using the Regional Supplement to the Army Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region or the current Washington State Department of Ecology methodology. The wetland buffer for shoreline wetlands shall be established pursuant to the provisions of Subsection B-10 in Appendix B of this Master Program.
3. Alteration of wetlands and their buffers is prohibited, unless:
 - a. Such a prohibition is deemed a violation of constitutional or statutory limitations on regulations of private property; or
 - b. The proponent can conclusively demonstrate to the satisfaction of the Administrator that the impacts are unavoidable.
4. In either case of subsection 3.a or 3.b, above, the proponent shall provide mitigation to achieve no net loss of wetland functions and values, according to an approved mitigation plan prepared consistent with this Master Program, including Section B-4 and B-6 of Appendix B, shoreline-specific Critical Areas Regulations.

4.1.6 Water Quality and Stormwater Management

4.1.6.1 Principles

Water quality is affected in numerous ways by human activity. Impervious surfaces that accompanies development increases surface water runoff; which causes scouring and erosion of stream banks. Erosion increases suspended solid levels and a greater amount of stormwater carries heavy metals, household wastes, and excess nutrients into the waters of the state. Increased nutrient enrichment depresses dissolved oxygen levels. Degradation of water quality adversely impacts wildlife habitat and public health. The purpose of these provisions is to minimize water quality impacts of shoreline uses and activities. Shoreline master programs shall, as stated in RCW 90.58.020, protect against adverse impacts to the public health, to the land and its vegetation and wildlife, and to the waters of the state and their aquatic life, through implementation of the following principles:

- (i) Prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions and processes, or a significant impact to aesthetic qualities, or recreational opportunities.
- (ii) Ensure mutual consistency between shoreline management provisions and other regulations that address water quality and stormwater quantity, including public

health, stormwater discharge standards. The regulations that are most protective of ecological functions and processes shall apply.

4.1.6.2 Applicability

These provisions apply to all shoreline development, including that which does not require a Shoreline Substantial Development Permit. The use of pesticides, herbicides or fertilizers within the shorelines jurisdiction, including applications of herbicides to control noxious aquatic vegetation, shall comply with regulations of Section 4.1.5, Critical Areas and responsible federal and state agencies. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.3, Vegetation Management; Appendix B; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.1.6.3 Goal

Maintaining high water quality standards and restoring degraded systems is mandated in the Shoreline Management Act (RCW 90.58.020 or its successor). The purpose of these provisions is to maintain existing water quality, restore impaired water bodies and minimize water quality impacts of shoreline uses and activities.

4.1.6.4 Policies

1. Require all shoreline uses and activities, and developments to be located, designated, constructed, and maintained to avoid or minimize adverse impacts to water quality, quantity, or hydrology.
2. Ensure that shoreline uses, activities, and developments are consistent with the City's Stormwater Management Plan and stormwater ordinances. Protect ecological functions and/or ecosystem-wide processes by avoiding and minimizing adverse impacts to water quality through shoreline vegetation management and stormwater management.
3. Use effective public education programs, site planning and best management practices to avoid or minimize the need for chemical fertilizers, pesticides, herbicides, and fungicides that could contaminate surface or ground water or cause adverse effects of shoreline ecological functions and ecosystem-wide processes.
4. Encourage the use of low impact development techniques as water quality treatment of surface water runoff, unless precluded by soil conditions, slope or other sensitive area conditions.

4.1.6.5 Prohibited

1. Wood that is treated with creosote, copper chromium arsenic (CCA) or pentachlorophenol (PCP) in or above shoreline water bodies, unless otherwise approved in Section 6.3, Overwater Structures.

2. Use of pesticides within a Shoreline Buffer and Site-specific Vegetation Management Areas, except as follows:
 - a. All shoreline developments and activities shall comply with the following standards in the application of pesticides or herbicides.
 - i. As part of an integrated pest management plan which is administered by a qualified professional to control rodents.
 - ii. When it is the accepted practice to successfully eradicate aquatic or upland invasive/noxious vegetation species and Department of Ecology has approved a method of application.

4.1.6.6 Regulations – General

1. All shoreline development shall minimize any increase in surface runoff through control, treatment, and release of surface water runoff so that the receiving water quality, shore properties, and features are not adversely affected, and through compliance with the standards established in the City's adopted Stormwater Management Manual in BIMC 15.20.
2. Shoreline use and development shall incorporate measures to protect and maintain surface and ground water quantity and quality in accordance with all applicable laws.
3. Low impact development techniques shall be considered and implemented consistent with the City's adopted Low Impact Development Manual cited in BIMC 15.20.050.C unless the site is demonstrated to the satisfaction of the Administrator to be unsuitable for low impact development techniques.
 - a. When a direct discharge pipe is demonstrated to be necessary, the conveyance shall consist of the following:
 - i. A continuous heat welded high density polyethylene (HDPE) pipe; and
 - ii. Devices to keep the pipe stationary and set off bank; and
 - iii. An energy dissipation pad or water dissipater installed at the end of the pipe. The dissipation pad shall extend the minimum distance necessary to protect the beach substrate.
4. All proposals for bulk storage of oil, fuel, chemicals, or hazardous materials, on either a temporary or a permanent basis, shall require adequate secondary containment and an emergency spill response plan in place when appropriate. It shall be the responsibility of property owners to fund and implement the approved spill containment and cleanup plans and to complete the work by the deadline established in the plans according to BIMC 15.22.
5. Allowances to alter stormwater management standards of BIMC 15.20 may be approved by the City, provided it can be demonstrated that off-site facilities would provide better treatment, or where common retention, detention and/or water quality facilities meeting

such standards have been approved as part of a comprehensive regional stormwater management plan.

6. Best management practices (BMP's) for control of erosion and sedimentation shall be implemented for all development in shorelines through an approved Stormwater Pollution Prevention Plan (SWPPP), as required by BIMC 15.20, Surface and Storm Water Management, or administrative conditions.
7. To avoid water quality degradation by malfunctioning or failing septic systems located within shoreline jurisdiction, on-site sewage systems shall be located landward of any new residence or business or if determined to be infeasible, in a location approved by the Administrator and designed to meet all applicable water quality, utility, and health standards. The owner must be in compliance with the Kitsap Health District, and any state and federal laws.
8. New residences or businesses on the shoreline located within two hundred (200) feet of an existing sewer line and/or within an established sewer service area shall be connected to the sewer system.
9. All materials that may come in contact with surface water or stormwater shall be constructed of materials, such as untreated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. To avoid discharge of pollution, decking material or other structural components shall be approved by applicable state agencies for contact with water.
10. As a condition of permit approval, the Administrator may apply the following conditions to protect water quality:
 - a. Shoreline uses and activities shall apply Best Management Practices (BMP's) to minimize any increase in surface runoff and to control, treat and release surface water runoff so that receiving properties, receiving waters, wetlands or streams, and are not adversely affected, consistent with the City's adopted Stormwater Management Manual.
 - b. All types of BMPs shall be regularly maintained to continue to function as intended, according to the BIMC 15.21, Storm Water Facilities Maintenance Program. Such measures may include, but are not limited to:
 - i. Vegetated shoreline buffers and setbacks.
 - ii. Low Impact Development techniques for infiltration (rain gardens, pervious surfaces).
 - iii. Methods described in the City's adopted Stormwater Manual (catch basins or settling ponds, oil interceptor drains, grassy swales).
 - iv. The release of oil, chemicals (including pesticides and herbicides), fertilizer or hazardous materials, and others listed in BIMC 15.26~~2~~ onto land or into the water is prohibited within the shoreline jurisdiction.

- v. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- 11. The use of fertilizer is allowed within the Shoreline Buffer and Site-specific Vegetation Management Area when measures are taken to protect the waters of the state.
 - a. Minimize or prevent the runoff of chemical laden into adjacent water bodies.
 - b. The direct runoff of fertilizer chemicals into adjacent water bodies is prohibited.
 - c. Application of fertilizer shall utilize BMPs outlined in the City's adopted Stormwater Management Manual.

4.1.7 Flood Hazard Management

4.1.7.1 Applicability

These provisions apply to primary flood hazard projects or programs. They also apply to construction, maintenance, repair, modification and/or expansion of flood hazard management systems. Provisions applicable to individual properties are in Section 6.0, Shoreline Modification Policies and Regulations. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; Appendix B; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.1.7.2 Policies

1. Base flood hazard management planning on applicable watershed management plans, critical area ordinances, and other comprehensive planning efforts. Coordinate flood hazard management among affected property owners and public agencies by considering the system-wide impacts of individual projects, cumulative impacts of individual projects, and ensuring that flood hazard protection measures do not result in a net loss of ecological function.
2. Allow removal of gravel for flood control should only if a biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction and that no net loss of ecological functions and ecosystem-wide processes will result. Removal must be part of a comprehensive flood management solution.
3. Ensure flood hazard management works are located, designed, constructed, and maintained to provide:
 - a. Protection of shoreline ecological functions and ecosystem-wide processes which may be damaged by interruptions of the geo-hydraulic system;

- b. Protection of water quality and natural ground water movement;
 - c. Protection of fish, vegetation and other life forms and their habitat vital to the aquatic food chain; and
 - d. Protection of recreation resources and aesthetic values such as point and channel bars, islands, and other shore features and scenery.
4. Give preference to non-structural methods over structural flood control methods wherever feasible, including prohibiting or limiting development in historically flood prone areas, regulating structural design, and limiting increases in peak-flow runoff from new upland development. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that nonstructural solutions would not sufficiently reduce the damage.

4.1.7.3 **Prohibited**

- 1. Flood control works are prohibited on estuary or embayment shores, on point and channel bars, and in salmon spawning areas, except for the purpose of fish or wildlife habitat enhancement or restoration or as approved for a foundation for redevelopment of a legally established primary residential structure in the Point Monroe District.
- 2. Flood control structures and stream channelization projects that damage fish and wildlife resources, recreation or aesthetic resources, or create high flood stages and velocities shall be prohibited.

4.1.7.4 **Regulations – General**

- 1. Flood hazard management shall be a conditional use in the Shoreline Residential Conservancy, Island Conservancy, Shoreline Residential, Urban and Aquatic designations and prohibited in the Natural and Priority Aquatic designations, except in the Point Monroe District.
- 2. The City shall require the applicant to provide the following information during its review of shoreline flood management projects and programs.
 - a. Channel hydraulics and floodway characteristics up and downstream from the project area;
 - b. Existing shoreline stabilization and flood protection works within the area;
 - c. Physical, geological and soil characteristics of the area;
 - d. A biological resource inventory and analysis prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources; and
 - e. A hydraulic analysis prepared by a licensed professional engineer that describes anticipated effects of the project on hydraulics including:
 - i. Potential increases in base flood elevation; and

- ii. Geo-hydraulic processes leading to erosion or adverse effects to shoreline resources and uses; and
 - iii. Potential for redirection of the normal flow of the affected stream; and
 - iv. Predicted impact upon adjacent properties and shoreline and water uses; and
 - v. Analysis of alternative flood protection measures, both structural and nonstructural; and
 - vi. An analysis of the flood frequency, duration and severity and expected health and safety risks as a rationale and justification for the proposed structure; and
 - vii. Proposed provisions for accommodating public access to and along the affected shoreline, as well as any proposed on-site recreational features; and
 - viii. A description of any proposed plans to remove vegetation and revegetate the site following construction.
- 3. The City shall require flood control structures to be professionally engineered and designed prior to final approval. The design shall be consistent with the Department of Fish and Wildlife Aquatic Habitat Guidelines and other applicable guidance and regulatory requirements.
- 4. Flood control structures shall be permitted only when there is credible engineering and scientific evidence that:
 - a. They are necessary to protect existing, lawfully established development; and
 - b. They are consistent with BIMC 15.16, Flood Damage Prevention and the City Comprehensive Plan; and
 - c. Non-structural flood hazard reduction measures are infeasible; and
 - d. Proposed measures are consistent with an adopted comprehensive flood hazard management plan, if available.
- 5. When permitted, flood control structures shall be:
 - a. Constructed and maintained in a manner that does not degrade the quality of affected waters or the habitat value associated with the in stream and riparian area; and
 - b. Placed landward of the OHWM except for weirs, current deflectors and similar structures to protect public bridges and roads; and
 - c. Placed landward of associated wetlands and designated habitat conservation areas, except for structures with a primary purpose of improving ecological functions and processes; and
 - d. Designed based on engineering and scientific analyses that provide the highest degree of protection to shoreline ecological functions or processes; and

- e. Designed to allow for normal ground water movement and surface runoff. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless they are actually causing bank erosion or higher flood stages; and
 - f. Designed to allow streams to maintain point bars and associated aquatic habitat through normal accretion so that the stream can maintain normal meander progression and maintain most of its natural storage capacity.
6. No flood control structure shall be installed or constructed without first having obtained all applicable federal, state, and local permits and approvals, including but not limited to a hydraulic project approval (HPA) from the Department of Fish and Wildlife and Federal Emergency Management Agency (FEMA) requirements for National Flood Insurance Program (NFIP) communities pertaining to flood prone areas. Conditions of the hydraulic project approval permit (HPA) issued by Washington State Department of Fish and Wildlife shall be incorporated into permits issued for flood protection.
 7. Removal of beaver dams to control or limit flooding shall be allowed provided that the project proponent coordinates with the Department of Fish and Wildlife and obtains all necessary permits and approvals from the state.
 8. Flood protection measures that alter, reroute, or change the shoreline may be approved as a conditional use only if it is demonstrated that other flood protection and planning measures would be insufficient. Alternative measures shall be considered in the following sequence:
 - a. No action
 - b. Non-structural measures such as vegetation enhancement or comprehensive planning
 - c. Increase building setbacks and/or relocate structures to a feasible location and/or elevate the structures.
 - d. Implement flexible/natural materials and methods, beach nourishment, protective berms, bioengineered solutions or other soft-treatment measures.
 - e. Apply development restrictions.

4.1.8 Shoreline Restoration and Enhancement

4.1.8.1 Applicability

This section provides for restoration and enhancement of ecologically impaired areas or areas with the goal of achieving a net gain in shoreline ecological functions and ecosystem-wide processes above the baseline conditions as of the adoption of this shoreline master program. Restoration and enhancement provisions apply to activities and projects proposed and conducted specifically for the purpose of establishing, restoring, or enhancing ecological functions and ecosystem-wide processes within shoreline upland, beach and/or aquatic areas measured below the ordinary high water mark (OHWM). Shoreline restoration activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and

may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater; Section 4.1.3, Vegetation Management; Appendix B; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.1.8.2 Goal

Over time, create net ecosystem-wide improvement in the shoreline environment by improving impaired shoreline ecological functions and ecosystem-wide processes that have been degraded or diminished. This will be accomplished through voluntary and incentive-based public and private programs and actions that restore and enhance shoreline areas prioritized through a restoration plan.

4.1.8.3 Policies

1. Improve shoreline ecological functions and ecosystem-wide processes through restoration and enhancement actions designed using principles of landscape and conservation ecology with the primary goal being to restore and/or enhance physical and biological ecosystem-wide processes that create and sustain shoreline habitat structures and functions.
2. Encourage and facilitate cooperative shoreline restoration and enhancement programs between local, state, and federal agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or ecosystem-wide processes.
3. Target restoration and enhancement actions to improve habitat requirement of priority species, such as Chinook and other species and/or locally important plant, fish and wildlife species; and/or other populations or habitats for which a prioritized restoration of recovery plan is available.
4. Integrate restoration and enhancement with other natural resources management efforts such as Puget Sound Salmon recovery planning, West Sound Watershed planning and Water Resource Inventory Area(WRIA) 15 Watershed Management planning.
5. As feasible, include provisions for shoreline vegetation restoration, fish and wildlife habitat enhancement, and low impact development techniques in projects located within the shoreline through project mitigation and incentive-based restoration.
6. Seek funding from state, federal, private and other sources to implement restoration and enhancement, and provide support to restoration work by identifying shoreline restoration priorities and organizing information on available funding sources for restoration implementation.
7. Encourage restoration and enhancement projects by developing project permitting and processing guidelines that will streamline the review of restoration-only projects.
8. Identify and encourage the use of tax incentive programs, mitigation banking, grants, land swaps, or other programs as they are developed, to encourage restoration and

enhancement of shoreline ecological functions and ecosystem-wide processes and to protect habitat for fish, wildlife and plants.

9. Avoid adverse impacts to existing critical saltwater habitat areas, fish and wildlife habitat conservation areas, water quality and flood holding capacities.
10. Restore or enhance Island shorelines in conjunction with shoreline stabilization, recreational enhancement, and aquatic habitat creation or restoration. Do not allow creation of new land area along the shoreline below the OHWM to raise the elevation to create dry upland areas.
11. Encourage supplementary beach nourishment where existing shoreline stabilization has the potential to decrease existing beach materials at or down-drift from the project site and should be coordinated with an Island-wide shoreline restoration plan.
12. Promote shoreline stabilization that incorporates beach restoration or enhancement in accordance with the restoration provisions of this Master Program.

4.1.8.4 Objectives

1. Encourage and facilitate cooperative restoration and enhancement programs between local, state and federal public agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or ecosystem-wide processes.
2. Restore and enhance shoreline ecological functions and processes as well as shoreline features through voluntary and incentive-based public and private programs.
3. Target restoration and enhancement towards improving habitat requirements of priority and/or locally important wildlife species.
4. Ensure restoration and enhancement is consistent with and, where practicable, prioritized based on the biological recovery goals for Chinook and bull trout populations and other species and/or populations for which a recovery plan is available.
5. Seek funding for various restoration actions and programs from local sources and by working with the Bainbridge Island Metropolitan Park and Recreation District and other jurisdictions in the WRIA 15 and stakeholders to seek federal, state, grant and other funding opportunities.
6. Continue to develop and implement the City's Shoreline Stewardship Program as a public education program to inform private property owners in the shoreline jurisdiction and in the remainder of the City about the effects of land management practices and other unregulated activities (such as vegetation removal, pesticide/herbicide use, car washing) or fish and wildlife habitats.

4.1.8.5 Regulations – Restoration

1. Restoration activities are permitted in all designations, and shall be carried out in accordance with the objectives of an approved shoreline restoration plan and in accordance with the policies and regulations of this Program.

4.1.8.6 Beach Nourishment and Enhancement

4.1.8.6.1 Policies

1. All beach enhancement projects should ensure that aquatic habitat, existing water quality levels and flood-holding capacities are maintained.
2. Beach restoration/enhancement utilizing self-sustaining systems should be required where;
 - a. The length and configuration of the beach will accommodate such systems;
 - b. Such protection is a reasonable solution to the needs of the specific site; and
 - c. Beach restoration/enhancement will accomplish one or more of the following objectives:
 - i. Recreate or enhance natural conditions.
 - ii. Create or enhance natural habitat.
 - iii. Mitigate erosion.
 - iv. Enhance access to the shoreline.
3. Supplementary beach nourishment should be encouraged where existing shoreline stabilization is likely to increase impoverishment of existing beach material at or down drift from the project site.

4.1.8.6.2 Regulations – Prohibited

1. Dikes, levees, jetties, groins, gabions and breakwaters, are prohibited. Drift sills for enhancement or restoration projects may be allowed.
2. Beach nourishment is prohibited unless part of an approved mitigation plan or restoration project within spawning, nesting, or breeding habitat and/or where littoral drift of the enhancement materials enhances shoreline and does not adversely affects shoreline ecological functions and shoreline ecosystem-wide processes or adjacent properties.

4.1.8.6.3 Regulations – General

1. Mitigation/enhancement/restoration proposal design alternatives shall include the best available technology.
2. Mitigation/enhancement/restoration proposals shall not:
 - a. Detrimentially interrupt littoral drift, or redirect waves, current or sediments to other shorelines;
 - b. Result in any exposed groin-like structures, provided that small “drift sill” groins may be used as a means of stabilizing restored sediment as part of a permitted beach restoration program;

- c. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;
 - d. Result in contours sufficiently steep to impede easy pedestrian passage, or to trap drifting sediments;
 - e. Create additional dry land mass; or
 - f. Disturb valuable shallow-water fish/wildlife habitat as determined by the Department of Fish and Wildlife, unless such habitat is immediately replaced by new habitat that is comparable or better.
3. Beach Restoration Construction Standards:
- a. The size and/or mix of new material to be added to a beach shall be as similar as possible to the undisturbed bluff sediment and Washington Department of Fish and Wildlife approved material (i.e. “Fish mix, or smaller grain size). The material shall not predominately consist of grain size similar to clay or silt.
 - b. The restored beach shall approximate, and may slightly exceed, the natural beach width, height, bulk, or profile (but not so as to obviously create additional dry land mass).

4.1.8.6.4 *Specific Regulations – Beach Enhancement*

1. Beach enhancement shall be a conditional use in all environments and shall be undertaken only for restoration, enhancement and maintenance of natural resources, or to enhance public access to the shoreline. Beach enhancement is prohibited if undertaken upland of Priority Aquatic designation.

4.2 *General Use*

4.2.1 Nonconforming Uses, Non-Conforming Lots, and Existing Development

4.2.1.1 Applicability

This section applies to shoreline uses and/or structures that were lawfully established or constructed prior to the effective date of the initial adoption of the Master Program (November 26, 1996) or its amendments, but which do not conform to present regulations or standards of the Master Program.

4.2.1.2 Goal

It is the purpose of this program to recognize legally established primary residential structures, and to allow them to be maintained, repaired, remodeled, replaced and in some cases expanded in conformance with these rules. Residential structures that do not conform to this program should, over time, as the owner proposes changes to the structure, conform as completely as possible to this program, with due regard to unique site conditions and property rights.

It is further the purpose of this program to ultimately, over time, have uses and commercial structures conform to the provisions of this program. Over time, uses and commercial structures that do not conform to the standards of this program should be phased out as uses cease or redevelopment of structures occurs.

Note: Existing structures and uses that do not conform to this Program are not required to meet its requirements, unless the owner proposes changes to a structure or use that would require review under this Program.

4.2.1.3 Policies

1. Lawfully constructed commercial and industrial structures shall be allowed to be repaired, maintained, and remodeled provided that the alteration does not increase the nonconformity.
2. Lawfully constructed structures, established uses, public facilities, transportation structures, and/or lots of record located within the shoreline jurisdiction prior to the effective date of the Master Program but which do not conform to the present policies, regulations or standards, shall be allowed to continue and be repaired and maintained.
3. Lawfully constructed residential structures may be repaired, maintained and remodeled provided the alteration meets the goals and provisions of this program.
4. Lawfully constructed residential structures may be expanded in some circumstances, provided the expansion will not result in adverse impacts to shoreline ecological functions and processes, and mitigation is provided.
5. Once discontinued, re-establishment of nonconforming uses located in the shoreline jurisdiction shall be restricted.
6. Lawfully constructed commercial structures that are located in the shoreline jurisdiction are to be phased out over time. Depending on the extent and intensity of the nonconformity, a primary residential structure and primary appurtenance, may be allowed certain alteration or expansion, provided that adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.
7. Lawfully constructed structures that are destroyed by fire, explosion, flood, or other casualty may be restored or replaced without increasing or expanding the nonconformity, and are encouraged to decrease nonconformity. Legally established overwater structures that are destroyed may be reconstructed to the same size, but the configuration may be altered to reduce the impact to the shoreline environment provided the size of the nonconformity is not increased. Such redevelopments may be permitted provided that impacts to shoreline functions and processes are mitigated or restored, and the reconstruction application is submitted within two years of the date of destruction.
8. Provisions for reconstruction of a lawfully constructed residential house shall allow certain expansions of the existing structure when it can be demonstrated that the

expansion will not result in adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.

9. Legally created nonconforming lots of record may be developed provided that adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.
10. Redevelopment of nonconforming public rights-of-way and associated existing transportation structures may be permitted for purposes of facilitating essential public access, development of public trails and/or public shoreline access.

4.2.1.4 Regulations – General

1. Nonconforming uses and developments and/or existing buildings and structures that were lawfully constructed or existed prior to the effective date of initial adoption of this Program (November 26, 1996), or its amendments, but which do not meet the specific standards of this Program, may be continued subject to the provisions of this section; provided that shoreline modifications shall conform to Section 6.1, General Shoreline Modification Provisions, and Section 6.2, Shoreline Stabilization.
2. A complete application for any reconstruction under this section must be submitted within two (2) years of the date of damage or removal, and upon approval of the application, redevelopment must be completed within one (1) year of the commencement of reconstruction. A one (1) year extension may be granted, provided that a written request is submitted no later than twenty-one (21) days prior to either deadline and provided that the owner is not responsible for the delay.
3. An existing use designated by the adoption of an applicable amendment hereto as a conditional use that lawfully existed prior to the adoption of the Program or the adoption of an applicable amendment hereto and which has not obtained a conditional use permit, shall be considered a legal nonconforming use and may be continued subject to the provisions of this section without obtaining a conditional use permit.
4. A structure for which a variance has been issued but which does not comply with applicable requirements of this Program as amended shall be considered a legal existing structure and the requirements of this section shall apply.
5. Any permitted remodel or expansion shall not cause adverse impacts to shoreline ecological functions and/or processes.

4.2.1.5 Regulations - Nonconforming Uses

1. Nonconforming uses shall not be altered or expanded in any way that increases the nonconformity.
2. If a nonconforming use is discontinued for twelve (12) consecutive months, any subsequent use shall be conforming; except that if a nonconforming use is operated within a nonconforming structure that is accidentally damaged or destroyed and reconstruction is proposed under Section 4.2.1.6.1(3), then the use may be re-

established within the same time period as the reconstruction for the nonconforming structure pursuant to Section 4.2.1.4(2)

3. A nonconforming use cannot be changed to another nonconforming use.
4. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, provided that all provisions are met.

4.2.1.6 Regulations – Existing Development

4.2.1.6.1 General Provisions – Nonconforming Structures

1. Existing structures may be maintained, repaired, renovated, or remodeled provided all the following is met:
 - a. Changes to the structure that would alter or increase the nonconformity are not permitted;
 - i. Any vertical or horizontal extension of a wall must meet the provisions of this program.
 - ii. Adding to the footprint of an existing structure is permitted as long as the addition meets the requirements of this program.
 - b. There is no further encroachment into the buffers unless allowed by this program or through an approved variance;
 - c. Renovations or remodels are entirely contained within the building;
 - d. If moved, the structure shall be made to conform to regulations of this program.
2. If an existing primary structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event, provided the use is conforming or meets the provisions of Section 4.2.1.4, Regulations-General, and 4.2.1.5, Regulations – Nonconforming Uses, above.
 - a. This provision shall not apply to structures that are destroyed due to a criminal act initiated by the property owner; and
 - b. The replacement structure shall not warrant new shoreline stabilization for the life of the new structure.
 - c. The replacement structure meets geologically hazard provision for existing development in Section 4.1.5, Regulations – **Nonconforming Uses**, and Appendix B.

4.2.1.6.2 Existing Structures – Commercial and Industrial (Primary and Accessory)

1. Existing commercial structures shall not be altered or expanded in any way that increases the nonconformity without first obtaining a variance.
2. Reconstruction of existing commercial structures and buildings intentionally demolished or destroyed in any other manner than described in Section 4.2.1.6.1(2), shall be in conformance with all standards of the Program.

4.2.1.6.3 Existing Structures – Residential Single-Family: Primary Structures

1. If an existing primary residential structure is damaged or destroyed as described in Section 4.2.1.6.1(2), the existing primary residential structure configuration may be altered or expanded pursuant to subsections 4.2.1.6.3(2-4).
2. An existing primary residential structure may be altered or expanded to the extent allowed by this Program, provided:
 - a. Enlargement or expansion of the building configuration, including any new impervious surfaces located within the Shoreline Buffer shall be located landward of the existing or original building footprint, only one such expansion may occur within the lifetime of the development, and the expansion shall not exceed:
 - i. The allowed building area for Point Monroe District, Section 5.9.6(2).
 - ii. The allowed building area for encumbered lots, Section 4.2.1.7.
 - iii. For structures not meeting i or ii; twenty five percent (25%) of the existing building footprint.
 - b. Any vertical expansion must meet height requirements of this Program;
 - c. Remnant foundation and/or impervious surfaces located within the Shoreline Buffer shall be removed;
 - d. Mitigation of the shoreline buffer is provided in accordance with Section 4.1.2, Environmental Impacts;
 - e. The remodel or expansion shall not cause adverse impacts to shoreline ecological functions and/or processes; and
 - f. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.
3. Permitted expansion of an existing structure shall not substantially impact the existing views of the water from primary waterfront residences or public rights-of-way to any greater degree than a fully conforming structure.
4. Increases in structure footprint outside of the Shoreline Buffer shall be allowed, even if all or a portion of the existing footprint is within the Shoreline Buffer. In such case,

the addition or enlargement shall be treated as a separate building or structure in determining conformity to all of the requirements of this Program.

4.2.1.6.4 *Existing Structures – Multifamily Residential: Primary Structures*

1. If an existing primary multifamily residential structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event, including building height and footprint of the structure.
 - a. This provision shall not apply to structures that are destroyed due to a criminal act involving the property owner; and
 - b. The replacement structure shall not warrant new shoreline armoring for the life of the new structure; and
 - c. The reconstruction shall not cause adverse impacts to shoreline ecological functions and processes.
 - d. The replacement structure meets geologically hazard provision for existing development in Section 4.1.5, Critical Areas, and Appendix B.
2. An existing primary multifamily residential structure or portion thereof may be reconstructed, altered, or expanded, including the footprint and/or the height increased, to the extent allowed by this Program, if the following are met:
 - a. Public access is provided pursuant to Section 4.2.4.6, Regulations – Public Access Design and Location Standards; and
 - b. Mitigation of the shoreline buffer is provided to meet no net loss, as detailed in Section 4.1.2, Environmental Impacts, including revegetation standards in Section 4.1.2.5(3).

4.2.1.6.5 *Existing Structures – Residential: Accessory Structures*

1. If an existing residential accessory structure is damaged, destroyed or intentionally demolished, the reconstruction shall be in conformance with all standards of the Program, except:
 - a. An existing essential single family residential accessory structure may be reconstructed as follows:
 - b. Replacement structure is the same bulk dimension as the existing structure.
 - c. Replacement structure may be located within Zone 2 provided mitigation occurs in accordance with 4.1.2.5, Regulations – Revegetation Standards.
 - d. Attached decks essential to a single family residence may be replaced in the same location.

- e.. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.

4.2.1.7 Regulations – Encumbered and Nonconforming Lots

1. Single-family development and redevelopment, except in the Point Monroe District, that is proposed on a legal nonconforming lot located in the shoreline jurisdiction or proposed for a shoreline property that is significantly encumbered by shoreline or critical area buffers, may be allowed without a shoreline variance when the following criteria are met:
 - a. A lot contains a building area of 2,500 square feet or more available for a single-family residence and normal appurtenances and unrestricted by buffers from shorelines or critical areas shall comply with the provisions of this Program. The building area means the entire area that will be disturbed to construct the home, normal appurtenances (except drainfields), and landscaping; or
 - b. A lot that does not meet the requirement of subsection 1.a above, shall meet the following:
 - i. Landslide hazard provisions of Section 4.1.5, Critical Areas, and Appendix B and provide the maximum buffer dimension feasible for critical areas; and
 - ii. Provide a building area not to exceed 2,500 square feet with maximum lot coverage of 1,200 square feet. The building area shall be located on the portion of the lot providing the maximum Shoreline Buffer dimension with consideration given to view; and
 - iii. All single-family residential development approved under this section shall meet the shoreline structure view setback provisions in Section 4.1.3.11, Regulations – Shoreline Structure Setback View Requirement; and
 - c. The area between the structure and the shoreline and/or critical area shall comply with revegetation standards in Section 4.1.2.5(3), the vegetation conservation standards of Section 4.1.3, Vegetation Management, and provisions of Section 4.1.5 Critical Areas, and Appendix B; and
 - d. Development may not take place waterward of the ordinary high water mark; and
 - e. Facilities such as a conventional drainfield system may be allowed outside of the building area specified above, and allowed within buffer areas, except wetlands buffers. Such facilities shall not be located closer than 75ft to OHWM; and shall be subject to regulations of Section 4.1.5, Critical Areas.

4.2.1.8 Regulations – Nonconforming Public Facilities & Transportation

1. Nonconforming public facilities shall be allowed to continue and to be repaired, maintained, or remodeled.

2. Redevelopment of nonconforming public rights-of-way and associated transportation structures are allowed for purposes of facilitating essential public access, development of public trails, and/or public shoreline access, provided that no other alternative is feasible and redevelopment shall be otherwise consistent with the provisions of this Program, including but not limited to the provisions for public access and no net loss of shoreline ecological functions and processes.

4.2.1.8 Regulations - Existing Residential and Commercial: Aquatic Structures and Accessory Aquatic Structures

1. Existing docks floats, and buoys may be repaired and replaced in the same foot print and shall comply with this Program's requirements for materials and standards, to the extent practicable.
 - a. Except that as a minor conditional use, an existing dock may be modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.
2. Except for docks and floats, repair and replacement up to 50% of the footprint of any existing aquatic structures, including shoreline modifications, or buildings or portions thereof within the Aquatic or Priority Aquatic designations, shall only be done once within any five year period. Such replacements shall comply with this Program's requirements for materials and standards to the extent practicable. If the structure is composed of several components, then the 50% shall be calculated independently for each component.
3. The replacement shall meet Section 4.1.2, Environmental Impacts, including the mitigation sequencing standards of Section 4.1.2.6, Regulations-Mitigation, to meet the standard of no net loss of shoreline ecological functions and/or processes. Shoreline stabilization shall also meet the alternative analysis provision of Section 6.2.8(1).

4.2.2 Cultural Resources

4.2.2.1 Applicability

The following provisions apply to cultural, archaeological and historic resources that are either recorded by the State Historic Preservation Office, affected Indian tribes and/or by local jurisdictions, or have been inadvertently uncovered. Archaeological sites located both in and outside shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with Chapter 25-48 WAC (archaeological excavation and removal permit) as well as the provisions of this Master Program. Shoreline development and activities associated with cultural resources will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical

Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; Appendix B; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.2.2 Policies

1. Due to the limited and irreplaceable nature of the resource(s), prevent the destruction of or damage to, any site having historical, cultural, scientific or educational value as identified by the appropriate authorities, including affected Indian tribes, and the Washington State Department of Archaeology and Historic Preservation.
2. Ensure that public or private uses and activities are compatible with any site having historic, prehistoric, cultural, scientific or educational purpose or value as identified by the appropriate authorities.
3. Develop guidelines to direct private and public development with regard to historic structures and areas. Require on-site interpretive signs, plaques or other interpretive and educational measures when a project impacts or retains cultural resources, unless prohibited by law.
4. Coordinate with the Metropolitan Park District to ensure Comprehensive Plan's consistency with cultural resource management policies.

4.2.2.3 Regulations - General

1. New or expanded shoreline use and development, including preferred uses, restoration projects and uses exempt from permit requirements shall:
 - a. Preserve and protect cultural resources that are recorded by the Washington State Department of Archaeology and Historic Preservation or local registry and resources that are inadvertently discovered during use or development activities; and
 - b. Consult the City, the Washington State Department of Archaeology and Historic Preservation and affected tribes prior to beginning development so there is ample time to assess the site and make arrangements to preserve cultural resources; and
 - c. Comply with all state and federal regulations pertaining to archaeological sites.
2. Significant cultural resources shall be permanently preserved for scientific study, education, and public observation. Employ all feasible means to ensure that data, structures, and sites having historical, archaeological, cultural, scientific, or educational significance are preserved, extracted, or used in a manner commensurate with importance. Unless an alternate period is agreed to by the applicant, or if a different federal or state law supersedes this SMP, the City may postpone development activities a maximum of 90 days to allow for the:
 - a. Development of a Cultural Resource Management Plan and/or retrieval and preservation of significant artifacts.

- b. Investigation of public acquisition potential, including:
 - i. Consulting with Historic Preservation Commission on grant opportunities; and
 - ii. Informing City Council of opportunity.
- 3. When determining potential impacts to cultural resources, the project area shall be limited to proposed development use pattern, including associated areas, such as paths, equipment storage and appurtenances.
- 4. Archaeological excavations may be permitted subject to the provisions of this program.

4.2.2.4 Regulations - Procedure

- 1. When reviewing a permit, the City will use the following methods to determine probability of cultural resources occurrence:
 - a. Predictive models;
 - b. Local and State Inventory; and
 - c. Registries:
 - i. National Register of Historic Places
 - ii. Washington Heritage Register
 - iii. Heritage Barn Register
- 2. The following shall be required of the City when permits or statements of exemptions are issued in areas known to contain, or to have a significant probability of containing cultural resources:
 - a. The Washington State Department of Archaeology and Historic Preservation and affected tribes shall be notified of the proposed activity, including timing, location, scope, and resources affected; and
 - b. The applicant shall provide a Cultural Resource Site Assessment and a Cultural Resource Management Plan, for review and approval pursuant to subsection 3, below; and
 - c. Costs for the Cultural Resource Site Assessment and Cultural Resource Management Plan are the responsibility of the applicant; and
 - d. The applicant shall identify areas and fence off known or suspected archaeological middens and areas of cultural significance according to the Cultural Resource Management Plan, prior to site development or proposed activities.

3. If a Cultural Resource Assessment identifies significant cultural resources, the applicant shall be required to submit a Cultural Resource Management Plan (CRMP) which shall include:
 - a. An analysis of actions to be taken by the property owner, applicant, archaeologist, or historic preservation professional in the event that an inadvertent discovery of historic, archaeological, or cultural sites or artifacts occurs during site development; and
 - b. An explanation of why the proposed activity requires a location on, or access across and/or through, a significant cultural resource; and
 - c. A description of the cultural resources affected by the proposal; and
 - d. An assessment of the cultural resource and an analysis of the potential adverse impacts as a result of the activity; and
 - e. Measures recommended to prevent adverse impacts or to address review comments from the City, Washington State Department of Archaeology and Historic Preservation, and affected tribes;
 - f. Measures recommended for mitigation; and
 - g. Measures for identification and education. Interpretive signs, plaques, or other interpretive and educational measures of historical and archaeological features shall be provided, unless the identification of the location of the cultural resource is protected by state or federal laws. (See Applicability for laws governing Archaeological sites.)
4. If archaeological resources are inadvertently uncovered during construction or other activities, the property owner(s) shall immediately stop work and comply with the provisions of Subsection 2, and the following:
 - a. The applicants(s) must first receive permission from the State Office of Archaeology and Historic Preservation and the City, prior to further site disturbance (RCW 27.53.060 or its successor).
5. Identified historical or archaeological resources shall be considered during project planning for all park, open space, public access and projects with access to such areas. Projects shall be designed and managed to give maximum protection to retain cultural resources and surrounding environment.
6. The project may be exempt from shoreline permit requirements in the event that unforeseen factors constituting an emergency (as defined in RCW 90.58.030 or its successor) necessitate rapid action to retrieve or preserve artifacts or data. When such a waiver is provided, the City shall notify the Washington State Department of Ecology, the State Attorney General's Office, and the Washington State Department of Archaeology and Historic Preservation.

4.2.3 Parking

4.2.3.1 Applicability

The following should apply only to parking that is accessory to a permitted shoreline use. Additional parking regulations in the BIMC Title 18, Zoning, may also apply. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; Appendix B; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.3.2 Policies

1. Allow parking that directly serves a shoreline use and that is sensitive to adjacent shorelines and properties. Encourage accessible parking for road ends; limit accessory motorized parking within the shoreline jurisdiction, except for ADA parking services; and encourage parking facilities for non-motorized transportation.
2. Ensure parking facilities are located, designed, constructed, and operated to minimize adverse impacts to water quality, aesthetics, public access, vegetation and habitat, stormwater runoff, noise, and glare. Low impact development techniques, such as permeable surfaces and/or rain gardens (bio-retention cells), should be required of all parking, including single-family residences where suitable site conditions exist.
3. Design and locate parking to serve more than one use (e.g., recreational use on weekends, commercial uses on weekdays).

4.2.3.3 Regulations – Prohibited Uses

1. Parking as a principal use (i.e., not accessory to an authorized use) except when provided as part of a public road end or scenic vista.
2. Parking shall be prohibited over water except at the publicly-owned ferry terminal in the Urban designation.

4.2.3.4 Regulations – General

1. Parking in the shoreline jurisdiction shall directly serve a shoreline use and shall require a conditional use permit in the Natural designation.
2. Parking supporting specific land use activities within the shoreline jurisdiction is subject to the requirements and standards set forth in BIMC 18.15.020, in addition to the specific use regulations of this section.
3. Parking shall be prohibited over water except at the publicly-owned ferry terminal in the Urban designation.

4. Parking areas shall serve multiple facilities unless shown to the satisfaction of the Administrator not to be feasible.

4.2.3.5 Regulations – Location and Design

Parking shall comply with the following design standards as applicable (e.g. item 1 would not apply to over-water ferry terminal parking):

1. Parking facilities shall be located upland of the water-oriented portions of the development and where feasible, landward of the principal buildings unless contained within a permitted structure, and set back from the OHWM as established in Section 4.0, Table 4-2, Shoreline Setback.
2. The design and construction for single-family residential parking and parking facilities shall assure that surface water runoff will not pollute adjacent waters or cause soil or beach erosion, and shall meet the standards of Section 4.1.6. Water Quality and Stormwater Management. Oil separators and detention facilities shall be required for new parking facilities. Alternatives to conventional stormwater treatment, such as use of pervious materials, shall be considered where appropriate in order to minimize impacts of runoff and/or the need for stormwater treatment.
3. Security lighting associated with parking facilities shall be beamed, hooded, or directed so as to not cause a nuisance glare.
4. Parking facilities shall be separated from residential, recreation, and natural areas (e.g., the shoreline) by landscaping and/or screening in accordance with the landscaping requirements of BIMC Title 18, Zoning.
5. Parking facilities shall be designed and landscaped to minimize adverse impacts to adjacent shorelines and properties. Landscaping shall be designed and installed pursuant to BIMC 18.15.010(F), Parking Lot Landscaping, and shall provide screening within three (3) years of planting. Plantings shall be maintained for the life of the parking facility. The requirement for screening may be waived or modified by the Administrator, where screening would impact shoreline views from public property or public roadway or to address public safety concerns. Landscape areas shall not be used for the storage of materials or parking of automobiles or other vehicles.
6. Parking facilities shall provide safe and convenient pedestrian circulation within the parking area, and to the shoreline and building entrances. Pedestrian connections must be at least five (5) feet wide and shall either be a raised sidewalk or composed of a different material than the parking lot material. Parking facilities shall meet ADA standards.
7. Surface parking areas shall be developed using low impact development techniques whenever possible, including but not limited to the use of permeable surfacing materials.

8. Parking facilities contained in buildings that face a public pedestrian walkway, public use area, or public park must incorporate vegetation and/or building surface treatment to mitigate the visual impacts of the structured parking.

4.2.3.6 Regulations – Use Specific Parking and Circulation

1. See Table 4-1, Shoreline Use and Table 4-2, Shoreline Setback, for restrictions related to specific uses and the following regulations.

4.2.3.7 Specific Regulations – Boating Facilities Parking

1. Short-term loading areas may be located at ramps or near berthing areas. Long-term parking that is greater than 24 hours, and long-term paved storage areas shall be separated from the OHWM by a native vegetation buffer and setback at least one-hundred (100) feet, unless demonstrated to the satisfaction of the Administrator not to be feasible.
2. To the maximum extent possible, marinas and accessory uses shall share parking facilities, giving preference to marina use.
3. Parking facilities shall be provided according to the following schedule

First 50 moorage slips:	1 vehicle space per 2 slips
Slips 51 to 100:	1 vehicle space per 3 slips
Slips over 100:	1 vehicle space per 4 slips
4. Additional parking space shall be provided as follows:
 - a. An additional space for every four hundred (400) square feet of interior floor space devoted to accessory retail sales or services.
 - b. Where live-aboards are permitted, additional parking shall be provided at a rate of 1 vehicle per live-aboard vessel or houseboat allowed, except open water moorage and anchorage areas shall follow (c) and (d) below.
 - c. Live-aboard tenants of open water moorage and anchorage areas shall provide either:
 - i. Evidence of access to one legal vehicle parking space per anchorage/moorage space for the duration of the anchorage/moorage period; or
 - ii. An affidavit stating that no vehicle is owned or used by the tenant.
 - d. Two load/unload parking spaces shall be provided for transient users of open water moorage and anchorage areas.
5. Marinas and launch ramps shall be located where access streets are adequate to handle the traffic load generated by the facility and shall be designed to minimize other

circulation and access conflicts. Backing of trailers on public roads shall be discouraged and appropriate signage shall be provided.

6. Roads between marinas and arterial routes shall be satisfactory to the City for marina access including:
 - a. All-weather surfacing;
 - b. Width;
 - c. Safety;
 - d. Alignment;
 - e. Sign distance;
 - f. Grade; and
 - g. Intersection controls.
7. Marinas and boat launches shall be designed so that existing or potential public access along beaches is not unnecessarily blocked nor made dangerous, and so that public use of the surface waters below the OHWM is not unduly impaired.
8. At each public or quasi-public launch ramp, at least ten (10) car and trailer spaces measuring at least ten (10) feet by forty (40) feet shall be provided for each ramp lane.

4.2.3.8 Specific Regulations – Road Ends and Scenic Viewpoints Parking Facilities

1. Road ends shall contain a minimum number of two parking stalls, if feasible, which shall be designed pursuant to BIMC 18.15.020.
2. Trailheads shall contain a minimum number of two parking stalls, if feasible, which shall be designed pursuant to BIMC 18.15.020.

4.2.4 Public Access – Visual and Physical

4.2.4.1 Principles

The provisions of this section are intended to:

1. Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.
2. Protect the rights of navigation and space necessary for water-dependent uses.
3. To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.
4. Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.

4.2.4.2 Applicability

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and shoreline from adjacent locations. Public access provisions apply to all shoreline as prescribed by this program. Development, uses, and activities shall be consistent with Section 4.1.3, Vegetation Management. Public access provisions must be consistent with the Non-motorized Transportation Plan, a component of the Transportation Element of the Comprehensive Plan. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Appendix B; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.4.3 Goal:

Provide, maintain and enhance a safe, convenient and balanced system of visual and physical public access to the shoreline which includes a diversity of opportunities for the public to enjoy the shorelines of the state, including ADA access to the extent feasible, while recognizing or acknowledging the fragile natural features of the shoreline and the rights of private property ownership.

4.2.4.4 Policies

1. Develop, adopt and implement a comprehensive shoreline public access plan that incorporates public access into new shoreline development, unifies individual public access points into a system plan, and seeks new waterfront access points to increase visual and physical shoreline access through enhancement of publicly held land, incentives, easements, land acquisition, and other appropriate means.
2. Locate, design, manage and maintain public access in a manner that protects shoreline ecological functions and ecosystem-wide processes and the public health and safety.
3. Preserve and enhance physical and visual shoreline access. Shoreline development, uses, and activities should not unreasonably impair or detract from the public's physical and visual access to the water. Development provisions, such as height limits, setbacks and view corridors, should be utilized to minimize impacts to existing views from public property or substantial numbers of residences. Physical public access shall have priority over maintenance of views from adjacent properties, unless there is a compelling reason to the contrary. View enhancement should not adversely impact the ecological functions of shoreline vegetation.
4. Expand the amount and diversity of public shoreline access opportunities and promote public access to the water via road rights-of-way ("road ends") and public utility corridors and easements (where possible), with a goal of providing comparable access in all neighborhoods.

5. New commercial use development or development by public entities must include public access to the shoreline as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment. Where feasible, public access should be provided parallel to the beach (such as a walking/bicycling path or promenade) and waterward of all buildings in all commercial and all Urban designation.
6. The Winslow Waterfront Trail should be completed and protected through acquisition, easement dedication, or other appropriate means.
7. Require public access, both visual and physical, as a condition of approval for any new private or public shoreline development which diminishes existing public access or increases demand for public access commensurate with the impacts of such development and the corresponding benefit to the public. In such cases, public access should be required unless health, safety, or environmental protection needs cannot be met.
8. Public access should be designed to avoid or minimize adverse impacts to the shoreline environment; to minimize impacts to private property and individual privacy; to distinguish between public and private property; and to ensure public safety.
9. City-owned shorelines should be reserved for water-dependent or public recreational uses, or maintained as open space.
10. Shoreline and water views from public upland areas should be preserved and enhanced where it would not risk environmental damage. However, vegetation alteration or removal to achieve a filtered view should not be excessive.

4.2.4.5 Regulations - General

1. New development increasing demand for public access and/or reducing existing access by blocking or discouraging its use, shall incorporate provisions for visual and/or physical public access into any shoreline development that meets one or more of the following tests:
 - a. Is located in the Urban designation;
 - b. Includes commercial, industrial or any nonresidential uses located in any shoreline designations;
 - c. Includes residential development and/or residential land division that provides five or more dwelling units or building lots located in any shoreline environments; or
 - d. Includes new development or a use located on public land or managed by a public entity.
2. When public access provisions are required for development, the Administrator shall prepare written findings demonstrating consistency with the principles of nexus and

proportionality and the test stated in regulation (1), above. The determination shall include:

- a. Project-specific expected impacts;
 - b. Specific reasoning for determination of need for public access requirements;
 - c. How the suitable public access options are related to the specific project.
3. Public access will not apply as prescribed in regulation (1) above, if the determination does not demonstrate the need or the applicant demonstrates to the satisfaction of the City one or more of the following:
- a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means.
 - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
 - c. The cost of providing the access, easement, or an alternative public access amenity on or off the development site is unreasonably disproportionate to the total long-term cost of the proposed development.
 - d. Environmental impacts which cannot be adequately mitigated will result from the public access.
 - e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.
4. Prior to deciding public access is not required pursuant to regulation (2) or (3) above, the applicant must first demonstrate, and the City determine in its findings, that all reasonable alternatives have been exhausted, including, but not limited to:
- a. Regulating access by such means as maintaining a gate and/or limiting hours of use.
 - b. Designing separation of uses and activities (e.g., fences, terracing, use of one-way glazing, hedges, other landscaping).
 - c. Provision(s) for access on a site geographically separate from the proposal such as a road end, vista, tideland or trail system.
5. Development, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's existing physical and visual access to the water and shorelines; and shall balance the public's visual access to the shoreline with the retention of existing shoreline vegetation so as not to adversely impact the ecological functions and processes of existing shoreline vegetation.
- a. The public's physical shoreline access is a priority over maintenance of adjacent shoreline properties shoreline views.

- b. Where a development or use will interfere with an existing public access, the development or use shall apply mitigation sequencing principles and provide public access in proportion to the impact.
- c. Public upland properties may preserve and enhance public shoreline views through limited vegetation pruning and/or vegetation removal to achieve a filtered view as described in the filtered screen landscaping provisions of BIMC 18.15.010, provided that it is demonstrated to the satisfaction of the Administrator that such visual enhancement measures
 - i. Do not adversely impact the environment, including the ecological functions of shoreline vegetation; and
 - ii. Meet the standards of Section 4.1.3, Vegetation Management of this Master Program.
- 6. The public's visual and physical access provided by shoreline road ends, public utilities, and rights-of-way shall not be diminished. [RCW 35.79.035 or its successor and RCW 36.87.130 or its successor]. Submerged public rights-of-way shall be preserved for public access.
- 7. Publicly owned shoreline properties shall be reserved for public water-dependent uses, public recreational uses, or public open space.

4.2.4.6 Regulations – Public Access Design and Location Standards

- 1. Public access shall consist of a dedication of land, easement, and/or a physical improvement such as a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters and may include interpretive centers and displays.
- 2. The minimum width of public access easements shall be 10 feet, unless the Administrator determines that undue hardship would result. In such cases, easement widths may be reduced only to the extent necessary to relieve hardship.
- 3. Public access shall incorporate the following location and design standards:
 - a. A public pedestrian access walkway located generally parallel to the ordinary high water mark of the property and waterward of buildings shall be required in the Urban designation, or for new commercial developments or where open space is provided along the shoreline, provided that the public access can be designed in a manner that will not adversely impact shoreline ecological functions and/or processes.
 - i. The walkway shall be buffered from sensitive ecological features and provide limited and controlled access to sensitive features and the water's edge where appropriate.
 - ii. Fencing may be provided temporarily to control damage to plants and other sensitive ecological features and permanently where appropriate.

- iii. Trails should be constructed of materials, such as permeable material or elevated structures appropriate for conditions to limit impacts to ecologically sensitive areas and should be limited to 4 feet in width to reduce impacts to ecologically sensitive resources.
- b. Public access where applicable should be designed to:
 - i. Be located adjacent to other public areas, accesses or connecting trails;
 - ii. Connect to the nearest public street and include connections to the Winslow Waterfront Trail and other planned trails as required and specified in the City's Non-Motorized Transportation Plan or Metropolitan Park District Comprehensive Plan; and
 - iii. Include provisions for handicapped and physically impaired persons where feasible and consistent with applicable state and federal law.
- c. Where views of the water or shoreline are available and physical access to the water's edge is not present or appropriate, a public viewing area shall be provided.
- d. Design shall minimize intrusions on privacy by avoiding locations adjacent to windows and/or private open spaces or by screening or other separation techniques.
- e. Public amenities that are appropriate to the level of expected use shall be provided to serve the users of a public access area, such as benches, picnic tables and sufficient public parking. Vista parking facilities shall include a significant public view and provide recreational opportunities such as picnic tables or viewing benches.
- f. Public facilities, public uses and commercial developments that attract a substantial number of people, and developments by government/public entities may be required to provide public restrooms, facilities for disposal of animal waste, and other appropriate public facilities.

4.2.4.7 Regulations – Public Access Permit Requirements

1. Development with public access requirements shall meet the following:
 - a. The required public access shall be fully developed and available for public use at the time of occupancy of the use or activity in accordance with conditions of approval, or in accordance with other provisions for guaranteeing installation within a 5-year period through a monetary performance assurance as approved by the City Attorney.
 - b. Public access easements and conditions of approval shall be recorded on the deed of title and/or on the face of the plat or short plat as a condition running with the authorized land use. Recording with the County Auditor's office shall occur at the time of permit approval. [RCW 58.17.110 or its successor].

- c. The standard state-approved logo or other approved sign(s) that indicate the public's rights of access and hours of access shall be constructed, installed, and maintained in conspicuous locations at public access sites. In accordance with regulation 4.2.4.6(3)(a) above, the City may control or restrict public access as a condition of permit approval.
 - d. Public access facilities shall be maintained over the life of the use or development unless the City approves amending access to provide equal or greater public access than currently provided. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
2. When properties are subdivided, owners of newly created lots which do not have frontage on the water shall be provided common access to the water, to the extent feasible and provided that it will not cause unacceptable environmental harm which cannot be adequately mitigated.

4.2.5 Signs

4.2.5.1 Applicability

Signs are regulated primarily through BIMC 15.08, Sign Code. The following provisions apply to all signs within the jurisdiction of the Shoreline Master Program, including signs used for the purpose of providing information related specifically to enhancing the public enjoyment of the shorelines through education and/or noting areas of special cultural or historical significance. These provisions do not apply to publicly owned signs where the purpose is to provide information regarding safety, direction, directions, and the like. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; Appendix B; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.5.2 Policies

- 1. Signs should be designed and placed so they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.
- 2. Signs should not block or otherwise interfere, during daylight or non-daylight hours, with visual access to the water or shorelands.
- 3. Signs should be of a permanent nature, should serve an approved use, and should be located on the property approved for such use.

4.2.5.3 Regulations - General

1. Signs for specific land use activities within the shoreline jurisdiction are subject to the requirements and standards set forth in the Bainbridge Island Municipal Code, Chapter 15.08, Sign Code, in addition to the regulations of this section.
2. Overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or as approved as part of a water-dependent use.
3. The following types of signs may be permitted, subject to the provisions contained within this section:
 - a. Water navigational signs and highway and road signs necessary for operation, safety and direction;
 - b. Public information/interpretive signs directly relating to a shoreline resource, use or activity;
 - c. Off-premise, free-standing signs for community identification, information, or directional purposes;
 - d. Signs with changing messages, provided that the information displayed on a non-lighted sign is limited to displaying time, temperature or date or public non commercial messages. Commercial electric signs with changing messages are prohibited;
 - e. National, state or institutional flags or temporary decorations customary for special holidays and similar events of a public nature; and
 - f. Temporary directional signs to public or quasi-public events if removed within ten (10) days following the event and permitted in accordance with BIMC Chapter 15.08.

4.2.5.4 Regulation – Public Access Signs

1. Signs indicating the public's right to access shoreline areas shall be installed and maintained in conspicuous locations at recreational facility points of access and entrances.
2. The location of new public access sites shall be clearly identified. Signs with the appropriate agency's logo shall be constructed, installed and maintained by the project proponent in conspicuous locations at the public access sites and/or along common routes to public access sites. The signs shall indicate the public's right of access, the hours of access, and other information.

4.2.6 Transportation Facilities

4.2.6.1 Applicability

Transportation facilities are also subject to Section 4.0, General (Island-wide) Policies and Regulations, including Tables 4-1 through 4-3; Section 3.0, Shoreline Designation Policies and Regulations; Section 4.1.5, Critical Areas and Appendix B; Section 4.1.6, Water Quality and Stormwater Management; Section 6.0, Shoreline Modification Policies and Regulations; Section 6.4, Dredging and Dredge Material Disposal; and Section 6.5, Fill. Construction and maintenance activities related to transportation facilities may require a Vegetation Management Plan and/or a Stormwater Pollution Prevention Plan (SWPP) pursuant to BIMC Chapter 15.20, Surface and Storm Water Management, and Master Program Sections 4.1.3, Vegetation Management, and 4.1.6, Water Quality and Stormwater Management. Transportation facility development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts and may also be reviewed under BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.6.2 Policies

1. Plan, locate and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, and will not result in a net loss of shoreline ecological functions and ecosystem-wide processes or adversely impact existing or planned water-dependent uses.
2. In planning for new transportation systems, give priority to transportation modes favoring multimodal systems. New roads and bridges should not be allowed, except access roads (including driveways) or when a bridge provides the least adverse impact to ecological functions and ecosystem-wide process.
3. Encourage trail and bicycle systems as a preferred access to and along the shoreline. Road reconstruction projects should include non-motorized transportation facilities.
4. When existing transportation corridors are vacated, acquire them for water-dependent use or public access.
5. Encourage joint use of transportation and utility rights-of-way within shoreline jurisdiction for roads and utilities.
6. Encourage state highway and public street modifications that promote stream restoration or mitigate existing environmental damage.
7. Encourage the completion of the Eagle Harbor Waterfront Trail.
8. Locate nonwater-oriented and water-related transportation facilities outside the shoreline jurisdiction.
9. Promote public views from roads and encourage projects to incorporate ADA compliant shoreline access opportunities.

10. Allow reconstruction of public roads located in the shoreline that are in danger of loss or substantial damage and which serve as the primary means of access to a substantial number of residents, if no feasible alternative is possible for relocating the road out of danger or where it would cause more ecological damage to do so, and where mitigation of impacts avoids a net loss of shoreline ecological functions and ecosystem-wide processes.

4.2.6.3 Regulations – Prohibited

1. The following transportation facilities are prohibited:
 - a. New highways, arterials, secondary arterials, railroad facilities, and heliports;
 - b. Additional bridges over Puget Sound waters to and from Bainbridge Island;
 - c. In the Priority Aquatic designation all transportation facilities, except trails; and
 - d. New transportation facilities in front of feeder bluffs, over driftways or on accretion shoreforms.
2. Fills for transportation facility development are prohibited in water bodies, wetlands, marshes, bogs, swamps and on accretion beaches except when there is a demonstrated purpose and public need that supports the uses consistent with this program, and alternatives to accomplish the same purpose have been shown to be infeasible. Such fill may be permitted by a conditional use permit and must comply with the provisions of Section 6.5, Fill.
3. Herbicides for roadside brush control on city roads in the shoreline jurisdiction, except when a city-approved integrated pest management plan is implemented. See Section 4.1.6, Water Quality and Stormwater Management.

4.2.6.4 Regulations – General

1. Pervious trails shall be permitted in upland shoreline designations.
2. Publicly-owned ferry terminals and services, except over-water facilities, are allowed as a permitted use in the Urban designation and in the adjacent aquatic environment. New over-water facilities in conjunction with a permitted ferry terminal are a conditional use in the Urban designation and in the adjacent aquatic environment and are prohibited in all other environments.
3. Float plane facilities and services are a conditional use in the Urban designation.
4. New access roads shall be allowed only where required because of one of the following:
 - a. Other means of access are demonstrated to the satisfaction of the Administrator to be infeasible or environmentally unacceptable; or
 - b. The road is needed for ferry service.

5. Transportation facilities and services shall utilize existing transportation corridors whenever possible, provided that facility additions and modifications will not adversely impact shoreline resources and are otherwise consistent with this program. Expansion of the existing corridor shall meet the provisions of Section 4.1.3, Environmental Impacts.
6. Shoreline road ends may not be vacated except in compliance with RCW 35.79.035 or its successor and RCW 35.79.035 or its successor.
7. Transportation facilities including, but not limited to, ferry terminals, and/or float plane terminals shall meet the height and setback standards in Table 4-2.

4.2.6.5 Regulation – Design, Construction and Maintenance

4.2.6.5.1 Construction and Maintenance

1. Waste material from both construction and maintenance activities, including drainage ditch clearing, shall not be deposited into or cast on the side of roads within a shoreline, water body, wetland, estuary, tideland, accretion beach, and other unique natural area. Such materials shall be deposited in stable locations where re-entry and erosion into such areas is prevented.
2. No machinery shall be operated within or along a stream bed, marine shoreline, lake, wetland or pond except in compliance with a hydraulics permit approval (HPA) issued by the Washington State Department of Fish and Wildlife. If an HPA is not required, operation of machinery may be approved by the Administrator.
3. Existing roads corridors shall be adequately maintained with site-appropriate native vegetation where feasible to provide slope stability and to enhance shoreline function. Shoreline scenic drives and viewpoints may provide breaks periodically in the vegetative buffer to allow open views of the water.

4.2.6.5.2 Road Design

1. Transportation facilities shall employ low impact development techniques according to the provisions of Section 4.1.6, Water Quality and Stormwater Management.
2. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies; where doing so minimizes adverse impacts to the shoreline.
3. Roadway design shall include facilities for bicycle and pedestrian routes as prioritized in the Non-Motorized Transportation Plan.
4. Culverts, bridges and similar devices shall be designed to pass water, sediment, and debris loads anticipated under appropriate hydraulic analysis in compliance

with the stormwater regulations of BIMC 15.20, Surface and Storm Water Management, and shall not impede the migration of anadromous fish.

5. The use of hard shoreline stabilization in transportation facility design shall be employed only when it is demonstrated to the Administrator that alternatives are impracticable or infeasible.

4.2.7 Utilities (Primary and Accessory)

4.2.7.1 Applicability

These provisions apply to services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. On-site utility features serving a principal use, such as water, sewer or gas line to a residence, are “accessory utilities” and shall be considered a part of the principal use. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; Section 6.0, Shoreline Modification Policies and Regulations; Appendix B; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.7.2 Policies – Primary Utility

1. Design and locate utility facilities to assure no net loss of shoreline ecological functions and ecosystem-wide processes, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.
2. Ensure utilities utilize existing transportation and utility sites, rights-of-way, and corridors whenever possible, rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.
3. Do not allow utility production and processing facilities, such as power plants, sewage treatment plants, and solid waste disposal activities and facilities, or parts of those facilities that are nonwater-oriented in shoreline areas unless it can be demonstrated that no other feasible option is available.
4. Do not allow new utilities where shoreline stabilization is required.
5. Ensure utilities and utility corridors locations do not obstruct or otherwise affect scenic views. Whenever feasible, such facilities should be placed underground or alongside or under bridges.
6. Locate transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, outside of the shoreline area where feasible, and when necessarily located within the shoreline area, assure such facilities demonstrate no net

loss of shoreline ecological function. Communication towers shall be prohibited in the shoreline area.

7. Discourage development of pipelines and cables on tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance which disrupt shoreline ecological functions and ecosystem-wide processes, except where no other feasible alternative exists. When permitted, provisions shall assure that the facilities do not result in a net loss of shoreline ecological functions and ecosystem-wide processes or significant impacts to other shoreline resources and values.

4.2.7.3 Policies – Accessory Utilities

1. On-site utilities and rights of way should be:
 - a. Located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.
 - b. Designed and located in a manner which preserves the shoreline ecology, water quality and the natural landscape to avoid and minimize adverse affects to shoreline ecological functions and ecosystem-wide processes, and minimizes conflicts with existing or planned land uses.

4.2.7.4 Regulations - Prohibited

1. The following uses associated with utilities shall be prohibited within shoreline jurisdiction:
 - a. New solid waste disposal sites and facilities;
 - b. Primary radio, cellular phone and microwave towers;
 - c. Utilities requiring withdrawal of water from streams, and
 - d. Primary power-generating facilities including solar power and wind generation that are not considered accessory structures in BIMC 18.09, except public facilities necessary to serve a public system, such as sewer lift stations or similar facilities which must be located within the shoreline area due to the system design of the existing public facility.
 - e. Land filling in shoreline jurisdiction for utility or utility line development purposes is prohibited.

4.2.7.5 Regulations - General

1. Primary utilities may be allowed as a conditional use in the Shoreline Residential Conservancy, Shoreline Residential, Urban, and Aquatic designations. They are prohibited in Natural, Island Conservancy and Priority Aquatic designations.
2. Utility development shall comply with required setbacks. (See Section 3.0, Shoreline Designation Policies and Regulations and Table 4-2.) Primary Utilities shall provide

screening of facilities from water bodies and adjacent properties. Type of screening required shall be determined by the City on a case-by-case basis.

3. All utilities shall meet the height and setback standards in Table 4-2.
4. Utilities shall be located and designed so as to avoid the use of any shoreline stabilization or flood protection works.
5. Where utilities own rights-of-way in fee title, utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way, provided such uses will not unduly interfere with utility operations, endanger public health and safety, or create a significant and disproportionate liability for the owner. Such uses include shoreline access points, trail systems, and other forms of recreation and transportation.
6. Utility lines, such as transmission and distribution, shall:
 - a. Utilize existing rights-of-way, corridor and/or bridge crossings whenever possible and shall avoid duplication and construction of new parallel corridors in all shoreline areas. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes.
 - b. Be completely buried under the stream bed in all in-stream crossings except for appropriate water or sewage treatment plant intake pipes or outfalls.
 - c. Cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
 - d. Be designed to minimize impacts to scenic shoreline views and located where major facilities must be placed in a shoreline area-
7. Permitted crossings shall utilize pier or open pile techniques.
8. Clearing of native vegetation for the installation or maintenance of utilities shall be kept to a minimum. Upon project completion, disturbed vegetation areas shall be replanted according to the provisions of Section 4.1.3, Vegetation Management. Other disturbed areas shall be replanted with native or other approved species. Replanted areas shall be regularly maintained until established.

4.2.7.6 Regulations – Primary Utility Location and Design

4.2.7.6.1 Water Systems

1. Components of water systems which are not water-dependent shall be located outside shoreline jurisdiction, except waterlines serving shoreline uses or unless alternative locations, including alternative technology, are demonstrated to be infeasible to the Administrator and the facilities do not result in a net loss of shoreline ecological functions and processes or significant adverse impacts to other shoreline resources and values such as parks and recreation facilities, public access or archaeological, historic and cultural resources, or aesthetic resources.

2. Private and public intake facilities, and wells in the shoreline jurisdiction should be located where there will be no net loss in ecological functions and processes or adverse impacts upon shoreline resources, values, natural features, or other uses. Construction and maintenance activities shall follow best management practices and meet provisions of Section 4.1.6, Water Quality and Stormwater Management.
3. Desalinization facilities shall be located consistent with critical area regulations and buffers in Appendix B, except for water-dependent components such as water intakes.

4.2.7.6.2 *Sewage Systems*

1. Sewage trunk lines, interceptors, pump stations, treatment plants and other components that are not water-dependent shall be located outside shoreline jurisdiction unless alternative locations, including alternative technology, are demonstrated to be infeasible to the Administrator and the facilities do not result in a net loss of shoreline ecological functions and processes or significant impacts to other shoreline resources and values such as parks and recreation facilities, public access or archaeological, historic and cultural resources, or aesthetic resources.
2. Outfall pipelines and diffusers are water-dependent, but should be located only where there will be no net loss in shoreline ecological functions and processes or adverse impacts upon shoreline resources and values.

4.2.7.6.3 *Natural Gas Transmission*

1. Natural gas pipelines, except local service lines, shall not be located in shoreline jurisdiction unless alternatives are demonstrated to be infeasible to the Administrator. Application materials shall include analysis of alternative routes avoiding aquatic lands and including alternative technology.
2. Natural gas local service lines shall not be located in shoreline areas unless serving approved shoreline uses. Crossings of water bodies shall not be approved unless alternatives are demonstrated to be infeasible to the Administrator. Application materials shall include an analysis of alternative routes avoiding aquatic lands, including an analysis of alternative technology.
3. Application for natural gas pipelines shall demonstrate that the facilities do not result in a net loss of shoreline ecological functions and processes or significant impacts to other shoreline resources and values.
4. Developers and operators of pipelines and related appurtenances for natural gas are to be required to demonstrate adequate provisions for preventing spills or leaks, as well as established procedures for mitigating damages from spills or other malfunctions and shall demonstrate that periodic maintenance will not disrupt shoreline ecological functions and processes.

5. Utilities for new development within the shoreline shall be installed underground.

4.2.7.6.4 *Electrical Energy and Communication Systems*

1. Energy and communication systems including substations, towers, transmission and distribution lines have critical location requirements, but are not normally water-dependent. System components that are not water-dependent shall not be located in shoreline jurisdiction, except lines serving shoreline uses or unless alternatives are demonstrated to be infeasible to the Administrator. Application materials for such facilities shall include an analysis of alternative routes avoiding aquatic lands, including an analysis of alternative technology.
2. Underground placement of lines shall be required for new or replacement lines that are parallel to the shoreline, and do not cross water or other critical areas regulated in Section 4.1.5, Critical Areas and defined in Appendix B, provided that maintenance of existing aerial lines may be permitted above ground where alternatives are demonstrated to be impractical and/or infeasible to the Administrator.
3. New or replacement lines that cross water bodies or other critical areas regulated in Section 4.1.5, Critical Areas and defined in Appendix B, may be required to be placed underground depending on impacts on ecological functions and processes and visual impacts; provided that maintenance of existing aerial lines may be permitted above ground where alternatives are demonstrated to be impractical and/or infeasible to the Administrator.
4. Poles or other supports treated with creosote or other wood preservatives that may leach contamination in water shall not be used along shorelines or associated wetlands. No new overhead wiring shall be installed between the road and OHWM, where road rights-of-way or easements are within 150 feet and also are parallel to shoreline for more than 500 feet.
5. Utilities for new development within the shoreline shall be installed underground.

4.2.7.6.5 *Tidal Energy*

1. System components of tidal energy or tidal power-generating facilities which are nonwater-dependent shall be located outside shoreline jurisdiction unless alternative locations, including alternative technology, are demonstrated to the Administrator to be infeasible, and that the facilities do not result in a net loss of shoreline ecological functions and processes or significant adverse impacts to other shoreline resources and values such as parks and recreation facilities, public access or archaeological, historic and cultural resources, or aesthetic resource.

4.2.7.6.6 *Fire Protection Facilities*

1. Storage and handling facilities for water borne fire fighting or rescue equipment may be permitted on shoreline jurisdiction at locations which are demonstrated to

the Administrator to be suitable considering the purpose of the proposal and the policies of this Program.

4.2.7.6.7 *Other Essential Public Utility Facilities*

1. Other utility processing facilities, such as power plants, that are nonwater-oriented shall not be allowed in shoreline jurisdiction unless no other feasible alternative is available.

4.2.7.6.8 *Site Coverage*

1. Maximum site coverage for utility development including parking and storage areas shall not exceed standards in the underlying zoning in BIMC Title 18, and shall not exceed fifty percent (50%) in Urban, and thirty-five percent (35%) in Shoreline Residential and Shoreline Residential Conservancy.

4.2.7.7 *Regulations – Accessory Utility Location and Design*

1. Accessory utility must be subordinate to principal use, such as utilities serving a residential use, and shall meet BIMC 18.09, Use Regulations, in addition to the provisions below.
 - a. Temporary storage of solid waste in suitable receptacles is permitted as an accessory use to a primary permitted use, or for litter control.
 - b. New residences or businesses on the shoreline within two hundred (200) feet of an existing sewer line and/or within an established sewer service area shall be connected to the sewer system. Existing residences shall be connected when the on-site sewage system has reached the end of its useful life.
 - c. On-site sewage systems shall be located on the landward side of any new residence or business or in a location approved by the Administrator and designed to meet all applicable water quality, utility, and health standards.
 - d. Accessory utilities shall be located outside of the shoreline area unless no suitable location is feasible. When utility lines require a shoreline location, they shall be placed underground.

5.0 SPECIFIC SHORELINE USE AND DEVELOPMENT POLICIES AND REGULATIONS

Introduction

This section contains policies and regulations for the following shoreline uses: agriculture, aquaculture, boating facilities, commercial development, forest practices, industrial development, mining, residential, recreational development, and residential development. The policies and regulations developed for each shoreline use, or category, are the primary set of criteria for evaluating proposed shoreline development. Some proposals will be subject to provisions of more than one use. Proposed development must also comply with Section 4.0, General (Island-wide) Policies and Regulations and Section 6.0, Shoreline Modification Policies and Regulations provisions.

While not all shoreline uses require a shoreline permit, no development shall be undertaken on the shorelines of Bainbridge Island except those which are consistent with the Shoreline Management Act (Act), applicable state guidelines, and the Master Program.

Shoreline uses which are not specifically identified shall be evaluated on a case-by-case basis for consistency with the Act and the requirements of the Master Program, and shall require a conditional use permit.

5.1 Agriculture

5.1.1 Applicability

These provisions apply to activities which are primarily commercial including cultivation of soil, production of crops, or the raising of livestock. Gardening activities primarily for on-site consumption and maintenance of household pets shall be considered accessory to residential uses.

5.1.2 Policies

1. Agriculture shall not be allowed in the shoreline jurisdiction.

5.1.3 Regulation - General

1. Agriculture is prohibited in the shoreline jurisdiction.

5.2 Aquaculture

5.2.1 Applicability

These provisions apply to the commercial cultivation and harvesting of fish, shellfish or other aquatic animals or plants, and also to non-commercial harvesting, and to the incidental preparation of fish and shellfish for human consumption, or cultivation for restoration

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

5.2.2 Policies

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

5.2.3 Regulations - Prohibited

1. Aquaculture is prohibited in the Natural and Priority Aquatic designations, except as provided in Section 5.2.4 (1), below.
2. Aquaculture that uses or releases herbicides, pesticides, antibiotics, fertilizers, parasites, pharmaceuticals, genetically modified organisms, feed or other materials known to be potentially harmful into surrounding waters is prohibited, unless:

- a. When conducted for native population recovery in accordance with government/Tribal approved plan and all state and federal regulations; or
 - b. If approved by all appropriate state and federal agencies and proof thereof is submitted to the City.
3. Mechanical and/or hydraulic harvesting or other activities that involve substantial substrate modification shall be prohibited in existing kelp beds or in beds of native eel grass (*Zostera marina*).

5.2.4 Regulations - General

1. Aquaculture may be allowed as follows:
 - a. Intensive aquaculture as a conditional use in Shoreline Residential, Urban, and adjacent Aquatic designations.
 - b. Community Shellfish Gardens as a conditional use in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential, and Urban designations, and in adjacent Aquatic designations except Priority Aquatic (only as part of an approved restoration project).
 - c. Individual Shellfish Gardens may be allowed in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential, Urban and in adjacent Aquatic designations, including Priority Aquatic B. They also are allowed in Aquatic Priority A when for the recovery of native populations, restoration, or personal use.
2. When a shoreline conditional use permit is issued for a new aquaculture use or development, that permit shall apply to the initial siting, construction, and/or planting or stocking of the facility or farm, and shall be valid for the period specified in the permit.
3. Aquaculture facilities shall avoid:
 - a. A net loss of ecological functions or processes;
 - b. Adverse impacts to eelgrass and macro algae;
 - c. Significant conflict with navigation and water-dependent uses;
 - d. The spreading of disease to native aquatic life;
 - e. Establishing new non-native species that cause significant ecological impacts;
 - f. Significant impacts to shoreline aesthetic qualities; and/or
 - g. Significant modifications of the substrate.

5.2.5 Regulations – Design Standards

1. Floating and submerged aquaculture structures shall be located to avoid or minimize interference with navigation and the normal public use of the surface waters. Floating structures shall remain shoreward of principal navigation channels. Other restrictions

on the scale of aquaculture activities to protect navigational access may be necessary based on the size and shape of the affected water body. Netting and fencing shall be the minimum necessary to deter targeted predators and shall not exceed six (6) feet in height, as measured from water surface.

2. Aquacultural structures and activities that are not water-dependent (e.g., warehouses for storage of products, parking lots) shall be located landward of the OHWM, upland of water-dependent portions of the project, and shall avoid or minimize detrimental impacts to the shoreline.
3. Hatchery and other aquaculture operations shall be required to maintain a vegetated buffer zone along the affected stream as prescribed in Appendix B, provided that clearing of vegetation shall be permitted for essential water access points.
4. Onshore support structures shall meet the height and setback standards established in Table 4-2, Site Development Dimensional Standards Table, except that reduced setbacks may be permitted through a shoreline variance where necessary for the operation of hatcheries and rearing ponds.
5. The following shall be limited to the minimum size or number necessary for approved aquaculture development, uses, and activities:
 - a. Submerged or intertidal structures.
 - b. Land-based facilities.
 - c. Structures which modify substrate.
6. Floating/hanging aquaculture facilities and associated equipment, except navigation aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts. All materials, including those used for incidental aquacultural for personal consumption, shall be marked with owners' contact information to provide identification after storm disturbance. All floating and submerged aquaculture facilities in navigable waters shall comply with all applicable state and federal requirements.
7. Floating aquaculture facilities may require a visual impact analysis consisting of information comparable to that found in the Department of Ecology's Aquacultural Siting Study (1986), as updated. Such analysis may be prepared by the applicant without professional assistance, provided that it includes an adequate assessment of impacts, as determined by the Administrator.
8. For aquacultural projects using over-water structures, storage of necessary tools and apparatus waterward of the OHWM shall be limited to containers of not more than three (3) feet in height, as measured from the surface of the raft or dock, provided that, in locations where the visual impact of the proposed aquaculture structures will be minimal, the City, based upon written findings and without requiring a variance, may authorize storage containers of greater height. In such cases, the burden of proof shall be on the applicant. Materials which are not necessary for the immediate and regular operation of the facility shall not be stored waterward of the ordinary high water mark.

A temporary sanitation station may be allowed on fixed overwater pier structures when utilities are not available within a reasonable distance.

9. Shellfish Gardens are allowed provided the following can be met:
 - a. They comply with all state and federal regulations, including transfer and harvest permits required by WDFW.
 - b. The operation may utilize bottom culture or off-bottom culture bags if in accordance with best management practices and it does not significantly alter the tidal bed.

5.2.6 Regulations – Operational Standards

1. Aquaculture structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Aquaculture operations that do not conform with this master program are considered discontinued if the use has ceased for more than five (5) years.
2. Operational monitoring may be required if and to the extent that is necessary to determine, ensure, or confirm compliance with predicted or required performance, including periodic benthic analysis or noise pollution monitoring in accordance with BIMC Chapter 16.16. Such monitoring requirements shall be established as a condition of the permit and shall be conducted at the applicant's (operator's) expense.
3. No processing of any aquacultural product, except for the sorting or culling of the cultured organisms and the washing or removal of surface materials or organisms, shall occur in or over the water after harvest, unless specifically approved by permit. All other processing and processing facilities shall be located on land and shall be governed by these provisions and the policies and regulations of other applicable sections of the Master Program, in particular, provisions addressing commercial and industrial uses.
4. Aquaculture wastes shall be disposed of in a manner that will ensure compliance with all applicable governmental waste disposal standards. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation [BIMC Chapter 8.16].
5. Predator control shall not involve the killing or abusive harassment of birds or mammals. Approved controls include, but are not limited to, double netting for seals, overhead netting for birds, fencing or netting for otters. The use of other nonlethal, non-abusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service, as required.
6. All nets shall be maintained in accordance with all applicable state and federal requirements.

5.2.7 Commercial Geoduck Requirements

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

5.3 Boating Facilities

5.3.1 Applicability

Boating facilities include marinas (both backshore and foreshore, dry storage, and wet moorage and open water types), boat launch ramps, covered moorage, marine railways, and marine travel lifts (Refer to Section 8.0, Definitions). Community, yacht club, camp, and resort moorage facilities must comply with boating facility requirements if they provide moorage for six (6) or more vessels. Both marina and non-marina boating facilities, including single-family, must comply with Section 4.0, General (Island-wide) Policies and Regulations, including the standards in Table 4-1 through 4-3, Section 3.0, Shoreline Designation Policies and Regulations, and Section 6.3, Overwater Structures. Boating facilities development will be reviewed under the “no net loss” provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.1.3, Vegetation Management; 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.

Accessory uses found in marinas may include fuel docks and storage, boating equipment sales and rental, repair services, boat launches, bait and tackle shops, potable water, waste disposal, administration, parking, and grocery and dry good shops. Uses which are not clearly accessory are also subject to the respective provisions in this section. (Examples might include commercial, industrial, or transportation facilities.)

Regulations governing boating activities in the bays and harbors of Bainbridge Island are contained in BIMC Chapters 12.24, Waterfront Park and Other City Harbors, and 12.40, Watercraft and Floating Homes, and may also apply. See Section 6.3.7.7 and 8, for regulations governing mooring buoys. Boating facility development and/or renovation shall comply with all other applicable state and federal agency policies and regulations including, but not limited to, the Department of Fish and Wildlife, Washington Department of Natural Resources, Federal Marine Sanitation standards (Environmental Protection Agency 1972) requiring water quality certification from the U.S. Army Corps of Engineers (33 USC § 403), U.S. Army Corps of Engineers dredging standards (33 USC § 404), and state and federal standards for the storage of fuels and toxic materials.

5.3.2 Goal

Boating facilities, including marinas and boat launch ramps, are priority water-dependent uses and should be located, designed, and operated with appropriate mitigation to avoid and minimize adverse effects on shoreline functions and processes; prevent conflicts with navigation and other allowed uses; and provide public access and enjoyment of water of the state.

5.3.3 Policies

1. Locate new or expanding boating facilities only where suitable environmental conditions are present. Avoid:
 - a. Critical saltwater habitat, including kelp beds, eelgrass beds, spawning areas for forage fish (such as herring, surf smelt and sandlance);
 - b. Subsistence, commercial and recreational shellfish beds;
 - c. Mudflats or intertidal habitats with vascular plants;
 - d. Areas with which priority species have a primary association;
 - e. Areas which have been identified as hazardous due to storm tides, high winds, or flooding; and
 - f. Embayments with poor flushing action.
2. Design and locate boating facilities to minimize adverse effects upon shoreline processes such as erosion, littoral or riparian transport, and where feasible, enhance degraded, scarce, and valuable shore features including accretion shoreforms.
3. Design, locate, construct, and maintain boating facilities to:
 - a. Avoid adverse proximity impacts such as noise, light and glare; and
 - b. Assure that their structures and operations will be aesthetically compatible with the area visually affected, and will not unreasonably impair shoreline views from adjacent shoreline properties or the public's visual access to the shore;
 - c. Assure vegetation screening should be utilized to reduce visual impacts of associated parking and storage
4. Consider regional as well as local needs when determining the location of marinas and boat launches. Identify potential sites near high-use or potentially high-use areas.
5. Minimize displacement of limited shoreline resources by considering:
 - a. Expanding existing marinas over adding new marina sites;
 - b. Developing marinas and launch ramps over developing individual docking facilities for private, noncommercial pleasure craft; and
 - c. Utilizing launching ramps and water-dependent dry storage or other new technologies over year-round wet-moorage.

6. Ensure the location and design of boating facilities does not unduly obstruct navigable waters, and avoids adverse effects to recreational opportunities or the use and enjoyment of the water or beach of adjoining properties.
7. Design, locate and construct new marina facilities to accommodate public access and enjoyment of the shoreline, including provisions for walkways, view points, restroom facilities, and other recreational uses according to the scale of the facility.
8. Encourage innovative construction techniques and methods of foreshore marinas to prevent degradation of fish and/or shellfish resources and habitat.
9. Require the installation and maintenance of sewage disposal (pump-out) facilities or services. These should be conveniently available to all users of marina facilities.
10. Prohibit floating houses. Allow live-aboard vessels only in those limited circumstances where their environmental and use impacts can be substantially avoided, minimized, or mitigated.
11. Ensure transient moorage is made available, with most of this need being met through use of short-term vacancies.
12. Work with the City Harbor Commission to establish regulations governing a uniform speed code, harbor safety, and harbor navigation through amendments to the municipal code.

5.3.4 Regulations - Prohibited

1. Boating facilities in the Shoreline Residential Conservancy, Island Conservancy, Natural, and Priority Aquatic designations, except that boating facilities may be permitted as a conditional use in public parks designated Island Conservancy.
2. Backshore marinas involving the creation of a basin for wet moorage.
3. Covered moorage.
4. Floating homes.

5.3.5 Regulations - General

1. Boating facilities, including marinas, shall be allowed as follows:
 - a. Boating facilities shall be permitted in the Urban designation and allowed as a conditional use in the Shoreline Residential designation.
 - b. Boating facilities in the Aquatic designation are allowed as-permitted in the adjacent upland designation pursuant to Table 4-2.
 - c. One (1) public open water moorage and anchorage area shall be a permitted in the Aquatic designation located in Eagle Harbor.
2. Accessory uses at a marina or public launch ramp shall be limited to those which are water-dependent, related to boating, necessary for marina operation, or which provide physical or visual shoreline access to a substantial numbers of the general public.

Accessory uses shall be consistent in scale and intensity with the marina and/or launch ramp and surrounding uses.

3. All marina developments shall provide boater education addressing boater impacts on water quality and other shoreline resources, and boater safety and requirements for boater use of sewage pump-outs to their marina users.
4. Live-aboard vessels, including houseboats, shall be permitted only in marinas. No more than 10% of the surface area of a marina or 10% of its slips, whichever is less, shall be devoted to live-aboard vessels, including houseboats, except that the percentage of live-aboard vessels in marinas may be increased through an approved conditional use permit. [WAC 332-30-171 or its successor]

5.3.6 Regulations - Location

1. When new marina sites are considered, sufficient evidence must be presented to show there is a regional demand and existing marinas are inadequate and cannot be expanded to meet regional demand.
2. Marinas shall be sited to prevent any restrictions in the use of commercial and recreational shellfish beds or commercial aquaculture operations. The specific distance shall be determined in conjunction with the Washington State Department of Health Services, the Washington State Department of Ecology, and other agencies with expertise. Criteria for determining the specific distance may include:
 - a. The size and depth of the water body;
 - b. Tidal flushing action in the project area;
 - c. Size of the marina and projected intensity of use;
 - d. Whether fuel will be handled or stored;
 - e. Location of a sewer hook-up; and
 - f. Expected or planned changes in adjacent land uses that could result in additional water quality impacts or sanitary treatment requirements.
3. Marinas shall be allowed only on stable shoreline areas where water depth is adequate to eliminate or minimize the need for channel dredging (for construction or maintenance), soil disposal, filling, beach enhancement, and other harbor and channel maintenance activities.
4. Marinas shall be located only in areas where there is adequate water mixing and flushing and shall be designed so as not to reduce or negatively influence flushing characteristics.
5. Boating facilities shall not require fixed breakwaters.

6. Marinas shall be clearly separated from beaches commonly used for swimming and shall provided signage and provide protection measures to insure the safety of swimmers.
7. Marinas shall not be located at or along:
 - a. Significant littoral drift cells, including resource material areas, such as feeder bluffs and accretion beaches, barrier beaches, points, sand spits and hooks; or
 - b. Wetlands, marshes, bogs, swamps and lagoons; or
 - c. Mud flats and salt marshes; or
 - d. Fish and shellfish spawning and rearing areas.
8. Marinas shall not extend waterward farther than the following limits:
 - a. The Construction Limit Line or the Harbor Structure Limit Line as depicted in Appendix E; except the public open water moorage and anchorage areas shall be allowed waterward of the Construction Limit Line.
 - b. Where no limit line is depicted, not more than two hundred (200) feet beyond extreme low tide, the 18 MLLW depth contour, or the line of navigation whichever is closer to the shore. However, the distance from shore may be less in locations where it is necessary to protect the navigational rights of the public. [WAC 332-30-122(1)(ii) or its successor]

5.3.7 Regulations – Design/Renovation/Expansion

1. Proposals for marinas shall include public launch facilities unless the applicant can demonstrate that providing such facilities is not feasible.
2. Boating facilities shall be designed, constructed and maintained to:
 - a. Provide thorough flushing of all enclosed water areas and shall not restrict the movement of aquatic life requiring shallow water;
 - b. Minimize interference with geo-hydraulic processes and disruption of existing shore forms;
 - c. Be aesthetically compatible with existing shoreline features and uses;
 - d. Avoid adverse proximity impacts such as noise, light and glare;
 - e. Include vegetative screening for parking, and upland storage areas and facilities consistent with landscaping standards for parking lots as prescribed in BIMC Section 18.15.010, Development Standards and Guidelines; Landscaping, Screening, and Tree Retention, Protection, and Replacement; and
 - f. Include public restrooms, accessory parking or other recreational uses according to the scale of the facility.
3. Short-term loading/unloading areas and hand-launch storage areas may be located at ramps or near berthing areas and should be constructed of pervious material. Long-term

parking and dry moorage and all other storage areas shall be set back at a distance of one-hundred (100) feet from the OHWM.

4. Public access, both visual and physical, such as viewpoints or walkways, shall be an integral part of all marina design and development commensurate with the particular proposal and must meet the standards of Section 4.2.4, Public Access.
5. Innovative construction techniques and construction methods of foreshore marinas may be allowed when demonstrated to the satisfaction of the Administrator that the design will prevent degradation of fish migration, critical saltwater habitat and/or shellfish resources.

5.3.8 Regulations - Utilities

1. All marinas shall have accessible boat sewage disposal systems or other pump-out services available on site. Existing marinas shall comply within one (1) year of the effective date of this regulation.
2. The marina shall provide facilities for the adequate collection and dumping of marina originated materials, including but not limited to, sewage, solid waste, and petroleum waste.
3. All marinas shall provide restrooms for boaters' use, including upland or floating facilities supporting open water moorage and anchorage areas. Upland restrooms shall be located within seventy-five (75) feet of the landward end of the dock or pier and floating restroom facilities shall be located to conveniently serve the tenants. Restrooms shall be identified by signs and be accessible to tenants twenty-four (24) hours a day.
 - a. Marinas with fewer than ten (10) slips shall provide one (1) toilet and hand washing facility
 - b. Marinas with ten (10) to one hundred (100) slips shall provide one (1) toilet and hand washing facility for each gender.
 - c. Marinas exceeding one hundred (100) slips shall provide an additional toilet and lavatory for each gender
 - d. Existing marinas shall comply within one (1) year of the effective date of this regulation.
4. Distribution systems for plumbing and wiring at a marina site shall be placed at or below ground and dock levels, in accordance with national marine standards.
5. Public boat launch facilities shall provide and maintain at least one restroom or portable toilet; required number may increase based on projected level of service.
6. Public boat launch facilities that also include a public dock shall provide and maintain a dump station.

5.3.9 Regulations – Management and Operations

1. The discharge of sewage and/or toxic material from boats and/or shore installations is prohibited. The responsibility for the adequate and approved collection and disposal of marina originated sewage, solid waste, and petroleum waste is that of the marina operator. An emergency spill kit and use instructions shall be provided for tenants in an easy to access are and be accessible twenty-four (24) hours a day.
2. Commercial fish or shellfish processing discharge or discarding of unused bait, scrapfish, or viscera shall be prohibited.
3. Swimming shall be prohibited within marina facilities unless the swimming area is adequately separated, protected, and posted.
4. If dredging at marina entrances changes the littoral drift processes and adversely affects adjacent shores, the marina operator shall be required to periodically replenish these shores with the appropriate quantity and quality of aggregate as determined by a geo-hydraulic study, paid for by the operator or owner and completed to the satisfaction of the Administrator.
5. Temporary vacant moorage spaces shall be made available for “transient moorage” (less than two-week stay) when at least one of the following applies:
 - a. The marina is owned, operated, or franchised by a governmental agency for use by the public;
 - b. The marina provides more than three thousand (3,000) lineal feet of moorage; or
 - c. The marina is part of a mixed-use development which includes restaurants or other water-enjoyment uses.
6. Additional transient moorage requirements may be established for Eagle Harbor in the Winslow Master Plan.
7. Marina operators shall execute a lease, contract, or deed which establishes permission to use a slip for a stated period of time and which establishes conditions for use of the slip, including the requirement that all boats meet applicable sanitation regulations.
8. Live-aboard vessels must comply with all marine regulations, policies and procedures of the Coast Guard, federal and state governments which pertain to health, safety and/or environmental protection. Proof of seaworthiness of the vessel and the adequacy of the mooring arrangement must be provided and laws governing all the citizens of Bainbridge Island must be obeyed.
9. New marinas shall meet the following before occupancy, and existing marinas shall comply with the following within one (1) year from adoption of this program:
 - a. Marinas which dispense fuel shall have adequate facilities and establish posted operational procedures for fuel handling and storage to prevent/minimize accidental spillage.

- b. Marinas shall have facilities, equipment, such as emergency spill kits, and established posted procedures for containment, recovery, and mitigation of spilled petroleum, sewage, and toxic products.
- c. Marina operators shall post signs where they are readily visible to all marina users describing regulations:
 - i. Pertaining to handling and disposal of waste, wastewater, toxic materials, and recycling;
 - ii. Prohibiting the use of marine toilets (i.e., no untreated sewage discharge);
 - iii. Prohibiting the disposal of fish and shellfish cleaning wastes; and
 - iv. Describing best management practices (BMPs) for boat maintenance and repairs on site.
- d. Garbage or litter receptacles shall be provided and maintained by the marina operator at several locations convenient to users in sufficient numbers to properly store all solid waste generated on site.
- e. Marina docks shall be equipped with adequate lifesaving equipment such as:
 - i. Life rings, hooks, ropes and ladders, or equivalent, on the end of fingers; and/or
 - ii. One ladder (per side) either every one hundred (100) linear feet of the dock, or every six (6) slips whichever is greater. This regulation does not apply to a float which is less than one hundred (100) feet from a shoreline; or
 - iii. At least one ladder to serve a float with six (6) or more slips and is one hundred (100) linear feet in length or less.

5.3.10 Regulations – Boat Launches (includes marine railways)

5.3.10.1 Regulations - Prohibited

- 1. Boat launches are prohibited in
 - a. Significant littoral drift cells, including resource material areas such as feeder bluffs and accretion beaches, points, spits and hooks; except for a public launch as provided for in section 5.3.10.2(2).
 - b. Wetlands, marshes, bogs, swamps, and lagoons;
 - c. Mud flats and salt marshes; and
 - d. Fish spawning and rearing areas and commercial or recreational shellfish areas.

5.3.10.2 Regulations – Design and Location

- 1. Launch ramps shall be:

- a. Located on stable shorelines where water depths are adequate to eliminate or minimize the need for:
 - i. Offshore or foreshore channel construction dredging; or
 - ii. Maintenance dredging; or
 - iii. Spoil disposal; or
 - iv. Filling; or
 - v. Beach enhancement; or
 - vi. Other harbor and channel maintenance activities.
 - b. Located in areas where there is adequate water mixing and flushing; and
 - c. Designed so as not to retard or negatively influence flushing characteristics.
2. For public launch ramps, innovative or hinged boat launches may be permitted on marine accretion shoreforms, provided that continual grading is not required. When grading is permitted it must not adversely affect ecological functions and ecosystem-wide processes. Accessory facilities shall be located out of critical areas.
 3. Public boat launches may be allowed on stable banks where current deflectors or other stabilization structures will not be necessary.
 4. Boat launches shall not be permitted where the upland within twenty-five (25) feet of the OHWM has a slope that exceeds twenty-five percent (25%) grade and/or where substantial cutting, grading, filing, or defense works is necessary.
 5. Boat launches, minor accessory buildings, and haul-out facilities shall be designed to be in character and scale with the surrounding shoreline.
 6. Boat launches shall be built from flexible, hinge-segmented pads which can adapt to changes in beach profiles, unless a solid structure is demonstrated to be more appropriate for the intended level of use.
 7. Boat launches shall be placed and kept near flush with the foreshore slope to minimize the interruption of geo-hydraulic processes and critical saltwater habitat.
 8. Marine railways for boat launching shall be located the minimum distance necessary above existing grade to minimize impact on littoral drift and navigation along the shoreline.
 9. Boat launch facilities shall be clearly separated from beaches commonly used for swimming and shall provide signage and provide protection measures to insure the safety of swimmers.

5.4 Commercial Development

5.4.1 Applicability

Uses associated with commercial development which are identified as separate uses in the Master Program are also subject to those regulations. Examples are industry, boating facilities, transportation facilities, and utilities. Commercial development and related shoreline modification activities, such as piers, docks, and bulkheads, will be reviewed under the no net loss provision of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 3.0, Shoreline Designation Policies and Regulations, including the standards in Tables 4-1 through 4-3. Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.3, Vegetation Management; Section 4.1.4, Land Modification; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 6.0, Shoreline Modification Policies and Regulations; Appendix B; and BIMC Chapter 15.18, Land Clearing, as applicable. Other portions of this Program may also apply.

5.4.2 Policies

1. Design and operate commercial uses, activities, and developments to avoid or minimize adverse impacts to ecological functions and ecosystem-wide processes. Encourage restoration of impaired ecological functions and ecosystem-wide process as mitigation for commercial development.
2. Give priority to those commercial developments that are dependent on shoreline locations or that allow a substantial number of people to actively or passively enjoy the shoreline; preference should be given to water-dependent uses, over water-related and water-enjoyment uses.
3. Discourage non-water-oriented commercial uses unless the use contains a mix of commercial and residential development that also includes either a public use benefit (open space, shoreline access, recreation), or a water-enjoyment commercial use.
4. Prohibit commercial developments over water unless the use is water-dependent and requires overwater development.
5. Locate new commercial development in shoreline areas with existing, compatible commercial uses and in a manner that will promote infill.
6. Provide physical or visual access to the shoreline as part of all new commercial development. Existing development should be required to provide public access amenities when building improvements are proposed. Incentives should be provided for commercial use proposals to include additional public amenities
7. Ensure commercial development is aesthetically and acoustically compatible with the surrounding areas.
8. View protection, both to the water and from the water, should be considered in the design and review of commercial development.

5.4.3 Prohibited

1. Nonwater-oriented commercial uses, except as provided in Section 5.4.4.

5.4.4 Regulations- General

1. Commercial uses should be located on shorelines with existing compatible commercial uses and regulated in the shoreline designations as follows:
 - a. Water-oriented commercial use and development shall be permitted in the Urban designation-and may be allowed under a conditional use permit in the Shoreline Residential designation.
 - b. Water-dependent commercial development that requires an over-water location may be permitted in the Aquatic designation when permitted in the upland environment.
 - c. Nonwater-oriented commercial uses are prohibited in the shoreline except as provide in d. or as follows:
 - i. As a conditional use in the Urban designation when located on a site physically separated from the shoreline by another property in separate ownership or by a public-right-of-way such that water access is precluded, provided that the property conditions were lawfully established prior to the effective date of this Program; and
 - ii. As a permitted use if located in a mixed-use development in the Urban designation as subordinate to a more dominant water-oriented commercial, residential or recreational use contained in the same development, and which also provides significant public benefit amenities such as public open space or recreation, public access, or shoreline restoration.
 - iii. The requirements of this section shall not apply to those nonwater-oriented commercial uses located on a site physically separated from the shoreline where access to the land/water interface is precluded.
 - d. Water-Oriented and non-water oriented commercial uses may be permitted in a mixed-use development within the Mixed Use Town Center districts provided:
 - i. The site is physically separated from the shoreline by another property in separate ownership or by a public-right-of-way such that water access is precluded, provided that the property conditions were lawfully established prior to the effective date of this Program; and
 - ii. Water-oriented commercial or non-water oriented commercial development is subordinate to the residential use.
2. A use or development shall not be considered water-dependent, water-related or water-enjoyment until the Administrator makes the determination that the proposed design, layout and operation of the use or development meets the definition and intent of the water-dependent, water-related or water-enjoyment designation.

3. Where commercial development is allowed, it shall be located, designed and constructed in a manner that minimizes adverse impacts to shoreline resources and shall include mitigation to ensure no net loss of shoreline ecological functions and processes pursuant to Section 4.1.2, Environmental Impacts.
4. New commercial development and redevelopment shall provide public access in conformance with the Public Access requirements of Section 4.2.4.
5. When permitted, proposals that include nonwater-oriented commercial uses shall provide a significant public benefit in addition to any required public access, as follows:
 - a. Additional public access in the form of unrestricted open space. The Administrator shall determine the amount of access on a case-by-case basis in accordance with the provisions of Section 4.2.4, Public Access – Visual and Physical.
 - b. If no water-oriented commercial uses are located on or adjacent to the water as part of a mixed use development, eighty percent (80%) of the shoreline and associated buffers shall be preserved or restored to provide shoreline ecological functions and processes that approximate the functions provided by the site in natural conditions.
 - c. The requirements in regulation (a) and (b) may be modified when:
 - i. The site is designated as a public access area by a shoreline public access plan, in which case public access consistent with that plan element shall be provided; or
 - ii. Specific findings are made demonstrating that the size of the parcel and the presence of adjacent uses preclude restoration of shoreline ecological functions and processes. Where on-site restoration is infeasible, equivalent off-site restoration shall be provided consistent with the policies and regulations of this Program.
 - d. Where restoration is proposed, buffers shall be designed as appropriate to protect shoreline resources based on a specific restoration plan and may differ from the standard buffer dimensions provided in Table 4-3, provided that the building envelope for the proposed nonwater-oriented use shall be based on current site conditions.

5.4.5 Regulations – Design and Location

1. The design and location of commercial facilities shall meet the following:
 - a. Those portions of the commercial development which are accessory to and not considered water-dependent and/or do not require direct contact with the water shall be set back from the shoreline at a sufficient distance to minimize impacts to water quality, to other shoreline uses and to the shoreline as a scenic view. (See Section 3.0, Shoreline Designations Policies and Regulations, Section 4.1.6,

Water Quality and Stormwater Management, and Dimensional Standards Table 4-2.)

- b. Water-dependent commercial development shall be designated and operated to promote joint-use of overwater and accessory facilities such as:
 - i. Piers;
 - ii. Docks;
 - iii. Storage;
 - iv. Restrooms; and
 - v. Parking.
- c. When demonstrated, to the satisfaction of the Administrator, not to be feasible the requirements of Section 5.4.5 (1)(a) and (b) may be reduced in scope or waived.

5.5 Forest Practices

5.5.1 Applicability

Forest Practices are primarily regulated by the Washington Department of Natural Resources under WAC Title 222 or its successor pursuant to the Forest Practices Act (RCW 76.09 or its successor). This section supplements those regulations. Activities which are not regulated under the Forest Practices Act are subject to clearing and grading provisions in Section 4.1.4, Land Modification. Forest Practices are subject to Section 3.0, Shoreline Designation Policies and Regulations, Section 4.0, General (Island-wide) Policies and Regulations, and Section 6.0, Shoreline Modification Policies and Regulations of this Program. Forest Practices and related activities will be reviewed under the “no net loss” provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Appendix B; and BIMC Chapter 15.18, Land Clearing, and BIMC Chapter 16.22, Vegetation Management, when applicable. Other portions of this Program may also apply.

5.5.2 Policies

1. Rely on the Forest Practices Act and rules implementing the act and the Forest and Fish Report as adequate management of commercial operations within the shoreline jurisdiction.
2. Ensure timber harvesting is conducted in a manner that does not cause adverse impacts to shoreline ecological functions or ecosystem-wide processes and avoids impacts to navigation, recreation, and public access.
3. Limit timber harvesting in all shoreline areas to selective cutting which protects the shoreline as a scenic value. Shorelines having outstanding scenic or habitat qualities should be left in a substantially natural condition.
4. Accomplish revegetation in shorelines as quickly as possible in accordance with the provisions of the Forest Practices Act. Provisions for forest conversion proposals

(Class IV Permits regulated under the Forest Practices Act and locally) are in Section 4.1.3.4, Vegetation Management; Regulations – Exceptions of this Program.

5.5.3 Regulations - General

1. Under the authority of planning and zoning granted to the city under RCW 76.09.240, the city of Bainbridge Island considers all forested areas within its jurisdiction as “lands with a likelihood of future conversion” from forest use as defined under WAC 222-16-060.
2. Conversion of forest land to non-forestry uses (Class IV – General Forest Practice Permit) shall be reviewed in accordance with the provisions for the proposed non-forestry use and the provisions in the Shoreline Master Program and shall be subject to any permit requirements associated with the non-forestry use.
 - a. Timber harvesting shall not be permitted until local plat approval or other applicable land use authorization has been given, and any required shoreline permits have been issued for the land division(s) or intended use(s).
3. All timber harvesting and forest practices except conversions conducted with a Class IV— General permit shall comply with the current rules and regulations adopted under the Forest Practices Act and the Timber, Fish, and Wildlife agreement or their successors.
4. Timber harvesting and forest practices conducted under a Class II, III, or IV Special permit from the Department of Natural Resources shall not be regulated by this Program and shall not require a shoreline permit. These permit categories shall only be authorized for lands that meet the definition DNR forestland, including any policies of DNR relating to proximity of structures to hazard trees.
5. Site preparation by burning and scarification piles shall be prohibited within shoreline jurisdiction.
6. When timberland is to be converted to another use, such conversion shall be clearly indicated on the Forest Practices application. Failure to indicate the intent to convert the timberland to another use on the application will result in subsequent conversion proposals being reviewed as conditional use applications. Such failure to declare intent to convert on the application may provide adequate grounds for denial of subsequent conversion proposals for a period of six (6) years from the date of the Forest Practices application approval, [RCW 76.09.060(3)(b)(i) or its successor].
7. Commercial timber cutting within the shoreline jurisdiction shall be by selective harvest and shall not exceed thirty percent (30%) of the merchantable trees in any ten-year period as required by WAC 222-30-110.

5.6 Industrial Development

5.6.1 Applicability

Industrial development, uses and activities that are identified as separate uses but associated with industrial development or use, are subject to the following provisions; Examples include transportation facilities, utilities, dredging, landfill, piers and docks, and bulkheads. Industrial development will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, Section 3.0, Shoreline Designation Policies and Regulations, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 6.0 Shoreline Modification Policies and Regulations; Appendix B; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

5.6.2 Policies

1. Review new industrial proposals with consideration of regional and state-wide needs for industrial facilities, as well as in allocating shorelines for such development. Coordinate with port districts, adjacent counties and cities and the state in order to minimize new industrial development that would unnecessarily duplicate under-utilized facilities elsewhere in the region, or result in unnecessary adverse impacts on other jurisdictions.
2. Encourage expansion or redevelopment of existing, legally established industrial areas, facilities, and services with the possibility of incorporating mixed-use development in lieu of the addition and/or location of new or single-purpose industrial facilities.
3. Strongly encourage joint use of piers, cargo handling, storage, parking and other accessory facilities among private or public entities in waterfront industrial areas.
4. Design and locate industrial development to avoid or minimize adverse impacts to ecological functions and ecosystem-wide processes.
5. Require new industrial development to provide physical and/or visual access to shorelines and visual access to facilities whenever possible, when such access does not cause significant interference with operations or hazards to life and property.
6. Preference should be given to locating new industrial development on those parts of the shoreline where industrial development is already permitted. Industrial uses and redevelopment are encouraged to locate where environmental cleanup and restoration can be accomplished.
7. Limit new industrial uses to existing industrial or water dependent commercial sites, such as marinas, where that use is consistent with the shoreline designation. Preferred industrial sites should be limited to water-oriented uses, and should encourage the development of preferred industrial uses, such as small boat haul-out and repair facilities, vessel fueling facilities and water-oriented industry serving local boating needs.

8. Discourage nonwater-oriented uses unless the use is located in a mixed-use development containing a public use benefit such as open space or recreation use, and includes a water-oriented commercial use.

5.6.3 Regulations – Prohibited

1. Storage and/or disposal of industrial wastes within shoreline jurisdiction.
2. Log storage in water.
3. Nonwater-oriented industrial development.

5.6.4 Regulations - General

1. Water-dependent industry shall be permitted in the Urban designation, and those portions of the Aquatic designation which are waterward of the Urban designation, and shall be prohibited in all other designations. Water-related industry shall be a conditional use in the Urban designation and prohibited in all other designations. Nonwater-oriented industry shall be prohibited in all designations.
2. Where industrial development is allowed, it shall be located, designed and constructed in a manner that minimizes adverse impacts to shoreline resources and shall include mitigation to ensure no net loss of shoreline ecological functions and ecosystem-wide processes.
 - a. Water-dependent industrial uses, such as small boat haul-out and repair facilities, or vessel fueling facilities, shall be given preference over water-related and water-enjoyment industrial and port uses.
 - b. A use or development shall not be considered water-dependent, water-related or water-enjoyment until the Administrator makes the determination that the proposed design, layout and operation of the use or development meets the definition and intent of the water-dependent, water-related or water-enjoyment designation.
3. Proposed industrial development shall be consistent with any applicable comprehensive waterfront and/or long-range harbor development plans, and should be coordinated with applicable adopted regional and state plans.
4. New industrial development shall be compatible with existing adjacent uses of the shoreline designation in which it is located.
5. Proposed industrial development shall:
 - a. Be located to maximize the use of legally established, existing industrial facilities; and
 - b. Be located in areas where environmental cleanup and restoration can be accomplished; and

- c. Avoid duplication of pier and dock facilities before expanding into undeveloped areas or building new facilities.
- 6. Water-related industrial development shall be set back from the OHWM a sufficient distance to avoid disturbance of the Shoreline Buffer or Shoreline Vegetation Management Area. (See and Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.3 Vegetation Management; and Tables 4-1 through 4-3, for dimensions.)
- 7. Accessory industrial development which does not require a location at or near the water's edge shall be located upland of the water-dependent portions of the development, and outside of the Shoreline Buffer or Vegetation Management Area as established in Section 4.0, General (Island-wide) Policies and Regulations and Table 4-3.
- 8. New industrial development that includes offshore facilities, floating docks and deep-water port expansion, shall be permitted by conditional use permit, and only when it can be demonstrated that:
 - a. Such development is fundamental for the allowed industrial operation; and
 - b. Such development results in no net loss of shoreline ecological functions or ecosystem-wide processes.
- 9. At new or expanded port and/or industrial developments the best available facilities practices and procedures, as specified by state and local agencies, shall be employed for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water, and optimum means shall be employed for prompt and effective clean-up of those spills that do occur.

5.6.5 Regulations - Design and Location

- 1. The design and location of industrial facilities shall meet the following:
 - a. Those portions of the industrial development that are accessory to and not considered water-dependent and/or do not require direct contact with the water shall be set back from the shoreline at a sufficient distance to minimize impacts to water quality, to other shoreline uses and to the shoreline as a scenic view. (See Section 3.0, Shoreline Designation Policies and Regulations; Section 4.1.6, Water Quality and Stormwater Management; and Tables 4-1 through 4-3.)
 - b. Industrial facilities shall be designed and operated to promote joint use of over-water and accessory facilities, whenever practicable, such as:
 - i. Piers
 - ii. Docks
 - iii. Storage
 - iv. Restrooms; and
 - v. Parking.

- c. Consistent with provisions in Section 4.2.4, Public Access – Visual and Physical, ports and/or water-dependent industry shall provide public access to the shoreline.
 - d. Documentation of compliance with noise standards of BIMC 16.16.
- 2. Display and other exterior lighting shall be designed and operated to minimize glare impacts to nearby properties and local traffic, and shall meet the lighting standards of BIMC Section 18.15.040.

5.6.6 Regulations – Ship and Boat Building and Repair Yards

- 1. Boatyards and mobile services shall employ best management practices (BMPs) concerning the various services and activities performed and to address potential impacts on the surrounding water quality. Standards for BMPs shall be found in the Washington State Department of Ecology’s most recent editions of the “*Boatyard General Permit, National Pollution Discharge Elimination System (NPDES)*” and the “*Storm Water Pollution Prevention Plan for Facilities Covered Under the Boatyard General Permit*”.

5.7 Mining

5.7.1 Applicability

Mining is the removal and primary processing of naturally occurring materials from the earth for economic use. For purposes of this definition, “processing” includes screening, crushing, stockpiling, all of which utilize materials removed from the site where the processing activity is located. Mining activities also include in-water dredging activities related to mineral extraction. Processing does not include general manufacturing, such as the manufacture of molded or cast concrete or asphalt products, asphalt mixing operations, or concrete batching operations.

5.7.2 Policies

- 1. Mining is prohibited within the shoreline jurisdiction.

5.7.3 Regulations - General

- 1. Mining, including the excavation of sand, gravel, and other minerals, shall be prohibited within the shoreline jurisdiction.
- 2. Impacts to shorelands and water bodies due to mining operations upland of the shoreline jurisdiction shall be minimized and meet “no net loss” provisions of Section 4.1.2, Environmental Impacts.

5.8 Recreational Development

5.8.1 Applicability

These provisions apply to recreational development, not to casual use of undeveloped open space. They also apply to both publicly- and privately-owned facilities intended for use by the general public, private clubs, groups, associations, or individuals. Recreational development will be reviewed under the “no net loss” provisions of Section 3.0, Shoreline Designation Policies and Regulations; Section 4.0, General (Island-wide) Policies and Regulations; Tables 4-1 through 4-3; Section 4.1.2, Environmental Impacts; and may also be reviewed under Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 6.0, Shoreline Modification Policies and Regulations; Appendix B; and BIMC Chapter 15.18, Land Clearing, Chapter 16.16 Noise Impacts and BIMC Section 18.15.040 Lighting Impacts, when applicable. Other portions of this Program may also apply.

5.8.2 Goal

Provide substantial recreational opportunities for the public along the shoreline and manage the development of recreational uses to assure that shoreline ecological functions and ecosystem-wide processes are not adversely impacted.

5.8.3 Policies

1. Recognize public recreation on public lands as a preferred use of the shoreline. Water-dependent recreational uses, such as swimming, boating and fishing, are priority uses and should be encouraged.
2. Encourage the coordination of local, state, and federal recreation planning to mutually satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans.
3. Encourage a variety of compatible recreational experiences and activities to satisfy diverse recreational needs. The location and design of shoreline recreational development should relate to local population characteristics, density, and special activity demands. Acquisition priorities should consider these needs, demands, and special opportunities, as well as public transit access and access for the physically impaired, where planned or available.
4. Identify shoreline areas with potential for recreation or public access. Acquire identified areas through lease, purchase, or easement, and incorporate these areas into the public park and open space system.
5. Where feasible, link shoreline parks, recreation areas, and public access points as linear systems, such as hiking paths, bicycle paths, easements, and/or scenic drives.
6. Locate, design and operate recreational development to facilitate appropriate use of shoreline resources while also conserving those resources by minimizing adverse

impacts to ecological functions and ecosystem-wide processes. Design recreational development to preserve, enhance or create scenic shoreline views and vistas.

7. Where appropriate, passive recreational uses may be permitted in floodplain areas.
8. Encourage the use of shoreline road-ends and publicly-owned lands for public shoreline access and promote the development of shoreline recreational opportunities in suitable areas.
9. Limit or prohibit shoreline use of off-road recreational vehicle or recreational water equipment, such as jet skis and wake boards, where needed to protect the ecological functions or ecosystem-wide processes of the shoreline or protect sensitive wildlife habitat areas.
10. Ensure all recreational developments make adequate provisions for:
 - a. Vehicular and pedestrian access, both on-site and off-site;
 - b. Proper wastewater and solid waste disposal methods;
 - c. Security and fire protection;
 - d. The prevention of overflow and trespass onto adjacent properties, including but not limited to, landscaping, fencing, posting of property and screening (through native vegetation or shoreline buffers) of such development from adjacent private property.
11. Ensure trails and pathways on landslide hazard areas are located, designed, and maintained to protect bank stability.
12. Protect and restore publicly-owned natural resource areas located within the shoreline area and include public access and public use as appropriate for the particular resource area.
13. Promote shoreline conservation through acquisition, preservation, and rehabilitation of important natural areas and manage natural areas of public shoreline parks to protect and restore ecological functions, values and features.
14. Use best management practices and low impact development technologies in the construction, maintenance or renovation of recreational grounds or facilities of public shoreline parks.
15. Incorporate opportunities for educational and interpretive information regarding shoreline ecological functions and ecosystem-wide processes in the design and operation of public recreation facilities and other amenities such as nature trails.

5.8.4 Regulations – Prohibited

1. Motorized vehicular access on all beaches and spits, except at approved boat launching facilities (Section 5.3, Boating Facilities).
2. Golf courses in the Natural designations.

3. Golf course fairways which cross streams.
4. Use of fertilizers, pesticides, or other toxic chemicals is prohibited unless an exception is provided pursuant to Section 4.1.6, Water Quality and Stormwater Management.
5. The use of jet skis and similar recreational equipment shall be prohibited in the Priority Aquatic Categories A and B designations.

5.8.5 Regulations - General

1. Water-oriented recreational development is a priority use of the shoreline, and the primary focus shall be to provide access to and enjoyment of the water and shorelines of the state and shall be consistent with the development regulations for the shoreline designation in which it occurs. Valuable shoreline resources and fragile or unique areas such as marshes, bogs, swamps, estuaries, wetlands, and accretion shoreforms (such as sand spits or accretion beaches), shall be used only for passive and nondestructive recreational activities.
 - a. Active water-oriented recreational uses shall be consistent with the shoreline designation in which it is being proposed and shall be permitted in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential, Urban, and Aquatic designation. Active recreational development is prohibited in the Priority Aquatic designation; however, vessels shall be allowed:
 - i. As provided in BIMC 12.40.060; or
 - ii. In Priority Aquatic Category B when:
 - A. Operated at 5 knots or less or such that a wake is not created; and
 - B. Operated at a noise decibel that does not cause adverse impact to wildlife.
 - b. Recreational development to accommodate passive (non-intensive) water-dependent and/or water-oriented recreational or educational uses shall be allowed as a conditional use in the Natural designation, except public trails and public stairways are permitted as a shoreline substantial development or shoreline exemption, when designed to minimize adverse environmental impacts in accordance with Section 4.1.2 Environmental Impacts.
 - c. Passive recreational development shall be allowed in the Priority Aquatic designation;
2. Water-oriented recreational use and/or development shall be allowed when the proponent demonstrates that it will not result in a net loss of shoreline ecological functions or processes or have adverse impacts on other shoreline uses, resources and/or values such as navigation and public access, and will provide mitigation in accordance with Section 4.1.2, Environmental Impacts.
3. Activities provided by recreational facilities must have a substantial relationship to the shoreline, or provide physical or visual access to the shoreline. Facilities for water-dependent recreation such as fishing, clamming, swimming, boating, and wading, and

water-related recreation such as picnicking, hiking, and walking should be located near the shoreline, while non-water-related recreation facilities shall be located upland.

- a. Within the Natural Designation a single active use area shall be allowed with appropriate compensatory mitigation to accommodate water oriented and non-water oriented cultural events and water related passive recreational uses near the log pond at Blakely Harbor Park, as shown in Appendix E.
4. Recreational development on the shoreline shall provide physical or visual public access consistent with this Program, and Section 4.2.4, Public Access – Visual and Physical.
5. Recreational development on the shoreline shall protect existing shoreline vegetation consistent with this Program, and Section 4.1.3, Vegetation Management.
6. The City shall consult applicable state and local health regulations when issuing shoreline permits for recreational facilities (Title 248 WAC or its successor).
7. Recreational development is required to comply with local and regional recreation plans and link to linear open space, recreational, or scenic systems as provided in the State Comprehensive Outdoor Recreation Planning (SCORP) document, Bainbridge Island Metropolitan Park and Recreation District Comprehensive Park, Recreation, and Open Space Plan, the City of Bainbridge Island’s Winslow Master Plan, and the City of Bainbridge Island’s Non-Motorized Transportation Plan.
8. The use of motor vehicles including unlicensed off-road vehicles is permitted only on roads and trails specifically designated for such use. Such use is prohibited on tidelands, backshore beaches, streams, or wetlands, except as necessary for public health and safety or maintenance or as provided in Section 5.8.7(1), Regulation-Operations (1), below.

5.8.6 Regulations – Design and Location

1. Recreational development shall be located, designed and constructed to maintain, enhance, or restore scenic views, aesthetic values, and public access, as appropriate. Through the site planning and permit review process, the City may adjust and/or prescribe project dimensions or location of on-site project components, intensity of use, screening, parking requirements, and setbacks as deemed appropriate to meet the recreational needs of the project and the standards of this Program.
2. Recreational developments shall provide vehicular access and parking in accordance with Section 4.2.3, Parking, and shall provide facilities for non-motorized access to the shoreline, such as bicycle and/or pedestrian paths, as prescribed in the City’s Non-Motorized Transportation Plan.
3. Shoreline trails and pathways shall be located, designed, constructed and maintained to protect bank stability.

4. All permanent active recreational structures and facilities shall be located outside officially mapped floodplains and floodways. Passive recreation structures, such as picnic tables, benches, viewing platforms may be allowed provided mitigation is provided.
5. Substantial accessory use facilities, such as restrooms, recreation halls and gymnasiums, commercial services, across roads and parking areas, shall be set back from the OHWM according to Table 4-2. These areas may be linked to the shoreline by walkways.
6. Trails utilized for motorized vehicles, including golf carts, shall be set back two hundred (200) feet from OHWM, unless these are combined with a public access trail system. If combined with a public access trail, trails shall be located at least one hundred (100) feet from OHWM.
7. The removal of on-site vegetation shall be limited to the minimum necessary for recreational development areas and pursuant to Section 4.1.3, Vegetation Management.
8. Recreational buildings or structures shall not be built over water, except as provided in Section 5.3, Boating Facilities, and Section 6.0, Shoreline Modification Policies and Regulations.
9. Proposals for recreational development shall include adequate facilities for water supply and sewage and garbage disposal and recycling commensurate with the intensity of the proposed use. Where sewage treatment facilities are not available, the appropriate reviewing authority shall limit the intensity of development to meet local and state on-site sewage disposal requirements. On-site sewage disposal systems shall be located landward of the development, unless not feasible due to site or development constraints and provided that the location is on-site disposal system is consistent with requirements of the reviewing and permitting authority.
10. Recreational facilities shall incorporate appropriate mitigation to minimize light and noise impacts on adjacent and nearby public and private property through the use of screening, native vegetation, fences, signs and related measures.
11. Recreational proposals for publicly-owned shoreline parks shall provide the following:
 - a. Recreational development and activities shall provide appropriate public recreational opportunities and promote the ecological restoration of the shoreline environment. Public shoreline areas are intended to provide access to, and enjoyment and use of the water and shorelines while conserving ecological functions and processes, and protecting shoreline resources and fragile areas.
 - b. Best management practices (BMPs) and low impact development (LID) techniques shall be incorporated into the design, construction, and operation of public recreation proposals in order to reduce erosion impacts and prevent harmful concentrations of chemicals and sediments from entering water bodies and meet the standards of Section 4.1.6, Water Quality and Stormwater Management.

- c. Educational and historical interpretation specific to the site's shoreline ecology and local history shall be incorporated into the design and operation of a public shoreline recreational development through site amenities such as interpretive signs or other amenities.

5.8.7 Regulations – Operations

1. Operation of motorized vehicles, including utility and maintenance vehicles, shall only be allowed in designated areas specifically designed for vehicular use.
2. The use of jet skis and similar recreational equipment shall be restricted in critical saltwater habitat areas.
3. A chemical management plan designed to eliminate the possibility of damage to riparian vegetation, wildlife, and surface and ground water quality shall be prepared and implemented for golf courses located in shoreline jurisdiction.
4. Recreational fires in commercial uses, public parks and common areas shall only be allowed in accordance with Fire Code regulations in Title 20.12, Burning Restrictions, and within designated barbeque\fire pits, which shall be designed and spaced to facilitate the control of fires both within recreational facilities, between adjacent properties, and on public lands.

5.8.8 Regulations – Golf Courses – Design & Location

1. Golf courses shall be a conditional use requiring both a conditional use permit and a substantial development permit in the upland shoreline designations of Island Conservancy, Residential Conservancy, Residential, and Urban designations.

5.9 Residential Development

5.9.1 Applicability

All development in the shoreline jurisdiction must comply with the Shoreline Management Act (Chapter 90.58 RCW or its successor) and the Master Program. While an individual owner-occupied, single-family residence and its “normal appurtenances” are exempt from the requirement that a Shoreline Substantial Development Permit (SSDP) be obtained from the local government (WAC 173-27-040, or its successor), it must comply with this section and other provisions of the Master Program. Subdivisions and short plats must also comply with all applicable provisions.

Residential development, when permitted by BIMC Title 18, Zoning, and this Master Program, will be reviewed under the “no net loss” provisions of Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.2, Environmental Impacts; and may also be reviewed under Section 4.1.3, Vegetation Management; Section 4.1.4, Land Modification; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater; Section 4.2.4, Public Access, 4.2.7 Utilities Primary; Appendix B; and Accessory. Other portions of this Program may also apply.

5.9.2 Goal

Promote residential development opportunities along the shoreline that are consistent with controlling pollution and preventing damage to the natural environment, recognizing that single-family residential development is a priority use in the shoreline and that impacts to other shoreline priority uses such as, shoreline views, aesthetics, and access, should be considered and minimized.

5.9.3 Policies

1. Consider single-family residential use as a priority use in the shoreline. Develop single-family residences in a manner consistent with producing no net loss of shoreline functions or ecosystem-wide processes, and in conformance with the requirements of this Shoreline Master Program.
2. Locate residential development where there are suitable provisions for utilities, circulation and access, and require development to be designed to:
 - a. Maintain or improve shoreline ecological functions and ecosystem-wide processes to assure no net loss;
 - b. Provide building setbacks;
 - c. Be visually compatible with adjacent cultural and shoreline features, reasonable in size and purpose;
 - d. Preserve and enhance shoreline vegetation;
 - e. Protect water quality;
 - f. Control erosion and provide stormwater management; and
 - g. Preserve shoreline open space, views from the shoreline, and vistas of the shoreline, and provide ample open space in side setbacks to preserve views from both the land and water.
3. Ensure the overall density of development, location of structures and access, lot coverage, and height are consistent with Bainbridge Island Comprehensive Plan goals and policies, the provisions of BIMC Title 18, Zoning, and this Program. Development should be appropriate to the physical capabilities and characteristics of the site.
4. Restrict the development of side yards in order to preserve vegetation between developments, mitigate the effect of a “wall” of structures along the shoreline, and enhance public and private view potential.
5. When waterfront properties are divided, ensure common access to the water is provided to all resulting lots.
6. Prohibit new residential development and accessory uses from locating in critical areas including critical saltwater habitat, wetlands, steep or unstable slopes, floodways, migratory routes and marine vegetation areas.

7. Ensure existing legally established overwater residences do not increase intensity of use.
8. Configure new residential land subdivisions within the shoreline to:
 - a. Prevent the loss of shoreline ecological functions and ecosystem-wide processes at full build-out of the subdivision;
 - b. Reduce the impacts to shoreline processes by preventing the need for new shoreline stabilization or flood hazard reduction measures;
 - c. Maintain waterfront areas for the common use of all property owners within the development, and,
 - d. If creating more than four lots, provide public access to the shoreline, and minimize individual docks and promote community docks.
9. Ensure new multi-family residential development provides public access to the shoreline.
10. Promote residential development that includes measures to protect existing native vegetation and/or restore vegetation along shorelines. Conservation measures should require that residential development avoid, minimize, mitigate, or restore shoreline vegetation functions and achieve no net loss of shoreline ecological functions and ecosystem-wide processes. Vegetation conservation may include avoidance or minimization of clearing or grading, restoration of shoreline vegetation, and/or control of invasive or non-native vegetation.
11. For new residential development and alterations to existing residential development, use non-regulatory methods when possible to protect, enhance, and restore shoreline ecological functions and ecosystem-wide processes and other shoreline resources. Such methods may include voluntary alternatives to address impacts to shoreline ecological functions and ecosystem-wide processes, low impact development techniques, voluntary protection and enhancement projects, habitat management planning, education, or other incentive programs. Such programs must be supported by current scientific and technical information, as described in WAC 173-26-201(2)(a).

5.9.4 Regulations - Prohibited

1. New overwater residential development, including floating homes.
2. New land subdivision that would require shoreline stabilization [WAC 173-26-231(3)(a)(iii)(A)].
3. Increase in intensity, including height or bulk, for any existing legally established overwater residence, or for those portions of a residence that are located over the water.
4. New accessory dwelling units in the Point Monroe District.

5.9.5 Regulations - General

1. Residential development shall be permitted in the Shoreline Residential, Shoreline Residential Conservancy, and Urban designations; shall be conditional uses in the Island Conservancy designation; and shall be prohibited in the Natural, Aquatic, and Priority Aquatic designations.
2. Multifamily development shall be permitted in the Shoreline Residential and Urban designations, and prohibited in the Shoreline Residential Conservancy, Island Conservancy and Natural designations.
3. Accessory dwelling units shall be allowed as a conditional use in the Shoreline Residential Conservancy Shoreline Residential and Urban designations and prohibited in the Point Monroe District, Natural designation, and Island Conservancy designation.
4. Land subdivision, consistent with BIMC Title 17, is permitted in the Shoreline Residential, Shoreline Residential Conservancy, and Urban designations, and shall be allowed as a conditional use in the Natural and Island Conservancy designations.
5. Residential development shall meet setback and height standards in Table 4-2 and dimensional provisions of BIMC Title 18, Zoning.
6. Residential development shall meet all provisions of the Section 4.1.2, Environmental Impacts, such that the development results in “no net loss” to shoreline environmental functions and processes.
7. The buffer dimensional requirements in Table 4-1 of this Program shall apply to residences and appurtenances, except when a site-specific analysis is provided in accordance with Section 4.1.3, Vegetation Management, or for new development proposed for the Point Monroe District, which shall meet vegetation requirements of Section 4.1.3.5(9), Vegetation Management; Special Provisions for Point Monroe District. Residential development shall retain and protect existing native vegetation, or restore and enhance native vegetation according to the Vegetation Management and Land Modification provisions of Sections 4.1.3 and Section 4.1.4.
8. Side setbacks, except in the Urban designation and the Point Monroe District, shall total at least thirty percent (30%) of the lot width. Side setback requirement for the Point Monroe District shall total at least fifteen percent (15%) of the lot width. These yards shall remain free of buildings and impervious surfaces as described below.
 - a. Building. The minimum side setback shall be established by BIMC Title 18, Zoning. Setbacks for each accessory building shall conform to the side setbacks required of, or established by, the primary residential building (insert figure). Structures in the side setbacks may not exceed four feet in height from existing grade, except that fences on the side property line may have an additional two feet (2') of non-screening material for a total of six feet (6'). Approved Shoreline Stabilization measures may be installed within the side setbacks.

- b. Impervious Surfaces. No more than a total of two hundred (200) square feet of impervious surface is allowed in the side yard setback outside of the Shoreline Standard Buffer, Site-specific Vegetation Management Area or Point Monroe Vegetation Management Area.
 - c. Average Lot Width Measurement. In determining allowed setback for this subsection, lot width shall be measured as depicted BIMC Chapter 18.12, Dimensional Standards.
- 9. All residential development shall meet BIMC Chapter 15.20, Surface and Storm Water Management, and Section 4.1.6, Water Quality and Stormwater Management of this Program.
- 10. Home occupations meeting the criteria of BIMC Title 18 shall be considered a residential use.

5.9.6 Regulations – Primary Residential Design and Location

- 1. Residential Development, except in the Point Monroe District (5.9.6 (2)) below, shall follow the provision for Shoreline Exemptions pursuant to the Shoreline Master Program Administrative Section, BIMC Section 2.16.165, and shall:
 - a. Be located and designed to avoid the need for shoreline stabilization and flood protection works for the life of the structure, as provided for in Section 6.2.9 Shoreline Stabilization; Regulations – Subdivisions and Section 4.1.7, Flood Hazard Management.
 - b. Be located and designed to protect existing ecological function in accordance with Section 4.1.2, Environmental Impacts, and Section 4.1.3, Vegetation Management, and use low impact development techniques of Section 4.1.6.6(3) to:
 - i. Minimize area of disturbance as provided in Section 4.1.4, Land Modification; and
 - ii. Minimize soil compaction; and
 - iii. Infiltrate stormwater runoff when the site is suitable for infiltration.
 - c. Provide a stormwater conveyance that is designed according to the provisions of Section 4.1.6, Water Quality and Stormwater Management.
 - d. Be located to protect existing views from primary structures on adjacent properties.
 - i. Primary Structures shall meet the provisions for structure setback line as provided in Section 4.1.3, Vegetation Management, and shall follow the provisions for Shoreline Exemption permit in the Shoreline Master Program Administration Section of BIMC Section 2.16.165.

- e. Designed to provide a physical separation to reinforce the distinction between public and private space. Including but not limited to:
 - i. Providing vegetation screening in a landscape plan approved by the Administrator and developed in accordance with requirements in Section 4.1.3, Vegetation Management, and BIMC Section 18.15.010, Development Standards and Guidelines; Landscaping, Screening and Tree Retention, Protection, and Replacement.
 - ii. Providing an open space setback recorded on plat or title; or
 - iii. Fencing or other means.
- 2. **Special Provisions for Point Monroe District** – Primary and Accessory Structures. Residential development within the Point Monroe District shall follow the provisions for Shoreline Exemption permit in BIMC 16.12 Part VII, Shoreline Master Program Administration, and shall meet provisions of subsection 5.9.6(1)(a)-(c)&(e) and the following:
 - a. Each lot is permitted a development area that is intended to accommodate the primary residence, garage, accessory structure, parking and driveway that does not exceed fifty percent (50%) of the upland lot area, up to a maximum development area of fourteen hundred (1400) square feet. On-site septic systems may be located outside of this development area.
 - b. All new primary structures shall be located a minimum of thirty feet (30') from the OHWM.
 - c. Stabilization and flood protection works may be allowed provided the need is demonstrated as specified in Section 6.2.8.1 or 6.2.8.2, Shoreline Stabilization, and 4.1.7, Flood Hazard Management.
 - d. Overwater structures may be allowed pursuant to Sections 4.1.2, Environmental Impacts and 6.3.4, in Overwater Structures.

5.9.7 Regulations – Accessory Design and Location

- 1. Except in the Point Monroe District, accessory uses and structures proposed within the Shoreline Buffer or site-specific vegetation management areas shall meet the standards of Section 4.1.3, Vegetation Management.
 - a. Accessory structures allowed in the Shoreline Buffer in Table 4-1 shall follow the provision for a Shoreline Exemption in the Shoreline Master Program Administration, BIMC Section 2.16.165.
- 2. In the Point Monroe District accessory structures, except approved docks or shoreline stabilization, shall be located a minimum of fifteen feet (15') from the OHWM.

5.9.8 Regulations – Residential Subdivisions (Single-Family and Multifamily, including ADU)

1. Subdivision of properties in water designations, Aquatic and Priority Aquatic, shall be regulated the same as the adjacent upland.
2. Land subdivision shall be designed to assure future development will not require shoreline stabilization for one hundred (100) years from date of submittal as demonstrated by a geotechnical report.
3. All new subdivisions shall provide for vegetation management to mitigate cumulative impacts of intensification of use and open space to assure establishment and continuation of a vegetation community pursuant to Section 4.1.3, Vegetation Management.
4. Accessory dwelling units are conditional uses for all lots wholly or partially within the shoreline jurisdiction.
5. New subdivisions or all multifamily residential developments shall provide a community recreation and/or open space area for the benefit of all residents or property owners in the development; provided that, such provisions shall not apply to lot line adjustment, lot consolidation, and subdivision of land into four (4) or fewer lots.
6. New subdivisions or all multifamily residential development of less than four (4) lots and shall provide a common physical or visual access for the benefit of all residents or property owners in the development, which also-meets the provisions of No Net Loss in Sections 4.1.2, Environmental Impacts. An access easement shall be recorded on the face of the plat or title report.
 - a. If one or more dwelling unit exists prior to the division of land or further residential development, the feasibility of providing a common access shall be determined by the Administrator.
7. New or altered residential developments of more than four (4) dwelling units adjacent to the waterfront, shall dedicate, improve, and maintain public access area sufficient to ensure usable access to the shoreline for all residents of the development and the general public. The amount and configuration of public access shall depend on the proposed use(s), provisions in Section 4.2.4, Public Access – Visual and Physical, and the following criteria:
 - a. Subdivisions within the shoreline jurisdiction that have views of water areas shall provide a public pedestrian viewing area.
 - b. Subdivisions adjacent to public waterways and marine waters shall provide visual and physical access to public waterways, public marine waters, and public tidelands that are physically accessible at low tide or low water.
 - c. Subdivisions subject to requirements for dedication of land to provide open space or mitigate recreation demands of the development shall dedicate such land on or adjacent to public waterways or marine shorelines, as applicable, unless the

ecological sensitivity of such land precludes public access. Portions of the dedicated area may be fenced or otherwise restricted to limit public access to ecologically sensitive areas.

5.9.9 Regulations – Residential Development Overwater

1. Live-aboard vessels, shall be allowed only at marinas or in the public open water marina in Eagle Harbor in accordance with Section 5.3, Boating Facilities.
2. All subdivisions shall record a prohibition on new single use private docks on the face of the plat. Shared moorage with less than 6 slips shall meet provisions for community docks in Section 5.3, Boating Facilities. Shared moorage with six (6) or more slips shall meet provisions in Section 5.3
3. An existing overwater primary residential use may continue, and the structure may be repaired, maintained, increased in height and remodeled in accordance with Section 4.2.1, Nonconforming Uses, Nonconforming Lots, and Existing Development but the use may not be intensified and the overwater structure may not be enlarged or expanded over water.
4. The upland portion of an existing primary residential structure that is partially located over water may be repaired, maintained, remodeled or expanded to the extent allowed by this program and in accordance with Section 4.2.1.6.3, Existing Structures
Residential Single-Family: Primary Structure.

6.0 SHORELINE MODIFICATION POLICIES AND REGULATIONS

6.1 *General Shoreline Modification Provisions*

6.1.1 Applicability

Shoreline modifications are generally related to construction of a physical element such as residential development, a dike, bulkhead, dredged basin, pier or fill, but they can include other actions such as clearing, grading, application of chemicals, or vegetation removal. Shoreline modifications usually are undertaken in support of or in preparation for a shoreline use; for example, fill (shoreline modification) required for a ferry terminal (industrial use) or dredging (shoreline modification) to allow for a marina (boating facility use).

The provisions in this section apply to all shoreline modifications within the shoreline jurisdiction. They also apply to projects in which the chief intent is to protect the shoreline of a particular property for which the permit applies such as shoreline stabilization, flood control projects, and flood control programs. Shoreline modification proposals will be reviewed under the “no net loss” provisions of Section 4.1.2, Environmental Impacts; Section 4.0, General (Island-wide) Policies and Regulations; and may also be reviewed under Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.7, Flood Hazard Management; Appendix B; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

6.1.2 Goal

Manage shoreline modifications and flood protection to avoid, minimize or mitigate adverse impacts and assure that individually and cumulatively, shoreline modifications do not result in a net loss of ecological function.

6.1.3 Policies

1. Allow structural shoreline modifications only where it is demonstrated to be necessary to support or protect an allowed primary structure and primary appurtenances, or a legally existing principal use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
2. Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.
3. Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
4. Give preference to those types of shoreline modifications that have a lesser impact on ecological functions and ecosystem-wide processes. Require mitigation of identified impacts resulting from shoreline modifications.

5. Plan for the enhancement of impaired ecological functions and ecosystem-wide processes where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes
6. Avoid and reduce significant ecological impacts according to the mitigation sequence in Section 4.1.2.6.
7. Ensure shoreline modification projects provide for long-term multiple use and shoreline public access, where appropriate.
8. Ensure natural features such as snags and stumps which support fish and other aquatic systems, and which do not intrude on navigational uses or threaten other permitted uses, are left undisturbed except in cases of an approved beach stabilization project.

6.1.4 Regulations – Prohibited Uses

1. Shoreline modifications in or adjacent to wetlands (located in both the upland and the shoreline jurisdiction) and in salmon and trout spawning areas, except for fish or wildlife habitat enhancement.
2. Beach enhancement when it interferes with the normal public use of the navigable waters of the state.
3. Shoreline Modification located on feeder bluffs, except when the area is already developed with a primary residential structure, an essential public facility or transportation facility, in which case stabilization may be allowed pursuant to the provisions in Section 6.2, Shoreline Stabilization.

6.1.5 Regulations - General

1. A pre-application meeting shall be required prior to submitting an application for a replacement, repair or new shoreline modification project.
2. All shoreline modification activities must be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, except shoreline stabilization may be allowed as a shoreline use provided it can be demonstrated that it is necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
3. All applicable federal and state permits, including the Army Corps of Engineers and the Washington Department of Fish and Wildlife, Washington Department of Natural Resources shall be obtained and complied with in the construction and operation of shoreline stabilization and flood protection works.
4. All new development activities, including additions to existing structures, shall be located as allowed in Section 4.1.5.7, Regulations – Geologically Hazardous Areas or Appendix B, and located or designed to prevent the need for shoreline stabilization for the life of the development or one hundred (100) years, whichever is greater.

5. All new, replacement, and repair modification activities shall be limited to the minimum footprint necessary to protect an allowed primary structure or legally existing shoreline use.
6. All applications for new, replacement and repair modification activities shall examine and implement alternatives as specified in their specific use sections.
7. All applications for new, replacement and repair modification activities shall be designed, located, sized, and constructed to assure no net loss of ecological functions and processes pursuant to Section 4.1.2, Environmental Impacts.
8. Shoreline stabilization shall be designed in a manner that minimizes:
 - a. Scouring of the beach at the toe of the structure; and
 - b. Erosion of the waterward beach; and
 - c. Impact to adjacent properties; and
 - d. The need for mitigation measures.
9. Upon project completion, all disturbed shoreline areas shall be restored and replanted pursuant to Section 4.1.2.5, Regulations – Revegetation Standards.
10. Publicly financed or subsidized works should provide for long-term multiple use and public pedestrian shoreline access.

6.2 Shoreline Stabilization

6.2.1 Principles

Shorelines are by nature unstable, although in varying degrees. Erosion and accretion are natural processes that provide ecological functions and thereby contribute to sustaining the ecology of the shoreline. Human use of the shoreline has typically led to hardening of the shoreline for various reasons including, reducing erosion, providing useful space at the shore, or for access to docks and piers. The impacts of hardening on any one property may be minimal, but cumulatively the impact of this type of shoreline modification is significant.

Shoreline hardening typically results in adverse impacts to shoreline ecological functions and habitat degradation, such as:

- Starvation and/or impoundment of beach sediment which diminishes longshore sediment transport;
- Loss of shoreline vegetation and large woody debris;
- Ground water and hydraulic impacts; and
- Exacerbation of erosion.

There are nonstructural and structural methods of shoreline stabilization. Nonstructural methods include building setbacks, relocation of the structure to be protected, groundwater management, and planning and regulatory measures to avoid the need for structural

stabilization. Structural stabilization methods can be “hard” or “soft”. “Hard” structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while “soft” structural measures rely on less rigid materials, such as bioengineering vegetation or beach enhancement. Generally, the harder the construction measure the greater the impact on shoreline processes, such as sediment transport, geomorphology, and biological functions.

The range of non-structural and structural measures varying from soft to hard:

“Soft”

- Upland drainage control;
- Vegetation enhancement;
- Beach enhancement;
- Bioengineering measures;
- Anchor trees; and
- Gravel placement.

“Hard”

- Rock revetments;
- Gabions;
- Groins (rock or concrete);
- Retaining walls and bluff walls;
- Bulkheads; and
- Seawalls.

6.2.2 Applicability

Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures resulting from natural processes, such as currents, flood tides, wind, or wave action. These actions include structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, and planning and regulatory measures to avoid the need for structural stabilization. The provisions of this section apply to the construction, replacement and repair of structures intended to stabilize shorelines for protection of primary structures and primary appurtenances from shoreline erosion caused by wind, waves, and currents. For this section, repair, replacement and new stabilization are defined in Section 8.0, Definitions. Even when exempt from the shoreline substantial development process, however, these structures must comply with all applicable Master Program regulations. A statement of exemption, shoreline conditional use, or shoreline substantial development permit must be obtained from the City before commencing construction of any shoreline stabilization. All proposed shoreline stabilization will be reviewed under the “no net loss” provisions of Section 4.1.2, Environmental Impacts; Section 4.0, General (Island-wide) Policies and Regulations; Section 4.2.1 Non-Conforming Development; Section 6.1, Shoreline Modification and may

also be reviewed under Section 4.1.3, Vegetation Management; 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.

6.2.3 Policies

1. Discourage shoreline stabilization, particularly “hard” structural stabilization, through application of appropriate shoreline designations, development standards, and public education.
2. Design, locate, size and construct new, repaired or replacement shoreline stabilization to minimize and mitigate adverse impacts on shoreline ecological functions and shoreline ecosystem-wide processes. An evaluation of the proposal should consider causes and effects of erosion, including upland erosion, and beach dynamics, such as sediment conveyance, geo-hydraulic processes and ecological relationships, and address these on a reach-specific basis.
3. Design and locate new development, including the creation of new lots, in a manner that prevents the need for shoreline stabilization and armoring.
4. Permit structural shoreline stabilization only when it has been demonstrated that shoreline stabilization is necessary for the protection of existing legally established primary structures, principal uses or public improvements in danger of loss, and when it can be demonstrated that there are no alternative options to the proposed shoreline stabilization that have less impact on the shoreline environment.
5. Allow existing “hard” shoreline stabilization structures to be replaced if there is a demonstrated need to protect the principal use or primary structure from erosion and the replacement structure is designed, located, sized and constructed to assure no net loss of ecological functions and ecosystem-wide processes.
6. Give preference to those types of shoreline stabilization that have a lesser impact on ecological functions and ecosystem-wide processes. To protect ecological functions and ecosystem-wide processes, alternatives to shoreline stabilization should be considered and be based on the following sequencing of solutions:
 - a. Avoidance (allow the shoreline to retreat naturally, increase building setbacks or relocate structures);
 - b. Flexible defense works constructed of natural materials including, “soft” shore protection, bioengineering, beach nourishment, protective berms or vegetative stabilizations;
 - c. Combination of “soft” and structural “hard” shoreline stabilization or hybrid design measures, which excludes structural stabilization below the ordinary high water mark;
 - d. “Hard” structural stabilization or rigid works constructed of artificial materials, such as riprap or concrete;

7. Select materials used for construction of shoreline stabilization for long term durability, ease of maintenance and compatibility with local shore features, including aesthetic values and flexibility for future uses.
8. Ensure that publically financed or subsidized shoreline stabilization measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions or ecosystem-wide processes. Where feasible, incorporate ecological restoration and public access improvements into the project.
9. Avoid shoreline stabilization that is constructed waterward of feeder bluffs.
10. Encourage neighboring property owners within an entire drift cell or shoreline reach to coordinate planning and development of shoreline stabilization or other solutions to avoid erosion of down-drift properties and to address ecological and geo-hydraulic processes, sediment conveyance, and beach management.
11. Where feasible, remove any failing, harmful, unnecessary or ineffective structures and restore shoreline ecological functions and ecosystem-wide processes consistent with the priorities of an ecosystem-wide restoration plan, and replace structures using shoreline stabilization measures that result in less impact to ecological functions and ecosystem-wide processes.
12. Encourage non-structural stabilization using non-regulatory methods to protect, enhance and restore shoreline ecological functions and ecosystem-wide processes, and other shoreline resources. Non-regulatory methods should include incentive programs to utilize low impact development techniques and encourage habitat/resource planning, voluntary enhancement and restoration projects, or programs that provide technical assistance and education to shoreline property owners.
13. Promote shoreline stabilization that incorporates beach restoration or enhancement in accordance with the restoration provisions of Section 4.1.8, Shoreline Restoration and Enhancement, and this Program.

6.2.4 Regulations – Prohibited

1. Gabions, groins, vertical, concave, and flat (hard) faced structures not including near-vertical rock riprap bulkheads in shoreline stabilization construction. Sheet pile style hard stabilization may be allowed for remediation and hybrid shoreline stabilization projects in accordance with Section 6.2.5.
2. Revetments for any purpose unless part of a public facilities project.
3. Construction of a bulkhead, revetment, or other structure for the purpose of retaining a landfill or creating dry land; unless it is proposed in conjunction with an approved commercial or industrial water-dependent use or public use.
4. Shoreline stabilization proposed on shores where valuable geo-hydraulic or biological processes are sensitive to interference or critical to shoreline conservation, such as: feeder bluffs; barrier estuaries, barrier lagoons, wetlands; or accretion shore forms such

as sand spits, hooks, bars, or barrier beaches. Except that stabilization proposals to protect a primary single-family residence, primary appurtenance or primary public or transportation facilities, may be allowed on feeder bluffs and spits provide provisions of this Program are met.

5. The use of hard structural stabilization or the hard portions of hybrid stabilization intended to protect a vacant platted lot or to protect a developed lot where a primary structure or primary appurtenance is not in danger from erosion as demonstrated through a geotechnical report.
6. Stabilization that would cause significant impacts to adjacent or down current properties.

6.2.5 Regulations - General

1. All shoreline stabilization proposals shall meet applicable provision of Section 6.1, Shoreline Modifications, and assurance of no net loss of ecological functions and processes, Section 4.1.2, Environmental Impacts.
2. Soft-treatment stabilization shall be used to the maximum extent feasible.
3. New or replacement shoreline stabilization measures are a conditional use for the following:
 - a. Proposed shoreline stabilization is adjacent to a feeder bluff.
 - b. The nearest adjacent existing shoreline stabilization is greater than one hundred (100) feet of the subject property.
 - c. Sheet pile style hard stabilization may be used in:
 - i. Remediation projects to contain contaminated soils or sediments when demonstrated to the satisfaction of the Administrator to be the most appropriate solution; or
 - ii. Hybrid stabilization when used as a stop-gap measure at or near extreme high water.

6.2.6 Regulations - Location and Design of Shoreline Stabilization

1. Shoreline stabilization shall not be approved in any known or probable midden site without the written permission of the Director of the State Office of Archaeology and Historic Preservation (the State Historic Preservation Officer) (RCW 27.53.060 or its successor).
2. On all shorelines, hard structural stabilization or hard portions of hybrid stabilization shall be located landward of the OHWM. Other structural stabilization shall be located landward of protective berms (artificial or natural), and generally parallel to the natural shoreline except as allowed below:

- a. On high bluffs where no other shoreline stabilization structures are adjoining, hard structural stabilization or hard portions of hybrid stabilization shall be as close to OHWM as feasible to accommodate the design of the shoreline stabilization. However, a revetment footing may extend waterward only the minimum extent necessary to dissipate wave energy.
 - b. Shoreline stabilization shall connect flush with existing stabilization on adjoining properties, except when the action will create dry land, in which case the location requirements of the above shall apply.
 - c. Soft-treatment stabilization may be permitted waterward of the OHWM if the stabilization measures provide restoration of shoreline ecological functions and processes.
3. Hard structural stabilization, including hard portions of hybrid stabilization, shall be limited to the areas of the site where the stabilization is demonstrated to be necessary, according to Section 6.2, Shoreline Stabilization.
 - a. When allowed on feeder bluffs, hard structural stabilization, including hard portions of hybrid stabilization shall be located landward of the OHWM.
 - b. Hard structural stabilization, including hard portions of hybrid stabilization located in a shoreline area that does not include a feeder bluff, shall be constructed landward of the ordinary high water mark and shall follow the natural contours of the shoreline; unless it is demonstrated to the satisfaction of the Administrator to be infeasible to locate the entire hard structural stabilization landward.
4. Replacement stabilization structures may be constructed in the same location if placement landward of OHWM is infeasible as demonstrated to the satisfaction of the Administrator.
5. Shoreline stabilization shall be designed to allow the passage of surface or ground water without causing ponding or saturation of retained soil materials and meet the following design criteria:
 - a. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system;
 - b. Filter cloth or adequate smaller filter rock shall be used to aid drainage and help prevent settling; and
 - c. Provide adequate toe protection to ensure future mitigation or hard structural stabilization measures are not required.
6. Revetments shall be sited and designed consistent with appropriate engineering principles. Professional, geologic, site studies or design shall be required.
7. When a hard structure is required at a public access site, provision for safe access to the water shall be incorporated into the design for stabilization.

8. Stairs or other permitted upland structures may attach to existing hard structural stabilization, but shall not extend waterward, unless it is demonstrated to the satisfaction of the Administrator to be infeasible to locate the entire stairway landward.
9. Overwater structures may attach to existing hard structural stabilization.
10. Hard shoreline stabilization construction shall utilize stable, non-erosion prone, homogeneous materials such as concrete, wood, rock riprap, or other suitable materials which will accomplish the stabilization needs with the maximum preservation of natural shoreline characteristics. See Section 4.1.6, Water Quality and Stormwater Management for additional provisions related to material.

6.2.6.1 Regulations – Location Specific for Replacement of Hard Structural Stabilization

1. Replacement of hard structural stabilization shall not encroach waterward of the OHWM or waterward of the existing shoreline stabilization measure unless the primary structure requiring protection was constructed prior to January 1, 1992, and there is overriding safety or environmental concerns if the stabilization measure is moved landward of the OHWM. In such cases, the replacement structure shall be constructed to abut the existing shoreline stabilization structure. All other replacement structures shall be located landward of the existing shoreline stabilization structure.

6.2.7 Regulations – Repair of Existing Shoreline Stabilization

1. The Administrator shall allow repair or maintenance of soft-treatment stabilization.
2. Repair of existing structural stabilization shall be allowed as follows:
 - a. Existing shoreline stabilization which no longer adequately serves its intended purpose shall be considered a replacement.
 - b. Damaged structural stabilization may be repaired up to fifty percent (50%) of the linear length within a Five (5) year period. Repair area that exceeds fifty percent (50%) shall be considered a replacement. Stabilization repair applications shall consider cumulative approvals of each successive application within a five year period
 - c. Stabilization repairs may require mitigation pursuant to Section 4.1.2, Environmental Impacts.

6.2.8 Regulations – New or Replacement Shoreline Stabilization

1. When evaluating the need for new, expanded or replacement stabilization measures, the applicant shall provide an analysis from a qualified professional that examines and implements preferred alternatives in the following sequence:
 - a. No action (allow the shoreline to retreat without intervention).

- b. Non-structural measures such as vegetation enhancement or addressing upland drainage concerns.
 - c. Increase building setbacks and/or relocate structures to a feasible location and/or elevate the structures.
 - d. Implement flexible/natural materials and methods, beach nourishment, protective berms, bioengineered stabilization or other soft-treatment measures.
 - e. Hybrid structure.
 - f. Exclusively hard stabilization materials.
2. An analysis for these alternatives shall be submitted with each replacement or new stabilization application.
 3. Point Monroe District properties shall also meet provisions in Section 6.2.8.3, Specific Regulations for Point Monroe District.

6.2.8.1 Specific Regulations: Replacement of Existing Structural Stabilization

1. Replacement of existing structural stabilization is allowed to protect public transportation infrastructure, essential public facilities, and primary structures when all the following apply:
 - a. The replacement is located landward of OHWM, unless demonstrated to the satisfaction of the Administrator to be infeasible, then it may be located in the same location, except as provided in subsection (3), below; and
 - b. The danger of loss or substantial damage from shoreline erosion is caused by tidal action, current, and waves rather than landslides, sloughing or other forms of shoreline erosion unrelated to water action at the toe of the slope and such has been identified through a geotechnical report except as provided in subsection (c), below; and
 - c. A geotechnical report demonstrates a need to protect the primary structure and primary appurtenance from danger of loss or substantial damage within five (5) years due to shoreline erosion, (b) above, in the absence of hard structural stabilization; except the following is not required to identify danger of loss or substantial damage through a geotechnical report:
 - i. An existing primary single-family residence located within ten feet (10') or less from the OHWM; or
 - ii. An existing primary single-family residence located within ten feet (10') or less from the top of a high bluff (greater than fifteen feet (>15)(top of bluff as defined in Appendix B);or

- iii. An existing primary single-family residence located with the Point Monroe District may use the *Spit Science Summary – Point Monroe*, Herrera Environmental, 2012, to substitute for a site-specific geotechnical report.
 - d. The replacement structure is designed, located, sized and constructed to assure no net loss of ecological functions and processes; and
 - e. Hard structural shoreline stabilization, including hard partitions of hybrid stabilization, is limited to the ‘zone of impact’ for protecting a primary structure and its primary appurtenances. See Section 8.0 for ‘zone of impact’ definition.
2. When a geotechnical report confirms a need to prevent potential loss of or damage to a primary structure, but the need is not as immediate as five (5) years, the report may be used to justify more immediate authorization to protect against erosion using soft-treatment stabilization or hybrid structural measures.

6.2.8.2 Specific Regulations: New Shoreline Stabilization

1. The City may approve new or enlarged structural stabilization measures to protect non-water-dependant public transportation infrastructure, essential public facilities, and primary structures when all the following apply:
 - a. The danger of loss or substantial damage from shoreline erosion is caused by tidal action, current, and waves rather than landslides, sloughing or other forms of shoreline erosion unrelated to water action at the toe of the slope and such has been identified through a geotechnical report except as provided in subsection (b), below.
 - b. A geotechnical report demonstrates there is significant possibility that the primary structure or primary appurtenance structures will be damaged within three (3) years as a result of shoreline erosion, (a) above, in the absence of hard structural stabilization measures; except the following is not required to identify danger of loss or substantial damage through a geotechnical report:
 - i. an existing primary single-family residential structure located within ten feet (10’) or less from the OHWM; or
 - ii. An existing primary single-family residential structure located within ten feet (10’) or less from the top of a high bluff (greater than fifteen feet (>15)(top of bluff as defined in Appendix B).
 - c. The new or expanded structure is designed, located, sized and constructed to assure no net loss of ecological functions and/or processes; and
 - d. Hard structural shoreline stabilization, including hard portions of hybrid stabilization, is limited to the ‘zone of impact’ for protecting a primary structure and/or its primary appurtenances.
2. Where a geotechnical report confirms a need to prevent potential loss of or damage to a residential primary structure, but the need is not as immediate as three (3) years, the

report may be used to justify more immediate authorization to protect against erosion using soft-treatment structural measures.

6.2.8.3 Specific Regulations for the Point Monroe District

1. New foundations and redevelopment of existing foundations that impede the natural over-wash process with the Federal Emergency Management Administration (FEMA) flood zone are considered flood protection works and shall meet provisions in Section 5.9, Residential Development.
2. New hard shoreline stabilization measures are prohibited in Area I, II, and IV of the Point Monroe District, as depicted in the Point Monroe District Map in Appendix E.
3. A minor conditional use permit shall be required for hybrid structural stabilization within Area III of the Point Monroe District, as depicted in the Point Monroe District Map, Appendix E.

6.2.9 Regulations – Subdivisions

1. Land subdivision shall be designed to assure future development will not require shoreline stabilization for the next one hundred (100) years from date of building permit approval as demonstrated by a geotechnical report.

6.2.10 Submittal Requirements for Shoreline Stabilization Project Applications

1. In addition to the general submittal requirements for all applications specified in BIMC Section 2.16.020(H), the following shall be submitted to the City. Applications for repair of existing stabilization will be required to submit only the first six (6) items. The Administrator may waive some or all of the following based on specific project requirements:
 - a. Purpose of the project including a calculation that demonstrates the amount proposed to be repaired and past amounts repaired and a summary of replacement and/or repair materials proposed; and
 - b. Plan and cross section views of the existing and proposed shoreline configuration, showing accurate existing and proposed topography and OHWM, including an indication of the amount of area proposed to be repaired; and
 - c. Documentation of pre-construction shoreline characteristics; and
 - d. Description of physical, geological and/or soil characteristics of the site including existing and proposed slope profiles; and
 - e. A description of any waste and debris disposal sites for materials generated during construction; and
 - f. For repair of shoreline stabilization, the design recommendations for minimizing impacts and ensuring the new construction, replaced or repaired stabilization

measure is designed, located, sized and constructed to assure no net loss of ecological functions and processes; and

- g. Examination and implementation of alternatives in the order of preference as described in Section 6.2.8, Specific Regulations: Replacement of Existing Structural Stabilization, including a description of cost, mitigation cost, maintenance needs and success in protecting the primary structure; and
- h. Existing shoreline stabilization within the reach of the proposed project; and
- i. Any outreach efforts to coordinate with property owners within the shoreline reach to address an ecosystem-wide restoration plan; and
- j. A description of any waste and debris disposal sites for materials generated during construction; and
- k. A discussion of the cause of shoreline erosion including assessment of ecosystem-wide processes occurring both waterward and landward of the OHWM and an analysis of on-site and/or adjacent upland drainage.
- l. Impact analysis and mitigation report as specified by Section 4.1.2, Environmental Impacts; and
- m. Geotechnical report including the estimated rate of erosion and eminent danger within the time threshold as provided in Section 6.2 and the following:
 - i. Proof of a geotechnical design of the structural stabilization; and
 - ii. Washington State licensed civil engineer with a specialty in coastal engineering or a qualified Washington State licensed geologist with a specialty in coastal geology and a qualified marine habitat biologist shall evaluate the cumulative effects of stabilization methods within a drift cell; and
 - iii. Maintenance, Monitoring and Planting Plan as required by Section 4.1.2, Environmental Impacts.

6.3 Overwater Structures

6.3.1 Applicability

Uses which may employ a pier or dock are subject to the provisions herein as well as to the provisions contained in Section 5.0, Specific Shoreline Use and Development Policies and Regulations. Single use, community, or joint-use docks which provide moorage for six (6) or more vessels also must comply with the provisions of Section 5.3, Boating Facilities.

Pursuant to RCW 90.58.030(3)(e)(vii), or its successor, and WAC 173-27-040(2)(h), or its successor, certain activities are exempt from obtaining a Shoreline Substantial Development Permit (SSDP). For the benefit of the lot owner, surrounding properties, and water body users, the City will review all proposals for piers and docks to determine whether:

1. The proposal is or is not exempt from the requirements for a shoreline permit;
2. The proposal is suitably located and designed and that all potential impacts have been recognized and mitigated; and
3. The proposal is consistent with the intent, policies, and regulations of the Act (RCW 90.58.140(1) or its successor) and this Program.

Activities that are exempt from a shoreline substantial development permit must still meet the provisions of the Master Program. A pier, dock or float associated with a single-family residence is considered a water-dependent use provided that it is designed and intended as a facility for to tie up watercraft. Overwater structure activities will be reviewed under the “no net loss” provisions of Section 4.1.2, Environmental Impacts and Section 4.0, General (Island-wide) Policies and Regulations; Section 4.4.1 Shorelines of Statewide Significance, and may also be reviewed under Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management, and Appendix B, when applicable. Other portions of this Program may also apply.

6.3.2 Goal

Limit the number and size of piers, docks, and floats to the extent necessary to accommodate the proposed use and avoid adverse impacts to shoreline ecological functions and ecosystem-wide processes. Allow overwater structures only when part of a permitted water-dependent use or for public access. Ensure consistency with federal and state regulations.

6.3.3 Policies

1. Encourage multiple-use and expansion of existing conforming piers, docks, and floats over the addition of new facilities. Joint-use facilities are preferred over new, single-use piers, docks and floats.
2. Mooring buoys are preferred to either piers or docks. Locate and design buoy installation to avoid or minimize adverse impacts on ecological functions and ecosystem-wide processes.
3. Locate and design piers, floats, and docks to avoid and minimize possible adverse impacts on ecological functions and ecosystem-wide processes, including fish and wildlife habitat, and impacts to ecosystem-wide shoreline processes such as littoral drift and sand movement. Ensure that piers, floats and docks are:
 - a. Designed in consideration of the proposed intensity of use, the shoreline characteristics, tidal action, aesthetics and minimization of impacts to adjacent land and public use of the waters of the state.
 - b. Prohibited at locations where physical limitations exist, such as shallow, sloping tidelands bottoms; areas of frequent high wind, wave, or current exposure; high littoral drift areas; or landslide-prone areas and/or feeder bluffs.
 - c. Designed and maintained to mitigate adverse impacts to the environment such as eelgrass beds and fish habitats, shoreline aesthetics, and water quality, and to

minimize interference with navigable waters and the public's use of the water and shoreline. Design considerations should:

- i. Limit pier and float length & width to extent necessary for the intended use;
 - ii. Provide functional grating for light penetration;
 - iii. Configure pier and float orientation to minimize shading;
 - iv. Prohibit auxiliary structures on piers and floats;
 - v. Provide a mechanism to prevent floats from resting on tidelands;
 - vi. Encapsulate floatation to prevent to breakup and loss of material; and
 - vii. Use a site-specific distance between piles to avoid adverse impacts to salt water critical habitat.
 - d. Designed, constructed, and maintained to provide a reasonable level of safety to users.
4. Encourage proponents of commercial pier, float, and dock projects to provide for public docking, launching, or recreational access.
 5. Encourage the development of public docks with floats at appropriate road-end locations. Local programs and coordinated efforts among private and/or public agencies should be initiated to develop new public access docks, and to remove or repair failing, hazardous, or nonfunctioning piers and docks and restore such facilities and/or shore resources to a natural and/or safe condition.
 6. Encourage the use of natural materials in pier and dock construction. Chemical wood treatments, such as creosote or pentachlorophenol are prohibited on all new structures or repair projects. Plastics and other non-biodegradable materials may be used; however, precautions should be taken to ensure their containment as provided in Section 4.1.6, Water Quality and Stormwater Management.
 7. Implement an education program for boat owners and operators on best management practices for use of boat and overwater structure maintenance products.
 8. Limit the development of new docks and piers in harbors and encourage public docks and private community docks, except that in Blakely Harbor:
 - a. New docks shall be prohibited between Restoration Point and the most eastern point along the north shore of Blakely Harbor; except
 - i. Two community docks should be allowed, one along each the north and south shores, provided that all residents along each shore are provided a non-extinguishable option to access the community dock located along their respective shore; and
 - ii. One small public dock and/or pier for the mooring of dinghies and loading or unloading of vessels should be allowed for daytime use.

6.3.4 Regulations - Prohibited

1. Overwater structures in the Priority Aquatic designations and adjacent to the Natural designation except:
 - a. New individual, community or joint-use residential docks or piers are permitted in the Priority Aquatic B designation, only in areas where salt marsh vegetation, such as pickleweed (*Salicornia* sp.), does not exist.
 - b. Two mooring buoys per parcel are allowed for public access when upland property is owned by a public entity.
2. Overwater Structures at locations where critical physical limitations exist, such as shallow sloping tidelands; areas of frequent high wind, wave, or current exposure as depicted by charts, isometric maps, or other technical sources; or areas with high levels of accretion, or geological hazardous areas located outside of harbors and/or feeder bluffs, except when specifically allowed in Section 4.2.4, Public Access – Visual and Physical, or Section 5.3, Boating Facilities.
3. Development of new docks and piers within all shoreline designations within Blakely Harbor between Restoration Point and the most eastern point along the north shore of Blakely Harbor (sometimes referred to as “Pigott Point” or “Jasmine Point”), except as provided in this section.
4. New docks and piers within Murden Cove as shown on the Shoreline Designation Map.
5. New boat houses and/or new covered moorage on either existing or new piers or docks.
6. Hydraulic water jets cannot be used to remove piling.
7. Use of arsenate compounds or creosote-treated members.
8. Over-water field applications of paint, preservative treatment, or other chemical compounds, except in accordance with best management practices set forth in the Boating Facility section of the Master Program or when allowed by a current National Pollution Discharge Elimination System (NPDES) permit from the Department of Ecology.
9. Bulk storage for gasoline, oil and other petroleum products for any use or purpose on piers and docks. Bulk storage means non-portable storage in fixed tanks.

6.3.5 Regulations - General

1. Except for the provisions contained in this chapter, new piers and docks shall be a permitted use in the Urban, Shoreline Residential, and Aquatic designations, and shall be a conditional use in the Shoreline Residential Conservancy and Island Conservancy designations.
2. Mooring buoys are a preferred use, over docks, where feasible.
3. Piers and docks shall be located and designed to minimize interference with the use of navigable waters and may be limited in length or prohibited, where necessary, to protect navigation, public use, or habitat values including critical saltwater habitat.

4. If a bulkhead-like base is proposed for a fixed pier or dock the base shall be built landward of the ordinary high water mark or protective berg and is considered shoreline stabilization and must meet provisions of Section 6.2 Shoreline Stabilization.
5. Structures on piers and docks shall be strictly limited in size to avoid impacting shoreline views.
6. Piers and docks shall require a building permit and shall meet standards set by the building official, except public ferry terminals as part of the state highway system.
7. Lighting shall:
 - a. Satisfy the provisions of BIMC 18.15.040;
 - b. Be the minimum necessary, or as required by the Coast Guard, to locate the dock at night; and
 - c. Should minimize glare.
8. Mitigation requirements of Section 4.1.2, Environmental Impacts, may be met through mitigation standards for the United States Army Corps of Engineers (USACE) permit process.
9. New docks and piers shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use and may be permitted, provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of the Act and this Program.
10. Piers and dock construction shall adhere to Fish Window provisions found in WAC 220-110 by the Washington Department of Fish and Wildlife

6.3.6 Regulations – Location, Design and Construction Standards – Pier, Dock, Float

1. A single use dock consists of pier, ramp, float, and one boat lift. An additional boat lift may be added per dwelling unit for joint-use docks.
2. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.
3. Overhead wiring or plumbing is not permitted on overwater structures.

6.3.7 Regulations – Specific

6.3.7.1 Piling Regulations

1. Principle: Piles are physical barriers to fish migration and have the potential to leach contaminants into aquatic and nearshore environments. Piling installed close together can cause floating debris to accumulate, which can lead to increased shading and predator protection. The fewest number of pilings necessary should be installed and

spacing between piling should be maximized. Projects must be designed to minimize abrasion between the pier, ramp and float caused by tidal fluctuations because this can result in the deposition of contaminants into the water and over time will cause a loss of structural integrity requiring additional maintenance by the applicant.

- a. Replacement or new piling shall be steel, concrete, plastic or untreated or approved treated wood, if approved by USACE. Any piling subject to abrasion (and subsequent deposition of material into the water) must incorporate design features to minimize contact between all of the different components of overwater structures during all tidal elevations.
- b. New piling associated with a new pier, except large water-dependent ferry terminals, must be spaced at least twenty feet (20') apart (lengthwise along the structure) unless the length of structure itself is less than twenty feet (20'). If the structure itself is less than twenty feet (20') in length, piling can only be placed at the ends of the structure. Piles in forage fish spawning areas need to be spaced at least forty feet (40') apart.
- c. If the project includes the replacement of existing piling, they should be either partially cut with a new piling secured directly on top, fully extracted, or cut 2-feet below the mudline. If treated piling are fully extracted or cut, the holes or piles must be capped with clean, appropriate material.
- d. A maximum of two moorage pilings may be installed to accommodate the moorage of boats exceeding the length of the floats.
- e. Piles, floats, or other components in direct contact with water shall not be treated or coated with biocides such as paint or pentachlorophenol. In saltwater areas characterized by shellfish populations or in shallow embayments with poor flushing characteristics, untreated wood, used pilings, precast concrete, or other nontoxic alternatives shall be used. In all cases where toxic-treated products are allowed, products, methods of treatment, and installations shall be limited to those that are demonstrated as likely to result in the least possible damage to the environment based on current information.
- f. Piling employed in piers or any other structure shall have a minimum vertical clearance of 18 inches above extreme high water.

6.3.7.2 Pier Regulations

1. Principle: In the Puget Sound, the intertidal and sub-tidal substrate supports a complex web of plant and animal species. Juvenile salmon, called "salmonids," young and adult bull trout, and juvenile rockfish use nearshore marine areas for feeding, rearing, and as migratory corridors. Their predators are generally located in deeper waters that young fish tend to avoid. As they mature they become less dependent on shallow areas and begin preying on forage fish, many of which spawn on the intertidal substrate around eelgrass, kelp beds and macroalgae. Piers create shadows that can impact the viability of marine vegetation that require sunlight to grow. This subsequently adversely impacts

the habitat of fish that so many other species (including human beings) rely upon. In addition, large shaded areas provide cover for predators so for these reason the amount of shade created by piers must be minimized.

- a. The width of the modified portion of a pier or proposed new pier must not exceed four (4) feet for single use or six (6) feet for joint use. Pier width for marinas or public use docks may exceed these restrictions if they provide mitigation, which may include artificial lighting under the pier during daytime hours.
- b. Functional grating resulting in a total open area of a minimum of thirty percent (30%) must be installed on all new or replacement piers that are four to six feet (4-6') wide. For example, this can be achieved by installing grating with sixty percent (60%) open area on at least fifty percent (50%) of the pier or by grating a larger percentage of the pier with grating with openings of less than sixty percent (60%). Site conditions may require pier to be one hundred (100%) or fully grated.
- c. For all sections of the pier that span upper intertidal areas with obligate vegetation, that pier section shall be fully grated with grating having sixty percent (60%) open area.

6.3.7.3 Float Regulations

1. Principle: Sharp shadows cast by floats and float tubs have been shown to discourage salmonids and other young fish from passing underneath, forcing them into deeper water where their chance of being preyed upon is increased and water temperature and conditions are different. In the case of rockfish, they give birth to live larval young that spend several months being passively dispersed by tidal fluctuations, as they mature they move out to deeper water but initially are at a high risk of predation. Manmade shade creates artificial pockets of opportunity for the predators of young fish and unlike the shade from overhanging vegetation the negative impacts outweigh the benefits. Finally, to prevent damage to the substrate, benthic invertebrate communities and vegetation, floats should not rest on substrate low tide and should be fully encased to prevent the deterioration and dispersion of floatation materials.
 - a. For a single-use structure, the float width must not exceed eight (8) feet and the float length must not exceed thirty feet (30'). Functional grating must be installed on at least fifty percent (50%) of the surface area of the float.
 - b. For a joint-use structure, the float width must not exceed eight (8) feet and the float length must not exceed sixty feet (60'). Functional grating must be installed on at least fifty percent (50%) of the surface area of the float.
 - c. To the maximum extent practicable, floats must be installed with the length in the north-south direction.
 - d. If the float is removed seasonally, the applicant needs to indicate this in their application along with the proposed storage location. Floats should be stored above mean high/high water/ordinary high water line at a City approved location.

City authorization may be required if the float will be stored within City jurisdiction (even within a marina).

- e. Flotation for the float shall be fully enclosed and contained in a shell (e.g., polystyrene tubs not shrink wrapped or sprayed coatings) that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by ultraviolet radiation and/or abrasion caused by rubbing against piling and/or waterborne debris.
- f. Flotation components shall be installed under the solid portions of the float, not under the grating.
- g. If the float is positioned perpendicular to the ramp, a small float may be installed to accommodate the movement of the ramp due to tidal fluctuations. The dimensions of the small float cannot exceed six (6) feet in width and ten (10) feet in length.

6.3.7.3.1 Float Stop Regulations

1. Principle: Floats need to be above the substrate, the preferred and least impacting option is to suspend the float above the substrate by installing float stops on pilings designed to anchor floats, installing a few stub pilings, or in certain situations it could be appropriate to install float feet. In all cases, the stops must be able to fully support the entire float during all tidal elevations.
 - a. Floats need to be suspended a minimum of one foot (1') above the tidal substrate at all tide levels.
 - b. To suspend the float above the substrate, the preferred and least impacting option is to suspend the float above the substrate by installing float stops (stoppers) on piling anchoring new floats. The stops must be able to fully support the entire float during all tidal elevations.
 - c. If float stops attached to pilings are not feasible, then up to four 10 inch diameter stub pilings can be installed instead, except an additional two may be installed for joint-use floats.
 - d. Float feet attached to the float may be considered an option only under these circumstances:
 - i. In coarse substrate, D252 of 25mm or larger for a grain size sample taken from the upper one foot of substrate;
 - ii. For elevations of minus 3 MHHW and lower at D25 of 4mm or larger for a grain size sample taken from the upper one foot of the substrate (intent is to exclude muck);
 - iii. For repair or replacement of existing float feet if the following two conditions are met: (1) substrate looks like it contains mostly gravel (no analysis needed, picture sufficient), and if (2) proposed replacement or

repair includes other improvements of the environmental baseline like the removal of creosote-treated piling and increased amounts of grating.

- e. Floats can be held in place with lines anchored with a helical screw or “duckbill” anchor, piling with stoppers and/or float support/stub pilings.
 - i. For a single-use float, a maximum of four (4) pilings (not including stub piling), helical screws, or “duckbill” anchors can be installed to hold the float in place.
 - ii. For a joint-use float, a maximum of eight (8) piling or helical screw or “duckbill” anchors can be installed to hold the float in place.
 - iii. If anchors and anchor lines need to be utilized, the anchor lines shall not rest on the substrate at any time.
 - iv. In rocky substrates where a helical screw or “duckbill” anchor cannot be used, if the applicant submits a rationale why these types of anchors cannot be used and the Administrator concurs with this rationale, an approved anchor of another type (i.e., concrete block) may be permitted.

6.3.7.4 Regulations – Residential Community and Joint-use Piers and Docks

1. Any hotel, motel, and/or multifamily residential development proposing to provide moorage facilities shall be required to construct a single, joint-use moorage facility. The Administrator may authorize more than one joint-use moorage facility if a single facility would be inappropriate or undesirable, given the specific conditions of the site. Facilities for moorage of six (6) or more vessels are considered a marina and must meet regulations in Section 5.3, Boating Facilities.
2. Proposals for community or joint-use piers and docks shall demonstrate, by proof of recording of a covenant binding current and future parties, that adequate maintenance of the structure and the associated upland area will be provided by identified responsible parties. The proposed covenant shall be filed as part of the permit application and recorded after final approval. An access easement to joint use dock shall be granted for all lots or dwelling units.
3. In Blakely Harbor:
 - a. A total of two (2) community docks shall be a conditional use within the upland, and aquatic designations with no more than one along each the north and south shores, respectively, provided that all residents along each shore shall have a non-extinguishable option to access the community dock located along their respective shore;
 - b. One day time use public dock and/or pier for the mooring of dinghies and loading or unloading of vessels shall be a conditional use within the upland and aquatic designations; and

- c. Such community and public docks shall comply with this master program and other applicable laws; shall be the minimum size necessary; and shall be sited and designed to mitigate adverse impacts to navigation, views, scenic character, and natural resources as much as possible. Such community and public docks shall also be reasonably passable to swimmers, beach walkers, and human-powered water craft.

6.3.7.5 Regulations – Commercial/Industrial Facilities Piers and Docks

These standards apply to piers and docks intended for any commercial or industrial use other than commercial moorage of boats in marinas. (See also Section 5.3, Boating Facilities, Section 5.4, Commercial Development, and Section 5.6 Industrial Development.)

1. Substantial development permits for docks or piers serving single commercial or industrial enterprises shall not be granted until the access needs of adjacent commercial and/or industrial enterprises have been determined.
2. Commercial or industrial piers or docks shall not extend offshore farther than the most shoreward of the following:
 - a. The average length of the piers on the two adjoining properties;
 - b. In Eagle Harbor, the Constriction Limit Line;
 - c. Elsewhere, the distance necessary to obtain a depth of four feet (4.0') of water as measured at extreme low tide at the landward limit of the moorage slip; or
 - d. The line of navigation; and
 - e. In no case shall piers and their associated ramps and floats extend greater than 15% of the perpendicular shore-to-shore distance across a water body, except where a navigational study has been submitted for City review and approval.
3. Facilities and procedures for receiving, storing, dispensing, and disposing of oil and other toxic products shall be designed to ensure that such oil and other toxic products are not introduced into the water body.
4. Spill clean-up facilities shall be available for prompt response and application at all piers and docks involved in oil and hazardous products transfer.

6.3.7.6 Regulations – Residential (Joint, Community and Individual) Piers and Docks

1. New subdivisions and short subdivisions with shoreline frontage shall be required to provide community docks rather than individual, private docks.
2. Size.
 - a. Maximum width of a pier or dock shall be the minimum necessary to accomplish moorage for the intended boating use. (See 6.3.7.1 Regulations – Specific, above, for additional restrictions.); and

- b. The length shall not extend beyond the average length of adjacent docks, within five hundred feet (500') of the proposed location or the distance necessary to obtain a depth of nine feet (9') of water as measured at mean lower-low water (MLLW) at the landward limit of the moorage slip, whichever is closer to shore. A dock shall not extend beyond the adjoining property dock or the line of navigation and in no case shall piers and their associated ramps and floats extend greater than 15% of the perpendicular shore-to-shore distance across a water body, except where a navigational study has been submitted for City County review and approval; and
 - c. In Eagle Harbor, a pier or dock shall not extend beyond the Construction Limit Line; and
 - d. A pier or dock shall not extend beyond the Harbor Structure Limit line shown in Appendix E.
3. Side-yard Setbacks.
- a. Docks, piers and floats shall be set back a minimum of ten feet (10') from side property lines, except that community piers, docks, and floats may be located adjacent to or upon a side property line when mutually agreed to by covenant with the owners of the adjacent property. A copy of the covenant must be recorded with the County Auditor and filed with the application of the permit.
4. Community docks and piers shall include no more than one (1) moorage space per dwelling unit or lot.

6.3.7.7 Regulations – General Mooring Buoys and Recreational Floats

- 1. Mooring buoys and recreational swim floats use shall be permitted in the Aquatic environment offshore from Island Conservancy, Shoreline Residential, Shoreline Residential Conservancy, and Urban designations.
- 2. Mooring buoys for commercial use shall be permitted only as conditional uses offshore from the Urban designation. Mooring buoys for public open water moorage and anchorage areas shall be permitted in the Aquatic designation offshore of all upland designations.
- 3. No more than one structure may be installed for each ownership. However, properties that contain at least two hundred (200) linear feet as measured along the shoreline may be permitted more installations on a case by case basis as determined by the City and the State Department of Natural Resources [WAC 332-30-148(3) or its successor], Properties where the waterfront lot is owned in community, may be permitted, additional mooring buoys with the total not more than one (1) per one hundred (100) linear feet of shoreline ownership.
- 4. Mooring buoys for commercial vessels adjacent to commercial or industrial zones are a Shoreline conditional use. One buoy is allowed per ownership.

5. A contractor doing waterfront work involving floating equipment may have one (1) temporary mooring buoy provided it is the responsibility of the contractor to ensure that all necessary permits are obtained from all agencies with jurisdiction.

6.3.7.8 Regulations – Location, Design and Construction Standards Mooring Buoys and Recreational Floats

1. In order to protect shellfish beds, new moorings buoys shall not be permitted where density will exceed one buoy per one hundred (100) linear feet.
2. Buoys shall not interfere with navigation, shall be visible in daylight one hundred (100) yards away, and shall have reflectors for night visibility.
3. If a buoy is located offshore of the extreme low tide line, the owner shall obtain a lease for the bed of navigable waters from the Department of Natural Resources. [RCW 79.105.430 or its successor].
4. Buoys shall lie between the waterfront property side lot lines extended beyond the shoreline, except those on state waters. Buoys shall not swing across the extended side lot lines. Where the configuration of the waterfront lot precludes these requirements, authorization from the affected adjacent waterfront property owners must be obtained. This provision shall not apply to buoys for public open water moorage and anchorage areas.
5. Mooring buoys shall be installed at least sixty (60) feet from other permitted piers, docks, or floats.
6. Buoys shall be located:
 - a. At a minimum depth of nine feet (9') MLLW with a standard single mid line float; the minimum depth may be reduced with an alternate system approved by the Administrator; and
 - b. Landward of the Construction Limit Line in Eagle Harbor;
 - c. Landward of the Harbor Structure Limit Line shown in Appendix E;
 - d. Elsewhere not more than two hundred feet (200') beyond extreme low tide, the -18 feet MLLW depth contour, or the line of navigation, whichever is appropriate. The placement of rafts and buoys beyond the -18 feet MLLW contour or 200 feet will be evaluated on a case by case basis. [WAC 332-30-148(2) or its successor]; and
 - e. Buoys for public open water moorage and anchorage areas shall be allowed waterward of the Construction Limit Line in Eagle Harbor.
7. Recreational floats shall be located as close to shore as possible. and no farther waterward than the following limits:
 - a. In Eagle Harbor, the Construction Limit Line; or

- b. Elsewhere, the distance necessary to obtain a depth of four feet (4') of water as measured at extreme low tide at the landward end of the float, or the line of navigation, whichever is closer to shore.
- 8. Recreational floats must be built so that the deck surface is one foot (1') above the water's surface and shall have reflectors for night visibility.
- 9. Recreational floats shall not exceed eight feet (8') by feet (8').
- 10. All recreational floats shall include stops, or device or system approved by the Administrator, which serve to keep the floats off the bottom of tidelands at low tide, see Section 6.3.7.3.1, Float Stop Regulations.
- 5. Survey of littoral boundary lines;
- 6. Location, width, height, and length of piers or docks on adjacent properties within five hundred feet (500') of proposed structure;
- 7. Agreements, if any, for cooperative use; and
- 8. Method of removing piling, if applicable.

6.4 Dredging and Dredge Material Disposal

6.4.1 Applicability

Dredging is the removal of material from the bottom of a water body. The purposes of dredging might include: deepening a navigational channel, berth, or basin; streambed maintenance; use of dredged material for fill or habitat enhancement (effective reuse); and removal of contaminated sediments. Dredged material disposal on land is also subject to the fill policies and regulations of this program. Pursuant to WAC 173-27-040 or its successor, certain activities, such as those associated with normal maintenance and repair, are exempt from the requirements for a SSDP, but may still require a letter of exemption, shoreline conditional use permit or variance.

All actions are required to comply with the Shoreline Management Act and all provisions of the Master Program. Department of Ecology and US Army Corps of Engineers notifications of dredging proposals will be reviewed by the City to determine whether the activity is exempt from the requirements for a substantial development permit and to ensure compliance with regulations of the Act and the Master Program.

Dredging 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 4.1.3, Vegetation Management; Section 4.1.4, Land Modification; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 6.5 Fill; and Appendix B, when applicable. Other portions of this Program may also apply.

6.4.2 Goal

Minimize dredging and dredge material disposal within the shoreline jurisdiction.

6.4.3 Policies

1. Design and locate new development to avoid dredging and discourage operations, including disposal of dredge materials. When dredging cannot be avoided, the operations and dredged material disposal shall be located and conducted in a manner which minimizes damage to the ecology and natural resources of both the area to be dredged and the disposal site.
2. Prohibit dredging for the primary purpose of obtaining fill material except for projects associated with state or federal environmental remediation operations or authorized habitat restoration.
3. Plan and conduct dredging operations to minimize interference with navigation and adverse impacts to other shoreline uses, properties, and values.
 - a. Dredging for the purpose of establishing, expanding, relocating or reconfiguring a navigation channel should be allowed where necessary to assure safe and efficient accommodation of existing or proposed navigational uses and then only when ecological impacts are minimized and mitigation is provided to offset adverse impacts.
 - b. Maintenance dredging of established navigation channels should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

6.4.4 Regulations – Prohibited

1. New dredging activity is prohibited in the following:
 - a. In environmentally sensitive habitats (e.g., stream mouth estuaries, wetlands) except by shoreline conditional use permit.
 - b. Along net-positive drift cells and/or where geo-hydraulic processes are active and accretion shoreforms would be damaged, altered, or irretrievably lost.
 - c. In shoreline areas with bottom materials that are prone to significant sloughing and refilling due to currents or tidal activity, thus resulting in the need for continual maintenance dredging.
 - d. In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish, or wildlife.
 - e. In areas where concentrations of environmental pollutants or toxic chemicals are present in the bottom of sediments and would be released in dredging operations, except as part of a permitted environmental enhancement or remediation program.

- f. For the primary purpose of obtaining material for landfill, upland construction, or beach nourishment is prohibited.
 - g. On or in archaeological sites
2. Dredging shall be prohibited in the Priority Aquatic Category A designation.

6.4.5 Regulations - General

1. Dredging is a conditional use in the Aquatic designation if permitted in the upland designation and shall be for the restoration, enhancement, or maintenance of natural resources and navigational channels or for publically-owned ferry terminals. Dredging shall be permitted as a conditional use in the Priority Aquatic Category B designation as part of an approved restoration proposal.
2. Proposals for dredging and dredge spoil disposal, when permitted, shall:
 - a. Be kept to the minimum necessary to accommodate the proposed use;
 - b. Comply with applicable federal, state, and other local regulations;
 - c. Employ appropriate measures to protect public safety and prevent adverse impacts on other approved shoreline uses;
 - d. Taken appropriate measures to ensure the activity will not interfere with fishing or shellfish harvesting;
 - e. Employ appropriate best management practices to protect marine, estuarine, freshwater and terrestrial species and critical saltwater habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic materials, or toxic substances, depletion of oxygen, disruption of food chains, loss of benthic productivity, and disturbance of fish runs and important localized biological communities;
 - f. Be scheduled so as to not materially interfere with the migratory movements of anadromous fish;
 - g. Not adversely alter natural drainage and circulation patterns, currents, and tidal flows, or significantly reduce flood water capacities.
 - h. Utilize techniques that cause minimum dispersal and broadcast of bottom material; hydraulic dredging shall be used wherever feasible in preference to agitation dredging;
 - i. Not interfere with geohydraulic processes;
 - j. Be found, through analysis by a qualified professional, to be minimally or nonpolluting; and
 - k. Revegetate land disposal sites with native vegetation species and other approved plants shall be required according to Section 4.1.2.5, Regulations – Revegetation Standards.

6.4.6 Regulations – Specific Dredging

1. Dredging, when allowed in Section 6.4.5, Regulations – General, shall support the following uses and developments:
 - a. Approved harbors, marinas, ports, and water-dependent industries;
 - b. Development or maintenance of essential public infrastructure and facilities;
 - c. Environmental clean-up activities required by the Model Toxics Control Act (MTCA) or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA);
 - d. Underground utility installation requiring trenches when boring, directional drilling, and other installation methods are not feasible;
 - e. Maintenance dredging for the purpose of restoring a lawfully established industrial or commercial water-dependent development;
 - f. Maintaining, establishing, expanding, relocating or reconfiguring navigation channels and basins where necessary to assure the safety and efficiency of existing navigational uses;
 - g. Ecological restoration and enhancement projects benefiting water quality and/or fish and wildlife habitat; or
 - h. Public access and public water-oriented recreational developments/uses, including construction of public piers and docks.
2. New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
3. Maintenance dredge options shall occur in the same location, depth, and width as previously permitted.

6.4.7 Regulations – Dredge Material Disposal

1. All unconfined, open water dredge disposal activities shall comply with the Puget Sound Dredged Disposal Analysis (PSDDA) criteria and guidelines and other applicable local, state and federal regulations.
2. When consistent with this Program, disposal of dredged materials in water areas other than PSDDA sites may only be allowed for the following reasons:
 - a. To restore or enhance habitat;
 - b. To reestablish substrates for fish and shellfish resources;
 - c. To nourish beaches that are starved for sediment; or
 - d. To remediate contaminated sediments.

6.5 Fill

6.5.1 Applicability

Fill is the placement of soil, sand, rock, gravel, existing sediment, or other material (excluding solid waste) along the shoreline below the OHWM, or on wetland or upland of the OHWM. Fill activities shall only be allowed as part of an approved shoreline use and/or development activity and shall be subject to the requirements of the principal use/development. Speculative fill activity is prohibited. Any fill activity conducted within shoreline jurisdiction must comply with the following policies and regulations. Beach nourishment as defined in the Shoreline Master Program shall not be considered fill. Excavation waterward of the ordinary high water mark is regulated under Section 6.4, Dredging and Dredge Material Disposal. Fill activities will be reviewed under the “no net loss” provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.1.4, Land Modification; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; and Appendix B, when applicable. Other portions of this Program may also apply.

6.5.2 Policies

1. Allow fill waterward of the OHWM only when necessary to facilitate commercial or industrial water-dependent and/or public access uses, and/or cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan, and is a conditional use.
2. Permit landfill landward of OHWM when necessary to support permitted uses, and when significant impacts can be avoided or mitigated.
3. Limit fills to the minimum extent necessary to accommodate an approved shoreline use or development and ensure fills are designed and located so that there will be no significant damage to existing natural resources, including surface water drainage systems, and with assurance of no net loss of shoreline ecological functions and ecosystem-wide processes.
4. Ensure the evaluation of fill projects addresses the following factors:
 - a. Impacts to shoreline ecological functions and ecosystem-wide processes;
 - b. Conflict with potential and current public use of the shoreline and water surface area as identified in adopted City plans, policies, and programs; and
 - c. Navigation restriction.
5. Ensure fill projects are designed to avoid or eliminate erosion and sedimentation impacts, both during initial landfill activities and over time.

6.5.3 Prohibited

1. Speculative fill activity.

2. Fill that will result in significant adverse impacts that cannot be avoided or mitigated.
3. Fill in the Priority Aquatic designations.

6.5.4 Regulations - General

1. Fill is allowed as a conditional use as follows:
 - a. In the Urban, Shoreline Residential, and Shoreline Residential Conservancy designations.
 - b. In the Island Conservancy and Natural designations only for the restoration, enhancement, or maintenance of natural resources. See Section 4.1.8, Shoreline Restoration and Enhancement for additional requirements and permit requirements.
 - c. In the Aquatic designation, for commercial or industrial water-dependent or essential public facilities, or as part of a permitted environmental enhancement or remediation project.
2. When allowed in (1) above, fill waterward of the OHWM shall be necessary for:
 - a. Approved marinas, ports, and other water-dependent industries where upland alternatives or structural solutions including pile or pier supports are infeasible.
 - b. Development or maintenance of essential public infrastructure and facilities.
 - c. Environmental clean-up activities required by MTCA and CERCLA.
 - d. Maintenance of a lawfully established use or development.
 - e. Ecological restoration and enhancement projects benefiting water quality and/or fish and wildlife habitat.
 - f. Public access and public water-oriented recreation projects benefiting substantial numbers of people.
3. Pile or pier supports shall be utilized whenever feasible in preference to fills. Fills for approved road development in floodways or wetlands shall be permitted only if the pile or pier supports are demonstrated to be infeasible.

6.5.5 Regulations - Location, Design and Construction

1. When allowed in 6.5.4, above, filling and/or excavation shall be located, designed, and carried out in a manner that;
 - a. Minimizes adverse impacts on the shoreline environment including significant damage to water quality, critical saltwater habitat;
 - b. Blends in physically and visually with natural topography, so as not to interfere with appropriate use, impede public access, or degrade the aesthetic qualities of the shoreline;

- c. Does not require shoreline stabilization to protect materials placed unless it is part of an approved shoreline restoration project and shoreline stabilization measures are needed to keep the material in place; and
 - d. Does not adversely alter natural drainage and circulation patterns, currents, river and tidal flows, or significantly reduce flood water capacities.
- 2. Where fills are permitted, the fill shall be the minimum necessary to accommodate the proposed use. Fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes.
- 3. Where fills reduce public access, compensatory public access shall be provided as part of the development project.
- 4. Fill proposals shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area. Perimeters of permitted fill projects shall be designed and constructed with silt curtains, vegetation, retaining walls, or other mechanisms, and appropriately sloped to prevent erosion and sedimentation both during initial landfill activities and afterwards. Such containment practices shall occur during the first growing season following completion of the landfill.
- 5. Fill materials shall be sand, gravel, soil, rock, or similar material. Use of contaminated dredge material is prohibited. (See Section 5.6, Industry and Section 6.4 Dredging and Dredge Disposal)
- 6. The timing of any fill construction shall be regulated to minimize damage to water quality and aquatic life within the time restraints recommended by the Washington State Department of Fish and Wildlife.

7.0 VIOLATIONS, ENFORCEMENT, AND PENALTIES

7.1 General

The Administrator and the Department of Ecology are authorized to adopt such rules as are necessary and appropriate to carry out the provisions of the Shoreline Management Act (RCW 90.58.200) and Chapter 173-27, Part II, WAC. The act calls for a cooperative program between local government and the state. It provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, orders to take corrective action, and permit rescission. The following should be used in addition to other mechanisms available to the [City](#) in accordance with WAC 173-27-240 through WAC 173-27-300, or its successor. The [City](#) and/or the Department of Ecology shall have the authority to serve upon a person a cease and desist order if an activity being undertaken on shorelines of the state is in violation of chapter 90.58 RCW or the this Master Program, in accordance with WAC 173-27-270, or its successor.

When joint-enforcement actions between the state and the city are under taken, the provisions in RCW 90.58.210-230 and WAC 173-27-240-300 shall apply.

7.2 Regulations

7.2.1 Site Investigations

The Administrator is authorized to make site inspections and take such actions as are necessary to enforce this Master Program in accordance with BIMC Chapters 1.16, Right of Entry for Inspection, and 1.26, Code Enforcement.

7.2.2 Violations -- General

It is unlawful for any person to initiate or maintain, or cause to be initiated or maintained, the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city contrary to the provisions of this Master Program.

7.2.3 Violations -- Specific

It is unlawful for any person to:

1. Initiate or maintain, or cause to be initiated or maintained, the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city without first obtaining permits or authorizations required by this Master Program, or in a manner that violates the terms or conditions of such permits or authorizations.
2. Misrepresent any material fact in any application, plans or other information submitted to obtain permits or authorizations under this Master Program.
3. Remove or deface any sign, notice, complaint, or order required by or posted in accordance with this Master Program.

7.2.4 Stop Work Order

The city shall have the authority to issue a stop work order to cease all development work, and order restoration, rehabilitation, or replacement measures, including applicable sureties, at the owner's or other responsible party's expense to compensate for the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city contrary to the provisions of this Master Program.

7.2.5 After the Fact Permit Fee

After the fact application fees shall be triple the amount established by City Council resolution.

7.2.6 Violation Mitigation/Restoration Plan

Any Mitigation/Restoration Plan (Plan) required for a disturbance not authorized by this shoreline management program or approved by the City shall meet the provisions in Sections 4.1.2, Environmental Impact; 4.1.5 Critical Areas including Appendix B; and 6.0, Shoreline Modification Policies and Regulations, and provide an analysis of lost functions over the period of violation.

All development work shall remain stopped until a Plan is approved by the Administrator. The Plan must be prepared at the expense of the violator, and submitted by the owner or other responsible party for approval by the Administrator. Such a Plan shall be prepared by a qualified professional using the best available science. The Administrator may, at the violator's expense, seek expert advice, including an independent third party review, in determining the adequacy of the Plan. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.

Any person, party, firm, corporation, or other legal entity that willfully refuses to complete a required restoration plan pursuant to this section, shall be guilty of a misdemeanor and provide shoreline restoration, in accordance with provision of this program, at a rate of 200% (ratio of 2 to 1) the impacted area.

7.2.7 Civil Infraction

Except as provided in subsection 7.2.8, Misdemeanor, conduct made unlawful by the city under this Master Program shall constitute a civil infraction and is subject to enforcement and fines as provided in BIMC 1.26.035. A civil infraction under this section shall be processed in the manner set forth in BIMC Chapter 1.26, Code Enforcement and in compliance with WAC 173-27-280.

7.2.8 Misdemeanor

Any person who again violates this Master Program within 12 months after having been found by the Bainbridge Island Municipal Court to be in violation of this Program, commits a misdemeanor and any person who is convicted of that violation shall be punished as provided in BIMC 1.24.010.A.

7.2.9 Civil Penalty

In addition to any civil infraction fine, criminal penalty, and/ or other available sanction or remedial procedure, any person who shall fail to conform to the terms of a permit or exemption issued under this shoreline master program or who shall undertake development on the shorelines of the state without first obtaining any permit or exemption required under this shoreline master program shall also be subject to a civil penalty in the amount not to exceed \$1,000 per day for each violation, each permit violation or each day of continued development without a required permit shall constitute a separate violation [RCW 90.58.210 or successor]; from the date set for compliance until the date of compliance. Any such civil penalty shall be collected in accordance with BIMC 1.26.090

7.2.10 General Penalties

In addition to incurring civil liability under section 7.2.9 Civil Penalty, any person, party, firm, corporation, or other legal entity found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of this shoreline master program's rules, or regulations as adopted shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment: PROVIDED, That the fine for the third and all subsequent violations in any five-year period shall be not less than five hundred nor more than ten thousand dollars [RCW 90.58.220, or successor].

7.2.11 Additional Remedies

In addition to any other remedy provided by this chapter or under the Bainbridge Island Municipal Code, the City may initiate injunction or abatement proceedings or any other appropriate action in courts against any person who violates or fails to comply with any provision of this Master Program to prevent, enjoin, abate, and/or terminate violations of this Master Program and/or to restore a condition that existed prior to the violation. In any such proceeding, the person violating and/or failing to comply with any provisions of this Master Program shall be liable for the costs and reasonable attorneys' fees incurred by the city in bringing, maintaining and/or prosecuting such action.

7.2.12 Conflicts

In the event and to the extent the language of this section conflicts with language of the codes and/or appendices adopted by reference in this Master Program, the language of this section shall prevail over the language it conflicts with in any said code and/or appendix.

7.2.13 Financial Surety Procedure

After reviewing any application or exemption for a shoreline development, the Administrator may require the posting of a financial surety to ensure continued compliance with any conditions imposed, including the construction of improvements, the adherence to city standards, and/or maintenance, repair or replacement of such improvements in accordance with Section 4.1.2.7, Bonding. The financial surety shall be in a form acceptable to the city

attorney. In the event a condition occurs warranting the use of financial surety, the Administrator may act under such financial surety or may perform the work required at city expense, which expense shall be a lien against the property, enforceable as would be a judgment thereon.

8.0 DEFINITIONS

Abutting –Bordering or touching, such as by sharing a common lot line. Lots that are separated by a street or right-of-way are not abutting.

Accessory Structure or Building – A subordinate building or structure that is incidental to the primary or principal building or structure on the same lot, or an abutting lot that meets the requirements in BIMC Section 18.09.030(I)(14)(c). Accessory structures include, but are not limited to, solar panels, small wind devices, barns and sheds. Accessory dwelling units are not considered accessory buildings or structures.

Accessory Dwelling Unit – Accessory dwelling unit means separate living quarters containing kitchen facilities, where the living quarters are contained within or detached from a single-family dwelling on a single lot.

Accessory Development – Any development incidental to and subordinate to a principal use of a shoreline site and located on adjacent thereto.

Accessory Use – A use that is customarily incidental and related to the principal use on the same lot. Accessory dwelling units are not considered accessory uses.

Accretion – The growth, expansion, build up, or deposit of material associated with a natural fluid flow process.

Accretion Beach – A place where sediment, usually sand, falls out or accumulates, causing the beach to widen. These sinks are usually, but not always, at the terminal end of littoral drift cell.

Accretion Shoreform – The growth of a beach by the addition of material transported by wind and/or water. A shoreline with a relatively stable berg and backshore that has been built up by long term deposition of sand and gravel transported by wind and/or water from a feeder bluff or other material source. Examples of accretion shoreforms includes shoreline features such as barrier beaches, accretion beaches, points, sand spits, hooks, and tombolos.

Act – The Shoreline Management Act of 1971, Chapter 90.58 RCW, or its successor [WAC 173-26-020(1), or its successor].

Activity – Human activity associated with the use of land or resources.

Adjacent –That which is near or close; for example, a property located across the road or highway shall be considered as adjacent.

Adjacent Lands – Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction).

Adjoining – Immediately abutting or separated only by a street right-of-way.

Administrator – Director of the Department of Planning and Community Development, or designee, charged with responsibility for administering the Shoreline Master Program.

Anthropogenic – Landscape alteration relating to, or from human development, use, action or activity.

Adverse Impact – An impact that can be measured or is tangible and has a reasonable likelihood of causing moderate or greater harm to ecological functions or processes or other elements of the shoreline environment.

Agricultural Land – Land primarily devoted to agricultural operations.

Agriculture Operations – Any facility or activity for the production for production for commercial or family use purposes of dairy, apiary, livestock, camelids, ratites, vegetable or animal products, and crop products including, but not limited to, ornamental crops. Incidental vegetable gardening, landscaping and keeping common pets are not defined as agriculture. Agriculture operations include upland fish farms which are self-contained, meaning they do not connect with waters of the state such as: natural or channelized stream, tributary, wetland, or marine water body.

Agricultural Activities – Agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

Alteration – Any human induced change in an existing condition of a shoreline, critical area and/or its buffer. Alterations include, but are not limited to grading, filling, channelizing, dredging, clearing (vegetation), draining, construction, compaction, excavation, or any other activity that changes the character of the area.

Anadromous Fish – Species such as salmon, which are born in freshwater, spend most of their life cycle in saltwater, and return to freshwater to reproduce.

Applicant – An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency, or the state or local governmental unit, however designated [RCW 90.58.030(1)(d) or its successor].

Appurtenance – A structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the OHWM and/or the perimeter of a wetland. An appurtenance can include a garage, boat house, deck, driveway, utilities, fences, and grading which does not exceed two hundred fifty (250) cubic yards (except to construct a conventional drainfield) [WAC 173-27-040(2)(g), or its successor].

Appurtenance, Primary – A structure or development connected to a single-family residence and considered essential to the principal residential use when protecting the appurtenant structure from danger from active shoreline erosion. An attached garage or one detached garage and a septic drainfield are primary residential appurtenances. [WAC 173-26-231(3)(a)(ii), or its successor].

Aquaculture – The cultivation of fish, shellfish, and/or other aquatic animals or plants including the harvesting and incidental preparation of these products for human use and consumption. Aquaculture does not include the harvest of free swimming fish or gathering of shellfish for non-commercial purposes. Activities include the hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals, and the maintenance and construction of necessary equipment buildings, and growing areas. Cultivation methods include, but are not limited to, fish pens, shellfish rafts, racks and long lines, seaweed floats and nets, and the culture of geoduck, clams and oysters on tidelands and subtidal areas. Aquaculture includes intensive aquacultural uses and Shellfish Gardens but excludes fish farms that are completely contained in upland areas.

Aquaculture, Intensive – Large scale cultivation of shellfish, or cultivation of fish and/or other aquatic animals or plants, or use of embedment structures, or mechanical extraction methods, including the harvesting and incidental preparation of these products for human use and consumption. Activities include the hatching, cultivating, planting, feeding, raising and harvesting of aquatic plants and animals, and the maintenance and construction of necessary equipment, buildings, and growing areas. Cultivation methods include, but are not limited to, fish pens, shellfish rafts, racks and long lines, seaweed floats and nets, and the culture of geoduck, clams and oysters on tidelands and subtidal areas. Aquaculture does not include the harvest of wild stock geoduck and free swimming fish, or gathering of free swimming fish and shellfish for non-commercial purposes.

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

Aquaculture Practices – Any activity directly pertaining to growing, handling, or harvesting of aquaculture produce including, but not limited to, propagation, stocking, feeding, disease treatment, waste disposal, water use, development of habitat and structures. Excluded from this definition are related commercial or industrial uses such as wholesale and retail sales, or final processing and freezing.

Aquaculture Processing – A commercial or industrial activity that involves preparing, fish or shellfish for human use or consumption by packaging, canning, freezing or other means of final wholesale or retail production.

Archaeological – Having to do with the scientific study of material remains of past human life and activities.

Archeological Resource – Any material remains of human life or activities which are at least fifty (50) years old and which have potential to provide new information in the fields of history and archaeology. This shall include all sites, objects, structures, artifacts, implements and locations of prehistoric or archeological interest. This shall include but not be limited to burial grounds, campsites, dwellings, and implements, such as projectile points, basketry, grinding stones or pestles, carvings and paintings. This shall include material remains of human life or activities from historic periods that are located at least partially below the ground surface necessitating the use of archeological methods for study or recovery. “Significant” is that quality in American history, architecture, archaeology, engineering, and culture that is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and;

- a. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- b. That are associated with the lives of significant persons in our past; or
- c. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. That have yielded or may be likely to yield, information in history or prehistory.

Archaeologist, Professional – A person who meets the minimum qualifications of the secretary of the interior’s standards for a professional archaeologist [WAC 27.53.030, or its successor] and the following: who has designed and executed an archaeological study as evidenced by a thesis or dissertation and has been awarded an advanced degree such as an M.A., M.S., or Ph.D. from an accredited institution of higher education in archaeology, anthropology, or history or other germane discipline with a specialization in archaeology; has a minimum of one (1) year of field experience with at least twenty-four (24) weeks of field work under the supervision of a professional archaeologist, including no less than twelve (12) weeks of survey or reconnaissance work, and at least eight (8) weeks of supervised laboratory experience. Twenty (20) weeks of field work in a supervisory capacity must be documentable with a report produced by the individual on the field work.

Architectural Element – Aesthetic components of a primary building or structure that accents the overall design of the structure. A chimney may be considered an architectural element.

Associated Wetlands – Wetlands that are in proximity to tidal water, lakes, rivers or streams that are subject to the Shoreline Management Act and either influence or are influenced by such waters. Factors used to determine proximity and influence include, but are not limited to: location contiguous to a shoreline water body, formation by tidally influenced geo-hydraulic processes, presence of a surface connection including through a culvert or tide gate, location in part or whole within the one hundred (100) -year floodplain of a shoreline, periodic inundation, and/or hydraulic continuity.

Aquatic – Those areas waterward of the ordinary high water mark.

Average Grade Level – The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure, provided that, in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure [WAC 173-27-030(3) or its successor]. Note: This definition of “average grade level” differs from the definition in the City of Bainbridge Island Zoning Code (Chapter 18 of the City of Bainbridge Island Municipal Code). Structures within shoreline jurisdiction shall comply with the definition contained herein.

Backshore – The accretion or erosion zone, located landward of the line of ordinary high water, which is normally wetted only by storm tides. A backshore may take the form of a more or less narrow storm berg (ridge of wave-heaped sand and/or gravel) under a bluff, or it may constitute a broader complex of berms, marshes, meadows, or dunes landward of the line of ordinary high water. It is part of the littoral drift process along its waterward boundary.

Backshore Marina – See Marina

Barrier Beach – A linear ridge of sand or gravel extending above high tide, built by wave action and sediment deposition seaward of the original coast line; includes a variety of depositional coastal landforms.

Barrier Estuary – estuary isolated from open bodies of water by a barrier, with tidal exchange occurring through a narrow entrance channel. Usually but not always associated with a significant fresh water source.

Barrier Lagoon – barrier built lagoons that lack significant freshwater source, only coincidentally associated with streams of significant upland catchment areas. See Lagoon and Tidal Lagoon.

Bathymetry – Depth of a water body relative to sea level, may include underwater features and shapes.

Beach – The zone of unconsolidated material that is moved by waves, wind, and tidal currents, extending landward to the coastline.

Beach Face – The steep part of the beach profile below the berg, which is normally exposed to the swash of waves and generally composed of gravel, although it can contain sand or boulders.

Beach Enhancement – The alteration of terrestrial, tidal shorelines or submerged shorelines for the purposes of habitat improvement, creation, recreational enhancement, or soft-treatment stabilization. The materials used depend upon the intended use. The following are examples of materials which may be used in enhancement projects:

- a) Various grades of clean sand or pea gravel to create a beach for recreational purposes.
- b) A combination of a rock matrix and sand or other materials to restore or recreate a shore feature or an underwater aquatic environment (e.g. a reef).
- c) Use of native vegetation to restore marine riparian habitat functions native vegetation.

Beach Nourishment – The process of replenishing a beach by artificial means; e.g., by delivery of selected materials excavated from elsewhere and depositing it at one or several locations in the updrift portion of a drift cell. The material is then naturally transported by waves or currents downdrift to stabilize or restore accretion shoreforms and other berms, which may be eroding due to artificial obstructions in the shore process corridor.

Beach Profile – A vertical cross section of a beach measured perpendicular to the shoreline.

Beach Restoration – The alteration of terrestrial and tidal shorelines or submerged shorelines for the purposes of aquatic habitat, re-establishing ecological function and ecosystem wide processes such that the ecosystem is self-sustaining.

Beach Scarp – A steep slope formed in response to the lowering of the beach profile and landward expansion of the beach face into the backshore as a result of wave erosion. A beach scarp is normally associated with a beach berg.

Bedlands – Those submerged lands below the line of extreme low water in marine waters.

Benthic Community – A grouping of benthic organisms that live in and on the bottom of the ocean floor.

Benthic Organisms – Organisms that live in or on the bottom of a body of water.

Berm (Beach Berm) – The nearly horizontal portion at the beach or backshore formed by the deposition of sediments by waves. Some beaches have more than one berm at slightly different levels, separated by a scarp. A berm is also, a soft-treatment form of shoreline stabilization or a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

Best Available Technology – The most effective method, technique, or product available which is generally accepted in the field, and which is demonstrated to be reliable, effective, and (preferably) low maintenance.

Best Management Practice (BMP) – Industry-established guidelines that are advised to reduce or eliminate anticipated adverse impacts to the environment from construction, development or other human activity.

BIMC – Bainbridge Island Municipal Code.

Biocide – See pesticide

Biofiltration System – A stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds, and other vegetative features.

Biological Diversity; Biodiversity – The range of physical (habitat) and biological (species, communities) components, the ways that species interact with the physical environment, and the processes necessary to maintain these interactions through time.

Bioengineering – See Shoreline Stabilization, Bioengineered

Biophysical – Physics of biological functions and ecosystem-wide processes.

Biota – The animals and plants that live in a particular location or region.

Bluff, Marine – A high, steep bank or cliff.

BMP – See Best Management Practices.

Boat House – A building used primarily for boat storage.

Boat Launch or Ramp – Graded slopes, slabs, pads, or planks, used for launching boats by means of a trailer, hand, or mechanical device.

Boat Lift – An in-water structure used for the dry berthing of vessels above the water level and lowering of vessels into the water. A boat lift as herein defined is used to berth and launch a single vessel, suspended over the water’s surface. A boat lift is a manufactured unit without a canopy cover and may be placed in the water adjacent to a dock, attached to the dock, or as stand-alone structure. A boat lift may be designed either for boats or personal watercraft. A boat lift with a canopy cover shall be considered moorage for the purposes of this Program.

Boating Facilities – Includes marinas, boat launch facilities, dry storage facilities, marine travel lifts, and fixed marine railways serving commercial, industrial uses or serving five or more single-family residences.

Boat Storage Deck – A deck used for the storage of boats.

Breakwater – Offshore structure, usually aligned parallel to shore, sometimes shore-connected, that provides protection from waves. The primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion.

Buffer – An area of land that is designed and designated to permanently remain vegetated in a predominantly undisturbed and natural condition and/or an area that may need to be enhanced to support ecological processes, or ecosystem-wide functions and to protect an adjacent aquatic or wetland area from upland impacts and to provide habitat for wildlife. Buffer widths vary depending on the relative quality and sensitivity of the area being protected. The “Shoreline Buffer” is a buffer protecting the ecology and resources of and along the Puget Sound. A buffer may be used to protect any sensitive area, including geological hazardous areas.

Building – Any structure having a roof, designated for shelter of persons, animals or property.

Bulkhead – A wall erected generally parallel to and located at or close to the ordinary high water mark for the purpose of containing and preventing the loss of soil due to shoreline erosion caused by tidal action, current or waves. Bulkheads are usually constructed of hard materials and may be built of concrete, large rocks (riprap), or other materials. See also Seawall.

Canopy Area – See canopy coverage.

Canopy Coverage – The crown area of native shrubs and trees as measured from plan view.

Central Puget Lowland – The low areas between the Olympic and Cascade Mountain ranges extending from Admiralty Inlet and the Tacoma Narrows.

Channel – An open conduit for water either naturally or artificially created, but not including artificially created irrigation, return flow, or stock watering channels. [WAC 173-22-030(8b) or its successor]. See also Stream.

Channel Migration Zone (CMZ) – The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

City – The City of Bainbridge Island.

Clean Water Act – The primary federal law providing water pollution prevention and control. This was previously known as the Federal Water Pollution Control Act. (See 33 USC 1251 et seq.)

Clearing – Clearing means the destruction or removal of vegetation or plant cover including, but not limited to, root material removal by manual, mechanical, or chemical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, or uprooting.

Coastal Dune – A transitional zone between the marine and the continental processes and are a part of the sand sharing system between the dune, the beach, and the offshore bars.

Coastal Landform, Depositional – See accretion shoreform.

Coastal Processes – Collective term including the action of natural forces on the shoreline, and the nearshore seabed.

Coastline – The line where terrestrial processes give way to marine processes – tidal currents, wind waves, etc.

Commercial Development – Those developments whose principal use is for retail, personal and professional service or other commercial business activities. Included in this definition are developments such as hotels, motels, shops, restaurants, banks, professional offices, grocery stores, and laundromats. Not included, marinas, home occupations, utilities, and related utility development.

Commercial Fish – Those species of fish that are classified under the Washington Department of Fish and Wildlife Food Fish Classification as commercial fish (WAC 220-12-010).

Community Structure – A building, dock, or other structure which is intended for the common use of the residents of a particular subdivision or community. It is not intended to serve as a public facility.

Community or Joint-use Dock – A structure or structures which consists of a system of piers, buoys, or floats that is intended for the common use of the residents of adjoining parcels or subdivision, short subdivision or community located on adjacent uplands. A community dock is not a commercial endeavor or for the purpose of serving the public. If a community or joint-use dock is designed to accommodate six (6) or more vessels, it is no longer considered a community or joint-use dock, and it shall be considered a marina.

Compensatory Mitigation – A project for the purpose of mitigating, at an equivalent or greater level, unavoidable impacts that remain after all appropriate and practicable avoidance and minimization measures have been implemented. Compensatory mitigation includes, but is not limited to, wetland creation, restoration, enhancement, and preservation; stream restoration and relocation, rehabilitation; and buffer enhancement.

Conditional Use – A use or the expansion of a use permitted on shorelines which, because of certain characteristics, requires a special degree of review and consideration, and may require special conditions to assure that it is consistent with the intent and provisions of the Act and these regulations, and compatible with other uses permitted on shorelines.

Conditional Use Permit – A permit for a use, development or substantial development listed in the regulations as being permitted only as a conditional use, or not classified in this Program. Conditional uses are subject to review and approval pursuant to the provisions of BIMC Section 2.16.165(H) regardless of whether or not the proposal requires a substantial development permit.

Conservation Easement – A legal agreement that the property owner enters into to restrict uses of the land for purposes of natural resources conservation. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property.

Construction Limit Line – In Eagle Harbor, defined on U.S. Army Corps of Engineers, Drawing, File No. E-8-5-6, dated December 22, 1939, approved by the Secretary of War, July 2, 1940. Used in the Master Program for local regulatory purposes.

Contaminant – Any chemical, physical biological, or radiological substance that does not occur naturally in ground water, air, or soil or that occurs at concentrations greater than those in the natural levels [WAC 173-200-020(7)].

Council – Legislative body of the City of Bainbridge Island.

Covered Moorage – A roofed floating or fixed offshore structure with or without walls, for boat moorage or moorage of other water craft or float planes, designed to protect a vessel or vessels.

Critical Aquifer Recharge Area – Areas designated by WAC 365-190-080(2) that are determined to have critical recharging effect on aquifers (i.e., maintain the quality and quantity of water) use for portable water as defined by WAC 365-196-485(1)(d).

Critical Areas – The following areas are designated as critical areas:

- a. Critical Aquifer Recharge Areas
- b. Fish and Wildlife Habitat Conservation Areas
- c. Frequently Flooded Areas
- d. Geologically Hazardous Areas
- e. Wetlands
- f. Critical Saltwater and Freshwater Habitat Areas
- g. Critical Habitat

Critical Habitat – Habitat areas identified by U.S. Fish and Wildlife Service or the National Marine Fisheries Service as habitat necessary for survival of endangered or threatened species,

Critical Saltwater Habitat - Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sand lance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association [WAC 173-26-221(2)(c)(iii)].

Cultural Resource – Evidence of human occupation or activity that is important in the history, architecture, archaeology or culture of a community or region. Cultural resources include, but are not limited to, the following:

- a. Archaeological resources. Physical evidence of ruins of human occupation or activity that are located on or below the surface of the ground and are at least 50 years old.
 - i. Archaeological resources include, but are not limited to, the remains of houses, villages, camp and fishing sites, and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes or other material by-products from tool and utensil-making activities; and graves, human remains, and associated artifacts.
- b. Historic buildings and structures. Standing or above-ground buildings and structures that are at least 50 years old.
 - i. Historic buildings and structures include, but are not limited to, log cabins, barns, canals, flumes, pipelines, highways, and tunnels.
- c. Traditional cultural properties. Locations, buildings, structures, and objects that are associated with cultural beliefs, customs, or practices of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community.
 - i. Traditional cultural properties include, but are not limited to, a location associated with the traditional beliefs of a Native American group about its origins or its cultural history; a location where a community has traditionally carried out artistic or other cultural practices important in maintaining its historical identity; and a location where Native American religious practitioners have historically gone, and go today, to perform ceremonial activities. Objects may include petroglyphs, pictographs, rock cairns or other rock structures, trees, and rock outcrops.

Cumulative Effects – The combined environmental impacts that accrue over time and space from a series of similar or related individual actions, contaminants, or projects. Although each action may seem to have negligible effect, the combined effect can be significant.

Dam – A barrier across a stream or river to confine or regulate flow or raise water levels for purposes such as flood or irrigation water storage, erosion control, power generation, or collection of sediment or debris.

Davit – A fixed crane intended to lift boats or cargo.

Degrade – To scale down in desirability or salability, to impair in respect to some physical property, or to reduce in structure or function.

Department – The city's Department of Planning and Community Development.

De Minimis – Minor or trivial impact which cannot be measured or is not quantifiable.

Deposition – The deposit of sediment in an area though natural means such as wave action or currents; may also be done through mechanical means by humans.

Development – A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or materials; bulkheading; pile driving; placing of obstructions; or any project of a permanent or temporary nature which

interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level, subject to RCW Chapter 90.58 or its successor [RCW 90.58.030(3)(d) or its successor]. This term may include activities related to subdivisions and short subdivisions; clearing activity; land modification (grade and fill work); building or construction; and activities that are exempt from the substantial development permit process or that require a shoreline variance or conditional use.

Development Area – the approved portion of a project site that is developed, including the building pad and all graded slopes, all structures, landscaped areas, driveway and parking areas.

Development Regulations – The controls placed on development or land uses by the City, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under RCW Chapter 90.58, and subdivision ordinances together with any amendments thereto.

Dike – an artificial embankment placed at a stream mouth or delta area to hold back sea water for purposes of creating and/or protecting land from flooding.

Director – The director of the department.

Dock – A fixed platform structure anchored in and floating upon a water body that abuts the shore intended to provide landing which may include a ramp, pier, and float; generally used as a landing for water-dependent recreation or moorage for commercial and/or pleasure craft. Excluded are boat launch or boat ramps.

Dock, Joint or Community – A dock, pier and/or float for pleasure craft moorage or water recreation for exclusive personal use of multiple waterfront lot owners.

Downdrift – The direction of predominant alongshore sediment transport.

Dredge – To excavate or deepen a water body by removing aquatic substrate material. Also mechanical or hydraulic equipment used for excavation.

Dredge Spoil – The material removed by dredging. Same as dredge material.

Dredged Material Disposal – Depositing of dredged materials on land or into water bodies.

Dredging – Removal or displacement of earth or sediments such as gravel, sand, mud or silt, and/or other materials or debris from any stream, river, lake or marine water body, and associated shorelines and wetlands. Dredging is normally done for specific purposes or uses such as constructing and maintaining navigation channels, turning basins, harbors and marinas; installing submarine pipelines or cable crossing; or repairing and maintaining dikes or drainage systems. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for shellfish harvesting or cleanup of polluted sediments.

Drift Cell or Drift Sector – Drift cell, drift sector or littoral cell means a particular segment or reach of marine shore in which littoral sediment movement or drift may occur without significant interruption, and which contains any and all natural sources of such drift as well as any shoreform(s) accreted by such drift. Each normal drift cell contains these shore process elements: a feed source that supplies the sediments (feeder bluff or estuary), a driftway, along

which the sediment can move, and accretion terminal where the drift material is deposited (accretion shoreform).

Drift Sills – Small groins which hold sediments in place without blocking longshore drift.

Driftway – That portion of the shore process corridor, primarily that lower backshore and the upper intertidal area, through which sand and gravel are transported by the littoral drift process. It is the critical link between the feeder bluff and the accretion shoreform.

Dune – A hill or ridge of sand piled up by the wind and/or wave action.

Ecologically Intact – Those shoreline areas that retain the majority of their natural processes as evidenced by the shoreline configuration and the presence of vegetation or retain the ability to support vegetation. These areas may be partially developed.

Ecological functions or shoreline functions – The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC Section 173-26-201(2)(c). Functions include, but are not limited to, habitat diversity and food chain support for fish and wildlife, ground water recharge and discharge, high primary productivity, low flow stream water contribution, sediment stabilization and erosion control, storm and water quality enhancement through biofiltration and retention of sediments, nutrients, and toxicants. These beneficial roles are not listed in order of priority.

Ecology (Washington State Department of Ecology) – Use of “Ecology” or “Washington State Department of Ecology”.

Ecosystem-wide processes – The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Embankment – An artificial bank such as a mound or dike, generally built to hold back water or carry a roadway.

Embayment - A broad term for an inlet or indentation in the coastline. In this Program, it is restricted to features partly isolated from the rest of Puget Sound by their configuration and sufficiently small to limit wave action and beach processes. Also included are wetlands or other back-barrier water bodies isolated from direct tidal influence (surface exchange). Embayments include barrier estuaries and lagoons and may include some stream mouths and the heads of small bays.

Emergency – An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a timer too short to allow full compliance with the Master Program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements and does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency, pursuant to the Master Program and RCW

90.58.030(3)(e)(iii); WAC 173-27-040(2)(d), or its successor. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not considered an emergency.

Enhancement – An action or alteration performed within an existing degraded shoreline, critical area, habitat and/or buffer to intentionally improve, increase or augment one or more functions or values of the existing area without degrading other functions. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing non-indigenous plant or animal species. Enhancements are to be distinguished from wetland/habitat creation or restoration projects by the need for on-going assistance to maintain the improved function.

Envelope – The enclosing shell of a building’s volume.

Erosion – The wearing a way of land by the action of natural forces, such as wind, rain, water and other natural agents that mobilize, transport, and deposit soil particles; On a beach, the carrying away of beach material by wave actions, tidal currents, or littoral currents.

Erosion Hazard Area – A landform or soil type subject to being worn away by the action of water, wind, freeze-thaw, or ice, including areas rated in the Soil Survey of Kitsap County Area, Washington, USDA (1980), as having severe hazard of water erosion; areas classified in the Department of Ecology Coastal Zone Atlas as Class 3, unstable, Class 3, unstable old slides, or Class 5, unstable recent slide; soils identified by the U.S. Department of Agriculture Natural Resource Conservation Service (NCRS) as having “severe” or “very severe” erosion hazards; and/or soils subject to impacts from shoreline retreat.

Estuary – A semi-enclosed coastal body of water in which fresh water and salt water mingle and affect the ~~total~~ land and water habitat. See also Pocket Estuary.

Estuary, Pocket – see **Pocket Estuary**

Essential Public Facility – Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140; regional transit authority facilities as defined in RCW 81.112.020; state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.[RCW 36.70A.200, or its successor]

Essential Single-Family Residential Accessory Structure – An accessory structure that contains a use or is intended for a use that is essential to a single-family residential principal use. The following structures shall be considered an essential residential structure: a garage or carport, one septic system (including one tank and one on-site septic drainfield), one well house and associated well head, and existing decks attached to the primary structure.

Estuarine Zone, Estuary – The zero-gradient sector of a stream where it flows into a standing body of water, together with associated wetlands. Tidal flows reverse flow in this zone twice daily, determining its upstream limit. It is characterized by low bank channels branching off the

main streamway to form a broad, near-level delta. The bank, bed, and delta materials are typically silt and clay. Banks are stable with vegetation ranging from marsh to forest, and the water is usually brackish due to daily mixing and layering of fresh and salt water. Estuarine shores are rich in aquatic and other bird and animal life, and in their natural condition are the most productive of all shoreline habitats in terms of the marine food chain.

Excavation –The disturbance, displacement and/or disposal of unconsolidated earth material such as silt, sand, gravel, soil, rock or other material from all areas landward of OHWM.

Exemption or Exempt Development – Certain developments as listed in WAC 173-27-040 and Chapter 90.58 RCW are exempt from the definition of substantial developments and, therefore, are exempt from the substantial development permit process of the Shoreline Management Act. An activity that is exempt from the substantial development provisions of the Shoreline Management Act must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also be required even though the activity does not need a substantial development permit. [RCW 90.58.030(3)(e) or its successor; WAC 173-27-030(7) and WAC 173-27-040, or its successor].

Existing Development – Legally established structures which do not conform to the provisions in the 1996 Shoreline Master Program, as amended by ordinance 2013- on xx xx, 2013.

Extreme High Tide – The highest tide level reached in a nineteen (19) year tidal cycle.

Extreme Low Tide – The lowest line on the land reached by a receding tide [RCW 90.58.030(2)(a) or its successor]. For the purposes of the Shoreline Master Program, it is the contour 4.5 feet below Mean Lower Low Water (datum Plane 0.0) [WAC 332-30-106 (18), or its successor].

Fair Market Value – The expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation, or where no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project [WAC 173-27-030(8), or its successor].

Feasible – When an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions: (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) The action does not physically preclude achieving the project's primary intended legal use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

Feasible Location – A location that accommodates a development in a manner that achieves its intended purpose consistent with the constraints of the applicable land use regulations and characteristics of the property, including but not limited to lot size, configuration,

presence/absence of critical areas and compatibility with adjacent land use/development. Feasibility shall take into account both short and long-term monetary and non-monetary costs and benefits.

Feeder Bluff, Erosional Bluff – Any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, whose eroded earth, sand, or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform. These natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

Fetch – The distance over unobstructed open water on which waves are generated by a wind having constant direction and speed.

Fill – The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area landward or waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. See Landfill.

Fill Material – Any solid or semi-solid material, including rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure that, when placed, changes the grade or elevation of the receiving site.

Fish and Wildlife Habitat Areas – A seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These include areas of relative density or species richness, breeding habitat, winter range, and movement corridors. [These](#) also include habitats of limited availability or high vulnerability to alteration, such as cliffs, streams and wetlands.

Fisheries – All species of fish and shellfish commonly or regularly originating or harvested commercially or for sport in Puget Sound and its tributary freshwater bodies, together with the aquatic plants and animals and habitat needed for continued propagation and growth of such species.

Fisheries Enhancement – Actions taken to rehabilitate, maintain or create fisheries habitat, including but not limited to hatcheries, spawning channels, lake rehabilitation, planting of fisheries stocks. Fisheries Enhancement differs from Aquaculture in that the increase in fisheries stocks eventually becomes available for public harvest.

Float – A floating platform that moves vertically with a tide and is anchored or attached to a fixed or anchored overwater structure or an anchoring system.

Float, Recreational – A float used primarily for swimming, diving, water skiing, or other recreational purpose and not for the moorage of watercraft.

Floating Aquaculture Facility – Open water aquaculture facility which is consists of a mooring system and/or floats.

Floating house - any floating structure that is designed, or has been substantially and structurally remodeled or redesigned, to serve primarily as a residence. "Floating houses" include house boats, house barges, or any floating structures that serve primarily as a residence and do not qualify as a vessel as provided in subsection (74) of this section. A floating structure that is used

as a residence and is capable of navigation, but is not designed primarily for navigation, nor normally is capable of self propulsion and use as a means of transportation is a floating house, not a vessel.

Flood or Flooding, Coastal – A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Protection Measures – All development on water bodies, usually rivers and streams, designed to retard bank erosion, to reduce flooding of adjacent lands, to control or divert stream flow, or to create a reservoir, including but not limited to revetments, dikes, levees, channelization, dams, vegetative stabilization, weirs, flood and tidal gates. Excluded are water pump apparatus.

Flood Hazard; Flood Hazard Management – A long term program or major project carried out on a single parcel or coordinated on a series of parcels for the primary purpose of preventing or mitigating damage to life and property and to minimize public expenses due to flooding through a comprehensive system of planning development regulations, building standards, structural works, and monitoring and warning systems. Flood hazard management projects or programs may employ physical and/or regulatory controls.

Floodplain – Synonymous with one hundred-year floodplain, this is the land area susceptible to being inundated by stream-derived waters with a one percent chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation and ordinance maps or a reasonable method that meets the objectives of the Shoreline Management Act [WAC 173-26-020(17) or its successor].

Floodway – Those areas or portions of the areas as identified in the Master Program that are either (a) established in federal emergency management agency flood insurance rate maps or floodway maps or (b) those portions of a river valley lying streamward from the outer limits of a watercourse, and upon which flood waters are carried during periods of flooding that occur with reasonable regularity, through not necessarily annually. The floodway is identified, under normal conditions, by changes in surface soil conditions, or changes in types or quality of vegetative ground cover conditions. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state. The limits of the floodway are based on flood regulation ordinance maps or by a reasonable method which meets the objectives of the Shoreline Management Act. [RCW 90.58.030(2)(g) or its successor].

Foreshore – In general terms, the intertidal area between mean higher high water and mean lower low water.

Foreshore Marina – See Marina.

Forest Practice – Any activity conducted on, or directly related to, forest land and relating to growing, harvesting, or processing timber. This includes (1) site preparation and regeneration, (2) protection from insects, fire, and disease, (3) silvicultural practices such as thinning, fertilization, and release from competing vegetation, and (4) harvesting. Forest practices do not

include log storage. (See industrial use.) These activities include, but are not limited to, road and trail construction, final and intermediate harvesting, pre-commercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control. See WAC 222-16-010 or its successor.

Forest Land – All land which is capable of supporting a merchantable stand of timber and is not being actively used in a way which is incompatible with timber growing [WAC 222-16-010 or its successor].

Frequently Flooded Areas – Lands subject to a one percent or greater chance of flooding in any given year, as determined by the Federal Emergency Management Agency. These areas include, but are not limited to, floodplains adjacent to streams, lakes, coastal areas, and wetlands. (Also see BIMC Chapter 15.16, Flood Damage Prevention.)

Functional Grating – A floor or decking material which is permeable.

Gabions – Structures composed of masses of rocks, rubble, or masonry held tightly together, usually by wire mesh, to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action, or as foundations for breakwaters or jetties.

Geologically Hazardous Areas – Areas susceptible to significant erosion, sliding, or other geological events. They pose a threat to the health and safety of citizens when used as sites for incompatible commercial, residential or industrial development. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, and seismic hazard areas.

Geomorphology – The shape or form of a natural surface or object. Also, the study of the forms of the land surface and the processes producing them.

Geotechnical Engineer – Practicing geotechnical/civil engineer who has a valid Washington State engineering license and a valid certificate of registration in civil engineering, at least four years of professional employment as a geotechnical engineer with experience in landslide evaluation, and appropriate training and experience as specified in RCW Chapter 18.43.

Geotechnical report or geotechnical analysis – A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

Grading – An activity associated with land modification or maintenance; grading means the physical movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Grassy Swale – A vegetated drainage channel that is designed to remove various pollutants from stormwater runoff through biofiltration.

Groins – This is a rigid, barrier-type structure extending on an angle waterward from the shore into the intertidal zone. Their purpose is to build or preserve an accretion shoreform or berg on their updrift side by trapping littoral drift to protect a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials. Groins are relatively narrow in width but vary greatly in length. Groins are sometimes built in series as a system, and may be permeable or impermeable, high or low, and fixed or adjustable.

Growth Management Act – RCW 36.70A, as amended

Guidelines – Those standards adopted by the Washington State Department of Ecology under WAC 173-26, intended to implement the policy of the Shoreline Management Act, RCW Chapter 90.58, for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards provide criteria for local governments and the Department of Ecology in developing and amending master programs.

Habitat – The place or type of site where a plant or animal naturally or normally lives and grows.

Habitat Function – The use and benefits of physical and biological factors to associated biological communities of organisms.

Harbor Area – The area of navigable tidal waters as determined in Section 1 of Article 15 of the Washington State Constitution, which is forever reserved for landings, wharves, streets, and other

Harbor Structure Limit Line – A line defined in a harbor to demarcate the limits of overwater structures in aquatic areas and maintain navigation, as recommended by the Harbor Commission and approved by the City of Bainbridge Island City Council.

Hazard Tree – A tree with structural defects likely to cause failure of all or part of the tree, which could strike a “target.” A target can be a building or a place where people gather such as a park bench, picnic table, street, or backyard. In the case of steep slopes, a hazard tree can also be a tree that is a hazard to the stability of the slope, as determined by a geotechnical engineer.

Hazardous Materials – Any substance containing such elements or compounds which, when discharged in any quantity in shorelines, present to imminent and/or substantial danger to public health or welfare; including but not limited to: fish, shellfish, wildlife, water quality, and other shoreline features and property.

Hazardous Substance – Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or 173-303-100.

Height – The distance measured from the average grade level to the highest point of a structure. Television antennas, chimneys, and similar structures or appurtenances shall not be used in calculating height except where they obstruct the view of residences adjoining such shorelines. Temporary construction equipment is excluded in this calculation [WAC 173-27-030(9) or its

successor]. For all over-water structures, height shall be measured from ordinary high water mark.

High Bluff – An area with slope greater than 40%; height greater than fifteen feet (15'), often unstable or with visible face sediment source often from backshore. This term is used to identify geomorphic classes for the 2004 Nearshore Assessment completed by Battelle for the City.

Hook – A spit or narrow cape of sand or gravel which turns landward at its outer end.

HPA – Hydraulic Project Approval. The permit issued by the Washington State Department of Fish and Wildlife pursuant to the State Hydraulic Code Revised Code of Washington Chapter 75.20, or its successor.

Hydric Soils – Soils which are, saturated flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part or have had a history of being, wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants [WAC 173-22-030(5) or its successor]. The presence of hydric soil shall be determined following methods identified by the Department of Ecology.

Hydrophytes – Those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following methods identified by the Department of Ecology.

Infeasible – not feasible, see feasible

Impact – An action producing a significant causal effect of the whole or part of a given area.

Impoundment – The retention or trapping of sediment in a location, either by natural or structural means.

Industrial Development – Facilities for processing, manufacturing, fabrication or storage of goods or materials, including but not limited to oil, metal or mineral product refining, power generating facilities, including hydropower, ship building and major repair, storage and repair of large trucks and other large vehicles or heavy equipment, related storage of fuels, commercial storage and repair of fishing gear, warehousing construction contractors' offices and material/equipment storage yards, wholesale trade or storage, and log storage on land or water, together with necessary accessory uses such as parking, loading, and waste storage and treatment. Excluded from this definition are mining, including on-site processing of raw materials, and off-site utility, solid waste, road or railway development, and methane digesters that are accessory to an agricultural use.

Industrial Use – Uses intended primarily to provide for heavy commercial water-dependent uses such as ship and boat building, haul out and repair and related uses serving boating needs.

In-kind Compensation – To replace wetlands, biota, or other organisms with substitute flora or fauna whose characteristics closely match those destroyed, displaced, or degraded by an activity.

Inshore – The zone of the beach profile extending waterward from the foreshore to just beyond the breaker.

Intertidal – The substream area exposed at low tides and inundated at high tides, situated from the extreme low water of spring tides (mean lower-low water, MLLW) to the upper limit of spray or influence of ocean-driven salts (mean higher-high water, MHHW).

Invasive Species – A species that is (1) non-native (or alien) to the Puget Sound or the Central Puget Lowland region and (2) whose introduction causes or is likely to cause economic or environmental harm, or harm to human health. Invasive species can be plants, animals, and other organisms (e.g., microbes). Human actions are the primary means of invasive introductions.

Jetty – A structure that is generally perpendicular to shore extending through or past the intertidal zone. It is built at harbor entrances or river mouths mainly to prevent shoaling or accretion from littoral drift in entrance channels, which may or may not be dredged. A jetty also serves to protect a channel from storm waves or cross currents, and stabilize inlets through barrier beaches. On the West Coast and in this region, most jetties are riprap mound construction.

Lagoon – A shallow body of water, such as a pond or a lake, isolated from Puget Sound by a barrier beach or other narrow body of land. Lagoons may or may not have a permanent tidal connection to the sea. See also Tidal Lagoon and Barrier Lagoon

Landfill – The placement of soil, sand, rock, gravel, existing sediment or other material (excluding solid waste) in upland areas, landward of OHWM, generally to raise the elevation.

Landslide – A general term covering a wide variety of mass movement landforms and processes involving the downslope transport, under gravitational influence of soil and rock material en masse; included are debris flows, debris avalanches, earthflows, mudflows, slumps, mudslides, rock slides, and rock falls.

Landslide Hazard Areas – Areas that, due to a combination of site conditions like slope inclination and relative soil permeability, are susceptible to mass wasting, as designated in Appendix B-1(28).

Land Use – The development or activities that occur or are allowed to occur on a particular property.

Landward – In a direction toward shoreland areas.

Launch – see boat launch

Large Woody Debris (LWD) – Generally naturally occurring material that is recruited from during storms from downed trees in rivers, streams or other waters.

Levee – A large dike or embankment, often having an access road along the top, which is designed as part of a system to protect land from floods.

Limited Utility Extension – The extension of natural gas, electricity, telephone, water, or sewer service where all of the following are met: (1) the extension is categorically exempt under the Washington State Environmental Policy Act (SEPA) (See WAC 197-11-800 (24 or its successor) for the utility improvements which are categorically exempt under SEPA), (2) the extension will serve existing uses that are in compliance with the Shoreline Management Act, and (3) the

project does not involve the construction of more than twenty-five hundred (2,500) linear feet of utility lines or pipes within shoreline jurisdiction.

Littoral – of or pertaining to the shore.

Littoral Cell – See Drift Cell.

Littoral Drift – The natural process of sediment movement, particularly sand and gravel along the shoreline in the nearshore zone by waves and currents (see also Drift Cell and Driftway).

Littoral Transport – see Longshore Transport

Live-aboard Vessel – A vessel licensed and designed for use as a mobile structure with adequate self-propulsion and steering equipment to be operated as a vessel, but which is principally used as an over-water residence. Principal use as an over-water residence means essentially full-time occupancy within the City’s jurisdiction for a total of more than sixty (60) days, whether or not consecutive, in any calendar year.

Longshore Current – The littoral current in the breaker zone moving essentially parallel to the shore.

Longshore Transport – Transport of sedimentary material parallel to the shore.

Low Bank – An area with a slope often greater than fifteen percent (15%) and less than fourty percent (40%), height fifteen feet (15’) or less, generally narrow beach with high water line at or on the bank. Bedrock terrace considered low bank if characterized by a sand and gravel beach; backed by low scarp. This term is used to identify geomorphic classes for the 2004 Nearshore Assessment completed by Battelle for the City.

Low Impact Development (LID) – A stormwater management strategy that emphasizes conservation and use of existing natural site features integrated with distributed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial, and industrial settings. LID employs principles such as preserving and recreating natural landscape features and minimizing impervious surfaces to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. Practices that adhere to these LID principles include bioretention facilities, rain gardens, vegetated rooftops, rainwater harvesting (rain barrels and cisterns), and permeable pavements.

Maintenance – See Normal Maintenance and Normal Repair.

Marina – A facility with the primary purpose of providing moorage for six (6) or more vessels, which consists of a system of piers, docks, buoys, or floats. Foreshore marinas are located landward of OHWM. There are two common types of backshore marinas, one with wet moorage that is dredged out of the land to artificially create a basin, and the other, dry moorage, which has upland storage with a hoist, marine travel lift, or ramp for water access. Open water marinas, including open water moorage and anchorage areas, are generally located in the center of a water body to provide moorage in addition to any marinas and docks along the edge of the water body.

Marine Bluffs – see Bluff, Marine

Marine Travel Lift – A mechanical device that can hoist vessels off trailers and transport them into the water. Often associated with dry land moorage.

Marine Railway – A fixed set of rails running from the upland area into the water upon which a cart or dolly can carry a boat to be launched.

Marine Riparian Zone – The transition zone between the nearshore and terrestrial ecotones. See also Riparian Vegetation.

Marshes, Bogs, and Swamps – Lands transitional between terrestrial and aquatic systems where saturation with water is the dominant factor determining plant and animal communities and soil development. Such lands must have one or more of the following attributes: a) at least periodically, the land predominately supports hydrophytes, and/or 2) the substrate is predominantly undrained hydric soil. [WAC 173-22-030(10) or its successor]. See Hydrophyte, Hydric Soil.

Marsh/Lagoon – Protected embayment often fluvial sediment sources, substrate is composed of fines, diagnostic salt marsh vegetation, lagoons may empty completely at low tide (extensive tide flats) and may have a residual basin that holds water at low tide. This term is used to identify geomorphic classes for the 2004 Nearshore Assessment completed by Battelle for the City.

Mean Higher-High Water (MHHW) – The plane of the arithmetic mean of the higher of two (2) daily high tides calculated from the most recent 19-year tidal cycle.

Mean Low Water (MLW) – The plane of the arithmetic mean of all low tides calculated from the most recent 19-year tidal cycle.

Mean Lower-Low Water (MLLW) – The plane of arithmetic mean of the lower of two (2) daily low tides calculated from the most recent 19-year tidal cycle (datum plane 0.0).

Mean Sea Level – The average height of the surface of the sea for all stages of the tide over a 19-year period, usually determined from hourly height readings.

Midden – An ancient refuse heap. Often a source of archaeological material.

Mining – Removal and primary processing of naturally occurring materials from the earth for economic use. “Processing” includes screening, crushing, stockpiling – all of which utilize materials removed from the site where the processing activity is located. Processing does not include the manufacture of molded or cast concrete, or asphalt products, asphalt mixing operations, or concrete batching operations.

Mitigation – Measures used to avoid, minimize or alleviate adverse impacts of development on ecological functions or ecosystem-wide processes. Mitigation must follow mitigation sequencing requirements of WAC 173-26-201(2)(e) and includes:

- a. Avoiding, minimizing or compensating for adverse impacts, in the following order of preference:
 - i. Avoiding the impact altogether by not taking a certain action or parts of an action.
 - ii. 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;

- iii. Rectifying the impacts by repairing, rehabilitating or restoring the affected environment;
 - iv. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
 - v. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - vi. Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation for individual action may include a combination of the above measures; and
- b. The following specific categories:
- i. Mitigation, compensatory: replacing project-induced critical area losses or impacts, including, but not limited to, establishment, re-establishment, rehabilitation or enhancement.
 - ii. Mitigation, establishment: mitigation performed to intentionally establish a critical area (e.g., wetland) at a site where it does not currently exist.
 - iii. Mitigation, re-establishment: the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former critical area.
 - iv. Mitigation, rehabilitation: the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes to a degraded critical area.
 - v. Mitigation, enhancement: the manipulation of the physical, chemical, or biological characteristics of a biological wetland to heighten, intensify or improve specific function(s) or to change for specific purposes such as water quality improvement, flood water retention, or wildlife habitat.

Mitigation Sequence – Individual action that may include a combination of the following measures, listed in order of preference:

- a. Avoiding the impact altogether by not taking a certain action or parts of actions;
- b. Minimizing impacts by limiting the degree of magnitude of an action and its implementation;
- c. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating an impact over time by preservation and maintenance operations;
- e. Compensating for an impact by replacing enhancing, or providing substitute resources or environments; and
- f. Monitoring the impact and compensation projects and taking appropriate corrective measures when necessary.

Mitigation Plan – A detailed plan indicating actions necessary to mitigate adverse impacts of development.

Monitoring – Evaluating the impacts of development proposals over time on the biological, hydrological, pedological, and geological elements of ecosystem functions and processes and/or assessing the performance of required mitigation measures through the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features compared to a baseline or pre-project conditions and/or reference sites.

Mooring Buoy – A floating object anchored to the bottom of a water body that provided tie-up capabilities for vessels.

Muds – Sediments in which the size of the particles is smaller than 0.0625mm.

Mudflat – Low, unvegetated mud substrate that is flooded at high tide and uncovered at low tide.

Multi-family Dwelling or Residence – A building containing two or more dwelling units or more than one dwelling unit on one lot, including, but not limited to, duplexes, apartments, and condominiums.

Natural Riparian Habitat Corridor – The waterside environment maintained in its natural state, primarily for fisheries and wildlife habitat, and water quality improvements, and, secondarily, for flood control works, while allowing controlled access to avoid damage to the resource.

Native Vegetation – Plant species typically found on an undeveloped marine shoreline that are indigenous to the Central Puget Lowland eco-region and suitable to the specific site conditions.

Native Vegetation Equivalent – Plant species that are equivalent in providing the same site-specific functional arrays as would a native species. Functional arrays may include forage, floodwater restraint, hiding habitat, or other physical or biologic roles in the ecosystem, that individually or in combination correspond to those of the native species. As with natives, the role and mix of an alternative species may vary depending on the site and its surrounding ecosystem. Invasive/exotic species shall not be considered equivalent species.

Nearshore or Nearshore Zone – The area of marine and estuarine shoreline, generally extending from the top of the shoreline bank or bluff to the depth offshore where light penetrating the water falls below a level supporting plant growth, and upstream in estuaries to the head of the tidal influence. It includes bluffs, beaches, mudflats, kelp and eelgrass beds, salt marshes, gravel spits, and estuaries.

Not Net Loss – As a public policy goal, the maintenance of the aggregate total of the City's shoreline ecological functions at its current level of environmental resource productivity. As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or ecosystem-wide processes. Each project shall be evaluated based on its ability to meet the no net loss standard commensurate with its scale and character.

Nonconforming Development – A shoreline use or structure which was lawfully constructed or established prior the effective date of the applicable Shoreline Management Act/SMP provision, and which no longer conforms to the applicable shoreline provisions [WAC 173-27-080(1), or its successor].

Nonwater-oriented – Nonwater-oriented uses serve to describe those uses which have little or no relationship to the shoreline and are not water-dependent, water-related, or water-enjoyment, or considered priority uses under the Shoreline Management Act. Nonwater-oriented uses, means those uses that are not water-dependent, water-related, or water-enjoyment. Nonwater-oriented use examples include professional offices, automobile sales or repair shops, storage facilities, and automobile gas stations.

Normal Appurtenance – See Appurtenance.

Normal Maintenance – Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. [WAC 173-27-040(2)(b), or its successor]. (See Normal Repair.)

Normal Repair – To restore a structure or development to a lawfully established state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair involves total replacement which is not common practice, or causes substantial adverse effects to the shoreline resource or environment. This does not include any activities that change the character, scope or size of the original structure or development beyond the original design. [WAC 173-27-040(2)(b), or its successor]. (See Normal Maintenance).

Normal Protective Bulkhead – See Bulkhead.

Obligate Vegetation – The sum total of macrophytic plant life that occurs in areas where the frequency (>99% of the time in wetlands) and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present. USACE 1987 Wetland Delineation Manual.

OHWM, Ordinary High Water Mark – That mark that will be formed by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, that the soil has a character distinct from that of the abutting upland in respect to vegetation as that condition existed on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or Washington State Department of Ecology, provided that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high water and the ordinary high water mark adjoining fresh water shall be the line of mean high water. [See RCW 90.58.030(2)(b), or its successor and WAC 173-22-030(6), or its successor].

Offshore – The area waterward of the breaker zone, extending in a direction waterward from the shore.

Oil/Water Separator – Specialized catch basins that are designed to trap oil and other materials lighter than water in the basin while allowing the water to escape through the drainage system.

Open Coastal Inlets - These describe inlets or estuaries whose size or configuration precludes significant wave action, but where the inlet itself is not significantly enclosed by a barrier or other restriction.

Open Space – See BIMC Title 18.

Open Water Moorage and Anchorage Area – A designated area of state-owned aquatic lands leased for the moorage and anchorage of vessels that does not abut uplands and does not include a built connection to the uplands. Open water moorage and anchorage areas are leased only by municipalities in accordance with WAC 332-30-139 and subject to the restrictions therein.

Outfall – A structure extending into a body of water for the purpose of discharging an effluent (sewage, storm runoff, cooling water).

Overwash - The flow of marine waters and associated sediment over the top of a barrier beach, usually when storms coincide with high tides. Leads to deposition of sediment in backshore areas and the gradual shifting of a barrier beach landward.

Overwater structures – Human-made structures that extend over all or part of the surface of a body of water, such as a pier.

Parking – The temporary storage of automobiles or other motorized vehicles.

Periodic – Occurring at regular intervals.

Person(s) – Includes organizations and corporations.

Pier – A platform structure or anchored device that is fixed above the water extending waterward from ordinary high water, and which is generally used as a landing or moorage place for industrial, commercial, and/or pleasure craft; including but not limited to ; wharves and quays.

Plant Community – Association of plants in a given area or region in which various species are more or less dependent upon each other.

Pocket Beach – An isolated beach, existing usually, without benefit of littoral drift from sources elsewhere. Pocket beaches are produced by erosion of immediately adjacent bluffs or banks and are relatively scarce and therefore valuable shoreforms on the Island; they are most common between rock headlands and may or may not have a backshore.

Pocket Estuary – Term used in the Puget Sound region to describe small estuaries and lagoons, partially isolated by their configuration from the main body of Puget Sound.

Point – A low profile shoreline Promontory of more or less triangular shape, the top of which extends waterward.

Primary Structure – A structure that includes the principal use of a property, or is intended to be occupied with the principal use of the property.

Priority Habitat – A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- a. Comparatively high fish or wildlife density;
- b. Comparatively high fish or wildlife species diversity;
- c. Fish spawning habitat;
- d. Important wildlife habitat;
- e. Important fish or wildlife range;
- f. Important fish or wildlife movement corridor;
- g. Rearing and foraging habitat;
- h. Important marine mammal haul-out;
- i. Refugia habitat;
- j. Limited availability;
- k. High vulnerability to habitat alteration;
- l. Unique or dependent species; or
- m. Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows).

A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

Priority Species –Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

- a. Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014, or its successor), threatened (WAC 232-12-011, or its successor), or sensitive (WAC 232-12-011, or its successor). State proposed species are those fish and wildlife species that will be reviewed by the Department of Fish and Wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
- b. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or state-wide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
- c. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

- d. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

Public Access – The public’s right to get to and use the state’s public waters, both saltwater and freshwater, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by means such as scenic roads and overlooks, viewing platforms, decks or towers and other public sites or facilities.

Public Interest – The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to , an effect on public property or on health, safety, or general welfare resulting from adverse effects of a use or development.

Puget Lowland, Central – The low area between the Olympic and Cascade Mountain ranges.

Puget Sound – All marine water contained south and east of Admiralty Inlet and Deception Pass.

Qualified Professional or Qualified Consultant – A person with experience and training with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must possess the required education and experience stipulated for that profession pursuant to this Program and/or BIMC 16.20.020 for the following:

- a. Fisheries Biologist (BIMC 16.20.020(17);
- b. Geotechnical Engineer (BIMC 16.20.020(21);
- c. Hydrogeologist (BIMC 16.20.020(27);
- d. Wetland Specialist (BIMC 16.20.020(56);
- e. Wetland Biologist (BIMC 16.20.020(57);
- f. Professional Archeologist (RCW 27.53.030(11), or successor)
- g. Certified Arborist (BIMC 16.20)

RCW – Revised Code of Washington.

Recharge – The process involved in the absorption and addition of water from the unsaturated zone to ground water.

Recreation – An experience or activity in which an individual engages for personal enjoyment and satisfaction through forms of play, sports, relaxation, amusement or contemplation, Most shore-based recreation included outdoor recreation such as: fishing, hunting, clamming, beach combing, and rock climbing; various forms of boating, swimming, hiking, bicycling, horseback riding, camping, picnicking, watching or recording activities such as photography, painting, bird watching or viewing or water or shorelines, nature study and related activities.

Recreational Development, Active – activities that generally require the use of constructed facilities such as playgrounds, athletic fields, boat ramps, and marinas, and/or the use of specialized equipment.

Recreational Development, Passive – activities that require a minimum of facilities such as swimming, picnicking, hiking, canoeing and fishing, and other low impact activities.

Recreational Fishing –Fishing for personal use as allowed by Personal Fishery Chapter 220-56 WAC.

- a. Hand Line or Angling - shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" shall be identical in meaning [WAC 220-56-100(17), or its successor].
- b. Spear Fishing - means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device [WAC 220-56-100(29), or its successor].
- c. Bow and Arrow Fishing - any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water [WAC 220-56-100(6), or its successor]

Repair – See “Normal Repair”

Residential Development – Construction or alteration, earth modification, subdivision and use of land primarily for human residence; including but not limited to single-family residences and multifamily dwellings, accessory uses, and structures normally associated with residential uses and structures. Residential development includes land divisions, including short plats, of residentially zoned land. It also includes all modifications to land and vegetation associated with construction, preparation, or maintenance of residential structures or accessory structures.

Restoration or Ecological Restoration – To revitalize, reestablish or upgrade ecological shoreline functions and/or natural processes of a degraded shoreline resource to a condition that sustains the ecological functions and process at a state of equilibrium.

This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials.

Retaining Wall – A built structure designed to retain an earth bank from sliding or to resist the lateral pressure of soil when there is a desired change in ground elevation.

Revetment – A sloping structure built to protect a scarp, embankment, or shore against erosion by waves or currents. Usually built of riprap, with heavy armor layer, one or more filter layers of smaller rock or filter cloth, and “toe” protection. A revetment slopes shoreward and has a rough or jagged facing. Its sloping face absorbs wave energy and differentiates it from a bulkhead, which is a vertical structure.

Riparian – Of, pertaining to, or situated or living on the banks of a river or other body of water, including tidewater.

Riparian Management Zone – The area adjacent to a water body (stream, lake or marine water) that contains vegetation that influences the aquatic ecosystem, nearshore area and/or fish and wildlife habitat. The zone include terrestrial habitat and riparian vegetation.

Riparian Vegetation – Vegetation that tolerates and/or requires moist conditions and periodic free flowing water thus creating a transitional zone between aquatic and terrestrial habitats which provides cover, shade and food sources for aquatic and terrestrial insects for fish species. Riparian vegetation and their root systems stabilizes banks, attenuates high water flows, provide wildlife habitat and travel corridors, and provide a source of limbs and other woody debris to terrestrial and aquatic ecosystems.

Riprap – A layer, facing, or protective mound of stones placed to prevent erosion, scouring, or sloughing of a structure or embankment.

Rock Weir – See Groin.

Runoff – Water that is not absorbed into the soil, but rather flows along the ground surface following the topography.

Salish Sea – Broadly defined as the confined water body inland from Cape Flattery, including Puget Sound, the Strait of Juan de Fuca and the Strait of Georgia.

Salmon and Steelhead Habitats – Gravel bottom streams, creeks, and rivers used for spawning; streams, creeks, rivers, side channels, ponds, lakes, and wetlands used for rearing, feeding, cover and refuge from predators and high water; streams creeks, rivers, estuaries, and shallow areas of saltwater bodies used as migration corridors; and salt water bodies used for rearing, feeding, and refuge from predators and currents.

Salt Tolerant Vegetation – Vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand. [WAC 173-22, or its successor].

Seawall – Structure separating land and water areas primarily to prevent erosion and other damage by wave action. Generally more massive and capable of resisting greater wave forces than a bulkhead or revetment.

Sediment – The material, such as sand, silt, or clay, suspended in or settled on the bottom of a water body, generally deposited by erosion, water or wind.

Sediment Transport – The movement of sediment along a current pathway.

Seismic Hazard Areas – Areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, or surface faulting. While ground shaking is the principal risk because the entire island will shake significantly, severe damage will occur where slope failure, liquefaction, and settlement are induced by the shaking and surface rupture is created by fault movement. The following areas are considered seismic hazard areas:

- a. Seismic Landslide Hazard Areas. Slopes which are stable in non-earthquake periods, but fail and slide during ground shaking;

- b. **Liquefaction Hazard Areas.** Areas of non-cohesive, loose or soft, saturated soils of low density in association with a shallow groundwater table that are subject to settlement and/or liquefaction from ground shaking; or
- c. **Fault Hazard Areas.** Areas of known surface rupture or significant surface deformation as a result of an active fault movement, including fifty feet (50') on either side.

Sensitive Areas – See Critical Areas

Sensitive Land – See Critical Areas

Setback – The required space that is left open and unoccupied between the nearest projection of a structure and the property line of the lot on which the structure is located, and that are required to remain unobstructed from the ground to the sky except for modification to setbacks and height specifically allowed by code.

Shall – A mandate; the action that must be done.

Shared Moorage – Moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents of a certain subdivision or community within shoreline jurisdiction or for use by patrons of a public park or quasi-public recreation area, including rental of non-powered craft. If a shared moorage provides commercial services of six or more slips, it shall be considered a marina.

Shellfish – Invertebrates of the phyla Arthropoda (class Crustacea), Mollusca (class Pelecypoda) and Echinodermata.

Shellfish Habitat Conservation Area – All public and private tidelands suitable for shellfish, as identified by the Washington Department of Health classification of commercial growing areas, and those recreational harvest areas as identified by the Washington Department of Ecology are designated as Shellfish Habitat Conservation Protection District created under RCW 90.72 is also a Shellfish Habitat Conservation Area.

Shoreland Areas – Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands, including river deltas associated with streams, rivers and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

Shorelands – See “Shoreland areas.”

Shoreline Armoring – Structural protection from erosion caused by tidal action, current or waves, including but not limited to, revetments, bulkheads, sea walls, gabions.

Shoreline Designation – The categories of shorelines established by the Shoreline Master Programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. [WAC 173-16-040(4), or its successor].

Shoreline Jurisdiction (Associated Wetlands [Jurisdictional]) – The proper term describing all of the geographic areas covered by the Shoreline Management Act, related rules, and the applicable master program. Those lands extending landward for two hundred feet (200') in all directions, as measured on a horizontal plane from the ordinary high water mark; floodways and

contiguous floodplain areas landward two hundred (200) feet from such floodways; and all marshes, bogs, swamps and deltas associated with the streams, lakes, and tidal waters subject to the Shoreline Management Act. See RCW 90.58.030(2)(f), or its successor; WAC 173-16-030(17), or its successor; and WAC 173-22-030(10), or its successor. Also, such areas within a specified local government's authority. See definitions of shorelines, shorelands, shorelines of the state, and Shorelines of State-wide Significance, and wetlands, jurisdictional.

Shoreline Management Act – The Shoreline Management Act of 1971, RCW Chapter 90.58, as amended.

Shoreline Master Program or Master Program – The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

Shoreline Modifications – Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline Permit – A substantial Development, Conditional Use, Revision, Variance, or any combination thereof [WAC 173-27-030(13), or its successor].

Shoreline Stabilization and Flood Protection – Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion impacts to property and dwellings, businesses, or structures of upland beaches or reduce adverse impacts caused by natural processes, such as current, flood, tides, wake, wind, or wave action. These are generally located parallel to the shoreline at or near the OHWM. Examples of specific structural and nonstructural shoreline modification activities include revetments, riprap, bulkheads, and bank stabilization.

Shoreline Stabilization, Bioengineered – Biostructural and biotechnical alternatives to hardened structures (bulkheads, walls) for protecting slopes or other erosive features including soft – treatment techniques. Bioengineered stabilization uses Vegetation Reinforced Soil Slopes (VRSS), which uses vegetation arranged embedded in the ground to prevent shallow mass-movements and surficial erosion.

Shoreline Stabilization, Hard structure – Shore erosion control practices using hardened structures that armor and stabilize the shoreline landward of the structure from further erosion.

Shoreline Stabilization, Hybrid structure – An approach to erosion control that combines soft-treatment shoreline treatment placed waterward of more conventional structural shoreline stabilization elements. The soft treatment preserves natural beach contours and mimics habitat structure in order to preserve ecological functions. The hard structure provides long-term

stability to the upland site, but is located sufficiently landward of the OHWM as not to impair ecological processes.

Shoreline Stabilization, New – Placement of shoreline stabilization where no such structure previously existed, including additions to or increases in size of existing shoreline stabilization measures are considered new structures.

Shoreline Stabilization, Non-structural – This is a soft treatment which does not use driftwood, logs, geotextile fabric, or other organic or non-organic structural materials. Examples include:

- a. Addressing upland drainage issues;
- b. Planting stabilization vegetation without fill, grading, or use of non-biodegradable geotextile fabric, gabions other stabilizing structures to provide temporary erosion control;

Shoreline Stabilization, Replacement – The construction of a new structure to perform a shoreline stabilization function of an existing legally-established shoreline stabilization structure which can no longer adequately serve its purpose.

Shoreline Stabilization, Soft-treatment – Shore erosion control and restoration practices using only plantings or organic materials to restore, protect or enhance the natural shoreline environment. This technique mimics natural conditions for ecological functions and ecosystem-wide processes. When used organic/biodegradable structural components are to be placed to avoid significant disruption of sediment recruitment, transportation, and accretion. Examples include:

- a. Bioengineered Shoreline Stabilization;
- b. Beach Nourishment/Replenishment;
- c. Vegetated Soil Stabilization Retention Methods;
- d. Driftwood;
- e. Coir fiber logs or other natural materials;
- f. Nonstructural Shoreline Stabilization.
- g. Beach Berm.

Shoreline Stabilization, Structural – Shoreline stabilization which includes a footing, foundation, or anchors. Materials are typically hardened structures which armoring the shoreline. See also Shoreline Stabilization, Hard structure and Shoreline Stabilization, Hybrid structure.

Shoreline Substantial Development Permit – A mechanism through which the City determines whether a proposed development or activity complies with the State of Washington Shoreline Management Act (RCW Chapter 90.58, or its successor) and the Master Program.

Shorelines – All of the water areas of the state, including reservoirs and their associated wetlands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d) or its successor and shorelines of state-wide significance.

Shorelines Hearings Board (SHB) – A quasi-judicial body which hears appeals by any aggrieved party on the issuance of a shoreline permit and appeals by local government on Washington State Department of Ecology approval of master programs, rules, regulations, guidelines, or designations under the Shoreline Management Act. [RCW 90.58.170, or its successor; RCW 90.58.180, or its successor; and WAC 173-04-01, or its successor].

Shorelines of State-wide Significance – A select category of shorelines of the state, defined in RCW 90.58.030(2)(e) or its successor, where special preservation policies apply and where greater planning authority is granted by the Shoreline Management Act [RCW 90.58.020 or its successor]. Within the City’s jurisdiction all those areas lying seaward from the line of extreme low tide are shorelines of state-wide significance [RCW 90.58.030(1)(e)(iii) or its successor].

Shorelines of the State – Shorelines and shorelines of state-wide significance.

Shoreward – See landward

Should – A particular action is required unless there is demonstrated, compelling reason, based on policy of the Shoreline Management Act and this Program, against taking the action.

Sign – Any letter, figure, design, symbol, trademark or other device which is intended to attract attention to any activity, service, place, political office, subject, firm, corporation or merchandise, except traffic signs or signals, public or court notices, signs not visible from the public right-of-way or adjacent properties, signs on moving vehicles, newspapers, leaflets or other printed materials intended for individual use or individual distribution to members of the public, government flags, flags and buntings exhibited to commemorate national patriotic holidays and temporary banners announcing charitable or civic events.

Significant Removal of Vegetation – The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. The approved removal of trees determined to be hazardous does not apply. Tree pruning, not including tree topping, where it does not affect ecological functions, does not contribute significant vegetation removal in the Washington State Shoreline Master Program Guidelines, Chapter 173-26 WAC 99 of 100.

Single-family Residence (SFR) – A detached dwelling designed for and occupied by one family, including those structures and developments within a contiguous ownership which are normal appurtenance [WAC 173-27-040(2)(g), or its successor].

Soil Bioengineering – An applied science that combines structure, biological, and ecological concepts to construct living structures that stabilize the soil to control erosion, sedimentation, and flooding using live plant materials as a main structural component.

Solid Waste Disposal – Discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste, including hazardous waste, on land or in the water.

Solid Waste – Solid and semi – solid wastes, including garbage, rubbish, ashes, industrial wastes, wood wastes, and sortyard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household

appliances, and other discarded commodities. Solid waste does not include wastewater, dredge material, agricultural, or other commercial logging wastes not specifically listed above. See landfill and dredging material.

Spit – An accretion shoreform which extends seaward from and parallel to the shoreline. They are usually characterized by a wave-built berg on the windward side and more gently sloping, muddy, or marshy shore on the leeward side. A curved spit is normally called a hook.

Spit/Barrier/Backshore – An area with a wide beach face and slope of less than fifteen percent (15%), distinguishable backshore. This term is used to identify geomorphic classes for the 2004 Nearshore Assessment completed by Battelle for the City.

Spur Dock – See Groin.

SSDP – Shoreline Substantial Development Permit.

Starvation – See Impoundment

Statement of Exemption or Letter of Exemption – A written statement by the Administrator that a particular development proposal is exempt from the substantial development permit requirement and is generally consistent with this Program including the policy of the Act [RCW 90.58.020, or its successor].

Steep Slope – A forty percent (40%) or greater slope. See also Landslide Hazard

Storm Surge – A rise above normal water level on the open coast due to the action of wind forces on the water surface or to atmospheric pressure reduction.

Stormwater Management – The control of stormwater drainage through a systematic design that performs a particular function, or multiple functions, and includes but not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins and modular pavement.

Structure – A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels. [WAC 173-27-030(15) or its successor].

Subdivision – The division or redivision of land, including short subdivisions, for the purpose of sale, lease, or conveyance.

Substantial Development – Any development of which the total cost or fair market value exceeds the amount specified in WAC 173-26-040(2)(a); or any development which materially interferes with the normal public use of the water or shorelines of the state, except as specifically exempted pursuant to RCW 90.58.030(3)(e), or its successor, and WAC 173-27-040, or its successor. See definitions for Development and Exemption.

Substantial Progress – Substantial progress toward completion of a permitted activity includes all of the following, where applicable: the making of contracts, signing of notice to proceed, completion of grading and excavation and the laying of major utilities; or, where no construction is involved, commencement of the activity [WAC 173-27-090, or its successor].

Subtidal – The area of the marine environment below extreme low tide.

Sub-estuary – See Pocket Estuary

Sustainable Development – Development which maintains a balance between the health of the natural environment and the needs of the human community which lives within it.

Surface Water – Water that travels across the surface of the ground, rather than infiltrating.

Swell – Wind-generated waves that have traveled out of their generating area. Swell characteristically exhibits a more regular and longer period and has flatter crests than waves with their fetch.

Terrestrial – Of or relating to land as distinct from air or water.

Tidal Inlet – A shore feature subject to the daily influence of the tides, whose mouth is narrower than its length. The inlet is considered to be all lands and waters seaward of the ordinary high water mark, and extending to its mouth. Within tidal inlets, specific areas that constitute critical habitat are designated for special protection under the Master Program.

Tidal Flats – Marshy or muddy areas of the seabed which are covered and uncovered by the rise and fall of tidal water.

Tidal Lagoon – A body of saline water (salinity greater than 0.5 parts per thousand) with a constricted or subsurface outlet that is subject to the periodic, but not necessarily daily, exchange of water with Puget Sound or a tidal inlet. The exchange may occur seasonally, during storms, or during the highest spring tides. The connection between the sea and the lagoon does not necessarily have to be on the surface; the connection can be subsurface through permeable gravel and sand berms.

Tidal Range – The difference in height between consecutive high and low water.

Tidal Water – Includes marine and estuarine water bounded by the ordinary high water mark. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream [WAC 173-22-030(9), or its successor].

Tidelands – Land on the shore of marine water bodies between the line of ordinary high water and the line of extreme low tide.

Toxic Material – Any material damaging to marine life including, but not limited to, paints, varnishes, anti-fouling agents, bleaches, petroleum, and contaminated bilge waste water.

Transient Moorage – Moorage for a stay of less than two (2) weeks.

Transportation Facilities – Those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, bikeways, trails, railroad facilities, ferry terminals, float plane terminals, heliports, and other related facilities.

Unavoidable – Adverse impacts that remain after all appropriate avoidance and minimization measures have been implemented.

Updrift – In the direction opposite of dominant alongshore sediment transport.

Upland – Generally described as the area above and landward of the OHWM.

Utilities, Accessory – Small scale distribution systems directly serving a permitted shoreline use. These include power, telephone, cable, water, sewer, septic, and stormwater lines.

Utilities, Primary – Facilities that produce, transmit, carry, store, distribute, or process electric power, gas, water, sewage, or information. Primary utilities include solid waste handling and disposal facilities, wastewater treatment facilities, utility lines, electrical power generating or transfer facilities, radio, wireless telephone and microwave tower, and gas distribution and storage facilities.

Variance – A means to grant relief from the specific bulk, dimensional, or performance standards specified in the applicable Master Program. Variance permits must be specifically approved, approved with conditions, or denied by the Washington State Department of Ecology. (See WAC 173-14-150, or its successor).

Vascular Plant – Any plant that has a specialized conducting system consisting mostly of phloem (food-conducting tissue) and xylem (water-conducting tissue), collectively called vascular tissue. These plants have true stems, leaves, and roots, modifications of which enable species of vascular plants to survive in a variety of habitats under diverse, even extreme, environmental conditions.

Vegetative Stabilization – Planting of vegetation to retain soil and retard erosion, reduce wave action, and retain bottom material. It also means utilization of temporary structures or netting to enable plants to establish themselves in unstable areas.

Vessel – A floating structure that is designed primarily for transportation, is normally capable of self propulsion and navigation, and meets all applicable laws and regulations pertaining to navigation and safety equipment on vessels, including, but not limited to, registration as a vessel by an appropriate government agency, and does not interfere with normal public use of the water. [WAC 173-27-030(18), or its successor].

View Corridor – An area free of buildings and other view-blocking structures which provides visual access to water and/or the shoreline.

WAC – Washington Administrative Code.

Water-dependent Use – A use or a portion of a use which cannot exist in a location that is not adjacent to the water which is dependent on the water by reason or the intrinsic nature of its operation. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, and sewer outfalls.

Water-enjoyment Use – A recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use, or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as general characteristic of the use and which through the location, design, and operation ensure the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public, and the shoreline-oriented space

within the project must be devoted to the specific aspects of the use that foster shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers, and other improvements facilitating public access to shorelines of the state. General water-enjoyment uses may include, but not limited to, restaurants, museums, aquariums, educational/scientific reserves, resorts, and mixed use commercial, provided that such uses conform to the above water-enjoyment specifications and the provisions of the Master Program.

Water-oriented Use – Refers to any combination of water-dependent, water-related and/or water-enjoyment uses and serves as an all-encompassing definition for priority uses under the Shoreline Management Act.

Waterward – To, toward, or continuing into the water body.

Water Quality – The physical characteristics of water within shoreline jurisdiction, including water quality, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term “water quantity” refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.3.250 through 90.03.340.

Water-related – A use or portion of a use which is not intrinsically dependent on a waterfront location, but whose economic viability is dependent upon a waterfront location because:

- a. Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water or,
- b. The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Examples include: (1) manufacturers of ship parts large enough that transportation becomes a significant factor in the product(s) cost, (2) professional services serving primarily water-dependent activities, and (3) storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage.

Wave Direction – The direction from which waves approach an observer.

WDFW – Washington State Department of Fish and Wildlife.

Washington State Department of Ecology – See Ecology.

Weir – A structure in a stream or river for measuring or regulating stream flow.

Wetlands – Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas, including associated wetlands. Wetlands do not include those artificial wetlands

intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands that were created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. [WAC 173-22-030(10) and (11), or their successors]

Wetlands, Jurisdictional – See “shoreland areas.”

Zone of Impact – The area of the subject property where the incident wave energy is distributed, in relation to the primary structure and primary appurtenances and the angle of the incident wave.

Zone of Influence – The zone of influence means an area usually upslope from a geologically hazardous area, where changes in land use and hydrology can affect the stability of the geologically hazardous area. The zone of influence is defined as 300 feet upslope from slopes greater than forty percent (40%), and two hundred feet (200') upslope from slopes greater than 15 percent but less than 40 percent that are determined to be geologically hazardous areas.

Zoning – To designate by ordinance, including maps, areas of land reserved and regulated for specific land uses.

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Appendix B

Critical Areas

B-1. Definitions

For the purposes of this subsection, the following definitions shall apply:

1. “Aquifer recharge area” means the surface area of any geological formation sufficiently pervious to provide fresh water to an aquifer through the process of infiltration and percolation.
2. “Base flood” means a general and temporary condition of partial or complete inundation of normally dry land areas having a one percent chance of being equaled or exceeded in any given year. Base flood elevation data is commonly displayed as an elevation line on flood insurance maps, showing the location of the expected whole-foot water-surface elevation of the base (100-year) flood.
3. “Best management practices” (BMPs) means conservation practices or systems of practices and management measures that:
 - a. Control soil loss and protect water quality from degradation caused by nutrients, animal waste, toxins, and sediment; and
 - b. Minimize adverse impacts to surface water and groundwater flow, and to the chemical, physical, and biological characteristics of critical areas.
 BMPs are defined by the United States Department of Agriculture, the State of Washington Department of Agriculture, the Washington State Department of Ecology, Washington State Department of Health, Kitsap Conservation District, and other professional organizations.
4. “Buffer” means an area adjoining to and a part of a critical area that is required for the continued maintenance, functioning, and/or structural stability of that critical area, or an area adjacent to a stream or wetland that (a) surrounds and protects the functions and values of the stream or wetland from adverse impacts, (b) is an integral part of a stream or wetland ecosystem, and (c) provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland edge, habitat for wildlife, and protection from harmful intrusion, to protect the public from losses suffered when the functions and values of the wetland or stream are degraded.
5. “Category I, II, III, IV wetlands”: see “Wetland category”.
6. “Critical areas” means aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands.
7. “Critical habitat” means a habitat identified by US Fish and Wildlife Service or the National Marine Fisheries Service as habitat necessary for survival of endangered or threatened species.
8. “Educational or scientific activities” means controlled and/or supervised scientific activities or educational activities that are associated with an educational program that is approved through a conditional use permit.
9. “Engineering geologist” means a practicing engineering geologist who has at least four years of professional employment as an engineering geologist with experience in landslide evaluation, and a Washington State specialty license in engineering geology as specified in Chapter 18.220 RCW.

10. “Erosion hazard area” means a landform or soil type subject to being worn away by the action of water, wind, freeze-thaw, or ice, and which are:
 - a. Rated in the Soil Survey of Kitsap County Area, Washington, USDA (1980), as having severe hazard of water erosion, including:
 - i. Indianola-Kitsap Complex, 45 to 70 percent slope;
 - ii. Kitsap Silt Loam, 15 to 30 percent slope, 30 to 45 percent slope;
 - iii. Ragnar Fine Sandy Loam, 15 to 30 percent slope; and
 - iv. Schneider very gravelly loam, 45 to 70 percent slope;
 - b. Classified in the Department of Ecology Coast Zone Atlas as:
 - i. Class 3, class U (unstable) includes severe erosion hazards and rapid surface runoff areas;
 - ii. Class 4, class UOS (unstable old slides) includes areas having severe limitations due to slope; and
 - iii. Class 5, class URS (unstable recent slides); and
 - c. Identified by the USGS Surface Geology Map of Bainbridge Island (Haugerud, 2001) as rilled slopes/scarps.
11. “Existing development” means a development that was lawfully constructed, approved or established prior to the effective date of the ordinance codified in this chapter.
12. “Fish” means species of the vertebrate taxonomic groups Cephalospidomorphi and Osteichthyes.
13. “Fish and wildlife habitat” means a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These include areas of relative density or species richness, breeding habitat, winter range, and movement corridors. These also include habitats of limited availability or high vulnerability to alteration, such as cliffs, streams and wetlands.
14. “Fisheries biologist” means a person with experience and training in fisheries who is able to submit substantially correct reports on fish population surveys, stream surveys and other related data analyses of fisheries resources. “Substantially correct” means that technical or scientific errors, if any, are minor and do not delay or affect the site plan review process. Qualifications of a fisheries biologist include:
 - a. Either:
 - i. Certification by the American Fisheries Society, or;
 - ii. Bachelor of Science degree in fisheries or the biological sciences from an accredited institution and five years of professional fisheries experience; and
 - b. The prior successful completion of at least three habitat management plans; and
 - c. The biologist is listed on a roster of qualified professionals prepared by the Director.
15. “Frequently flooded areas” means lands subject to a one percent or greater chance of flooding in any given year, as determined by the Federal Emergency Management Agency. These areas include, but are not limited to, floodplains adjacent to streams, lakes, coastal areas, and wetlands. (Also see Chapter 15.16 BIMC, Flood Damage Prevention.)
16. “Functions” means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge,

erosion control, wave attenuation, aesthetic value protection, and recreation. These roles are not listed in order of priority.

17. “Geologically hazardous areas” means areas susceptible to significant erosion, sliding, or other geological events. They pose a threat to the health and safety of citizens when used as sites for incompatible commercial, residential or industrial development. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, and seismic hazard areas.
18. “Geotechnical engineer” means a practicing geotechnical/civil engineer who has a valid Washington engineering license and a valid certificate of registration in civil engineering, at least four years of professional employment as a geotechnical engineer with experience in landslide evaluation, and appropriate training and experience as specified in Chapter 18.43 RCW.
19. “Habitat Management Plan” (HMP) means a report prepared by a professional wildlife biologist or fisheries biologist which discusses and evaluates critical fish and wildlife habitat functions and identifies and evaluates measures necessary to enhance and improve habitat conservation on a proposed development site.
20. “Habitat of local importance” means a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain their population and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or areas of high vulnerability to alteration, such as cliffs and wetlands.
21. “Hazard tree” means a tree with structural defects likely to cause failure of all or part of the tree, which could strike a “target.” A target can be a building or a place where people gather such as a park bench, picnic table, street, or backyard. In the case of steep slopes, a hazard tree can also be a tree that is a hazard to stability of the slope, as determined by a geotechnical engineer.
22. “Hazardous substances” means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as specified in RCW 70.105.010. (Also see BIMC 18.06.450 through 18.06.510).
23. “Hydric soil” means soil which is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
24. “Hydrogeologist” means a practicing hydrogeologist who has at least four years of professional employment as a hydrogeologist with experience in the specific subject area in which they are providing a report, and a Washington specialty license in hydrogeology as specified in RCW Chapter 18.220.
25. “Hydrophyte or hydrophytic vegetation” means plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the “Within the Federal delineation manual and Regional supplement or its successor.
26. “Impact of land use” means the relative measure of the intensity of land use used to determine the appropriate buffer widths for wetlands and streams which is categorized as follows:

- a. High impact land use includes commercial development, industrial development, institutional development, residential (more than one unit per acre) development, new agriculture (high-intensity such as dairies, nurseries, greenhouses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), and high-intensity recreation such as golf courses and ballfields.
 - b. Moderate impact land use includes residential development (1 unit/acre or less), new agriculture (moderate-intensity such as orchard and hay fields), paved trails, and building of logging roads.
 - c. Low impact land use includes low-intensity open space such as passive recreation, natural resources preservation, and unpaved trails.
27. “Invasive/exotic species” means plants and animals that are not native to the Puget Sound lowlands and are recognized by wetland professionals or biologists to be highly competitive with native vegetation and animals. Invasive/exotic plant species include those listed on the noxious weed list developed by the Washington State Noxious Weed Board, nonnative blackberries and English ivy. Invasive/exotic animal species include any species, such as rats, bullfrogs, zebra mussels and green crabs, considered by resource professionals to be damaging to the native animal populations.
28. “Landslide hazard areas” means areas which are potentially subject to risk of mass movement due to a combination of factors, including historic failures, geologic, topographic, and hydrologic features. Some of these areas are identified in the Department of Ecology Coastal Zone Atlas and USGS Surface Geology Map of Bainbridge Island (Haugerud, 2001). The presence of these factors shall be determined through assessment, by the least intrusive means, by the City Engineer or at the City Engineer’s request by a third party geengineer or geotechnical expert, prior to issuance of any permit. Landslide hazard areas include the following:
- a. Areas characterized by slopes greater than 15 percent having springs or groundwater seepage and having impermeable soils (typically silt and clay) overlain or frequently interbedded with permeable granular soils (predominantly sand and gravel);
 - b. Any area potentially unstable due to rapid stream incision or stream bank erosion;
 - c. Any area located on an alluvial fan, debris flow deposit, or in a debris flowpath, presently or potentially subject to impacts or inundation by debris flows or deposition of stream-transported sediments;
 - d. Any area with a slope of 40 percent or greater and with a vertical relief of 10 or more feet except areas composed of competent consolidated rock;
 - e. Any area designated or mapped as class U, UOS, or URS by the Department of Ecology Coastal Zone Atlas and/or mapped as a landslide or scarp on the USGS Surface Geology Map of Bainbridge Island (Haugerud, 2001); or
29. “Liquefaction” means a process in which a water-saturated soil, upon shaking, suddenly loses strength and behaves as a fluid.
30. “Mitigation categories” means
- a. The following specific categories: (need for mitigation ratios)
 - i. Mitigation, Compensatory: replacing project-induced critical area losses or impacts, including, but not limited to, establishment, re-establishment, rehabilitation or enhancement.

- ii. Mitigation, Establishment: Mitigation performed to intentionally establish a critical area (e.g., wetland) at a site where it does not currently exist.
 - iii. Mitigation, Re-Establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former critical area.
 - iv. Mitigation, Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes to a degraded critical area.
 - v. Mitigation, Enhancement: The manipulation of the physical, chemical, or biological characteristics of a biological wetland to heighten, intensify or improve specific function(s) or to change for specific purposes such as water quality improvement, flood water retention, or wildlife habitat.
31. “Normal maintenance” means those usual acts to prevent a decline, lapse or cessation from a lawfully established condition. Normal maintenance includes removing debris from and cutting or manual removal of vegetation in crossing and bridge areas. Normal maintenance does not include:
 - a. Use of fertilizer or pesticide application in wetlands, Fish and Wildlife Habitat Conservation Areas, or their buffers;
 - b. Re-digging ditches in wetlands or their buffers to expand the depth and width beyond the original ditch dimensions;
 - c. Re-digging existing drainage ditches in order to drain wetlands on lands not classified as existing and ongoing agriculture under Section B-2(C) (Exemptions).
 32. “Open space” means undeveloped areas of varied size. Open space often contains distinctive geologic, botanic, zoologic, historic, scenic or other critical area, or natural resource land features.
 33. “Ravine” means a V-shaped landform generally having little to no floodplain and normally containing steep slopes, which is deeper than 10 vertical feet as measured from the centerline of the ravine to the top of the slope. Ravines are typically created by the wearing action of streams. The top of the slope is determined where there is a significant change in the slope to generally less than a 15 percent slope.
 34. “Reasonable alternative” means an activity that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.
 35. “Repair” means activities that restore the character, size, or scope of a project only to the previously authorized condition.
 36. “Seismic hazard areas” means areas subject to severe risk of damage as a result of seismic induced ground shaking, or surface faulting. While ground shaking is the principal risk because the entire island will shake significantly, severe damage will occur where slope failure, liquefaction, and settlement are induced by the shaking and surface rupture is created by fault movement. The following areas are considered seismic hazard areas:
 - a. Seismic Landslide Hazard Areas - Slopes which are stable in non-earthquake periods, but fail and slide during ground shaking;

- b. Liquefaction Hazard Areas - Areas of cohesionless, loose or soft, saturated soils of low density in association with a shallow groundwater table that are subject to settlement and/or liquefaction from ground shaking, or;
 - c. Fault Hazard Areas - Areas of known surface rupture or significant surface deformation as a result of an active fault movement, including 50 feet on either side.
37. “Site” means the entire lot, series of lots, or parcels on which a development is located or proposed to be located, including all contiguous undeveloped lots or parcels under common ownership.
38. “Streams” means those areas in the City of Bainbridge Island where the surface water flows are sufficient to produce a defined channel or bed. A defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes but is not limited to bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices, or other artificial watercourses unless they are used by fish or used to convey streams naturally occurring prior to construction of the water course.
39. “Stream Types” means a streams classification system based on fish usage and perennial or seasonal water regime as found in WAC 222-16-030 and meeting the standards listed below.
- a. “Type F Stream” means a stream that has suitable fish habitat. If fish usage has not been determined, water having the following characteristics are presumed to have fish use: Streams segments having a defined channel of 2 feet or greater within the bankfull width and having a gradient of 16 percent or less. Determination of fish usage shall use the methodology found in Washington Department of Natural Resource’s Forest Practice Board Manual, Section 13.
 - b. “Type Np” means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type Np Waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.
 - c. “Type Ns” means all segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. Ns Waters must be physically connected by an above-ground channel system to marine waters, Type F, or Np Waters.
40. “Wetland or wetlands” means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, estuaries, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as result of the construction of a road, street, or highway.

Wetland may include those artificial wetland intentionally created from nonwetland areas to mitigate the conversion of wetlands.

41. “Wetland boundary” means the boundary or edge of a wetland as delineated using the methodology found in Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Cost Region (Version 2.0). (Per WAC173-22-035, or its successor.)
42. “Wetland category” means category as defined in “Washington State Wetland Rating System for Western Washington, Revised,” Department of Ecology publication #04-06-025, or as revised and adopted by the department.
43. “Wetland classes” means the classification system of the U.S. Fish and Wildlife Service (Cowardin, et al. 1979).
44. Wetland Mitigation.
 - a. In-kind: To replace wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity. It does not mean replacement “in-category.”
 - b. Off-site: To replace wetlands away from the site on which a wetland has been impacted by a regulated activity.
 - c. On-site: To replace wetlands at or adjacent to the site on which a wetland has been impacted by a regulated activity.
 - d. Out-of-kind: To replace wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity. It does not refer to replacement “out-of-category.”
45. Wetlands, Regulated.
 - a. “Regulated wetlands” means:
 - i. All Category I and II wetlands;
 - ii. All Category III and Category IV wetlands
 - b. Category I, II, III and IV wetlands include:
 - i. Lands defined as wetlands shall be those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
 - ii. Wetlands created as mitigation and wetlands modified for approved land use activities.
 - c. Regulated wetlands do not include artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street, or highway.
46. “Wetlands specialist” means a person with experience and training in wetland issues who is able to submit substantially correct reports on wetland delineations, classifications, functional assessments and mitigation plans. “Substantially correct” means that errors, if any, are minor and do not delay or affect the site plan review process. Qualifications of a wetlands specialist include:
 - a. Either:

- i. Certification as a Professional Wetland Scientist (PWS) or Wetland Professional in Training (WPIT) through the Society of Wetland Scientists, or;
 - ii. Bachelor of science degree in the biological sciences from an accredited institution and five years of professional field experience; and
 - b. The prior successful completion of at least three wetland reports; and
 - c. The specialist is listed on a roster of qualified professionals prepared by the Director.
47. "Wildlife biologist" means a person with experience and training in the principles of wildlife management and with practical knowledge in the habits, distribution and environmental management of wildlife. Qualifications include:
- a. Either:
 - i. Certification as a professional wildlife biologist through The Wildlife Society, or;
 - ii. Bachelor of science or bachelor of arts degree in wildlife management, wildlife biology, ecology, zoology, or a related field, from an accredited institution and five years of professional field experience; and
 - b. The prior successful completion of at least three habitat managements plans; and
 - c. The biologist is listed on a roster of qualified professionals prepared by the Director.
46. "Zone of Influence" means an area, usually upslope from a geologically hazardous area, where changes in land use and hydrology can affect the stability of the geologically hazardous area. The zone of influence is defined as 300 feet upslope from slopes greater than 40 percent, and 200 feet upslope from slopes greater than 15 percent but less than 40 percent that are determined to be geologically hazardous areas.

B-2. Applicability, exemptions, and prior development activity.

- A. Applicability. This appendix establishes regulations for the protection of sites which contain critical areas or are adjacent to sites which contain critical areas in the shoreline jurisdiction. Development and land use activities proposed on critical area sites shall comply with the provisions of this Appendix. No action shall be taken by any person, company, agency, governmental body (including the City), or applicant, which results in any alteration of a critical area except as consistent with the purposes, requirements, objectives, and goals of this chapter.
- B. Inventory of Critical Areas. This appendix shall apply to all critical areas located within the shoreline jurisdiction of the city. The approximate location and extent of these areas on Bainbridge Island is displayed on various inventory maps available at the city's Department of Planning and Community Development. Maps and inventory lists are guides to the general location and extent of critical areas. Critical areas not shown are presumed to exist on Bainbridge Island and are protected under all the provisions of this chapter. In the event that any of the designations shown on the maps or inventory lists conflict with the site-specific conditions, site-specific conditions shall control.
- C. Exemptions. The following activities are exempt from the requirements of this chapter
 - 1. Emergencies that threaten the public health, safety and welfare. An "emergency" is an unanticipated and immediate threat to public health, safety, or the environment which requires action within a time too short to allow compliance with this chapter, further definition of "emergency" is in Section 8.0 of the Shoreline Master Program. Restoration or mitigation of critical areas and buffers impacted by emergency action shall be required in a timely matter.

2. Normal and routine maintenance of structures, landscaping and vegetation that will not further impact or alter critical areas or buffers.
3. Normal and routine maintenance and operation of pre-existing retention/detention facilities, biofilters and other stormwater management facilities, irrigation and drainage ditches, and fish ponds; provided, that such activities shall not involve conversion of any wetland not currently being used for such activity. Any maintenance of ponds located in stream habitat areas shall require appropriate approval from the Washington Department of Fish and Wildlife.
4. Structural alterations to buildings that do not increase the structural footprint or introduce new adverse impacts to an adjacent critical area, except for structures located on geologically hazardous areas which are not exempt.
5. Normal and routine maintenance or repair of existing utility structures within a right-of-way or existing utility corridor or easements, including the cutting, removal and/or mowing of vegetation.
6. Forest practices conducted pursuant to Chapter 76.09 RCW, except Class IV (general conversions) and Conversion Option Harvest Plans (COHP).
7. Activities within a portion of a wetland buffer or fish and wildlife habitat area buffer located landward of an existing, substantially developed area, such as a paved area, or permanent structure, which eliminates or greatly reduces the impact of the proposed activities on the wetland or fish and wildlife habitat area. The Director shall review the proposal to determine the likelihood of associated impacts.
8. Hazard Tree Removal. Where a threat to human life, property, or slope stability is demonstrated, the Director may allow removal of danger or hazard trees subject to the following criteria:
 - a. Tree removal is the minimum necessary to balance protection of the critical area and its buffer with protection of life and property; and
 - b. The critical area or its buffer shall be replanted as determined by the Director. The Director may require the applicant to consult with a professional forester or a certified arborist prior to tree removal. Hazard tree abatement can sometimes be achieved by felling the tree or trimming the tree. Habitat needs may require leaving the fallen tree in the riparian corridor or maintaining a high stump for wildlife habitat.
9. Aquifer recharge areas. A person, or property, shall be exempt from the provisions of this chapter unless either of the following is true:
 - a. The property is located in a fish and wildlife habitat conservation area, frequently flooded area, geologically hazardous area, and/or wetland; or
 - b. One of more of the uses identified in Section B-E are proposed.
- D. Standards for existing development.
 1. Existing structures and related improvements. Structures and related improvements that were legally built or vested prior to the effective date of Ordinance No. 2012-4 that do not meet the setback or buffer requirements of this appendix may continue to exist in their present form, and may be altered, including remodeled, reconstructed, or expanded, if such alteration complies with the provisions of this Section and will result in no net loss of ecological function.
 2. Existing structures, not located in a geologically hazardous area, that were legally built or vested prior to the effective date of Ordinance No. 2012-4

may be altered if:

- a. There is no change in the footprint of the building;
 - b. The remodel is entirely inside the existing building;
 - c. There is no further encroachment into the buffers required pursuant to this chapter unless a Variance is first approved
3. Existing property improvements other than structures, including driveways, parking areas, yards, play areas, storage areas, and similar improvements that were legally established or vested prior to the effective date of Ordinance No. 2012-4 may be altered if:
- a. There is no change in the location of the improvement;
 - b. Any alteration of the improvement is entirely inside of the existing boundaries of the improvement;
 - c. There is no further encroachment into the buffers unless a Variance is first approved.
4. Alterations permitted by this Section shall not be exempt from applicable City review or permit requirements or other applicable City codes.

B-3. Prescriptive buffers variations.

- A. Intent. The City recognizes that in some cases it may not be possible to provide a critical area buffer that meets the dimensions prescribed by this ordinance, due to land area or other constraints. The City further recognizes that in some cases the desired or better critical area protection can be achieved through alternative approaches.

This section provides alternatives that can be pursued in lieu of the prescribed buffers when warranted by site-specific conditions. In considering an application for any of these alternatives, it shall always be the primary intent of the City to protect the functions and values of the critical areas. It is further the intent of the City to ensure that the application of the provisions of this chapter does not deprive an owner from reasonable use of their property.

Any proposed use of the following alternatives shall be supported by analysis utilizing appropriate science, to determine and minimize the impacts of the alternative:

- B. Buffer Averaging. If characteristics of the property do not allow reasonable use with prescribed buffers, the Director may allow wetland and/or fish and wildlife conservation area buffer widths to be averaged. It is intended that the process for reviewing a buffer averaging proposal be as simple as possible, while ensuring that the following criteria are met:
1. The total area contained within the buffer after averaging shall be no less than that contained within the standard buffer prior to averaging;
 2. The applicant demonstrates that such averaging will clearly provide greater protection of the functions and values of critical areas than would be provided by the prescribed habitat buffers.
 3. The averaging will not result in reduced buffers next to highly sensitive habitat areas; and
 4. The applicant demonstrates one or more of the following:
 - a. That the wetland contains variations in sensitivity due to existing physical characteristics;
 - b. That only low intensity uses would be located within 200 feet of areas where the buffer width is reduced, and that such low intensity uses restrictions are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism; or
 - c. That buffer averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property.

- C. Habitat Management Plan. A Habitat Management Plan may be prepared pursuant to subsection B-4 when it can clearly be demonstrated that greater protection of the functions and values of critical areas can be achieved through the HMP than could be achieved through providing the prescribed habitat buffers. A Habitat Management Plan may be used as a means to protect wetland and/or fish and wildlife habitat conservation area buffers. Habitat Management Plans may not be used to reduce the water quality buffers for wetlands and/or fish and wildlife habitat conservation areas.
- D. Public notice. Appropriate notice of, and opportunity to comment on, the proposed use of any of the foregoing alternatives shall be given to surrounding property owners and the general public, in a manner to be established by the Director.

B-4. Habitat management plan.

- A. General. A Habitat Management Plan shall comply with the requirements of this Section, and shall clearly demonstrate that greater protection of the functions and values of critical areas can be achieved through the HMP than could be achieved through providing the prescribed habitat buffers. The Director shall prepare performance standards and monitoring guidelines for Habitat Management Plans, including a program for City oversight of such plans. Once the standards and guidelines are in place, an applicant may propose to implement an HMP as a means to protect habitat buffers associated with wetlands and/or fish and wildlife conservation areas.
- B. Intent. HMPs are primarily intended as a means to restore or improve buffers that have been degraded by past activity, and should preserve, and not reduce, existing high quality habitat buffers. While not primarily intended as a means to reduce buffers, the HMP may propose a reduction of the habitat buffer width where it is shown that the HMP will comply with the other requirements of this Section. An HMP shall not reduce the prescribed water quality buffer width as listed in B-8 and B-10 under any circumstance.
- C. Effect of buffers. An HMP shall provide habitat functions and values that are greater than would be provided by the prescribed habitat buffers. When habitat buffers are a component of an HMP, they shall be at least the minimum size necessary to accomplish the objectives of the HMP. The HMP may propose, but the City shall not require, a habitat buffer containing a greater area than is required by the prescribed habitat buffer.
- D. Impact mitigation - general. The HMP shall encompass an area large enough to provide mitigation for buffer reduction below the standard required buffers, and shall identify how the development impacts resulting from the proposed project will be mitigated. The developer of the plan shall use the best available science in all facets of the analyses. The Washington Department of Fish and Wildlife Priority Habitat and Species Management Recommendations, dated May 1991, and/or bald eagle protection rules outlined in WAC 232-12-292, as now or hereafter amended, may serve as guidance for this report. For Habitat Management Plans addressing wetland buffers, Method for Assessing Wetland Functions, Ecology Publication #99-116 shall be used for guidance in determining function equivalency. All Habitat Management Plans shall be reviewed by a qualified third party selected by the City. The applicant will be responsible for the cost of the review.
- F. Map. The Habitat Management Plan shall contain a map prepared at an easily readable scale, showing:
 - 1. The location of the proposed development site;

2. Property boundaries;
 3. The relationship of the site to surrounding topographic, water features, and cultural features;
 4. Proposed building locations and arrangements;
 5. A legend which includes a complete legal description, acreage of the parcel, scale, north arrow, and date of map revision.
- G. Report. The Habitat Management Plan shall also contain a report which contains:
1. A description of the nature and intensity of the proposed development;
 2. An analysis of the effect of the proposed development, activity or land use change upon the wildlife species and habitat identified for protection. If the Habitat Management Plan is addressing wetland habitat, the analysis shall compare an assessment of wildlife habitat suitability of the wetland applying standard buffers with an assessment of habitat suitability as proposed using Method for Assessing Wetland Functions, Washington State Department of Ecology (if available for the specific Hydrogeomorphic classification); and
 3. A plan which identifies how the applicant proposes to mitigate any adverse impacts to wildlife habitats created by the proposed development. For wetland or other habitats protected by this chapter, the application shall show, using the appropriate function assessment methodology, that habitat functions and values are greater after the development than would occur had the prescribed buffers been provided (see Mitigation Plan requirements, Section 16.20.110).
 4. All review comments received from outside reviewers. If the HMP recommends mitigation involving federally listed threatened or endangered species, migratory waterfowl or wetlands, the U.S. Fish and Wildlife Service shall receive a copy of the draft HMP.
 5. The HMP shall specifically address, as appropriate, the following:
 - a. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area with native or equivalent vegetation;
 - b. The use of alternative on-site wastewater systems in order to minimize site clearing;
 - c. Infiltration of stormwater where soils permit;
 - d. Retention of existing native or equivalent vegetation on other portions of the site in order to offset habitat loss from buffer reduction; and
 - e. The need for fencing and signage along the buffer edge.
- H. Mitigation measures. Possible mitigation measures to be included in the report, or required by the Director, could include, but are not limited to:
1. Establishment of buffer zones;
 2. Preservation of critically important plants and trees;
 3. Limitation of access to habitat areas;
 4. Seasonal restriction of construction activities;
 5. Establishing phased development requirements; and
 6. Monitoring plan for a period necessary to establish that performance standards have been met. Generally this will be for a period of seven to ten years.
- I. HMP adequacy. The HMP shall demonstrate to the satisfaction of the Director that the habitat functions and values are improved by implementation of the HMP. If there is a disagreement between the Director and the applicant as to the adequacy of the HMP, the

issue of plan adequacy shall be resolved by consulting with the Washington Department of Fish and Wildlife for HMPs relating to streams or the Washington Department of Ecology for HMPs relating to wetlands. If the State agencies are not available in a timely manner, the applicant may choose to have the City refer the HMPs to a third party consultant at the expense of the applicant. After consultation with such State departments or third party consultant, the Director shall make a final decision on the adequacy of the HMP.

- J. Timing. An HMP must be developed and approved either prior to preliminary plat approval or issuance of the building permit, as applicable, and must be implemented before the City grants either final plat approval or an occupancy permit, as applicable.
- K. Performance Surety. The Director may require that the applicant provide a performance surety to ensure conformance with mitigation requirements of the habitat management plan pursuant to Section B-4.

B-5. Application requirements.

- A. Submittal Requirements. In addition to the general submittal requirements for all applications in the Administration Handbook applications for land use or development proposals within critical areas or their buffers shall be filed with the information requested on the application forms available from the Department of Planning and Community Development. The applicant shall not be granted any approval or permission to conduct development or land use in a critical area and/or its buffer prior to fulfilling the requirements of this chapter.
- B. Support Information Requirements. When support information is required by the Director it shall contain the following and be prepared by one or more of the experts listed in Subsection B.4 of this section:
 - 1. A description of the critical areas on or adjoining the site and how the proposed development will or will not impact critical areas, their buffers, and adjoining properties, including:
 - a. Drainage, surface and subsurface hydrology, and water quality;
 - b. Existing vegetation as it relates to wetlands, steep slopes, soil stability, and fish and wildlife habitat value; and
 - c. Other critical area characteristics and functions.
 - 2. Recommended methods for mitigating impacts and a description of how these methods may impact adjacent properties;
 - 3. Any additional information determined as relevant by the Director;
 - 4. Such studies shall be prepared by experts in the area of concern, who shall be selected from a list of approved consultants prepared by the Director, as follows:
 - a. Aquifer recharge study: Hydrogeologist;
 - b. Flood hazard area study: Professional civil engineer; hydro-geologist;
 - c. Geologically hazardous area study: Engineering geologist; geotechnical engineer, provided that:
 - i. An engineering geologist may provide a study, including interpretation, evaluation, analysis, and application of geological information and data and may predict potential or likely changes in types and rates of surficial geologic processes due to proposed changes to a location, provided it does not contain recommended methods for mitigating identified impacts, other than avoidance, structural impacts to, or suitability of civil works; and

- ii. Engineering geologists may not provide engineering recommendations or design recommendations, but may contribute to a complete geotechnical report that is co-sealed by a geotechnical engineer.
- d. Stream, riparian area, drainage corridor study: Biologist with stream ecology expertise; fish or wildlife biologist; a civil engineer may provide studies for drainage, surface and subsurface hydrology, and water quality;
- e. Wetland study: Wetlands specialist.
- f. Habitat Management Plans: Wildlife biologist and/or fisheries biologist.
- 5. The Director may in some cases retain experts at the applicant's expense to assist in the review of studies; and
- 6. Such studies shall be prepared in accordance with procedures established by the Director or City Engineer as specified.

B-6. Mitigation plan requirements.

- A. All critical area restoration, creation and/or enhancement projects required pursuant to this appendix either as a permit condition or as a result of an enforcement action shall follow a mitigation plan prepared by an expert approved by the Director. The applicant or violator shall receive written approval of the mitigation plan by the Director prior to commencement. Compensatory mitigation is not required for allowed activities which utilize best management practices to protect the functions and values of regulated critical areas.
- B. Purpose of Mitigation Plan. The mitigation plan shall provide information on land acquisition, construction, maintenance and monitoring of the replaced critical area. The mitigation plan shall recreate as nearly as possible the original critical area in terms of its acreage, function, geographic location and setting.
- C. Mitigation Plan Submittal Requirements. A complete mitigation plan shall consist of plot plans, a written report, and performance bonds, as required below. The plot plans and written report shall be prepared by qualified professionals approved by the Director.
 - 1. Plot Plan Requirements. The following information shall be submitted on one or more plot plans (as determined by the Director):
 - a. A legal description and a survey (boundary and topography) prepared by a licensed surveyor of the proposed development site, compensation site, and location of existing critical area(s) on each. This shall include wetland delineation and existing wetland acreage.
 - b. Scaled plot plan(s) indicating:
 - i. Proposed construction;
 - ii. Zoning setback and critical area buffer requirements;
 - iii. Construction phasing and sequence of construction;
 - iv. Site cross-sections, percent slope, existing and finished grade elevations;
 - v. Soil and substrate conditions;
 - vi. Grading and excavation plan, including erosion and sediment control plans needed for construction and long-term survival; substrate stockpiling locations and techniques, and source controls needed for critical area construction and maintenance;
 - vii. Landscape plans indicating species, types, quantities, locations, size, spacing or density of planting; planting season or timing; planting instructions, watering schedule and

- nutrient requirements; source of plant materials or seeds; and, where appropriate, measures to protect plants from destruction or predation; and
- viii. Water control structures and water-level maintenance practices needed to achieve the necessary hydrocycle/hydroperiod characteristics, etc.
2. Written Report Requirements. A written report shall accompany the plot plan(s) and shall provide the additional information required below. In addition, the report should be used as needed to clarify or explain elements of the plot plan(s).
 - a. Baseline Information.
 - i. Wetland delineation and existing wetland acreage;
 - ii. Vegetative, faunal and hydrologic characteristics;
 - iii. Soil and substrate conditions;
 - iv. Relationship within watershed and to existing streams, wetlands, ponds, or saltwater;
 - v. Existing and proposed adjacent site conditions; and
 - vi. Existing and proposed ownership.
 - b. Environmental Goals and Objectives. The report shall contain a description of the environmental goals and objectives to be met by the compensation plan. The goals and objectives shall be related to the functions and values of the original critical area or, if out-of-kind wetland mitigation, the type of wetland to be emulated. This analysis shall include, but is not limited to the following:
 - i. Site selection criteria;
 - ii. Identification of compensation goals;
 - iii. Identification of functions and values;
 - iv. Dates for beginning and completion of the project and compensation plan;
 - v. A complete description of the relationship between and among structures and functions sought;
 - vi. Review of available literature and/or known like-projects to date in restoring or creating the type of critical area proposed;
 - vii. Likelihood of success of the proposed compensation project at duplicating the original critical area. This shall be based on experiences of comparable projects identified in the literature review or existing projects, if any; and
 - viii. Likelihood of the ability of the created or restored critical area to provide the functions and values of the original critical area. This shall be based on such factors as surface water and groundwater supply and flow patterns; dynamics of the ecosystem; sediment or pollutant influx and/or erosion, periodic flooding and drought, etc.; presence of invasive flora or fauna; potential human or animal disturbance; and previous comparable projects, if any.
 - c. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project are met and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance, and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.
 - d. Detailed Specifications. Written specifications and descriptions of compensation techniques shall be provided. These shall include, but not be limited to, items in Subsection C.2 of this Section.

- e. **Monitoring Program.** A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided. Monitoring may include, but is not limited to:
 - i. Establishing vegetation plots to track changes in plant species composition and density over time;
 - ii. Using photo stations to evaluate vegetation community response;
 - iii. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals);
 - iv. Measuring base flow rates and storm water runoff to model and evaluate water quality predictions, if appropriate;
 - v. Measuring sedimentation rates, if applicable; and
 - vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity.
- f. A protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. A monitoring report shall be submitted annually, at a minimum, documenting milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than seven years.
- g. **Contingency Plan.** Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.
- D. **Performance and Maintenance Surety and Demonstration of Competence.** A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise to successfully execute the compensation project shall be provided. A compensation project manager shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects. In addition, a surety ensuring fulfillment of the compensation project, monitoring program, and any contingency measure shall be posted.
- E. **City Consultation.** The City may consult with and solicit comments from any federal, state, regional, or local agency, including tribes, having any special expertise with respect to any environmental impact prior to approving a mitigation proposal which includes critical areas compensation. The compensation project proponents should provide sufficient information on plan design and implementation in order for such agencies to comment on the overall adequacy of the mitigation proposal.
- F. **Permit Conditions.** Any compensation project prepared pursuant to this section and approved by the Director shall become part of the application for the permit.

B-7. Aquifer recharge areas.

- A. **Classification.** The entirety of Bainbridge Island is the recharge area for the island aquifers. Certain uses must be carefully evaluated before being approved, and others must be prohibited, in order to protect the city's aquifers, due to the following:

1. Bainbridge Island is dependent upon its aquifers as the sole and essential source for drinking water. Critical recharge areas have the potential to affect potable water where an essential source of drinking water is vulnerable to contamination.
2. The island aquifers are vulnerable to pollution that has the potential to create a significant public health hazard. High vulnerability is indicative of land uses which produce contaminants that may degrade groundwater and low vulnerability is indicative of land uses which will not.
3. Susceptibility to pollution is a function of depth of groundwater, permeability of soils, soil types, presence of potential sources of contamination and any other relevant factors.
4. Soil types that transfer water to the aquifer are rated in terms of infiltration rate. Soil types with the high infiltration rates are associated with areas of high aquifer recharge. The rates and soil types are defined by the U.S. Department of Agriculture, Soil Conservation Service, in the Soil Survey of Kitsap County.
5. The island aquifers are vulnerable to a reduction in recharge from activities that reduce the infiltration rate on a site.
- B. Hydrogeologic Assessment. The following proposed activities will require the preparation of a hydrogeologic assessment:
 1. The use of hazardous substances, other than household chemicals used according to the directions specified on the packaging for domestic applications;
 2. The use of injection wells, including on-site septic systems, except those domestic septic systems releasing less than 14,500 gallons of effluent per day; or
 3. Any other activity determined by the Director likely to have an adverse impact on ground water quality or quantity or on the recharge of the aquifer.
- C. Hydrogeologic Assessment Requirements. A hydrogeologic assessment shall include, at a minimum, the following site and proposal-related information:
 1. Available information regarding geologic and hydrogeologic characteristics of the site including the surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and permeability of the unsaturated zone;
 2. Ground water depth, flow direction, and gradient based on available information;
 3. Currently available data on wells and springs within 1,300 feet of the project area;
 4. Location of other critical areas, including surface waters, within 1,300 feet of the project area;
 5. Available historic water quality data for the area to be affected by the proposed activity;
 6. Best management practices proposed to be utilized to protect groundwater quality; and
 7. Low impact development practices designed to maintain infiltration rates to the underlying aquifers.
- D. Performance Standards – Specific Uses.
 1. Storage Tanks. All storage tanks proposed in a critical aquifer recharge area must comply with local building code requirements and must conform to the following requirements:
 - a. Underground Tanks. All new underground storage facilities proposed for the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
 - i. Prevent releases due to corrosion or structural failure for the operational life of the tank;
 - ii. Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substances; and

- iii. Use material in the construction or lining of the tank that is compatible with the substance to be stored.
- b. Aboveground Tanks. All new aboveground storage facilities proposed for the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
 - i. Not allow the release of a hazardous substance to the ground, ground waters, or surface waters;
 - ii. Have a primary containment area enclosing or underlying the tank or part thereof; and
 - iii. A secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks.
- 2. Vehicle Repair and Servicing
 - a. Vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.
 - b. No dry wells shall be allowed on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the state Department of Ecology prior to commencement of the proposed activity.
- 3. Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging.
- 4. Use of Reclaimed Water for Surface Percolation or Direct Recharge. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the state departments of Ecology and Health.
 - a. Use of reclaimed water for surface percolation must meet the ground water recharge criteria given in Chapter 90.46.080(1) and Chapter 90.46.010(10) RCW. The state Department of Ecology may establish additional discharge limits in accordance with Chapter 90.46.080(2) RCW.
 - b. Direct injection must be in accordance with the standards developed by authority of Chapter 90.46.042 RCW.
- 5. State and Federal Regulations. The uses listed below shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations.

Table 1: Statutes, Regulations, and Guidance Pertaining to
Ground Water Impacting Activities

Activity	Statute – Regulation – Guidance
Above Ground Storage Tanks	Chapter 173-303-640 WAC
Animal Feedlots	Chapter 173-216 WAC, Chapter 173-220 WAC
Automobile Washers	Chapter 173-216 WAC, Best Management Practices for Vehicle and Equipment Discharges (Washington Department of Ecology WQ-R-95-56)

Activity	Statute – Regulation – Guidance
Below Ground Storage Tanks	Chapter 173-360 WAC
Chemical Treatment Storage and Disposal Facilities	Chapter 173-303-182 WAC
Hazardous Waste Generator (<i>Boat Repair Shops, Biological Research Facility, Dry Cleaners, Furniture Stripping, Motor Vehicle Service Garages, Photographic Processing, Printing and Publishing Shops, etc.</i>)	Chapter 173-303 WAC
Injection Wells	Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC
Junk Yards and Salvage Yards	Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (Washington State Department of Ecology 94-146)
Oil and Gas Drilling	Chapter 332-12-450 WAC, Chapter 173-218 WAC
On-Site Sewage Systems (Large Scale)	Chapter 173-240 WAC
On-Site Sewage Systems (< 14,500 gal/day)	Chapter 246-272 WAC, Local Health Ordinances
Pesticide Storage and Use	Chapter 15.54 RCW, Chapter 17.21 RCW
Sawmills	Chapter 173-303 WAC, Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (Washington State Department of Ecology, 95-53)
Solid Waste Handling and Recycling Facilities	Chapter 173-304 WAC
Surface Mining	Chapter 332-18-015 WAC
Wastewater Application to Land Surface	Chapter 173-216 WAC, Chapter 173-200 WAC, Washington State Department of Ecology Land

Activity	Statute – Regulation – Guidance
	Application Guidelines, Best Management Practices for Irrigated Agriculture

E. Prohibited Uses. Uses Prohibited In Aquifer Recharge Areas. The following activities and uses are prohibited in Aquifer Recharge Areas:

1. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste, and inert and demolition waste landfills;
2. Underground Injection Wells. Class I, III, and IV wells and subclasses of Class V wells;
3. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade);
4. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store (other than minor sources such as medicinal uses or industrial testing devices) process, or dispose of radioactive substances; and
5. Other Prohibited Uses or Activities:
 - a. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source; and
 - b. Activities that would significantly reduce the recharge to aquifers that are a source of significant baseflow to a regulated stream.

B-8. Fish and wildlife habitat conservation areas.

A. Purpose. This section applies to all Fish and Wildlife Habitat Conservation Areas, as categorized in Subsection B-8 (B) below. The intent of this Section is to:

1. Preserve natural flood control, stormwater storage, and drainage or stream flow patterns;
2. Control siltation, protect nutrient reserves, and maintain stream flows and stream quality for fish and marine shellfish;
3. Prevent turbidity and pollution of streams and fish or shellfish bearing waters;
4. Preserve and protect habitat adequate to support viable populations of native wildlife and fish on Bainbridge Island; and,
5. Encourage non-regulatory methods of habitat retention whenever practical, through education and the Open Space Tax Program.

B. Fish and Wildlife Habitat Conservation Areas Categories.

1. Classification. The following categories shall be used in classifying Fish and Wildlife Habitat Conservation Areas:

- a. Marine Critical Areas. Commercial and recreational shellfish areas; kelp and eelgrass beds; marine and estuarine waters of the state and herring, sand lance and smelt spawning areas.
- b. Streams: All streams which meet the criteria for Type F, Np and Ns waters as set forth in WAC 222-16-030 of the Department of Natural Resources Water Typing System and as further modified by the definitions in this appendix. Once a stream has been classified, the City must document the reasons for changes in the classification.
- c. Fish and Wildlife Conservation Areas:
 - i. Class I Fish and Wildlife Conservation Areas: Habitats recognized by federal or state agencies for federal and/or state listed endangered, threatened, and sensitive species

documented in maps or data bases available to the City of Bainbridge Island and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

- ii. Class II Fish and Wildlife Conservation Areas. Habitats for State listed candidate, monitor, or priority species documented in maps or data bases available to City of Bainbridge Island and its citizens, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.
- d. Habitats and Species of Local Importance. This section provides for the designation and protection of habitats and species of local importance.
 - i. Designation of species of habitat of local importance can be based on any of the following circumstances:
 - (a) Local populations of native species are in danger of extirpation based on existing trends.
 - (b) Local populations of native species are likely to become threatened or endangered under state of federal law.
 - (c) Local populations of native species are vulnerable or declining.
 - (d) The species or habitat has recreation, commercial, game, tribal, or other special value.
 - (e) Long-term persistence of a species is dependent on the protection, maintenance, and/or restoration of the nominated habitat.
 - (f) Protection by other county, state, or federal policies, laws, regulations, or non-regulatory tools is not adequate to prevent degradation of the species or habitat in the city.
 - (g) Without protection, there is likelihood that the species or habitat will be diminished over the long term.
 - ii. Nomination.
 - (a) Any person may nominate habitats and species for designation.
 - (b) The nomination should indicate whether specific habitat features are to be protected (for example, nest sites, breeding areas, and nurseries), or whether the habitat or ecosystem is being nominated in its entirety.
 - (c) Where the nomination is a specific habitat site, the nomination shall include the name and address of all property owners of record of all assessor parcels within the area potentially affected by the management recommendations. The list shall at a minimum include all properties within 300 feet from the edge of all property identified for special designation.
 - (d) The nomination shall include recommended management strategies for the species or habitats. Management strategies must be supported by the best available science, and where restoration of habitat is proposed, a specific plan for restoration must be provided prior to nomination.
 - iii. Nomination processing and approval. The decision whether to designate a nominated species or habitat as one of local importance shall be made by the City Council. If approved, the City Council shall pass an ordinance establishing the designation.
 - iv. Establishment of specific rules for protection. Within 120 days of the effective date of an ordinance designating a species or habitat of local importance, the Director shall develop an administrative rule addressing protection in compliance with this section.
- C. Development Standards. Regulated uses in designated Fish and Wildlife Habitat Conservation Areas and/or buffers shall comply with the performance standards outlined in this Section.

1. Development standards – streams:
 - a. Water quality buffers – An applicant shall provide the prescribed water quality buffers in Table 2 unless relief is granted through SMP Section 4.2.1.7 nonconforming lot or through a shoreline variance.
 - b. Habitat buffers – An applicant shall provide either:
 - i. The prescribed habitat buffers in Table 2; or
 - ii. An approved Habitat Management Plan, pursuant to Section B-4, that clearly provides greater habitat functions and values in perpetuity than the prescribed habitat buffers in Table 2.
 - c. Buffer distances shall be measured from the ordinary high water mark (OHM) or from the top of the bank where the OHM cannot be identified. Buffers shall be retained in their natural condition. It is acceptable, however, to enhance the buffer by planting native or equivalent vegetation as approved by the Director.
 - d. The buffer width shall be increased to include streamside wetlands which provide overflow storage for stormwater, feed water back to the stream during low flow, or provide shelter and food for fish. In braided channels, the ordinary high water mark or top of bank shall be defined so as to include the entire stream feature.
 - e. Refuse and landscaping debris shall not be placed in buffers.
 - f. Streams in Ravines - Buffers. For streams in ravines outside the Mixed Use Town Center with ravine sides 10 feet or greater in height, the buffer width shall be the greater of:
 - i. The buffer width required for the stream type; or
 - ii. A buffer width which extends 25 feet beyond the top of the ravine.
 - h. Building Setback Line. A building surface setback line of 15 feet is required from the edge of any fish and wildlife habitat conservation area buffer except as provided for in Section B-11. Minor structures such as decks or impervious surfaces such as driveways may be permitted if the Director determines that such intrusions will not adversely impact the fish and wildlife habitat conservation area. The setback shall be identified on the site plan and filed as an attachment to the notice on title.

Table 2: Stream Buffers

Stream Category	Water Quality Buffer	Habitat Buffer	Total Buffer
Fish Bearing (F)	100 ft	50 ft	150 ft
Non-Fish Perennial (Np)	40 ft	10 ft	50 ft
Non-Fish Seasonal (Ns)	40 ft	10 ft	50 ft

3. Class I Fish and Wildlife Conservation Areas Development Standards. All development as described within this chapter or within 200 feet of designated Class I Wildlife Conservation Areas shall adhere to the following standards:
 - a. The applicant shall submit a Habitat Management Plan as specified in Section B- 4 for approval by the Director. If a wildlife conservation area designation is based on the presence of bald eagles, a Bald Eagle Management Plan, approved by the Washington State Department of Fish and Wildlife and meeting the requirements and guidelines of the bald eagle protection rules, WAC 232-12-292(or its successor), as now or hereafter amended, shall satisfy the requirements for a Habitat Management Plan (HMP).

- b. All new development within ranges and habitat elements with which Class I Fish and Wildlife have a significant relationship may require the submittal of a Habitat Management Plan (HMP) as specified in Section B- 4. The requirement for an HMP shall be determined during the SEPA/Critical Areas review on the project.
- c. An HMP required pursuant to this section shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of native or equivalent vegetation.
- d. Increased Buffer Provisions. The Director may increase buffer widths, up to 50% greater than the applicable buffer set in this chapter for critical areas with known locations of endangered, threatened, or state monitor or priority species for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species. Such determination shall be based on site-specific and project-related conditions.
- 4. Class II Fish and Wildlife Conservation Area Development Standards. All development within designated Class II Wildlife Conservation Areas shall adhere to the following standards:
 - a. An HMP may be required for any proposed development within designated Class II Fish and Wildlife Conservation Areas. The HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of native or equivalent vegetation. The requirement for an HMP shall be determined during the SEPA/Critical Areas review on the project.
 - b. Increased Buffer Provisions. The Director may increase buffer widths, up to 50% greater than the applicable buffer set in this chapter for critical areas with known locations of endangered, threatened, or state monitor or priority species for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species. Such determination shall be based on site-specific and project-related conditions.
- 5. Stream Crossings. Any private or public road expansion or construction which is allowed and must cross streams classified within this chapter, shall comply with the following minimum development standards:
 - a. Bridges or bottomless culverts shall be required for all streams which have Salmonid breeding habitat. Other alternatives may be allowed upon submittal of a Habitat Management Plan which demonstrates that other alternatives would not result in significant impacts to the Fish and Wildlife Conservation Area, as determined appropriate through the Washington State Department of Fish and Wildlife, Hydraulics Project Approval process. The plan must demonstrate that salmon habitat will be replaced on a 1:1 ratio.
 - b. Crossings shall not occur in Salmonid spawning areas unless no other feasible crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall be located as determined necessary through coordination with the Washington State Department of Fish and Wildlife;
 - c. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary, high water marks unless no other feasible alternative placement exists;

- d. Crossings shall not diminish flood carrying capacity;
- e. Crossings shall serve multiple properties whenever possible;
- f. Where there is no reasonable alternative to providing a conventional culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity.
- 6. Stream Relocations. Stream relocations for the purpose of flood protection and/or fisheries restoration shall only be permitted when adhering to the following minimum performance standards and when consistent with Washington State Department of Fish and Wildlife Hydraulic Project Approval:
 - a. The channel, bank, and buffer areas should be replanted with native or equivalent vegetation that replicates a natural, undisturbed riparian condition;
 - b. For those shorelands and waters designated as Frequently Flooded Areas pursuant to Section B-1, a professional engineer licensed in the State of Washington shall provide information demonstrating that the equivalent base flood storage volume and function will be maintained; and
 - c. Relocated stream channels shall be designed to meet or exceed the functions and values of the stream to be relocated.
- 7. Pesticides, Fertilizers and Herbicides. Use of pesticides, fertilizers, herbicides are regulated by Section 4.1.7 of the Shoreline Master Program
- 8. Land Divisions and Land Use Permits. All land divisions and land uses proposed on a site that includes Fish and Wildlife Habitat Conservation Areas shall comply with the following procedures and development standards:
 - a. The open water area of lakes, streams, and tidal lands shall not be permitted for use in calculating minimum lot area.
 - b. Land division approvals shall be conditioned so that all required buffers are designated as an easement or covenant encumbering the buffer. Such easement or covenant shall be recorded together with the land division and represented on the final plat, short plat or binding site plan.
 - c. In order to avoid the creation of nonconforming lots, each new lot shall contain at least one building site that meets the requirements of this chapter, including buffer requirements for habitat conservation areas. Each lot must also have access and a sewage disposal system location that are suitable for development which do not adversely impact the Fish and Wildlife Conservation Area.
 - d. After preliminary approval and prior to final land division approval, the Director may require that the common boundary between a required buffer and the adjacent lands be identified using permanent signs. In lieu of signs, alternative methods of buffer identification may be approved when such methods are determined by the Director to provide adequate protection to the aquatic buffer.
- 10. Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities, such as benches, interpretive centers, and viewing platforms, may be allowed in Fish and Wildlife Habitat Conservation Areas or their buffers pursuant to the following standards:
 - a. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or other such previously disturbed areas which do not provide ecological functions.;

- b. Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat;
 - c. Viewing platforms, interpretive centers, benches and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected conservation area;
 - d. Trails, in general, shall be set back from streams so that there will be no or minimal impact to the stream from trail use or maintenance. Elevated trails which protect or enhance ecological functions shall be used to the maximum extent feasible. Trails shall be constructed with pervious surfaces when feasible.
12. Stream Bank Stabilization.
- a. A stream channel and bank may be stabilized when naturally occurring earth movement threatens existing structures (defined as requiring a Building Permit pursuant to the applicable building code), public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property, and, in the case of streams, when such stabilization results in maintenance of Fish and Wildlife Habitat, flood control, and improved water quality.
 - b. Where bank stabilization is determined to be necessary, bioengineering or other non-structural methods should be the first option for protection. Bulkheads and retaining walls may only be utilized as an engineering solution where it can be demonstrated that an existing residential structure cannot be safely maintained without such measures, and that the resulting retaining wall is the minimum length necessary to provide a stable building area for the structure. The Director may require that bank stabilization be designed by a professional engineer licensed in the State of Washington with demonstrated expertise in hydraulic actions of shorelines. Bank stabilization projects may also require a City of Bainbridge Island clearing or grading permit and Hydraulic Project Approval from the Washington Department of Fish and Wildlife.
 - c. Nonstructural streambank protective techniques are preferred to bulkheads or other types of streambank armoring. Nonstructural techniques include but are not limited to vegetation plantings and bioengineering.
13. Fencing and Signs. Prior to approval or issuance of permits for land divisions or other new development, the Director may require that the common boundary between a required buffer and the adjacent lands be identified using fencing or permanent signs. In lieu of fencing or signs, alternative methods of buffer identification may be approved when such methods are determined by the Director to provide adequate protection to the buffer.

B-9. Geologically hazardous areas.

- A. General. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, and seismic hazard areas. Zone of influence areas are not considered geologically hazardous areas.
- B. Purpose. The intent of this section is to prevent the potential for personal injury or loss of life or property due to flooding, erosion, landslides, seismic events, or soil subsidence. Development must not increase slope instability, and must avoid on-site and off-site impacts, as well as potential risk to structures. Preserving the existing vegetation may be an important part of minimizing those risks.
- C. Classification. Geologically hazardous areas shall be classified based upon landslide history and the presence of unstable soils, steepness of slopes, erosion potential, and seismic hazards. Areas in this category are a potential threat to public health, safety, and welfare when construction is allowed. While some potential risk due to construction can be reduced through structural engineering design, construction in these areas should be avoided when the potential risk cannot be reduced to a level comparable to the risk if the site were initially stable prior to construction. Classification and rating shall be based upon the risk to the environment and to development in geologically hazardous areas.
- D. Minimum Submittal Requirements.
 - 1. All geologically hazardous areas and buffers.
 - a. Indemnification. An indemnification or hold harmless agreement shall be required for all projects in geologically hazardous areas and buffers. The form of the agreement shall be approved by the City and executed prior to the commencement of construction or site alteration.
 - b. Notice A notice of intent to construct on a landslide hazard area or reduce the minimum buffer in a landslide hazard area shall be given pursuant to BIMC 2.16. 20. The notice of intent shall be issued within 14 days of a completed application pursuant to BIMC 2.16.020(5). The notice shall include a 21-day comment period and no permits or approval of reduced buffers shall be issued before the end of the comment period.
 - c. All reports or analyses required or prepared pursuant to this Section shall be prepared pursuant to Section B-5, B-9 and/or any other applicable provisions of this appendix, and shall meet the satisfaction of, and be approved by, the City Engineer prior to the commencement of any development activity.
 - d. To protect public health, safety and welfare, the City Engineer may call for a third party review of any geotechnical report in cases where there may be potential for substantial damage to life, property or the environment should the proposed engineering solution fail. When a third party review is required, costs incurred for a qualified third party geotechnical engineer to perform the review shall be borne by the applicant.
 - e. Geological Hazards Assessment. A Critical Area report is required for all projects in geologically hazardous areas and buffers and shall contain an assessment of geological hazards including the following site- and proposal-related information at a minimum:
 - i. Site and Construction Plans. The report shall include a copy of the site plans for the proposal showing:
 - A. The type and extent of geologic hazard areas, any other Critical Areas, and buffers on, adjacent to, or within a zone or distance of potential significant influence as determined by a professional engineer/ geologist;

- B. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain, if available;
- C. The topography, as determined by a professional engineer or geologist, of the project area and all hazard areas addressed in the report; and
- D. Clearing limits.
- ii. Assessment of Geological Characteristics. The report shall include an assessment of the geologic characteristics of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region. The assessment shall include, but not be limited to:
 - A. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;
 - B. A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and
 - C. A description of the vulnerability of the site to seismic and other geologic events.
- iii. Analysis of Proposal. The report shall contain a hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.
- iv. Minimum Buffer and Building Setback. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis. Where the recommended buffers are less than the standard buffers set forth in section Section B-9(E)(2)(a) the rationale and basis for the reduced buffer shall be clearly articulated and demonstrate that the protection standard set forth in that section has been met.
- f. Incorporation of Previous Study. Where a valid Critical Areas report has been prepared for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required Critical Area report, if deemed still valid and appropriate by a professional engineer or geologist. The applicant shall submit a hazards assessment detailing any changed environmental conditions associated with the site based on best professional judgment of the engineer/ geologist.
- g. Mitigation of Long-Term Impacts. When hazard mitigation is required, the mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected life span of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.
- h. In addition to the general Critical Area report requirements of section B-9(D) Critical Area reports for geologically hazardous areas must meet requirements of this section. Critical

Area reports for two or more types of Critical Areas must meet the report requirements for each relevant type of Critical Area.

- 2 Landslide Hazard and Erosion Hazard Areas. In addition to the basic Critical Areas report, a Critical Area report for an erosion hazard or landslide hazard area shall include the following information at a minimum:
 - a. Erosion Control. An erosion control plan prepared by a civil engineer shall be submitted to the City prior to the issuance of a clearing or grading permit, in accordance with BIMC 15.20.
 - b. The applicant shall provide a geotechnical analysis containing the following information:
 - i. Site Plan. The Critical Area report shall include a copy of the site plan for the proposal showing:
 - A. The height of slope, slope gradient, and cross-section of the project area;
 - B. The location of springs, seeps, or other surface expressions of ground water on or a zone or distance of potential significant influence as determined by a professional engineer/geologist; and
 - C. The location and description of surface water run-off features.
 - ii. Hazards Analysis. The hazards analysis component of the Critical Areas report shall specifically include:
 - A. A description of the extent and type of vegetative cover;
 - B. A description of subsurface conditions based on data from site-specific explorations;
 - C. Descriptions of surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements;
 - D. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;
 - E.. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one hundred-year storm event;
 - F. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties;
 - G. A study of slope stability including an analysis of proposed cuts, fills, and other site grading;
 - H. Recommendations for building siting limitations; and
 - I. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion.
 - iii. Geotechnical Engineering Report. The technical information for a project within a landslide hazard area shall include a geotechnical engineering report prepared by a licensed engineer that presents engineering recommendations for the following:
 - A. Parameters for design of site improvements including appropriate foundations and retaining structures. These should include allowable load and resistance capacities for bearing and lateral loads, installation considerations, and estimates of settlement performance;
 - B. Recommendations for drainage and subdrainage improvements;
 - C. Earthwork recommendations including clearing and site preparation criteria, fill placement and compaction criteria, temporary and permanent slope inclinations and protection, and temporary excavation support, if necessary; and

- D. Mitigation of adverse site conditions including slope stabilization measures for seismically unstable soils, surface water management, location and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability if appropriate.
- 3. Seismic Hazards Areas. In addition to the basic report requirements, a Critical Area report for a seismic hazard area shall also meet the following requirements:
 - a. Fault Hazard. The applicant shall provide a geologic/geotechnical analysis containing information specified by the City Engineer that documents the presence or absence of any surface deformation on the site in areas mapped by the City. If deformation is located, the applicant shall provide a geotechnical analysis containing information specified by the City Engineer, which concludes that the development proposal as mitigated meets the standards of this section.
 - b. Liquefaction Hazard. The applicant shall provide a geotechnical analysis containing information specified by the City Engineer that meets the standards of this section (as mitigated).
 - c. Seismic Landslide Hazard. The applicant shall provide the same analysis and plan as required for landslide hazard areas, pursuant to Section B-9(D).
- 4. Tsunami Hazards. The City shall provide applicants for development in low lying shoreline areas and other areas where flood elevation is controlled by tide level with information on tsunami hazards.(may need revision)
- 5. Zone of Influence Areas beyond the established buffer. The applicant shall have the surface and storm water management plan (See BIMC 15.20)for the project reviewed by a geotechnical engineer to determine if there is any potentially adverse impacts to the landslide hazardous area. If the geotechnical engineer or the City Engineer determines that there are potential adverse impacts, the applicant shall provide a geotechnical analysis containing information specified by the City Engineer which analyzes the potential impacts to the geological hazard from the proposed development in the zone of influence and meets the standards of this section. The report shall contain recommendations to avoid adverse impacts to the geologically hazardous area. Concentrated discharge of stormwater shall only be allowed where specially recommended in the report and authorized by the City Engineer.”
- E. Development Standards.
 - 1. General Requirements. The City Engineer shall establish administrative procedures to implement this section. The applicant shall meet the following standards for all new activities permitted in geologically hazardous areas or associated buffers:
 - a. The proposed activity shall not create a net increase in geological instability, either on- or off-site, which is defined as follows:
 - i. The subject parcel shall not be less stable after the planned development than before; and
 - ii. The adjacent parcels shall not have greater risk or be less stable after the planned development than before.
 - b. The proposed activity shall not increase the risk of life safety due to geological hazards above professionally acceptable levels.
 - c. The proposed activity shall not increase the risk due to geological hazards above professionally acceptable levels for:

- i. Property loss of any habitable structures or their necessary supporting infrastructure on-site or;
- ii. Risk to any off-site structures or property of any kind; and
- d. Proposed buildings shall be constructed using appropriate engineering methods that respond to the geologic characteristics specific to the site in order to achieve the highest standard of safety feasible.
- e. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.0 for dynamic conditions. Analysis of dynamic conditions shall be based on the minimum horizontal acceleration for the probabilistic maximum considered earthquake as established by the currently adopted version of the International Building Code.
- f. The proposed activity shall not further degrade the values and functions of the associated critical areas.
- 2. Redevelopment of existing structures
 - a. If an existing structure is damaged or is intentionally demolished the new structure must meet all the provisions of a new structure.
 - b. Structural alteration to an existing legally constructed structure that does not increase the structural footprint and are determined by the City Engineer as having a minimal potential for increasing landslide hazard and meets the minimum buffer deminsions in B-9(E)(3)(i);
- 3. Development Design and Location. The following requirements shall apply to any land or vegetation modification or construction within a landslide hazard area and/or its buffer as described herein:
 - a. Buffer Requirement: A buffer equal to the height of the slope or fifty (50) feet, whichever is greater, shall be established from all edges of a landslide hazard area except where no other reasonable alternative exists, reduction may be allowed as follows:
 - i. Buffer Reduction.
 - A. Buffer reductions may be allowed provided a critical areas report, pursuant to Section B-9(D)(1)(2) and any other related section of Appendix B, demonstrates to the Director that the buffer reduction will not reduce the level of protection to the proposed development, adjacent properties, and other associated critical areas as required by Section B-9(E)(1).
 - B. For slopes forty (40) percent or greater the buffer may in no case be reduced to less than ten (10) feet. A decision by the Director to reduce buffer shall be based on a critical areas report pursuant Section B-9(D)(1)(2) that may includes a third-party independent review by a qualified geotechnical engineer pursuant to BIMC Section B-9(D)(1)(d);
 - ii. Increased Buffer. The buffer may be increased beyond that specified in subsection (a) above if the Director determines a larger buffer is necessary to prevent risk of damage to proposed development, adjacent development, and uses and the associated critical areas;
 - iii. Building Setback. All building and structures shall have a minimum setback of (15) feet from the outer edge of the buffer around landslide hazard areas to allow for construction activity; and
 - iv. Vegetation Retention. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.

- b. All development proposals shall be designed to avoid impacts to the geologically hazardous areas. The development shall be designed to minimize the footprint of building in other disturbed areas, minimize removal of vegetation, minimize topographic change, and retain open space to the maximum extent practicable;
- c. Development design shall utilize clustering, under-structure parking, multi-level construction, and tiered foundations to the extent feasible to minimize impervious lot coverage, slope disturbance, and changes to the natural topography;
- d. Access shall be in the least sensitive part of the site, and common access drives and utility corridors are required to the extent feasible;
- e. Roads, walkways and parking areas shall be designed to parallel the natural contours to the extent feasible;
- f. All proposed clearing and tree removal shall be marked in the field for inspection and approval prior to alteration of the site;
- g. Cut and fill slopes shall be prepared and maintained to control against erosion and instability;
- h. Drainage and stormwater designs in zones of influence shall incorporate elements of low impact design, to the extent feasible, and shall be designed in such a manner that stormwater outlet discharges do not create additional impacts. The proposed activities shall not increase surface water discharge or sedimentation to adjacent properties beyond the pre-development condition; and
- F. Exemptions. The following activities are permitted in geologically hazardous areas or associated buffers; provided, that the applicant can demonstrate that applicable standards in Subsection B-9(E)(1) can be met, or where the applicant has demonstrated through a Critical Areas report prepared by a geotechnical engineer in accordance with the specifications of the City Engineer that no adverse impact will result from the proposal and where approved surface water drainage will result in minimum slope and vegetation disturbance:
 - 1. Surface Water Management: Slopes or buffers may be used for approved surface water conveyance if no other reasonable alternative route is available. Installation techniques shall minimize disturbance to the slope and vegetation.
 - 2. The construction of approved public or private trails; provided, they are constructed of material, for example cable lift access, which will not contribute to surface water runoff;
 - 3. The construction of public or private utility corridors or streets; provided, it has been demonstrated that such alterations will not increase landslide or erosion risks through required analysis pursuant to section B-9(D)(1) and the City determines that no other feasible alternative exists;
 - 4. Select Vegetation Removal Activities. The following vegetation removal activities are allowed, provided that no vegetation shall be removed from a geologically hazardous area or its buffer without approval from the Director;
 - a. Removal of noxious weeds using non-motorized equipment or light equipment if approved by the Director. Provision for the use of herbicides are in Section 4.1.7 of the Shoreline Master Program. Bare areas remaining after weed removal shall be re-vegetated with native plant species pursuant to an enhancement plan approved by the City.
 - b. Removal and pruning of hazard trees as defined ISA (International Society of Arboriculture) standards by provided that a ISA certified arborist documents the hazard

and provides a report to the Director for review and approval. Replacement shall be based on the recommendations of the arborist and geotechnical engineer and approved by the Director. The Director may require a second opinion from a certified ISA arborist in cases of removal of hazard trees. Mitigation for tree removal shall follow Section 4.1.2 of the Shoreline Master Program and the following

- i. Size of trees shall be approved by the Director. and
 - ii. The landowner shall ensure 100% survival of replacement trees.
5. The trimming and limbing of vegetation for the creation and maintenance of view corridors in accordance with the pruning standards of the International Society of Arboriculture; provided, that the soils are not disturbed and activity will not increase the risk of landslide or erosion. All vegetation removal must be based on a bluff management plan (SMP Section 4.1.5) developed by a certified arborist and reviewed by a geotechnical engineer to determine if it will impact slope stability. A clearing permit will be required prior to the any vegetation removal.
 6. Limited Exemption - For landslide areas 40% or greater with a vertical elevation change of up to twenty (20) feet may be exempted from section B-9(E)(2)(i) based on the City review and acceptance of a Critical Areas report from a geologist or licensed geotechnical engineer in accordance with section B-9(D) when no adverse impact will result from the exemption.

B-10. Wetlands.

- A. Purpose. This section applies to all regulated uses within or adjacent to areas designated as wetlands, as categorized in section B-10(B) below. The intent of this Section is listed in no specific priority, as follows:
 1. Preserve, protect, restore, and improve wetland functions and values. Achieve no net loss and increase the quality of wetland acreage, functions, and values within the city. Mitigation measures, as conditions of permits, must have a reasonable expectation of success. Under the conditions of this Section, the Director may deny development proposals that would irreparably impact regulated wetlands; and
 2. Protect the public's health, safety, and welfare, while preventing public expenditures that could arise from improper wetland uses and activities; and
 3. Plan wetland uses and activities in a manner that protects and enhances the natural systems and environmental quality of Bainbridge Island and allows property holders to benefit from wetland property ownership wherever allowable under the conditions of this chapter; and
 4. Preserve ecological functions and values of wetlands which provide water quality protection, natural flood control, stormwater storage, contributes to groundwater and stream flow, shoreline stabilization, and wildlife and fish habitat; and
 5. Prevent turbidity and pollution of wetlands and fish or shellfish bearing waters, and maintain healthy wildlife habitat; and
 6. Encourage land use development patterns that maintain, enhance, or restore natural wetland systems and protect disturbance-sensitive and wetland-dependent wildlife, fish resources, and open space; and
 7. Protect and preserve wetlands values as natural areas providing aesthetic, recreational, and educational opportunities that need to be preserved for future generations; and
 8. Enhance the connectivity between wetland landscapes.

- B. Wetland Delineation and Categories. Identification of wetlands and delineation of their boundaries pursuant to this Chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the City of Bainbridge Island meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter. The City uses the Department of Ecology's (DOE's) Washington State Wetland Rating System for Western Washington, 2004, or as amended hereafter and adopted by the Director to categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and replacement ratios for wetlands. Once a wetland has been classified using the current DOE rating system, the City shall not reclassify the wetland without clearly documenting the reason for the change. If the wetland has a rating in the City GIS system, this rating can be used for regulatory purposes. This system consists of four wetland categories generally described as follows:
1. Category I wetlands are those that:
 - a. Represent unique or rare wetland type; or
 - b. Are more sensitive to disturbance than most wetlands; or
 - c. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or
 - d. Provide a high level of function.

Category I wetlands include estuarine wetlands larger than one acre, bogs, mature and old-growth wetlands over one acre, wetlands in coastal lagoons, and wetlands that perform many functions very well as demonstrated by a score of over 70 points using the DOE rating system.
 2. Category II wetlands are difficult, though not impossible, to replace, and provide a high level of function. Category II wetlands include estuarine wetlands smaller than one acre or disturbed and larger than one acre and wetlands that perform functions well as demonstrated by a score of 51-69 using the DOE rating system.
 3. Category III wetlands are wetlands with a moderate level of function as demonstrated by a score of 30-50 points using the DOE rating system.
 4. Category IV wetlands have the lowest level of function as demonstrated by a score less than 30 points using the DOE rating system and are often heavily disturbed.
- C. Regulated and Non-Regulated Wetlands Classification.
1. Regulated Wetlands:
 - a. All natural wetlands that meet the criteria in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Cost Region (Version 2.0)
 - b. Unintentionally created wetlands that meet the criteria in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Cost Region (Version 2.0) except as listed in subsection (C)(2)(b) of this section.
 - c. Wetlands intentionally created from non-wetland areas to mitigate conversion of other wetlands.
 2. Non-Regulated Wetlands:
 - a. Created Wetlands. Wetlands created intentionally from a non-wetland site that was not required to be constructed as mitigation for adverse wetland impacts. These may include, but are not limited to, irrigation and drainage ditches, grass-lined swales, canals,

detention facilities, wastewater treatment ponds, farm ponds not contiguous, as defined in this chapter, and landscape amenities. The applicant shall bear the burden of proving that the wetland was intentionally created from a non-wetland site. Where enhancements or restorations are made to wetlands for purposes other than mitigation, the original rating shall be maintained even if the changes would otherwise result in a higher classification.

- b.. Recent, Road Construction Related Wetlands. Wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. The applicant shall bear the burden of proving that the wetland meets these criteria.

D. Development Standards.

1. Water quality buffers – An applicant shall provide the prescribed water quality buffers in this section (Tables 3-6) unless relief is granted through SMP Section 4.2.1.7 nonconforming lot or through a shoreline variance.
2. Habitat buffers – An applicant shall provide either:
 - a. The prescribed habitat buffers specified in this section (Tables 3, 4, 5, and 6); or
 - b. An approved Habitat Management Plan, pursuant to section B-4, that clearly provides greater habitat functions and values in perpetuity than the prescribed habitat buffers in this section (Tables 3, 4, 5, and 6).
3. Buffers. Buffers shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Any buffer enhancement and/or limited view clearing activity must be reviewed and approved by the Director. No refuse shall be placed in the buffer. Alteration of habitat buffer areas may be allowed for water-dependent and water-related activities and for development authorized by Section B-2 (C) (Exemptions), or Section B-2(D)(Standards for Existing Development), or Section B-3(3) (Buffer Averaging), or through SMP Section 4.2.1.7 nonconforming lot or through a shoreline variance.
4. If a wetland meets more than one of the criteria listed in each table, the buffer needed to protect the wetland is the widest one.

Table 3: Category I Wetlands - Buffers

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
Natural Heritage Wetlands	Low	50 ft	75 ft	125 ft	No additional discharge of surface water. No septic systems within 300 ft. Restore degraded parts of the buffer
	Moderate	75 ft	115 ft	190 ft	
	High	100 ft	150 ft	250 ft	
Bogs	Low	50 ft	75 ft	125 ft	No additional surface discharges. Restore degraded parts of the buffer.
	Moderate	75 ft	115 ft	190 ft	
	High	100 ft	150 ft	250 ft	
Forested	Low	50 ft	75 ft	125 ft	If forested wetland scores

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
	Moderate High	75 ft 100 ft	115 ft 150 ft	190 ft 250 ft	high for habitat, maintain connectivity to other natural areas.
Estuarine	Low Moderate High	50 ft 75 ft 100 ft	50 ft 75 ft 100 ft	100 ft 150 ft 200 ft	N/A
Wetlands in Coastal Lagoon	Low Moderate High	50 ft 75 ft 100 ft	50 ft 75 ft 100 ft	100 ft 150 ft 200 ft	N/A
High level of function for habitat (score for habitat is 29-36 pts.)	Low Moderate High	50 ft 75 ft 100 ft	100 ft 150 ft 200 ft	150 ft 225 ft 300 ft	Maintain connectivity to other natural areas. Restore degraded parts of the buffer.
Moderate level of function for habitat (score for habitat is 20-28 pts.)	Low Moderate High	50 ft 75 ft 100 ft	25 ft 35 ft 50 ft	75 ft 110 ft 150 ft	N/A
High level of function for water quality improvement and low for habitat (score for water quality 24-32 pts.; habitat less than 20 pts.)	Low Moderate High	50 ft 75 ft 100 ft	0 ft 0 ft 0 ft	50 ft 75 ft 100 ft	No additional discharges of untreated runoff.
Not meeting any of the above criteria.	Low Moderate High	50 ft 75 ft 100 ft	0 ft 0 ft 0 ft	50 ft 75 ft 100 ft	N/A

Table 4: Category II Wetlands - Buffers

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
High level of function for habitat (score for habitat is 29-36 pts.)	Low Moderate High	50 ft 75 ft 100 ft	100 ft 150 ft 200 ft	150 ft 225 ft 300 ft	Maintain connectivity to other natural areas.
Moderate level of function for habitat (score for habitat is 20-28 pts.)	Low Moderate High	50 ft 75 ft 100 ft	25 ft 35 ft 50 ft	75 ft 110 ft 150 ft	N/A
Estuarine	Low Moderate High	50 ft 75 ft 100 ft	25 ft 35 ft 15 ft	75 ft 110 ft 115 ft	N/A
Not meeting any of the above criteria	Low Moderate High	50 ft 75 ft 100 ft	0 ft 0 ft 0 ft	50 ft 75 ft 100 ft	N/A

Table 5: Category III Wetlands - Buffers

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
Moderate level of function for habitat (score for habitat is 20-28 pts.)	Low	40 ft	35 ft	75 ft	N/A
	Moderate	60 ft	50 ft	110 ft	
	High	80 ft	70 ft	150 ft	
Not meeting above criterion	Low	60 ft	0 ft	60 ft	N/A
	Moderate	60 ft	0 ft	60 ft	
	High	80 ft	0 ft	80 ft	

Table 6: Category IV Wetlands - Buffers

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
Larger than 10,000 square feet	Low	40 ft	0 ft	40 ft	N/A
	Moderate	40 ft	0 ft	40 ft	
	High	50 ft	0 ft	50 ft	
Smaller than 10,000 square feet	Low	40 ft	0 ft	40 ft	N/A
	Moderate	40 ft	0 ft	40 ft	
	High	40 ft	0 ft	40 ft	

- a. For Category II or III wetlands smaller than 10,000 square feet with a habitat score of less than 20 points, the buffer may be reduced by 50 percent.
- b. For the purpose of determining the impact of land use, unless the Director determines a lesser level of impact is appropriate based on information provided by the applicant, the intensity of impact of the adjacent land use is determined based on the “impact of land use” definition.
5. If an applicant elects to propose an HMP, and that HMP proposes habitat buffer widths less than those prescribed in Tables 3 – 6, the HMP shall be prepared pursuant to Section B-4 and fulfill all requirements specified therein.
6. Table 7 provides examples of measures that might be provided in an HMP or when prescribed buffers are otherwise altered to minimize impacts of certain activities. Other

measures may also be effective in minimizing impacts depending on site-specific circumstances and the nature of proposed activity.

Table 7: Examples of measures to minimize impacts to wetlands from different types of activities.

Examples of Disturbance	Examples of Measures to Minimize Impacts	Activities that Cause the Disturbance
Lights	Direct lights away from wetland.	Parking lots, warehouses, manufacturing, residential
Noise	Locate activity that generates noise away from wetland.	Manufacturing, residential
Toxic runoff*	Route all new runoff away from wetland. Establish covenants limiting use of pesticides within 150 ft of wetland. Apply integrated pest management.	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Change in water regime	Infiltrate or treat, detain, and disperse new runoff into buffer.	Impermeable surfaces, lawns, tilling
Pets	Plant dense vegetation around buffer, such as rose, hawthorn, etc.	Residential areas
Human disturbance	Plant buffer with impenetrable natural vegetation appropriate for region.	Residential areas
Dust	Utilize best management practices to control dust.	Tilled fields
* These examples are not necessarily adequate to meet the rules for minimizing toxic runoff if threatened or endangered species are present at the site.		

7. Buffer Measurement. All buffers shall be measured on a horizontal plane from the regulated wetland edge as marked in the field.
8. Fencing and Signs. This section applies to those wetlands and their buffers that are within 200 feet of regulated development activities.
 - a. Wetland buffers shall be temporarily fenced or otherwise suitably marked, as required by the Director, between the area where the construction activity occurs and the buffer. Fences shall be made of a durable protective barrier and shall be highly visible. Silt fences and plastic construction fences may be used to prevent encroachment on wetlands or their buffers by construction. Temporary fencing shall be removed after the site work has been completed and the site is fully stabilized per City approval.
 - b. The Director may require that permanent signs and/or fencing be placed on the common boundary between a wetland buffer and the adjacent land. Such signs will identify the

wetland buffer. The Director may approve an alternate method of wetland and buffer identification, if it provides adequate protection to the wetland and buffer.

9. Building or Impervious Surface Setback Lines. A building or impervious surface setback line of 15 feet is required from the edge of any wetland buffer. Minor structural or impervious surface intrusions into the areas of the setback may be permitted if the Director determines that such intrusions will not adversely impact the wetland. The setback shall be identified on a site plan and filed as an attachment to a notice on title.
- E. Regulated Uses And Activities. New development activities on properties containing regulated wetlands and buffers are subject to the development standards in this section, as permitted in the underlying zoning designation. Requirements for additional activities are specified in Table 8. The City may grant exceptions to these uses and activities according to the intent and specifications of this chapter. All authorized uses and activities in a regulated wetland or its buffer shall be subject to conditions established by the Director and may be subject to mitigation as required by this chapter. Development shall be classified as “allowed,” “permitted,” “special use” or “prohibited” according to this Section. Any regulated uses not specifically listed in Table 8 and Table 4 of the Shoreline Master Program shall be considered unclassified and may be allowed if granted a special use review in accordance with this chapter and the Shoreline Master Program. For the purpose of Table 8, “W” and “B” refer to the terms “wetland” and “buffer.”

Table 8: Regulated Uses and Activities in Regulated Wetlands and Buffers

	Category I		Category II		Category III		Category IV	
	W	B	W	B	W	B	W	B
1. Draining Wetlands (associated with no other permitted use, except as allowed under Section 120.C)	X	N/A	X	N/A	X	N/A	X	N/A
Driving of Piles	X	X	S	S	S	S	P	P
2. Educational or Scientific Activities	P	P	P	P	P	P	P	P
3. Enhancement	S	S	P	P	P	P	P	P
4. Excavation (not associated with enhancement)	X	X	S	S	S	S	S	S
5. Fill (associated with no other use)	X	X	X	X	X	X	X	X
6. Fish Hatchery	X	X	S	S	S	S	S	S
7. Flooding (associated with no other use)	X	X	S	S	S	S	S	S
8. Forest Practice-Class IV General or COHP	X	X	X	X	X	X	X	X
9. Golf Course	X	X	X	X	S	S	S	S
10. Land Division	P	P	P	P	P	P	P	P
11. Parks Development-Public & Private	S	S	S	S	S	S	P	P
12. Placing of Obstruction	X	X	X	X	X	X	X	X
13. Public Facility	X	X	X	S	S	S	S	S

	Category I		Category II		Category III		Category IV	
	W	B	W	B	W	B	W	B
14. Public Project of Significant Importance	S	S	S	S	S	S	S	S
15. Radio/TV Towers	X	X	S	S	S	S	S	S
16. Restoration/Revegetation of Site	S	S	P	P	P	P	P	P
17. Road/Street-Public/Private Access								
A) Expand within existing ROW	S	S	S	S	S	S	P	P
B) New Facilities	X	X	S	S	S	S	S	S
18. Signs-(Interpretation, Hazard, Critical Area Boundary, Survey Markers)	P	P	P	P	P	P	P	P
19. Site Investigation (non-mechanized)	A	A	A	A	A	A	A	A
Site Investigation (mechanized)	P	P	P	P	P	P	P	P
20. Trails and Trail Related Facilities	P	P	P	P	P	P	P	P
21. Utility Facility	X	X	S	S	S	S	S	S
22. Utility-On-Site Sewage Facility	X	X	X	S	X	S	X	S
23. Utility Line-Overhead	S	S	S	S	S	S	P	P

	Category I		Category II		Category III		Category IV	
	W	B	W	B	W	B	W	B
24. Utility Line-Underground	X	S	S	S	S	S	S	S

Key: A = Allowed Outright P = Permitted Subject to Development Standards and Underlying Permit S = Special Use Review Required X = Prohibited

- F. Additional development standards for regulated uses. In addition to meeting the Development Standards in section D, above, those regulated uses identified below shall also comply with the standards of this section and other applicable state, federal and local ordinances.
1. Forest Practice, Class IV General, and Conversion Option Harvest Plans (COHPs). All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of this chapter, including the maintenance of buffers around regulated wetlands.
 - a. Density Calculation.
 - i. The actual density that will allowed to be built upon a parcel containing a wetland shall ultimately be determined during the site specific review of the parcel's planned development.
 - ii. In determining the actual density of a parcel based on a specific site plan, the site plan shall locate all buildings outside of the wetland buffers;
 - iii. The number of development rights allowed for any residentially-zoned parcel shall be its size in square feet divided by the number of square feet per home that is required by its zoning;
 - iv. If the land can be subdivided such that all setbacks, buffers, and other zoning requirements can be observed, and no variances are requested, the density from the wetland can be transferred within the property;
 - v. To the extent that the number of allowable development rights cannot be used on-site, they may be sold, traded, or transferred by the property owner through the transfer of development rights program pursuant to Chapter 18.37 BIMC;
 - vi. Property owners may voluntarily extinguish development rights that are provided by the underlying zoning, but the City shall not extinguish any of these rights outside the aforementioned transactions.
 - b. Land division approvals shall be conditioned to require that regulated wetlands and regulated wetland buffers be designated as an easement or covenant encumbering the wetland and wetland buffer. Such easement or covenant shall be recorded together with the land division and represented on the final plat or binding site plan, and title.
 - c. In order to implement the goals and policies of this chapter, to accommodate innovation, creativity, and design flexibility, and to achieve a level of environmental protection that would not be possible by typical lot-by-lot development, the use of the clustered development or similar innovative site planning is strongly encouraged for projects with regulated wetlands on the site.
 2. Surface Water Management. The following stormwater management activities may be allowed within wetland or buffer areas only if they meet the following requirements, in

addition to the development standards in this section and in conformance with the Stormwater Management Ordinance, Chapter 15.20 BIMC:

- a. Surface water discharges from stormwater facilities or structures; provided, that the new surface water discharges to regulated wetlands from retention/detention facilities;
- b. Pre-settlement ponds or other surface water management structures; provided, that the discharge does not significantly increase or decrease the rate of flow and/or hydro-period, nor decrease the water quality of the wetland. Water quality treatment best management practices will be required prior to discharge. Pre-treatment of surface water discharge through biofiltration or other means shall be required.
3. Trails and Trail-Related Facilities: Construction of public and private trails and trail-related facilities, such as benches and viewing platforms, may be allowed in wetlands or wetland buffers pursuant to the following guidelines:
 - a. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas which do not provide ecological functions.
 - b. Trails and related facilities shall be planned to minimize removal of trees, soil disturbance, and existing hydrological characteristics, shrubs, snags, and important wildlife habitat.
 - c. Viewing platforms and benches, and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected wetland.
 - d. Trails and related facilities shall generally be located outside required buffers. Where trails are permitted within buffers they shall be located in the outer portion of the buffer and a minimum of 25 feet from the wetland edge, except where wetland crossings or viewing areas have been approved by the Director. Trail locations close to the wetland may be allowed if the primary purpose of the trail is wetland viewing or enjoyment. Elevated trails which protect or enhance ecological functions shall be used to the maximum extent feasible.
 - e. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike or horse trails, have been specifically allowed and mitigation has been provided. Trail width shall not exceed five feet unless there is a demonstrated need, subject to review and approval by the Director. Trails shall be constructed with pervious materials unless otherwise approved by the Director.
4. Parks. Development of public park and recreation facilities may be permitted; provided, that no alteration of wetlands or wetland buffers is allowed except for uses allowed in Table 8. For example, enhancement of wetlands and development of trails may be allowed in wetlands and wetland buffers subject to special use requirements and approval of a Wetland Mitigation Plan.
5. Educational or scientific activities. These activities shall only be permitted if they are directly related to the affected wetland and related buffers, and may include the viewing and sampling of natural systems. They may also include the installation of physical structures, including pervious trails, benches, permanent wildlife watching blinds, boardwalks, viewing platforms, or similar structures, or minor modifications to wetlands and their buffers. Any physical structures or minor modifications are subject to City

approval to minimize the impacts of human intrusion on the functions and values of critical areas and their buffers according to the following criteria:

- a. Minimize the footprint of structures and the number of access points to any particular critical area;
 - b. Minimize the amount of clearing and grading;
 - c. Elevate structures where possible;
 - d. Avoid impacting the flow of water;
 - e. Use appropriate building materials; and
 - f. Minimize the impacts of construction.
- G. Special Use Review. Development identified as a Special Use Review in Table 8 of this section may be approved, with conditions, or denied according to the procedures and criteria outlined in this subsection. Special Use Review is an administrative process unless the underlying permit requires a public hearing.
1. The Director is authorized to take action on permits as required by this chapter.
 2. The Director may approve a permit after review of the application and a Wetland Mitigation Plan submitted in accordance with this chapter. The Director shall determine whether the use or activity cannot be avoided because no reasonable or practicable alternative exists, the proposed use is consistent with the spirit and intent of this chapter and it will not cause adverse impacts to the wetland or the wetland buffer which cannot be mitigated. In taking action to approve a Special Use Review, the Director may attach reasonable conditions as necessary to minimize impacts, rectify impacts or compensate for impacts to the wetland or wetland buffer.
 3. The Director shall deny a Special Use Review request if the proposed use or activity is inconsistent with this chapter and/or will cause adverse impacts to the wetland or wetland buffer, which cannot be adequately mitigated and/or avoided.
 4. Special use review requests for agricultural conversions shall include a farm plan developed by the Kitsap Conservation District. The plan shall identify the best management practices for the proposed agricultural activity.
 5. Special Use Review determinations are appealable to the hearings examiner pursuant to BIMC 2.16.020(P).
- H. Wetlands and Streams Restoration, Creation, Mitigation, or Enhancement.
1. Any person who alters regulated wetlands or streams or their standard buffers as required by this chapter shall restore, create or enhance equivalent areas or greater areas than those altered in order to compensate for losses. In the alternative, conservation easements or mitigation banking may be considered as appropriate mitigation provided that areas equivalent to those altered are achieved.
 2. Where feasible, restored or created wetlands and streams shall be a higher category than the altered wetland or stream.
 3. Compensation areas shall be determined according to function, acreage, type, location, time factors, ability to be self-sustaining and projected success. Multiple compensation projects may be proposed for one project in order to best achieve the goal of no net loss.
 4. Given the need for expertise and monitoring, voluntary restoration, creation or enhancement projects or compensatory projects may be permitted only when the Director finds that the proposed project is associated with an activity or development otherwise permitted. Additionally, the applicant shall:

- a. Demonstrate sufficient scientific expertise, supervisory capability, and financial resources to carry out the project;
 - b. Demonstrate the capability for monitoring the site and to make corrections during this period if the project fails to meet projected goals and plans; and
 - c. Provide for the long-term protection and management of the compensation area to avoid further development or degradation.
5. Acreage Replacement Ratio. Any applicant proposing to alter wetlands may propose to reestablish, create, rehabilitate, or enhance wetlands in order to compensate for the wetland losses.
- a. Replacement Ratios for Wetlands. Table 9 provides the required replacement ratios for the reestablishment or creation, rehabilitation, or enhancement of a wetland. The first number specifies the replacement acreage of wetlands and the second specifies the acreage of wetlands altered.

Table 9: Replacement Ratios for Wetlands

Category and Type	Re-establishment or Creation	Rehabilitation	1:1 Re-establishment or Creation (R/C) or Enhancement (E)	Enhancement Only
I - Forested	6:1	12:1	1:1 R/C 10:1 E	24:1
I - Highly functioning	4:1	8:1	1:1 R/C 6:1 E	16:1
I - Bog	Not possible	6:1 of a Bog	Case by Case	Case by Case
I - Estuarine	Case by Case	6:1 - Estuarine	Case by Case	Case by Case
II - Estuarine	Case by Case	4:1 - Estuarine	Case by Case	Case by Case
II - Others	3:1	8:1	1:1 R/C 4:1 E	12:1
III	2:1	4:1	1:1 R/C 2:1 E	8:1
IV	1.5:1	3:1	1:1 R/C 2:1 E	6:1

- b. Replacement ratios for buffers shall be 1:1.
- c. Increased Replacement Ratio. The Director may increase the ratios under the following circumstances:
 - i. Uncertainty as to the probable success of the proposed rehabilitation or creation;
 - ii. Significant period of time between destruction and replication of wetland functions; or
 - iii. Projected losses in functional value.
- d. Decreased Replacement Ratio. The Director may decrease these ratios when there are findings of special studies coordinated with agencies with expertise which demonstrate that no net loss of wetland function or value is attained under the decreased ratio.
- e. In all cases, a minimum acreage replacement ratio of 1:1 shall be required.

6. Wetland Type. In-kind compensation shall be provided except where the applicant can demonstrate that:
 - a. The wetland system is already significantly degraded and out-of-kind replacement will result in a wetland with greater functions and values;
 - b. Scientific problems such as invasive/exotic vegetation and changes in watershed hydrology make implementation of in-kind compensation impossible;
 - c. Out-of-kind replacement will best meet identified regional goals (e.g., replacement of historically diminished wetland types); and
 - d. Where out-of-kind replacement is accepted, greater acreage replacement ratios may be required to compensate for lost functions and values.
7. Location. On-site compensation shall be provided except where the applicant can demonstrate that:
 - a. The hydrology and ecosystem of the original wetland and those who benefit from the hydrology and ecosystem will not be substantially damaged by the on-site loss;
 - b. On-site compensation is not scientifically feasible due to problems with hydrology, soils, or other factors;
 - c. Compensation is not practical due to potentially adverse impacts from surrounding land uses;
 - d. Existing functions and values at the site of the proposed restoration are significantly greater than lost wetland functional values;
 - e. That established regional goals for flood storage, flood conveyance, habitat or other wetland functions have been established and strongly justify location of compensatory measures at another site;
 - f. There is no feasible location for on-site mitigation;
 - g. Off-site compensation shall occur within the same watershed, if feasible, as the wetland loss occurred; provided, that Category IV wetlands may be replaced outside of the watershed when there is no reasonable alternative; and
 - h. In selecting compensation sites, an applicant shall pursue siting in the following order of preference:
 - i. Upland sites which were formerly wetlands;
 - ii. Idled upland sites generally having bare ground or vegetative cover consisting primarily of invasive introduced species, weeds, or emergent vegetation; or
 - iii. Other disturbed upland.
8. Timing. Wherever feasible, compensatory projects shall be completed prior to activities that will disturb wetlands, and immediately after activities that will temporarily disturb wetlands. In all other cases, except for Category I wetlands, compensatory projects should be completed prior to use or occupancy of the activity or development which was conditioned upon such compensation. Construction of compensation projects shall be timed to reduce impacts to existing wildlife and flora.
9. Cooperative Restoration, Creation or Enhancement Projects. The Director may encourage, facilitate, and approve cooperative projects wherein a single applicant or other organization with demonstrated capability may undertake a compensation project with funding from other applicants under the following circumstances:
 - a. Restoration, creation or enhancement at a particular site may be scientifically difficult or impossible; or

- b. Creation of one or several larger wetlands may be preferable to many small wetlands;
- c. Persons proposing cooperative compensation projects shall:
 - i. Submit a joint permit application;
 - ii. Demonstrate compliance with all standards;
 - iii. Demonstrate the organizational and fiscal capability to act cooperatively; and
 - iv. Demonstrate that long-term management can and will be provided.
- 10. Mitigation Banking.
 - a. The City may consider and approve replacement or enhancement of wetlands to address unavoidable adverse impacts caused by development activities through an approved wetland mitigation bank. Compensatory mitigation in advance of authorized impacts must be provided through an approved mitigation bank if a bank is used.
 - b. When off-site mitigation is authorized, the Director shall give priority to locations within the same drainage basin as the development proposal site that meet the following:
 - i. Mitigation banking sites and resource mitigation reserves as authorized by this chapter;
 - ii. Private mitigation sites that are established in compliance with the requirements of this chapter and approved by the Director; and
 - iii. Public mitigation sites that have been ranked in a process that has been supported by ecological assessments.
 - c. The Director may require documentation that the mitigation site has been permanently preserved from future development or alteration that would be inconsistent with the functions of the mitigation. The documentation may include, but need not be limited to, a conservation easement, transfer of clearing credits or other agreement between the applicant and owner of the mitigation site. The City may enter into agreements or become a party to any easement or other agreement necessary to ensure that the site continues to exist in its mitigated condition.
 - d. The Director shall maintain a list of sites available for use for off-site mitigation projects.
 - e. The Director may develop a program to allow the payment of a fee in lieu of providing mitigation on a development site. The program should address:
 - i. When the payment of a fee is allowed, considering the availability of a site in geographic proximity with comparable hydrologic and biological functions and potential for future habitat fragmentation and degradation; and
 - ii. The use of the fees for mitigation on public or private sites that have been ranked according to ecological criteria through one or more programs that have included a public process.

B-11. Frequently Flooded Areas

A. Classification. Classification for frequently flooded areas shall be consistent with the 100-year floodplain designation of the Federal Emergency Management Agency and the National Flood Insurance Program. In addition, the following criteria shall be considered when designating and classifying these areas:

- 1. Flooding impact to human health, safety, and welfare and to public facilities and services;
- 2. Available documentation including federal, state, and local laws, regulations and programs, local maps, and federally subsidized flood insurance programs;

3. The future floodplain defined as a channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow at build-out without any measurable increase in flood heights; and

4. The effect of high tides with strong winds, and greater surface runoff caused by increasing impervious surfaces.

B. Standards.

1. Development shall not reduce the effective base flood storage volume. Effective storage capacity shall be maintained.

2. Grading or other regulated activities which would reduce the flood water storage volume shall be mitigated by creating compensatory storage on- or off-site. Applicants must provide mitigation plans pursuant to this chapter.

3. Base flood data and flood hazard notes shall be on the face of any recorded plat or site plan including, but not limited to, base flood elevations, flood protection elevation, boundary of floodplain, and zero rise floodway.

4. Applicants for development in low lying shoreline areas and other areas where flood elevation is controlled by tide level shall be provided with information on sea level rise. (Ord. 2005-03 § 2, 2005)

B-12 The Winslow Ravine – Special Rules in Mixed Use Town Center.

A stream commonly known as the “Winslow Ravine Stream” is located in a ravine commonly known as, and identified on department maps as, the “Winslow Ravine”. Both the stream and the ravine are partially located in the Mixed Use Town Center (MUTC). In order to accommodate more dense development within the MUTC, and recognizing the significant distance from the top of the ravine to the stream and its adjacent wetlands, in lieu of the buffer and setback rules provided for Fish and Wildlife Conservation Areas (Section B-8) and Wetlands (Section B-10), the applicant may select the prescriptive option or the mitigated option with respect to the Winslow Ravine Stream and the Winslow Ravine within the MUTC as described below:

A. “Option A” - Prescriptive Standards.

CATEGORIES	BUFFER WIDTH STANDARD	MINIMUM BUILDING SETBACK	OTHER DEVELOPMENT STANDARDS
Streams, Wetlands and Wildlife Conservation Areas associated with the Winslow Ravine or	50 feet beyond the top of the Winslow Ravine.	15 feet beyond the buffer.	

Winslow Ravine Stream within the MUTC.			
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- B. “Option B” - Mitigated Standards. The applicant shall demonstrate by submittal of necessary studies and proposed mitigation, that measures can and will be taken to ensure that the functions and values provided by the buffers prescribed under “Option A” are retained or improved.

CATEGORIES	BUFFER WIDTH STANDARD	MINIMUM BUILDING SETBACK	OTHER DEVELOPMENT STANDARDS
Streams, Wetlands and Wildlife Conservation Areas associated with the Winslow Ravine or Winslow Ravine Stream within the MUTC.	25 feet beyond the top of the Winslow Ravine.	10 feet beyond the buffer.	The buffer area shall be landscaped to facilitate filtration and infiltration of storm water. If such landscaping is installed, the buffer area may be used for recreational purposes. Fences, sitting areas and walking paths are allowed within the buffer area. There is no requirement that the buffer be dedicated as permanent open space tracts or otherwise.

Table I – Shoreline Study Requirements

Use	Analyses Required
All Activities below Mean Higher High Water	Dive Survey and/or Biological Evaluation or Biological Assessment ¹
Pier and Docks	Dive Survey and/or Biological Evaluation or Biological Assessment ¹
Shoreline Armoring (bulkhead and revetments)	Sediment analyses Biological Evaluation or Biological Assessment ¹
Development Activities Disturbing Native Vegetation Zone (Single Family Residences or Commercial)	Re-vegetation Plan

Footnotes:

¹Only as required by Washington Department of Fish and Wildlife, US Army Corp of Engineers, NOAA Fisheries or US Fish and Wildlife.

Additional Studies may be required by the Director as necessary to determine whether the application meets the decision criteria for Shoreline Substantial Development Permit, Shoreline Substantial Development Exemption, Shoreline Conditional Use Permit or Shoreline Variance.

Appendix C

Buffer Recommendation Memorandums

City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT

MEMORANDUM

TO: City Council

FROM: Libby Hudson, Long Range Planning Manager
Ryan Ericson, Associate Planner

DATE: August 11, 2011

RE: Herrera Environmental Consultants Memorandum documenting
Marine Shoreline Buffer Recommendation Discussions
City Council Special Meeting of August 16, 2011

The attached memorandum has been provided by the City's scientific consultants, Herrera Environmental Consultants, to assist the City in developing buffer recommendations as part of the Shoreline Master Program Update process. The memo is intended to be utilized by the citizen workgroups, Planning Commission and City Council in reviewing and updating the vegetation conservation buffer and management standards.

This memo is informed by the science summarized in two documents that the City commissioned, the *Nearshore Assessment Summary of Best Available Science* (Battelle, October 2003) and the *Summary of Science Addendum* (Herrera, 2011). The memo reflects the outcome of buffer requirement discussions with Herrera and City staff, the requirements of the state Shoreline Master Program (SMP) Guidelines (WAC 173-26), and the policy direction of the citizen workgroups. In respect to vegetation conservation for the SMP Update, the state Guidelines [WAC 173-26-201(3)(d)(viii) and 173-26-221(5)(b)] direct that the City should:

- Identify measures and regulations that address conservation of vegetation and ensure that new development meets vegetation conservation objectives;
- Assure no net loss of shoreline ecological functions and ecosystem-wide processes through a variety of measures, including setback and buffer standards;
- Identify ecological processes and functions of vegetation that are important to the local aquatic and terrestrial ecology and provide measures that conserve sufficient vegetation to maintain these functions;

- Vegetation conservation areas are not necessarily intended to be closed to use and development, but should provide for management of vegetation in a manner adequate to assure no net loss of shoreline function.

The City's existing SMP utilizes vegetation buffers known as Native Vegetation Zones (NVZ). The policy direction from the SMP Vegetation Conservation Workgroup suggests that in updating these buffers, the City should:

- Protect and restore shoreline vegetation to maintain and enhance ecological functions, human safety, personal property protection, and shoreline views and vistas. (Vegetation Conservation and Management Zones Draft Goal); and
- Establish shoreline vegetation conservation and management zones immediately upland of ordinary high water mark (OHWM) for each shoreline use and shoreline characterization, recognizing the pattern of development, shoreline ecological and ecosystem wide processes, and using current science and technical information, as described in WAC 173-26-201(2)(a). (Vegetation Conservation and Management Zones Draft Policy #6).

Developing Marine Shoreline Buffer Recommendations

The process used to develop the memorandum and the suggested range of buffers included several stages and was completed during a series of discussions with the consultant team and staff, including the following:

1. Reviewing the science related to buffers (summarized at the beginning of the memo, page 1). This was completed by Herrera.
2. Developing a concept for a two-zoned management area (buffer) that is comprised of a more protective (and more restricted use and activity) zone adjacent to the OHWM, and a more flexible zone (allowing minimal use, activity and alteration to vegetation) situated within the remaining portion of the management area. This concept is described on page 6 of the Herrera memo, under *Marine Shoreline Buffer and Riparian Protection Zone Recommendations*. The two-zoned management area concept was developed with Herrera and City staff, first agreeing on principles that met the SMP Guidelines and the policy direction of the citizen workgroup. These are outlined in the section *Agreed Principles*, page 9 of the Herrera memo.
3. Developing dimensional recommendations. The *Buffer Considerations and Recommendations* section of the memo, page 11, was developed using the two-zone concept and developing principles that are informed by the science and the characteristics of the Bainbridge Island shoreline. Widths were then established for the management areas and applied to the proposed shoreline designations, (Table 1, page 12). This was completed by Herrera and modified by City staff to reflect the policy direction of the citizen workgroups and the proposed shoreline designation map.

Terminology

Vegetation conservation is important for managing and retaining shoreline vegetation in both the state SMP Guidelines and in the City's existing SMP (which included Native Vegetation Zones established for all shoreline designations). These management areas are intended to protect

shoreline functions, primarily related to vegetation. In the scientific literature and within local shoreline master programs, these areas might be called different names, including “buffers”, “setbacks” or “management areas”. This can be confusing since the terms for different management tools are frequently interchanged. Technical and scientific literature refer to buffers as relatively undisturbed areas that protect ecologically sensitive areas, while planning and regulatory terminology often allows some limited disturbance of the buffer area. This document uses the planning and regulatory definition of buffers.

As a management tool, these protective areas have the following in common: the area is a designated dimensional area situated along the shoreline, measured from the OHWM landward, with adopted regulations that limit uses and activities within these areas. The width of this area may be a fixed width or a flexible width (as is proposed here).

The Herrera memo uses terminology for this protective area, describing it as a marine shoreline buffer or *Standard Buffer*, that includes an inner zone, the *Riparian Protection Zone* (RPZ), which is measured adjacent to the OHWM.

These terms are slightly different in the draft Vegetation Conservation and Management Zones regulations, in which the entire buffer is called the *Standard Shoreline Buffer* (SSB) and is comprised of two zones, the *Riparian Protection Zone* (RPZ) and the *Marine Shoreline Zone* (MSZ).

Revised Memorandum

The Herrera Memorandum was revised on August 11, 2011 to provide additional clarification and to correct or clarify some citations used in the document.

*Herrera Environmental Consultants, Inc.***Memorandum**

To Ryan Ericson, Associate Planner, and Libby Hudson, Division Manager
City of Bainbridge Island

From Amanda Azous, José Carrasquero, and Jeff Parsons,
Herrera Environmental Consultants;
Lisa Grueter, BERK

Date August 2, 2011

Subject Documentation of Marine Shoreline Buffer Recommendation Discussions

The following discussion documents thoughts and considerations with respect to marine shoreline buffers for different shoreline use designations. The discussion is based on a review of the City of Bainbridge Island's (City) existing marine shoreline buffer regulations, the City's shoreline character, nearshore assets, existing and future land uses, scientific recommendations for marine buffers, as well as discussions with City staff. This memo begins with describing what a marine shoreline buffer is and how it differs from a riparian area; followed by a summary discussion of science-based buffer recommendations; and closes with buffer recommendations for the City's shoreline management plan update. For reference, marine shoreline buffer widths currently required by the City's shoreline regulation are provided in Attachment A, and are taken from Chapter 16.12 BIMC.

Marine Shoreline Buffers and Riparian Areas

Marine shoreline buffers are used in the City to regulate areas to protect the marine nearshore from the effects of land use activities (such as construction of buildings, driveways, and other infrastructure). Marine shoreline buffers may have variable widths, and use restrictions generally apply uniformly to the entire buffer area. This discussion in part serves to distinguish the concept of a marine shoreline buffer from that of a riparian area, which is an integral part of an aquatic ecosystem and, therefore, requires a more protective level of regulation.

A riparian area differs from a marine shoreline buffer in that it describes the terrestrial ecosystem directly adjacent to the marine nearshore that interacts with the aquatic environment. For example, intact riparian areas have native plant communities comprised of varying species of herbs and grasses, shrubs, deciduous trees, and coniferous stands of various ages and they are integral to the proper functioning of the nearshore. Native plant species are those species that occur or historically occurred on Bainbridge Island before European contact based upon the best available scientific and historical documentation.

Key functions supplied by riparian areas include providing large woody debris (LWD), bank stability, marine species food sources such as detritus and insects, and temperature moderation of beach substrate. This includes providing an overhanging, complex network of branches, trunks,

stems and roots that act to moderate nearshore wave energy. In contrast, marine shoreline buffers may include non-native landscaping, vegetable gardens, and lawns as well as possibly, native vegetation communities.

Because the functions provided by a riparian area are fundamental to maintaining a healthy functioning marine nearshore, it is recommended that the City designate a riparian protection zone (RPZ) with more restricted uses and assign a separate marine shoreline buffer to protect the RPZ. This would be done to protect such areas that are currently intact, and to establish an RPZ where such areas do not currently exist such as when properties re-develop, remodel or otherwise expand development. The RPZ would be treated as a conservation area to preserve the essential relationship between nearshore and shoreline ecological functions.

Some activities allowed within the RPZ would be weed removal, hazardous tree or limb removal, or shoreline oriented uses that are a high priority such as water dependent uses on private parcels or nearshore access and water enjoyment uses in public park areas.² This approach will help to ensure the protection of what remains of the City's intact riparian zones and will facilitate and provide more flexibility for uses within marine shoreline buffers. Policies, incentives and regulations that support restoration of riparian areas (such as through restoration of native plant communities) would benefit increases in nearshore habitat and functions and assist with showing no net loss.

Scientific Importance of Marine Shoreline Buffers and Riparian Areas

Sustaining habitats and species requires protection of the ecological functions and processes that support survival and population success, in addition to the direct protection of the habitats themselves. Without adequate habitat protection, ecological functions and key natural processes become degraded. In response to this risk, scientifically based recommended buffer widths and site-specific methods for determining buffers have been established in several sources. These sources were reviewed and reported in the City's Addendum to the Summary of Science Report (Herrera 2011) and are briefly summarized here.

Marine Shoreline Buffers

Factors relevant to the effectiveness of marine shoreline buffers, or of a given buffer width, include the type and intensity of surrounding land development, influence of groundwater, stability of slopes or bluffs, types of pollutants and their sources, vegetation dynamics (such as type and density), and geomorphic functions of driftwood or other habitat features that might affect the functions and values of the buffer (Brennan et al. 2009). For example, slopes that are more susceptible to massive failure may require a larger buffer, particularly if existing development is contributing to an increased rate of erosion such as from poor stormwater management and a lack of stabilizing vegetation. Feeder bluffs contributing to spawning beaches may require a larger buffer in order to protect future development while also decreasing the future need for shoreline armoring. Parcels with marshes, lagoons, or spit / barrier / backshores likewise may require wider buffers to protect these important ecological features. Steep slopes comprised of bedrock (relatively rare in the City) or stable high bluffs (greater than 5 meters)

² Allowances in the RPZ are more fully discussed in recommendations starting on page 6.

may allow for a narrower buffer as slope stability and sediment sources would not be impacted by development.

Much of the existing riparian and buffer literature is related to freshwater systems therefore, Washington Department of Fish and Wildlife (WDFW) established a panel of scientists in 2008 to assess the freshwater riparian scientific literature to determine its applicability to marine shoreline systems. The result of the literature review, and the Marine Riparian Workshop Proceedings conducted by the scientific panel in 2008 was a common consensus that freshwater riparian buffer research was conceptually applicable to marine shorelines (Brennan et al. 2009). The data provided by the WDFW panel (Brennan et al. 2009) suggest that necessary buffer widths vary considerably depending on the site-specific characteristics and the functions to be protected. For example, in order to achieve at least 80 percent effectiveness at removing pollutants from stormwater runoff, recommended buffers varied from as little as 16 feet to as large as 1,969 feet depending on the slope, depth and type of soil, surface roughness, density of vegetation and the intensity of the land use. Buffer widths for organic matter contributions (such as plant litter and terrestrial insects) ranging between 16 and 328 feet from the shoreline, depending on site conditions, were reported by Bavins et al. (2000) for providing this function. Buffers to protect the large woody debris function important to habitat structure and shoreline stability were suggested to be between 33 and 328 feet. However, given that trees located 300 feet landward from the edge of a bluff or bank would not immediately be recruited on the nearshore, consideration should be given to the site's potential tree height and the current and expected rate of bluff or bank retreat when establishing buffers for providing large woody debris. The WDFW panel found that buffer widths to support a number of specific riparian functions were identified by May (2003) and Knutson and Naef (1997). May recommended 98 feet for fine sediment control, and shade and microclimate control and 164 feet for the LWD function. Knutson and Naef recommended 138 feet for fine sediment control, 90 feet for temperature moderation, and 147 feet for LWD and litter fall functions. The panel's review indicated that recommendations for wildlife habitat protection ranged from 50 feet (specific to highly rural areas) to 328 feet.

Riparian Areas

An extensive body of research and literature has emerged over the last three decades which documents the specific importance of riparian areas in providing ecological functions related to waters of the state. These functions include the following (Romanuk and Levings 2010; Brennan et al. 2009; Lemieux et al. 2004):

- Water quality maintenance
- Fine sediment control
- Large woody debris delivery and retention
- Microclimate moderation
- Nutrient delivery and retention
- Terrestrial carbon source to nearshore food webs
- Fish and wildlife habitat creation and maintenance
- Direct food support for juvenile salmonids
- Hydrologic based slope stability

There is consensus in the scientific community that marine riparian areas are critical to sustaining many ecological functions (Desbonnet et al. 1994; Brennan and Culverwell 2004; Lemieux et al. 2004; Brennan et al. 2009). Marine riparian shoreline vegetation is an important component of nearshore habitat throughout the Puget Sound region (Herrera 2007; Lemieux et al. 2004; Levings and Jamieson 2001; Redman et al. 2005) and includes both upland forested plant communities occurring on the shoreline as well as unique vegetation found only in the marine nearshore (Lemieux et al. 2004). Marine riparian areas contain elements of both aquatic and terrestrial ecosystems that mutually influence each other (Knutson and Naef 1997; Fresh et al. 2004; Lemieux et al. 2004). For example, juvenile salmon consume terrestrially derived carbon which can extend into the low intertidal zone (Romanuk and Levings 2010), and salmon are well known conduits for returning marine derived nutrients into freshwater systems (Chaloner et al. 2002; Wipfli 2003). Beach wrack and detritus accumulated in driftwood and tree fall in the nearshore zone, provide both terrestrial and marine derived food sources for invertebrates, fish, birds, and other organisms (Lewis 2007; Brennan et al. 2009). Riparian vegetation also provides contributions of organic matter, moisture, and nutrients that assist in the establishment and maintenance of estuarine marsh plants (Eilers 1975; Williams and Thom 2001).

These interactions between riparian vegetation and the nearshore marine environment are important to the survival and population success of numerous species that depend on marine habitats. Conservation efforts which, preserve the natural processes of detritus and nutrient conveyance, and organic debris accumulation, are therefore important in the marine environment. The establishment of significant protection for marine riparian areas is an important management strategy for protecting marine habitat conservation areas.

In literature reviews conducted to evaluate the potential impacts of removing riparian vegetation on numerous sensitive species, several mechanisms of impact have been identified (Herrera 2007b, 2008b). The degree of impact to the aquatic environment depends upon the magnitude of the vegetation removal or alteration (such as size and number of trees affected, and total area cleared of vegetation). At more severe levels, riparian vegetation modification could result in the following impacts, which would have subsequent implications for species survival and overall habitat condition:

- **Altered shade and temperature regime:** Caused by direct removal of vegetation.
- **Reduced bank and shoreline stability:** Caused by degradation of riparian vegetation, loss of vegetative cover and root cohesion, and reduced resistance to erosion. This may in turn affect aquatic habitat by increasing suspended sediments and altering riparian habitat structure.
- **Altered organic material contributions:** Caused by reduced source of leaf litter, woody debris, terrestrial insects, and other biota.
- **Altered habitat complexity and increased habitat fragmentation:** Caused by removal of native vegetation and creating habitat favored by invasive species.

There are geologic constraints on the type and density of vegetation that can establish on some areas of marine shoreline. For example, many bedrock shorelines are limited in the development of functional densities of vegetation. This is particularly relevant along the southern shoreline of the City where bedrock and overconsolidated sediments are common.

It has been shown that detritus feeding organisms may not be adapted to the leaf fall patterns or the chemical characteristics of leaves from non-native trees suggesting that riparian areas are most effective when comprised of native vegetation (Karr and Schlosser 1977). In addition, native plant species have adapted to local physical conditions such as soil, geology, and climate and therefore require less maintenance, are resistant to most pests and diseases, and require little or no irrigation or fertilizers, once established. Thus maintaining native plant species in marine riparian areas can also have consequent benefits on maintaining water quality.

In a meta-analysis review of 73 peer-reviewed studies of vegetated buffer efficacy in protecting water quality, Zhang et al. (2010) reported that forested buffers were generally found to remove more nitrogen (a limiting nutrient in marine waters) as well as phosphorus than grassed buffers. For areas with slopes up to 10 percent, predicted sediment removal efficiencies for a 33-foot (10-meter) vegetated buffer ranged from 76 to 100 percent. Removal efficiencies for nitrogen were 71 to 85 percent, and for phosphorus were 69 to 98 percent. Steeper slopes had declining removal rates.

By maintaining bank stability and contributing large wood to the aquatic environment, riparian vegetation forms and maintains habitat complexity. Riparian vegetation and large wood improve beach stability and contribute to roughness and sediment trapping (Brennan and Culverwell 2004; Gonor et al. 1988; Herrera 2005). This includes improved capacity of beaches to retain sand, a crucial substrate for forage fish spawning (Pentilla 2007).

Herrera (2005) suggested that driftwood and tree fall at the top of the beach may also stabilize the upper beach area by slowing littoral drift and reducing wave-induced erosion). It has been suggested that estuarine wood can affect water flow and the subsequent formation of bars and mudbanks (Gonor et al. 1988). The contribution to habitat complexity along marine shorelines may be maximized if trees that fall to beaches remain in place (Herrera 2005).

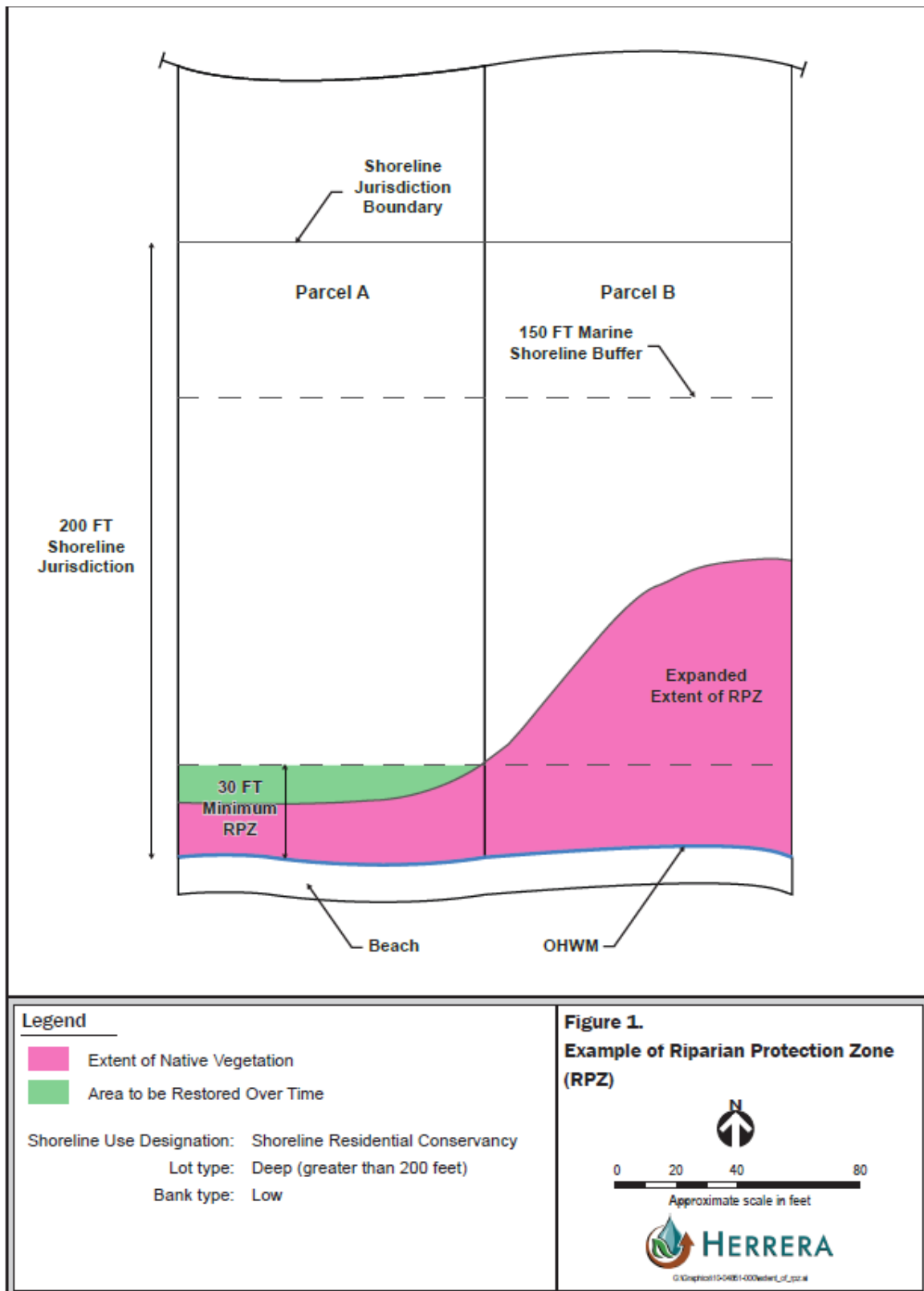
Marine Shoreline Buffer and Riparian Protection Zone Recommendations

City of Bainbridge Island shorelines are predominantly developed (over 82 percent [Battelle 2003]) which limits the City's ability to require wide buffers that are protected through regulation as conservation areas. Therefore, our recommendations have focused on protecting intact riparian habitat by limiting uses within this ecologically important zone, allowing for a less restrictive marine shoreline buffer landward of the riparian area that would protect the RPZ as well as provide some buffer functions; and by suggesting the City provide regulatory thresholds and landowner incentives to restore native riparian habitat whenever possible. In addition, the recommendations are informed by the City's desire to limit the number of non-conforming structures therefore, existing distances to residential structures from the shoreline are considered. These agreements and assumptions are described in *Agreed Principles* on page 8 and *Buffer Assumptions and Recommendation* on page 10.

We recommend that in areas with existing properly functioning riparian habitat, the RPZ would be a minimum of 30 feet but it could extend up to the full width of a standard marine shoreline

buffer if intact native riparian vegetation were present. This recommendation is based on the minimum area necessary to achieve a measure of riparian functions including protecting water quality, and providing shade, microclimate moderation, LWD, litterfall and insect food sources (Christensen 2000; Bavins et al. 2000; Zhang et al. 2010). Any areas not comprised of intact native riparian vegetation would be limited by the provisions of a standard marine shoreline buffer for the shoreline use designation. In areas entirely lacking native riparian vegetation, the City would still establish a minimum 30-foot RPZ zone and, as parcels meet re-development thresholds, the City would require that native vegetation be established within the minimum 30-foot RPZ. In the Natural shoreline designations, the RPZ would be a minimum of 100 feet because of the heightened ecological values found in these areas and their absence of existing development.

Figure 1 illustrates two typical parcels (for this example, they are located within a Shoreline Residential Conservancy use designation) where intact native vegetation varies between 20 feet and 95 feet. For these parcels, the RPZ would range from 30 to 95 feet. In the area currently lacking native vegetation within the 30-foot minimum RPZ, landowners would be required through mitigation, or encouraged through incentives to restore native plant species as described above. In cases where riparian habitat is restored such as to provide mitigation for development impacts or in response to Shoreline Restoration Plan recommendations, such activities could potentially provide the City with no net loss of shoreline ecological functions and potentially a net gain.



Marine shoreline buffers are recommended to be specific to each shoreline use designation and to be as wide as possible to provide as much protection as is feasible with consideration of existing structure setbacks from the shore.

Agreed Principles

Following is a list of other generally agreed on principles:

1. The ability of a buffer to provide multiple functions and benefits is closely linked to its width, although other factors such as topography, slope, vegetation (type and condition), soil type, and buffer management also determine its effectiveness. In general, wider buffers are more protective of nearshore resources.
2. Buffers widths could be established on each reach or within a management area based on site-specific characteristics. The type and condition of riparian vegetation (coverage of native forest and shrubs) or upland topography (high bluff/low bank) will guide the buffer width as well as adjacency to important ecological features such as marshes, lagoons, and spit / barrier / backshores. Buffers on stable high bluffs could potentially be narrower than on low banks because the elevation difference is more protective of the nearshore. Other factors that could be considered include soil type, slope, degree of anthropogenic disturbance, and adjacent land uses.
3. Buffer widths can vary but should have a more protective inner zone such as the suggested RPZ that protects native riparian vegetation and could have a more permissive outer zone where decks, gardens, and some amount of impervious area is allowed potentially contingent on use of Low Impact Development stormwater management techniques.
4. The goal of the RPZ is to protect native vegetation to the extent possible, however limited water dependent uses would be allowed due to their intrinsic need to be in-water or at the water's edge.
5. Protection and restoration of the RPZ is also intended to provide habitat connectivity such that over time there would be long stretches of native riparian habitat along the City's shore. Therefore, where intact native vegetation is present wider buffers are recommended for some use designations.
6. The RPZ would allow for limited development, subject to a maximum of 300 square feet or 10 percent of the RPZ whichever is less, of structures per parcel related to water dependant uses such as boathouses, ramps, and stairways to the beach. In addition, one 4-foot wide trail would be allowed

for beach access. Structures or trails exceeding those thresholds would require a variance.

7. While there will be prescriptive standards, flexibility will be achieved by a marine shoreline buffer range that considers different development conditions and uses, and by allowing an option for a qualified professional to prepare a “critical areas stewardship plan” similar to Jefferson County’s SMP example.
8. Properties along the Aquatic Conservancy use designation would not be allowed to have reduced buffers.
9. Properties within a Natural Area use designation would be prohibited from any shoreline development in the RPZ except for one 4-foot wide trail for beach access.
10. When a project will result in impacts and require mitigation measures, the mitigation would include restoration of the native plant ecosystem. For example mitigation activities could include re-establishing native dune grasses, forests or other habitat communities, as natural conditions would warrant for the site.
11. Lots may be provided an exception to buffer standards (e.g., lots less than a certain depth where the combination of setbacks and typical building footprint would not allow for use of the property).
12. Buffer averaging allowing variable widths would provide flexibility and can be protective of nearshore functions and resources.
13. Existing developed properties with wider shoreline parcels would be allowed to have variable buffer widths (narrower in front of existing structures and wider when moving laterally from the building and perpendicular from the shoreline).
14. We note that critical saltwater environments are based on presence of primary species which means most if not all of the City shoreline areas need some level of nearshore habitat protection (based on WAC173-26).³

³ **From 173-26 WAC:** Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association. Critical saltwater habitats require a higher level of protection due to the important ecological functions they provide. Ecological functions of marine shorelands can affect

Buffer Assumptions and Recommendations

To bracket the range of various buffer widths from the scientific literature, we considered the following:

- Existing development regulations
- Future land use
- The City's existing environmental buffers
- Existing shoreline character (physical & biological) and nearshore assets
- Recently adopted marine shoreline management plans from Puget Sound jurisdictions
- A review of the distance of existing residential structures from the OHWM (to consider the City's desire to limit the number of new non-conforming structures)

Table 1 shows the mean, median, and standard deviation of the distance between the ordinary high water mark (OHWM) and existing primary residential structures for each shoreline use designation as determined by a GIS analysis of 2009 aerial photographs of land cover on the City's shorelines (data provided by the City). These distances were used to identify typical existing conditions for each proposed use designation.

Table 1 also indicates the suggested RPZ and marine shoreline buffer widths for each proposed use designation that resulted from our review of scientific literature, the City's existing shoreline regulations, existing shoreline character, the distance of existing structures from the shoreline, nearshore assets, existing and future land uses, and discussions with City staff. A minimum and a maximum marine shoreline buffer is offered that would vary based on existing parcel conditions where shallow lots (lots less than 200 feet from the OHWM) or high bluff shoreline parcels would have narrower buffers and deeper lots (lots greater than 200 feet from the OHWM) or those with 65 percent coverage of native trees and shrubs within the RPZ, low banks, marshes, lagoons or spit / barrier / backshores would have wider buffer requirements. The table also distinguishes buffer requirements for developed lots versus undeveloped lots in the Shoreline Residential Conservancy use designation. Existing City regulations require a 115-foot buffer on estuarine wetlands. That requirement is recommended for developed lots in the Shoreline Residential Conservancy use designation in order to reduce the number of non-compliant structures, and it is expanded to 150 feet for undeveloped lots in order to advance shoreline protection when future development occurs.

Figure 2 illustrates an example configuration of the RPZ and marine shoreline buffer for a parcel with low bank waterfront, 65 percent canopy cover, and a Shoreline Residential use designation.

the viability of critical saltwater habitats. Therefore, effective protection and restoration of critical saltwater habitats should integrate management of shorelands as well as submerged areas.

The recommendations do not distinguish between water-oriented and non-water oriented uses. Allowances for water-oriented uses would be part of the formal code development process.

Table 1. Suggested Range of Riparian Protection Zones and Marine Shoreline Buffers by Use Designation.^a

Existing Distances from Shoreline to Primary Residential Structures (use designations are bold)	Riparian Protection Zone (RPZ) (inner buffer zone)	Minimum Standard Buffer (encompasses inner RPZ and outer marine shoreline buffer)	Maximum Standard Buffer (encompasses inner RPZ and outer marine shoreline buffer)
Urban Mean 59.8 feet Median 20.1 feet STD 72.1 feet	Minimum 30 feet from OHWM	Minimum 30 feet from OHWM ^b	30 feet from OHWM ^b
Shoreline Residential Mean 69.7 feet Median 60.2 feet STD 46.2 feet	Minimum 30 feet from OHWM up to standard buffer width	Condition: Shallow lots ^c or high bluff Standard Buffer: 50 feet from OHWM ^b	Condition: 65% coverage of native forest and shrub vegetation in RPZ ^d , and low bank, or marshes, or lagoons, or spit / barrier / backshores Developed - Standard Buffer: 75 feet from OHWM Undeveloped - 75 feet from OHWM unless adjacent to Aquatic Conservancy then 150 feet
Shoreline Residential Conservancy Mean 88.2 feet Median 86.3 feet STD 55.9 feet	Minimum 30 feet from OHWM up to standard buffer width	Condition: Shallow lots ^c or high bluff Standard Buffer: 75 feet from OHWM ^b	Condition: 65% coverage of native forest and shrub vegetation in RPZ ^d , and low bank, or marshes, or lagoons, or spit / barrier / backshores Standard Buffer: 115 feet from OHWM for developed lots 150 feet from OHWM for undeveloped lots
Island Conservancy Mean 144.9 feet Median 180.8 feet STD 62.9 feet	Minimum 50 feet from OHWM up to standard buffer width	Condition: Shallow lots ^c or high bluff Standard Buffer: 100 feet from OHWM ^b	Condition: Deeper lots ^c , low bank, marshes, lagoons, spit / barrier / backshores Standard Buffer: 150 feet from OHWM
Natural Mean 145.3 feet Median 169.7 feet STD 53.8 feet	Minimum 100 feet from OHWM up to standard buffer width	Condition: High bluff Standard Buffer: 200 feet from OHWM ^b	Condition: Low bank or feeder bluff, marshes, lagoons, spit / barrier / backshores Standard Buffer: 200 feet from OHWM ^b

^a The suggested minimum and maximum buffers are based on existing distances to residential structures from the shoreline in addition to science-based recommendations for shoreline and nearshore protection. The suggested ranges could be refined further based on additional GIS based analysis of City shoreline conditions.

- ^b Or 50 feet from edge of geologic hazard; whichever is greater.
- ^c Shallow lots measure 200 feet or less from the OHWM and deeper lots measure greater than 200 feet from the OHWM.
- ^d 65 percent coverage of native forest and shrub vegetation in the RPZ based on the 2009 aerial image or an approved clearing permit since 2009.

Figure 2. Example Configuration of RPZ in Relation to Marine Shoreline Buffer.

8.5x11

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**Current Marine Shoreline Buffer Requirements
and Allowed Buffer Uses in the City of
Bainbridge Island**

Current Marine Shoreline Buffer Requirements and Allowed Buffer Uses in the City of Bainbridge Island

16.20.130 Fish and wildlife habitat conservation areas:

C.1. Development standards for marine critical areas are defined in the city's shoreline master program, Chapter 16.12 BIMC and are summarized in SMP Table 4-2 below.

SMP Table 4-2. Use-related Development Standards Matrix from Chapter 16.12 BIMC.

Key (See Key in Table 4-1) of current SMP

Development Standards	Upland Environments				
	Natural	Conservancy	Rural	Semi-rural	Urban
Aquaculture					
Setback					
Water-dependent	N/A	0	0	0	0
Water-related	N/A	25	25	25	25
Nonwater-oriented	N/A	100	100	100	100
Upland	N/A	30	30	30	30
Boating Facilities					
Setbacks					
Accessory structures	N/A	50	N/A	50	25
Water-dependent	N/A	0	N/A	0	0
Dry moorage	N/A	N/A	100	100	100
Height Limits					
Dry Moorage	N/A	N/A	N/A	30	30
Buildings	N/A	N/A	20	20	20
Commercial					
Native vegetation zone (from OHWM)					
Water-dependent	N/A	N/A	N/A	0	0
Water-enjoyment	N/A	N/A	N/A	50	25
Nonwater-oriented	N/A	N/A	N/A	50	50
Buildings	N/A	N/A	N/A	30	30
Forest Practices					
Native vegetation zone:	N/A	N/A	100	100	100
Industrial Development					
Native vegetation zone (from OHWM)					
Water-dependent	N/A	N/A	N/A	N/A	0
Water-related	N/A	N/A	N/A	N/A	25
Recreational Development					
Native vegetation zone					

Development Standards	Upland Environments				
	Natural	Conservancy	Rural	Semi-rural	Urban
Nonwater-oriented, general	N/A	200	200	200	100
Campsites, picnic areas, and related	N/A	50	50	50	25
Access roads, restrooms, and accessory structures	N/A	75	75	75	50
Parking	N/A	100	100	100	50
Golf course, playfields, intensive use areas	N/A	100	100	100	100
Residential Development (dwellings)					
Native vegetation zone	N/A	100	50	50	25
Transportation					
Native vegetation zone					
Trails	0	0	0	0	0
Water-dependent	N/A	0	0	0	0
Utilities (primary)					
Native vegetation zone					
Distribution lines	N/A	N/A	N/A	50	25
Buildings	N/A	N/A	N/A	50	25
Height Limits:					
Buildings, storage tanks, accessory uses	N/A	N/A	50	20	20
Distribution poles	N/A	N/A	50	30	30

Herrera Environmental Consultants, Inc.

Memorandum

To Ryan Ericson, Associate Planner, and Libby Hudson, Division Manager
City of Bainbridge Island

From Amanda Azous, Herrera Environmental Consultants

Date August 31, 2011

Subject Clarification on Herrera August 11, 2011 Documentation of Marine Shoreline Buffer Recommendation Discussions Memo

This memo is to provide further explanation of the scientific basis for the recommendation to the City of Bainbridge Island (City) that a minimum 30-foot Riparian Protection Zone (RPZ) be instituted as part of a dual-zone management system (provided in Herrera's August 11, 2011, memo to the City: *Documentation of Marine Shoreline Buffer Recommendations*). It is important to note that the RPZ is intended to be a subset of a regulated buffer (which is wider than 30 feet for all use designations except for Urban). The RPZ has the specific purpose of protecting existing intact native vegetation that is directly adjacent to the marine environment. The RPZ also provides a regulatory framework for restoring native vegetation to this zone as future development and re-development occurs, particularly where this zone has been degraded. Restoring native vegetation to this zone would help the City achieving its goal of no net loss of shoreline ecological functions over time.

The RPZ is intended to be more restrictive of uses and development than the remainder of the regulated buffer required in each use designation. Any disturbances or allowed activities within this zone would include mitigation that restores native vegetation within and/or adjacent to the RPZ to the extent feasible. The goal of regulating vegetation characteristics in the RPZ is to strengthen the functions provided by native vegetation in the portion of the 200-foot shoreline jurisdiction where the most benefit would accrue, which is the area directly adjacent to marine waters.

Scientific Recommendations for Marine Riparian Buffers

Both Battelle (2003) and Herrera (2011) review and discuss science-based recommendations for buffer widths to protect various shoreline functions. In general, the reviews found that the wider the buffer, the more effective it will be for protecting the marine environment. Nevertheless, in developed environments it is not always possible to prescribe the largest buffer one might find recommended in the literature. Both literature reviews clearly establish that buffers have a key role in protecting aquatic habitat and resources and both suggest that necessary buffer widths vary considerably depending on the site-specific functions and characteristics. For example, in order to achieve at least 80 percent effectiveness at removing pollutants from stormwater runoff, the buffer required can vary from as little as 16 feet to as large as 1,969 feet depending on the slope, depth and type of soil, surface roughness, density of vegetation and the intensity of the

land use. Table 1 provides a summary of a number of studies that examined buffer requirements that were reviewed for both documents, as well as for the August 11, 2011, buffer recommendations memo. The table indicates that suggested buffers are dependent on the function being protected as well as site-specific characteristics but that in general, the wider buffers are, the more effective they are in providing a diversity of functions. In addition, studies Herrera reviewed suggest that a narrower buffer, fully vegetated with native trees and shrubs, may perform more effectively than a wider buffer comprised of non-native landscaping and/ or lawn.

Table 1. Riparian buffers functions and width recommendations in the literature.

Riparian Function	Range of Buffer Widths (feet) to Achieve ≥ 80% Effectiveness and Literature Cited	Minimum Buffer Width (Approximate) Based on FEMAT Curve to Achieve ≥ 80% Effectiveness ^a
Water quality	16 ft: Schooner and Williard (2003) for 98% removal of nitrate in a pine forest buffer 1969 ft: Desbonnet et al (1994, 1995) for 99% removal 33 ft: Zhang et al. (2010) for 85% removal of nitrogen with trees (71% with mixed grass and trees) 33 ft: Zhang et al. (2010) for 98% removal of phosphorus with trees (69% with mixed grass and trees)	82 ft: sediment 197 ft: TSS 197 ft: nitrogen 279 ft: phosphorus
Fine sediment control	82 ft: Desbonnet et al (1994/1995) for 80% removal 299 ft Pentec Environmental (2001) for 80% removal 33 ft: Zhang et al. (2010) for 91% removal of sediment on 5% slope with grass and trees; 86% removal on 10% slope with grass and trees	82 ft: (sediment) 197 ft: (TSS)
Shade/Microclimate	56 ft: Belt et al 1992 IN Eastern Canada Soil and Water Conservation Centre (2002) for 90% effectiveness 125 ft: Christensen (2000) for 80% temperature moderation	121 ft (0.6 SPTH*)
Large woody debris	33 ft: Christensen (2000) for 80-90% effectiveness 328 ft: Christensen (2000) for 80-90% effectiveness	131 ft (0.65 SPTH*)
Terrestrial carbon source to nearshore food webs	16 to 328 ft: Bavins et al (2000)	80 ft (0.4 SPTH)
Hydrology/slope stability	Consensus is that for steep slopes affecting critical areas such as feeder bluffs, a site specific analysis by a qualified professional is necessary to determine a specific buffer width.	Recommendations are based on protecting property and not critical areas. Buffers widths are provided for a range of slope conditions but do not consider underlying geology.

^a FEMAT data in this table are based on Site Potential Tree Height (SPTH) equal to 200 feet.

Scientific Basis for 30-foot Riparian Protection Zone

Based on the significant variability in buffer recommendations, we endeavored to develop a strategy for the City that would, over time, improve the ecological functions within the current residential development pattern found along most of the City's shoreline (over 82 percent developed [Battelle 2003]), while also allowing for some flexibility for landowners to make use of the shoreline. Therefore, we focused on maintaining and restoring intact riparian habitat located directly adjacent to marine waters by designating it an RPZ, limiting uses within this ecologically important zone, and providing mechanisms and strategies for increasing native vegetation within and adjacent to the RPZ over time.

This minimum RPZ width of 30 feet is based on the ability to achieve 70 percent or greater effectiveness at protecting water quality, and providing shade, microclimate moderation, large woody debris, litterfall and insect food sources (Christensen 2000; Bavins et al. 2000; Zhang et al. 2010) (see Table 2). The remainder of the regulated buffer required for each shoreline designation augments the protection for ecological functions provided by the RPZ, and therefore provides added conservation strategies for protecting marine riparian functions and critical saltwater habitats. This dual-zone management system described in Herrera's August 11, 2011, memo and illustrated in Figures 1 and 2 within that memo, works together to increase the functions typically provided by a single standard marine shoreline buffer through conserving and, over time, adding native vegetation in the most critical zone of the buffer.

Table 2. Approximate effectiveness provided by 30-foot RPZ (Christensen 2000; Bavins et al. 2000; Zhang et al. 2010).

Function	Percent Effectiveness within 30 Feet of OHWM	Comment
Water quality maintenance	71 - 98	Assumes trees or mixed grass and trees
Fine sediment control	86 - 91	Assumes trees or mixed grass and trees
Shade and microclimate moderation	100	Trees and other over-hanging vegetation must be present on the shore.
Large woody debris	80 -90	Trees must be present on the shore
Terrestrial carbon source to nearshore food webs	80	Trees and other over-hanging vegetation must be present on the shore.
Terrestrial wildlife habitat	Unknown	Highly dependent on species of wildlife to be protected
Hydrologic based slope stability	Unknown	Highly dependent on specific site conditions

OHWM = Ordinary High Water Mark

An RPZ containing native trees and shrubs would promote the recruitment of organic matter, nutrients, and macroinvertebrate prey items to the marine environment which are reduced or absent when riparian vegetation is not present on the shoreline (Brennan et al. 2004; Sobocinski 2003; Williams et al. 2001). Detritus feeding organisms are often not able to adapt to the leaf fall

patterns or the chemical characteristics of leaves from non-native plants, which is one reason why shoreline vegetation should be native species for maximum effectiveness (Karr and Schlosser 1977). Native plant species are adapted to local physical conditions such as soil, geology, and climate and therefore require less maintenance, are resistant to most pests and diseases, and require little or no irrigation or fertilizers, once established. Thus maintaining native plant species adjacent to the shoreline helps maintain water quality. Also, trees located close to the shore, form and maintain habitat complexity by stabilizing banks and contributing large wood to the aquatic environment.

Another important protection feature is that the RPZ would extend up to the full width of a standard marine shoreline buffer wherever intact native riparian vegetation were present but would be a minimum of 30 feet.

In areas entirely lacking native riparian vegetation, the City would still establish a minimum 30-foot RPZ and, as parcels met re-development thresholds, the City would require that native vegetation be established within the minimum 30-foot RPZ. In the Natural shoreline designation, the RPZ would be a minimum of 100 feet because of the heightened ecological values found in the areas within this shoreline designation and their absence of existing development.

In summary, the 30-foot RPZ 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. This strategy will provide opportunity to significantly improve over time shoreline functions over existing City conditions, where degradation exists or continues to occur. The implementation of the RPZ as a component of a regulated buffer will allow 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 regulated buffer, assist the City with meeting its goal of no net loss of shoreline ecological functions.

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Appendix D

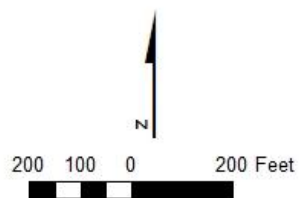
Single Family Residence Mitigation Manual

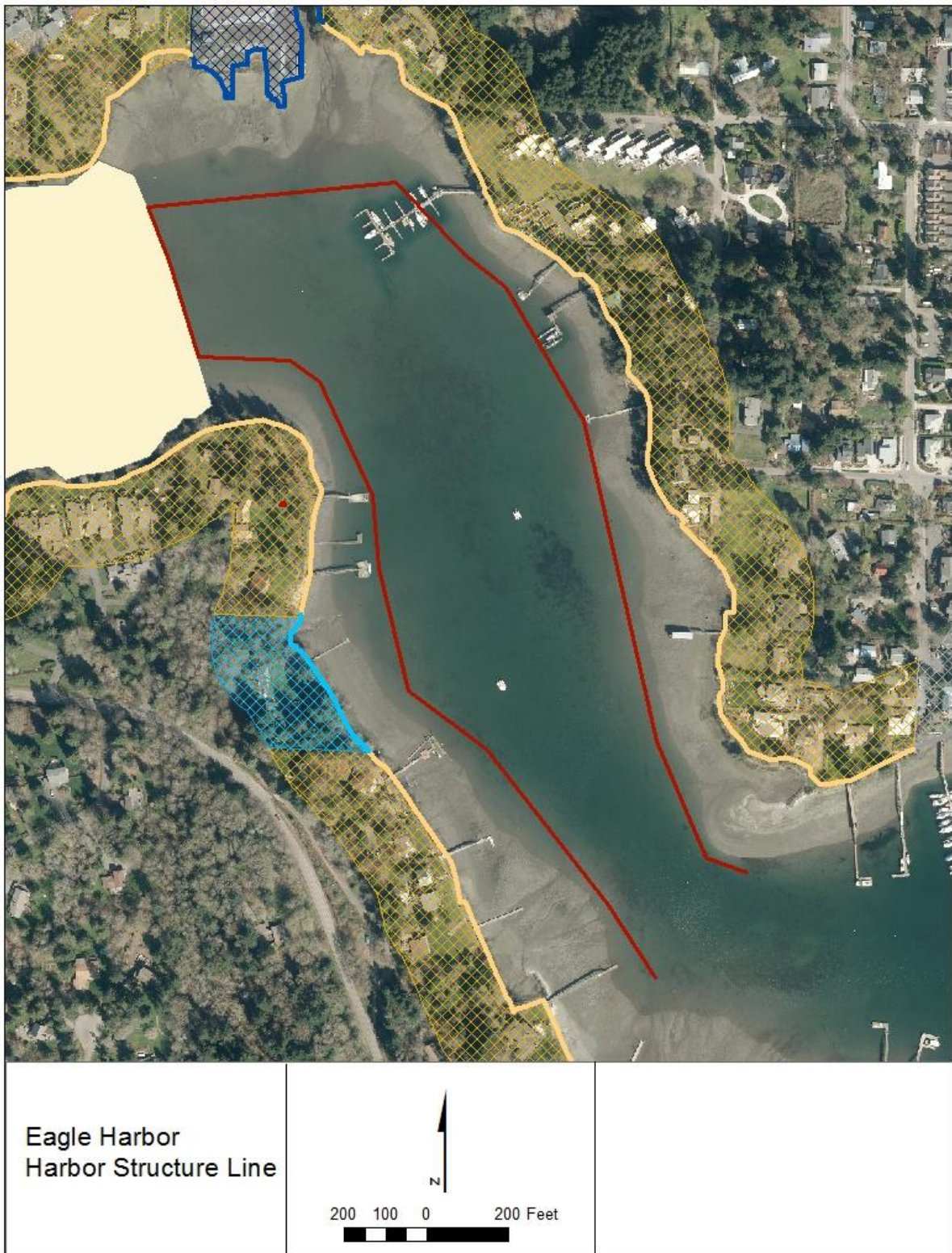
Appendix E

Special Area Maps



Port Madison
Harbor Structure Line





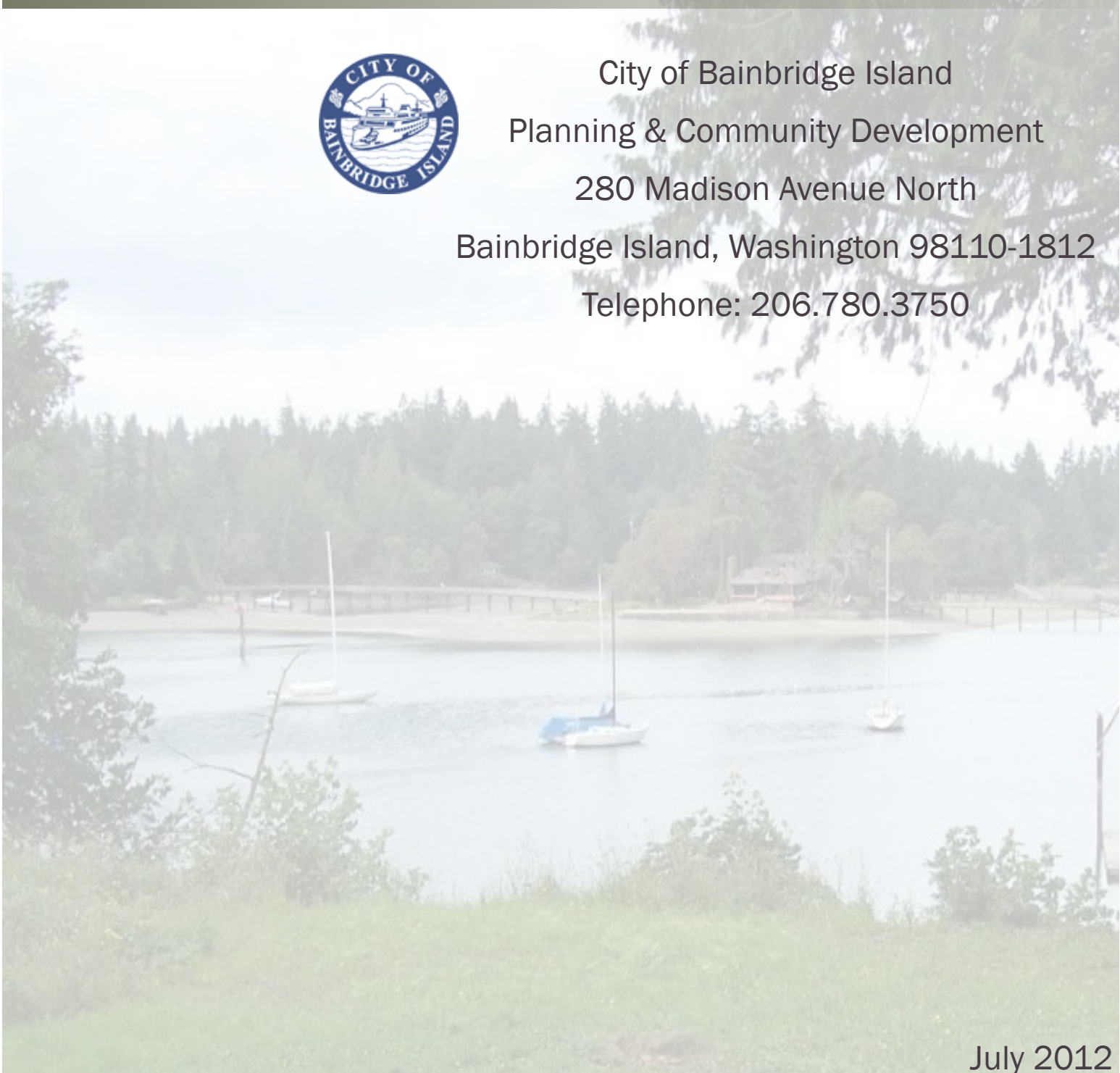




Single Family Residence Shoreline Mitigation Manual



City of Bainbridge Island
Planning & Community Development
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July 2012

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Introduction

This manual provides guidance for City of Bainbridge Island (City) homeowners as well as City staff and consultants on requirements and mitigation opportunities for specific types of single-family residential (SFR) development within the shoreline jurisdiction of the City.

Under Washington State Shoreline Management Act Guidelines [WAC 173-26-186(8) & 201(2)(c)], all new development, activities and uses must meet the standard of no net loss of ecological functions and shoreline processes. To ensure the standard of no net loss is met, any adverse impacts from new, repaired, or replaced development must be mitigated in accordance with the Mitigation Sequence (see Page 2) described in WAC 173-26-201((2)(e)). When there are permanent impacts not addressed in sequence number 2, 3, or 4 the applicant must provide mitigation for the remaining adverse impacts to meet the no net loss standard.

The City's Shoreline Management Program (SMP) regulations require an applicant submit a site-specific analysis to demonstrate that the no net loss standard has been met. A site-specific analysis is a technical report that identifies existing conditions and ecological functions, impacts from the project, and proposed mitigation.

To give homeowners a low cost alternative for meeting the no net loss standard, this manual was developed and provides mitigation for common types of SFR development as an alternative to submitting a site-specific analysis.

This manual provides City requirements for single family residences when mitigating construction, repair or replacement of SFR primary and accessory structures. Subdivisions, including short plats and other development, and uses or activities not associated with SFR development, are required to provide a site-specific analysis in accordance with the SMP Section 4.1.2 Environmental Impacts.

A homeowner can use this shoreline mitigation manual if:

- the SFR is not part of a new subdivision application; and
- the proposed project is located within a qualifying site (see below); and
- the proposed project is listed among the development and structure types and maximum size constraints covered by this guidance (shown in Table 1).

What sites qualify for this approach?

Sites which qualify for this manual are SFR shoreline parcels that are not adjacent to a marsh or a lagoon. Marshes and lagoons are a critical habitat feature for many protected species and therefore development proposals affecting these sites require a higher level of examination. Proposed development on SFR sites with an adjacent marsh or lagoon must complete a site-specific analysis that complies with the requirements of SMP Section 4.1.2, Environmental Impacts, and/or Appendix B, Critical Areas.

Washington State Shoreline Management Act Guidelines:

http://www.ecy.wa.gov/programs/sea/sma/guidelines/downloads/Draft_2002_SMP_Rule.pdf

What is mitigation?

Mitigation is the process of avoiding, limiting, reducing, or eliminating the adverse environmental impacts of a project over time, and ultimately compensating for impacts that remain. Mitigation for impacts follows a specific sequence described in WAC 173-26-201((2)(e) as follows:

1. **Avoid** the impact altogether by not taking a certain action or parts of an action;
2. **Minimize** 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;
3. **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment;
4. **Reduce** or eliminate the impact over time by preservation and maintenance operations;
5. **Compensate** for the impact by replacing, enhancing, or providing substitute resources or environments; and
6. **Monitor** the impact and the mitigation activities and take appropriate corrective measures as needed.

The mitigation strategies identified in this manual are for environmental impacts that cannot reasonably be avoided (steps 2 through 6 of this sequence).

New in-water or overwater structures (such as shoreline stabilization construction or docks) are not covered by this guidance. Applications for new in-water or overwater development must submit a site-specific analysis in accordance with the City's SMP.

An applicant must also obtain a U.S. Army Corps of Engineers (USACE) and Washington Department of Fish and Wildlife (WDFW) Hydraulic Project Approval (HPA) for any new in-water or overwater structure as well as for a repair or replacement of an existing structure. Mitigation is typically required by those agencies as well, however the City may determine that mitigation and permit conditions required by federal and state agencies are sufficient to meet City requirements according to provisions in the SMP. Note that the SMP prohibits new overwater covered moorage in the marine environment .



Shoreline with native vegetation.

Mitigation activities prescribed for the qualifying types of construction in this document are selected to directly compensate for environmental impacts that are not prevented through careful site design, structure design or use of best practices. Examples of best practices are low impact development methods for managing stormwater, retractable docks or beach nourishment for shoreline stabilization. For example, permanent clearing of vegetation is mitigated by replanting vegetation, and any permitted fill placed below the ordinary high water mark (OHWM) is mitigated by removing fill already located below the OHWM.

Mitigation is first required to be conducted on the same parcel (on site) as the proposed construction unless impractical. In most cases, more mitigation is required when it will occur on a different parcel (off site).

These measures ensure that mitigation is clearly linked to the type and location of impact the development would have on the shoreline. This approach also supports the City's responsibility to ensure there is no net loss of shoreline functions.

In some cases, onsite mitigation may not be feasible or offsite mitigation may be preferred based on shoreline physical processes. In either case, check with City of Bainbridge Island Planning and Community Development Department for preferred locations recommended by the City's Shoreline Restoration Plan or for other guidance related to acceptable offsite mitigation. In limited cases, a reduction in mitigation requirements for offsite compensatory mitigation may be allowed if the Administrator determines a greater ecological benefit is achieved at the proposed location.



Bainbridge Island shoreline and dock.



Homes near this marsh would not qualify for the mitigation approach in this manual.

What kinds of SFR development qualify for this guidance?

SFR development that qualify for this guidance includes: a new home, accessory structure (to existing SFR), and expansion, replacement, and repair of a SFR or accessory structure. Within these SFR development categories, structures that qualify must be within specific size constraints. The types of structures and size constraints for use of this manual are provided in Table 1. Examples include construction of a new home no larger than 4000 ft²; an accessory structure to an existing home, such as a detached garage no larger than 580 ft², a patio no larger than 120 ft²; stairs to the beach between 50 ft² and 300 ft² (mitigation is not required for stairs less than 50 ft²); remodel of an existing structure; and replacement or repair of shoreline structures such as a bulkhead, stairs or a dock. Note that the listed size constraints are not the maximum permitted by City regulations, but are the maximum for which this manual can be used to determine appropriate mitigation without a site-specific study.

Development of each of these structures typically results in one or more of the following shoreline and nearshore disturbances that require mitigation: 1) vegetation is cleared, 2) new impervious surface is created, 3) fill is placed below the OHWM or 4) aquatic habitat is permanently disturbed. Table 1 identifies which of these disturbances may apply based on your proposed development.

To use Table 1:

- 1 Select the category of development (new, accessory etc.) that applies to your project from the first column.
- 2 Select the type of structure from the second column.
- 3 Check to make sure your proposed development is within the maximum size constraints for that structure. If they are not, you will need a site-specific analysis.
- 4 Review the impacts requiring mitigation and identify those that apply to your project.
- 5 For each impact requiring mitigation, go to the corresponding section under Mitigation Requirements for a description of what is required.

Table 1. Qualified Single Family Residential (SFR) developments and associated impacts requiring mitigation.

			Impacts Requiring Mitigation			
Development Category	Structure Type	Maximum Size Constraints (based on footprint)	Vegetation is Cleared	New Impervious Surface is Created	Permitted Fill is Placed Below OHWM	Aquatic Habitat is Disturbed
New ^a	SRF including any accessory development	4,000 ft ²	◆	◆		
	Driveway or parking area	No maximum	◆	◆		
Accessory Note: the footprint of existing SRF including all accessory developments with the exception of a guest house or accessory dwelling unit (ADU) cannot exceed 4000 ft ²	Detached garage or carport	580 ft ²	◆	◆		
	Guest house or ADU	800 ft ²	◆	◆		
	Boathouse (only in upland)	200 ft ²	◆	◆		
	Patio –with or without BBQ pit or deck	120 ft ²	◆	◆		
	Hot tub + deck/patio	120 ft ²	◆	◆		
	Sport court	200 ft ²	◆	◆		
	Gazebo, utility shed, well house, greenhouse	200 ft ²	◆	◆		
	Retaining wall – new or replacement (upland)	3.5 ft. depth and 4 ft. height with no surcharge ^b	◆	◆		
	Deck (attached to house)	400 ft ²	◆	◆		
	Stairs to beach ^c	50 ft ² to 300 ft ²	◆	◆ ^d		

Table 1. Qualified SFR developments and associated impacts requiring mitigation (CONTINUED).

Development Category	Structure Type	Maximum Size Constraints (based on footprint)	Impacts Requiring Mitigation			
			Vegetation is Cleared	New Impervious Surface is Created	Permitted Fill is Placed Below OHWM	Aquatic Habitat is Disturbed
SFR (primary) Replacement or Expansion Note: the footprint of replaced or expanded SFR including all accessory developments cannot exceed 4000 ft ²	Replace (demolished)	Same size as existing structure in same location	No Mitigation Requirement			
		Expand size	◆	◆		
	Expansion of or addition to SFR	4,000 ft ² including existing structure	◆	◆		
Accessory replacement ^e	Bulkhead	Same as existing	◆	◆	◆	
	Boathouse	200 ft ²	◆	◆	◆	◆ ^f
	Stairs to beach ^c	50 ft ² to 300 ft ²	◆	◆ ^d	◆	
	Dock	Same as existing	◆		◆	◆ ^f
Accessory repair ^e	Bulkhead	3.5 ft. depth and 4 ft. height with no surcharge ^b			◆	
	Boathouse	200 ft ²			◆	◆ ^f
	Stairs to beach ^c	50 ft ² to 300 ft ²	◆	◆ ^d	◆	
	Dock	Same as existing			◆	◆ ^{d, f}

^a New dock, or other new in-water or overwater structures are not covered by this manual. Covered moorage is prohibited by the City.

^b Surcharge is the slope above and behind a retaining wall or bulkhead.

^c No mitigation is required for beach stairs with a footprint smaller than 50 ft².

^d If stairs are grated and pass stormwater freely no mitigation for impervious area is required.

^e This program does not cover mitigation required for use of barges. If you intend to use a barge for construction, you will need to submit a site-specific study.

^f Repairs or replacements of this in-water and overwater structure are exempt from this mitigation requirement if the footprint and impact is reduced (such as by replacing wood decking with grating to increase light penetration and reducing the number of pilings). Specific requirements for footprint and impact reduction are explained in the section called *Mitigation Exemption for Repair or Replacement of Overwater Structures*.

Mitigation Requirements

Review each section that follows as it pertains to your project's environmental impacts.

Vegetation is Cleared

Shoreline vegetation is considered important to supporting the ecological functions found in the nearshore. Vegetation along the shoreline at minimum infiltrates stormwater, and can provide large woody debris, bank stability, food sources such as detritus and insects for aquatic species, and temperature moderation of the beach and nearshore substrate. Multistoried vegetation can provide an overhanging, complex network of branches, trunks, stems and roots that also moderate nearshore wave energy.

Native vegetation is preferred for shorelines because native species are better adapted to local physical conditions such as soil, geology, and climate and therefore require less maintenance, are resistant to most pests and diseases, and require little or no irrigation or fertilizers, once established. Thus maintaining native plant species along the shoreline can also have consequent benefits on maintaining water quality. Native vegetation also provides more food sources for native wildlife.

Mitigation for vegetation cleared in the shoreline jurisdiction requires replacement with an equivalent or larger area of native multistoried vegetation (includes groundcovers, shrubs, and trees). Areas planted for mitigation are subject to final approval by the Administrator and must be recorded with the County Auditor on a Notice on Title, or other similar document, prior to approval of the project. Areas planted for mitigation are intended to be protected in perpetuity, although future alterations may be allowed with an approved mitigation plan.

What best describes the character of the vegetation in the area you will be clearing?

Is it predominantly:

- Mowed grass or lawn?
- Non-native landscaping?
- Native Vegetation?

Based on the dominant character of the vegetation that will be cleared and where you intend to plant, different ratios of native vegetation planted area to cleared area are required. These ratios are provided in *Mitigation Requirements for Vegetation Clearing*.

If you intend to plant native vegetation within 30 feet landward of the OHWM (called Zone 1 of the Shoreline Buffer—see Figure 1) the ratios for planting in Zone 1 are lower than if you plant outside of Zone 1. The lower ratio is intended to encourage homeowners to plant in Zone 1 where native vegetation has the greatest effect on nearshore habitat and processes. Ratios are also higher if you are clearing native vegetation, as compared with removing mowed grass or lawn, for the same reason.

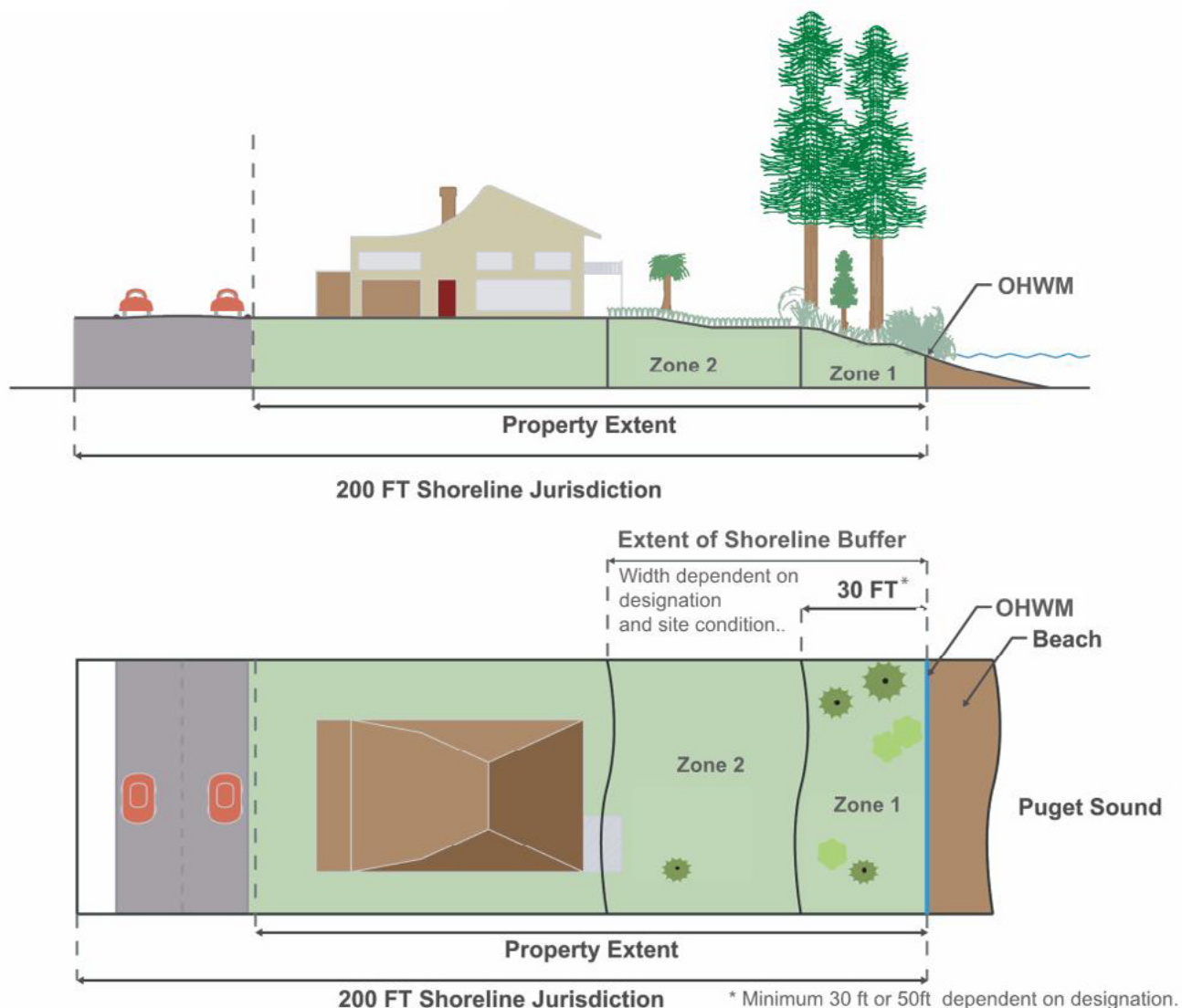


Figure 1. Zones related to the shoreline buffer area.

What is Native Vegetation?

Native vegetation is an assemblage of plants native to Bainbridge Island, which are species that occur or historically occurred on the island based upon the best available scientific and historical documentation. Native vegetation includes a selection of multistoried species (ground covers, shrubs and trees). Acceptable species are listed in Appendix A. Other species may be planted if it can be demonstrated they are native and appropriate to the site conditions.

When planting native vegetation for mitigation, you must provide a plan view of the project area showing where clearing will occur and where native vegetation will be planted for mitigation (including species, spacing and plant sizes). Species are to be planted with spacing designed to achieve a minimum 65 percent native vegetation coverage within 10 years within the replanted area. To assist you, a list of native species suitable for the City's shorelines is provided in Appendix A along with planting details showing typical tree, shrub and groundcover spacing and recommended plant sizes.

Note that your planting plan may be designed to protect views from your primary SFR.



Figure 2. Planting should incorporate trees, shrubs, and groundcovers to provide multiple layers of vegetation (multistoried).

Mitigation Requirements for Vegetation Clearing

Select character of vegetation being cleared	Will mitigation planting be located within Zone 1?	Mitigation Requirement
Area is comprised of mowed grass or lawn	YES	Plant ½ the equivalent area of mowed grass or lawn with multistoried, native vegetation
	NO	Plant the equivalent area of mowed grass or lawn with multistoried, native vegetation.
Area is comprised of non-native landscaping (including groundcovers, shrubs or trees).	YES	Plant the equivalent area of cleared non-native landscaping with multistoried, native vegetation.
	NO	Plant 2 times the area of cleared non-native landscaping with multistoried, native vegetation.
Area is comprised of native landscaping (including groundcovers, shrubs or trees).	YES	Plant 2 times the area of cleared native landscaping to multistoried native vegetation.
	NO	Plant 3 times the area of cleared native landscaping with multistoried, native vegetation

New Impervious Surface is Created

To mitigate for new impervious surface, you can:

- Remove existing impervious surface of equal area within your shoreline buffer and replant with native vegetation, or
- Install a rain garden that is sized to be at least 20 percent of the area of your new impervious surface.

The use of a rain garden for mitigating impervious surface is based on the understanding that rain gardens can help provide the water collection, retention, and infiltration capacity that are lost when vegetated areas are made impervious. The Rain Garden Handbook for Western Washington Homeowners describes how rain-gardens mimic a native forest by collecting, absorbing, and filtering stormwater runoff from rooftops, driveways, patios, and other areas that don't allow water to soak in.

To install a rain garden, follow the methods available at www.raingarden.wsu.edu/index.html. There you will find instructions for calculating your drainage area, and locating, designing (sizing), planting and maintaining your rain garden. Local landscape architects, Kitsap County WSU Extension office, Kitsap County Conservation District, and the City's Planning and Community Development Department are other resources available for assistance.

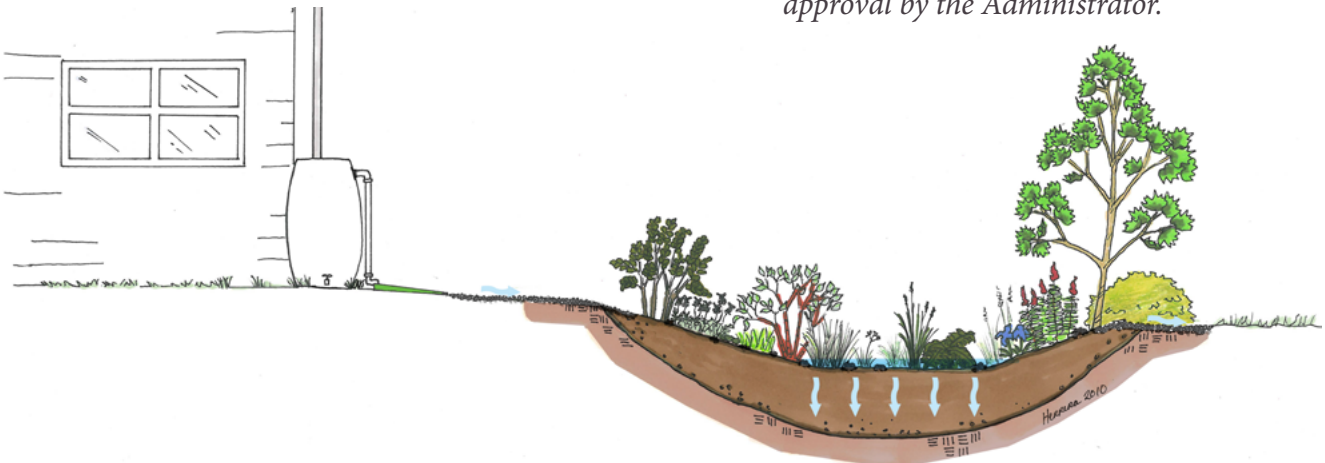


Figure 3. Rain gardens can help mitigate stormwater runoff from new impervious surfaces.

The Rain Garden Handbook for
Western Washington Homeowners:
www.raingarden.wsu.edu/index.html

Rain Garden Installation Guidance:
www.raingarden.wsu.edu/index.html

Rain Gardens

- Can be shaped and sized to fit your yard
- Are constructed with soil mixes that allow water to soak in rapidly and support healthy plant growth
- Can be landscaped with a variety of plants that look beautiful and help manage stormwater

Caution:

Collecting and allowing water to soak into a landslide hazard area can cause instability and potentially endanger your structure. If you need to place your rain-garden on or near a landslide hazard area (any slope greater than 15 percent), a letter or report from a qualified licensed geologist or geotechnical engineer that evaluates the site and your rain garden design must be submitted with your application for review and approval by the Administrator.

Permitted Fill Material is Placed below OHWM

Fill placed below the OHWM permanently eliminates aquatic habitat and can interrupt nearshore sediment flow. These factors both eliminate and reduce ecological functions within the area of fill and may adversely affect adjacent shorelines through reduced sediment supply and increased fragmentation of habitat.

All shoreline structures or modifications that include placing fill below the OHWM will require an equivalent volume of fill removal from below the OHWM elsewhere for mitigation (Table 2). Typical shoreline structures and modifications that include fill placed below the OHWM include stairs, boathouses, docks and bulkheads.

If mitigation for fill removal will occur within the same parcel, the volume removed must be at minimum equal to the volume of fill material placed. If the fill removal occurs on a different parcel, than the volume removed must be two times the volume of fill material placed. See Table 2. This is to encourage mitigation for fill placement at the same location as the environmental impact.

Examples of types of fill that may be removed for mitigation include construction debris such as concrete pieces, riprap, creosote logs, pilings, and failing bulkheads.

In addition to fill removal, bulkhead repair or replacement will require beach nourishment in addition to fill removal as part of mitigation (Table 2).

Beach nourishment differs from fill because it is mobile and permeable, unlike piers, concrete, riprap, or other immobile elements typically associated with nearshore structures. Beach nourishment provides spawning habitat for forage fish species, which are food sources for salmon and other fish species, birds, and marine mammals. While nearshore structures can provide a type of nearshore habitat (for example docks provide holdfasts for barnacles and mussels), these habitats do not improve impaired features of the nearshore ecosystem or support natural geomorphic processes in the way that mobile beach sand can.



Removing unused piers can provide shoreline mitigation.

Retractable Structures

In many instances structures can be constructed that can be retracted when not in use (for example retractable access stairs or docks). Retractable structures associated with a SFR are exempt from the City's requirement for mitigation for impacts occurring waterward of the OHWM.

In addition, if the footprint of fill below the OHWM is smaller than 10 square feet, the structure is exempt from providing mitigation as the area is considered too small to significantly impact aquatic resources.

Table 2. Mitigation requirements for fill material placed below the OHWM.

Development Type	Location of Fill Removal		Beach Nourishment Required?
	On Site	Off Site ^a	
- Stair construction, repair or replacement - Boathouse repair or replacement - Dock repair or replacement	Remove fill equivalent to volume placed below OHWM	Remove fill equivalent to 2 times volume placed below OHWM	No
Bulkhead repair or replacement	Remove fill equivalent to volume placed below OHWM	Remove fill equivalent to 2 times volume placed below OHWM	Yes

^a A reduced ratio for offsite fill removal may be used in limited instances when the Administrator determines that a greater ecological benefit is obtained at an offsite location than would occur on site.

What is beach nourishment?

Beach nourishment is where sediment (usually sand) is placed to protect an eroding beach. Beach sediment lost through alongshore drift or erosion is replaced from sources outside of the eroding beach (often an upland source). Nourishment creates “soft” (non-permanent) protection by creating a larger sand reservoir, pushing the shoreline seaward. Beach nourishment can protect beaches and your property, and avoid or minimize the negative effects of bulkheads.



A shoreline that has recently undergone beach nourishment.

How do I provide beach nourishment?

Generally, beach nourishment should be located onsite, waterward of the bulkhead; however nourishment may be located off site if the Administrator determines that a greater ecological benefit is obtained at an offsite location than would occur on site. For example, nourishment will be more effective if it is placed in the up-drift area of a drift cell. Its benefit will be longer lasting and spread over a greater portion of the drift cell. The City can help you determine the best location for beach nourishment.

Beach nourishment should cover an area, at minimum, equivalent to the length of the repaired or replaced bulkhead. It should be comprised of mobile sediments suitable for nearshore forage fish spawning habitat. Beach nourishment material should be comprised of 100 percent WDFW Fish Mix or other material approved by the Administrator.

The volume of nourishment should rise at least 1-foot above OHWM and have a foreshore slope no greater than 1 vertical unit per 5 horizontal units (1:5 slope).

The frequency of nourishment must follow WDFW recommendations or occur every five years over a 25-year period. The frequency of nourishment may be less if a sediment loss analysis completed by a qualified professional recommends otherwise. The required frequency of nourishment will be documented in an agreement between you and the City.

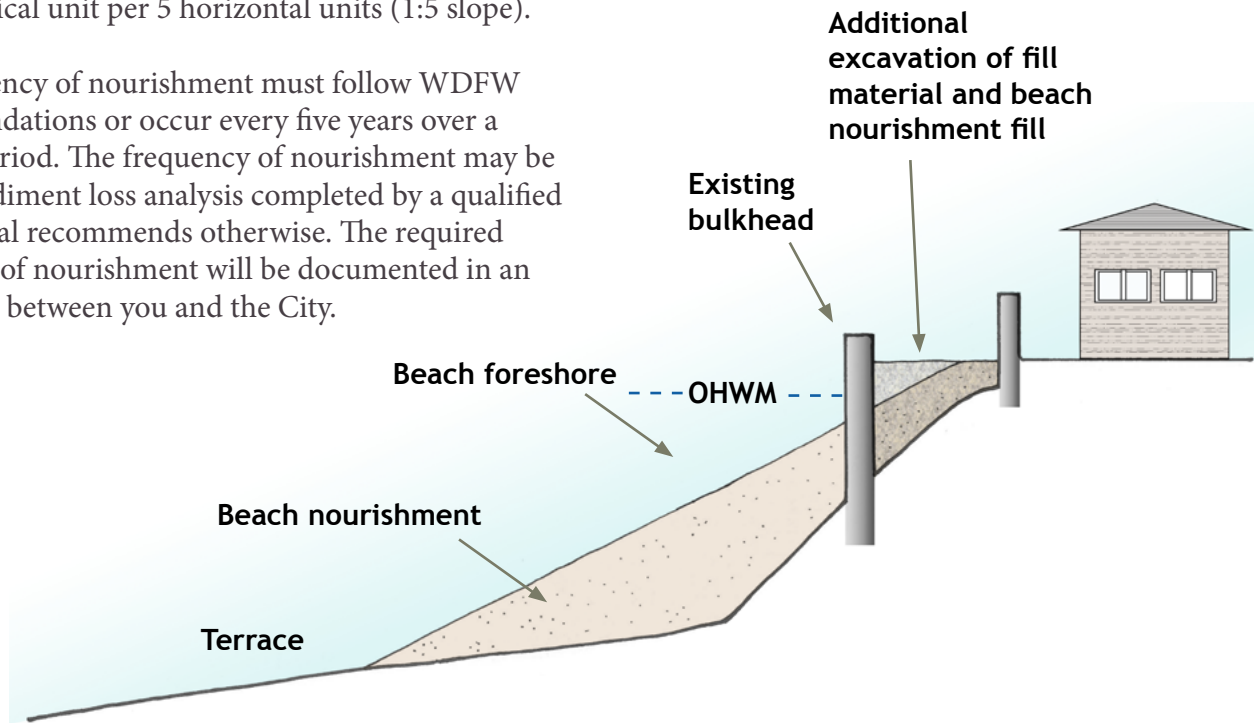


Figure 4. Beach nourishment illustration.

Aquatic Habitat is Disturbed

In-water or overwater structures have the potential to interrupt or negatively affect ecological functions and processes such as shading or eliminating aquatic habitat, increasing predator opportunities, and interrupting nearshore sediment flow and beach formation. Mitigation is required for repair or replacement because impacts continue to occur for the life of the structure. Construction activities related to repair or replacement may also temporarily affect fish and wildlife, water quality, or shoreline processes.

New in-water or overwater structures are not covered by this manual. Only repair or replacement of in-water or overwater structures are covered by this manual and they must fall within the size constraints identified in Table 1. Qualifying projects must satisfy the SMP requirements for a repair or replacement and must mitigate for the loss of ecological functions.

In-water and overwater repairs and replacements covered by this guidance include bulkheads, boathouses, stairs to the beach, and docks (the

components of a dock include ramps, piers and floats, and requirements apply to all components). Note that in-water and overwater repairs and replacements of any structure may require permits from USACE and WDFW, as well as the City.

Upon project completion all areas of shoreline disturbed for the repair or replacement should be restored to as near pre-project configuration as possible and replanted with native vegetation appropriate to the site and approved by the City.

Exemption from mitigation is provided for repair or replacement of structures which meet certain structure impact reduction provisions (such as narrowing a dock or using grating to increase sunlight penetration). These are detailed in the section called *Mitigation Exemption for Repair or Replacement of Overwater Structures*. When there is no reduction of the structure, you are required to remove an equivalent or greater area of overwater structure elsewhere within the City; contact the Planning and Community Development Department for more details and appropriate locations.

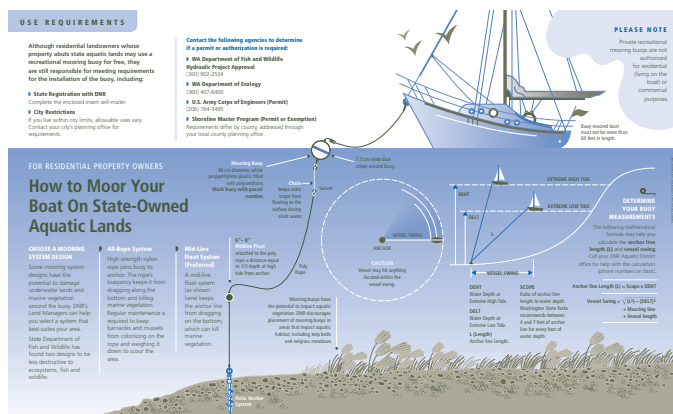
Mitigation Exemption for Repair or Replacement of Overwater Structures

Replacement of docks or stairs with retractable systems are exempt from City required mitigation for impacts to ecological functions and processes occurring waterward of OHWM. Repairs or replacements that reduce the shading footprint of an existing dock are also exempt.

To qualify, any two of the following measures may be used, in accordance with provisions in the SMP:

- Replace dock surface with grating or gridding
- Reduce dock width, to meet current SMP and USACE requirements
- Increase dock height, to meet current SMP, WDFW or USACE recommendations.

These alterations must conform to the most recent design guidance provided by the USACE found in its current *Regional General Permit for Residential Inland Marine Overwater Structures* (Permit Number CENWS-OD-RG-RGP-6) or meet City requirements, whichever standard provides a smaller footprint and greater light penetration. The Department of Planning and Community Development is available to assist with making this determination. Please contact the department if you have any questions.



Washington State Department of Natural Resources' *Recreational Mooring Buoys* brochure. Find the brochure at http://www.dnr.wa.gov/Publications/aqr_mooring_buoy_brochure.pdf.

Some considerations when planning to repair or replace your dock to avoid mitigation:

- Use a mooring buoy instead of repairing or replacing your dock.
- Replace your fixed dock with a dock that can be retracted when not in use to minimize disturbance to aquatic habitat.
- Share a neighbor's dock instead of repairing or replacing yours.

To avoid mitigation for repairs or replacements of both fixed or floating docks, the city requires that both of the following be met:

- The dock is no wider than 4 feet for a single use dock and 6 feet for a joint use dock.
- Grating or gridding and replacement floats must be installed that result in a total open area of a minimum of 30 percent. For example, this can be achieved by installing grating with 60 percent open area on at least 50 percent of the dock or by grating a larger percentage of the dock with openings of less than 60 percent. The following equation is used:

$$\% \text{ Grating Open Area} * \% \text{ Dock Area} = > 30\%$$

$$\text{Example } 0.6 (60\%) * 0.5 (50\%) = 0.3 (30\%)$$

What is the Process for Obtaining Approval to Use this Guidance?

- Submit your project proposal, completed checklist, and site plan along with your list of required mitigation activities and their proposed design to Planning and Community Development for review and approval by the Administrator.
- Obtain all required shoreline permits as outlined in Table 4-1 of the SMP.
- Submit these applications along with your project proposal.
- A preapplication conference may be required.

A checklist is provided in this manual to assist you with submitting a complete proposal that fulfills the requirements of this manual. Please contact Planning and Community Development by phone at (206) 780-3750 or by email at pcd@bainbridgewa.gov if you have any questions.

Checklists for Mitigation Approval

For each item below, please attach additional information to this checklist as needed to describe fully your project and proposed mitigation.

General Checklist for All Sites

	ITEM	NOTES
☐	Project description	Include a brief description of your proposed structure, along with its footprint.
☐	List of impacts requiring mitigation	See Table 1.
☐	Proposed mitigation description	Will mitigation be onsite or offsite? For offsite mitigation, provide location and confirmation that the property owner has agreed to have mitigation on their property.
☐	Site plan	Show locations of existing and proposed structure(s) as well as location(s) for mitigation.

Checklist for Various Impact Types

- | | ITEM | |
|--------------------------|--------------------------------------|--|
| ☐ | Vegetation Clearing | ☐ Areas of Clearing and Replanting
☐ Species List
☐ Example Spacing for Planting Species
☐ Plant Sizes |
| ☐ | Creation of New Impervious Area | ☐ Provide the location and area of impervious surface to be reomoved and replanted.
<div style="text-align: center;">OR</div> ☐ If constructing a RAIN GARDEN
☐ Drainage area calculation
☐ Location and size of rain garden using methods from <i>Rain Garden Handbook for Western Washington Homeowners</i> found at www.raingarden.wsu.edu/index.html |
| ☐ | Permitted Fill Below OHWM | ☐ Provide calculation of fill volume and proposed location for removing required fill volume |
| ☐ | Beach Nourishment | ☐ Provide location and volume to be deposited
☐ Provide frequency of nourishment |
| ☐ | USACE permit or WDFW HPA is obtained | ☐ Brief description of mitigation requirements
☐ Provide copy of each permit and any associated conditions |

Appendix A

Native Plant List and Suggested Plant Spacing

Native Plant List

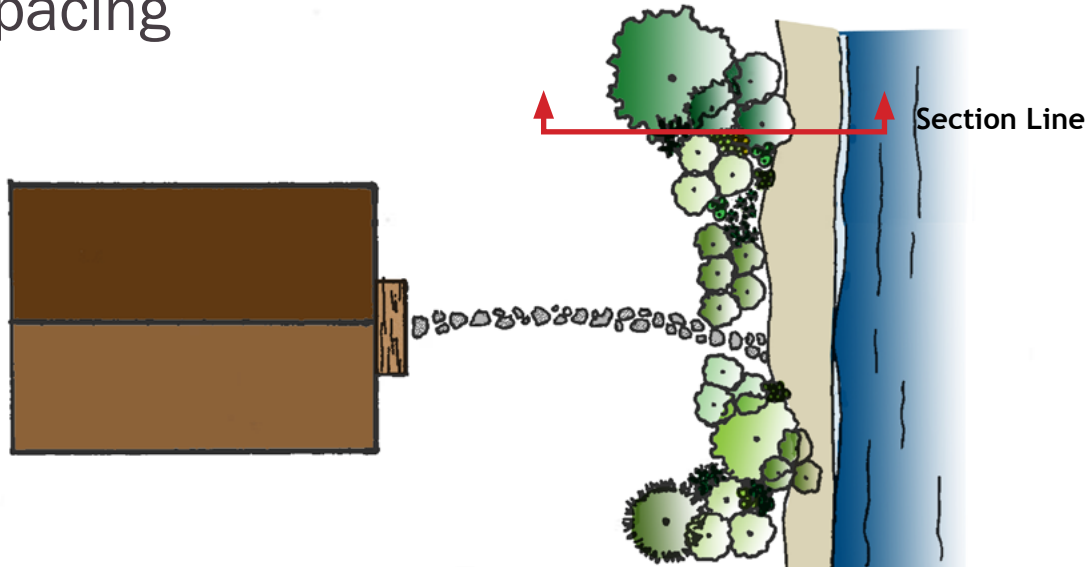
The following tables provide a list of native trees, shrubs, groundcovers, and seed mixes for different site conditions along with their recommended on-center spacing, maintenance notes, and aesthetic qualities.

Additional information on native plants appropriate for Bainbridge Island can be found at:

http://www.kitsapgov.com/dcd/lu_env/native_plants/native_plants.pdf

Examples of a plan view of a planting plan and a section view showing typical plant spacing are provided below.

Plant Spacing



Plan view of native multistoried plant clusters.

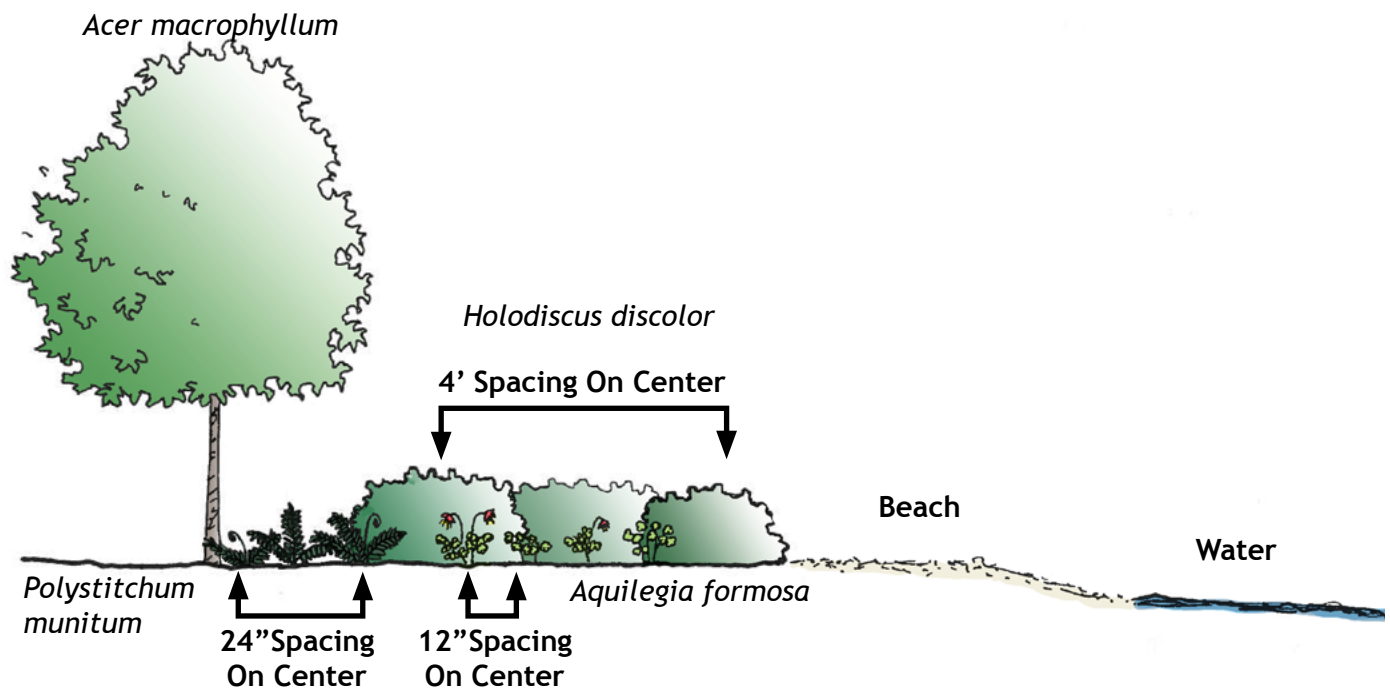


Illustration of on-center native plant spacing.

Bainbridge Island Mitigation Manual Plant List

Deciduous Trees				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	
<i>Acer circinatum</i>	Vine maple	Part shade. Moist soil.	10' to 15'	✓	✓	✓	10'	Provides vibrant fall color. Good for seasonally wet soils.	✓	✓				
<i>Acer macrophyllum</i>	Big-leaf maple	Part shade to full sun. Moist, well drained soils.	90'			✓	30'	Vigorous grower. Good for seasonally wet or seasonally dry soils. Plant away from pond inlets and outlets to avoid leaf litter debris clogging structures.	✓	✓				
<i>Alnus rubra</i>	Red alder	Full sun. Poor, moist soil.	100'			✓	15'	Short lived tree. Plan on harvesting and/or replacing in 50 year cycle. Important species for nitrogen fixation. They establish well on disturbed sites.		✓	✓			
<i>Amelanchier alnifolia</i>	Serviceberry	Full sun. Well drained soil. Very drought tolerant.	10'			✓	10'	Early spring bloomer. Use this tree for Spring interest. Good for seasonally dry soils.	✓	✓				✓
<i>Arbutus menziesii</i>	Pacific madrone	Full sun. Well drained, poor, dry rocky soil.	50'			✓	20'	Difficult species to transplant.	✓					✓
<i>Corylus cornuta</i>	Western hazelnut	Part shade to full sun. Well drained soil. Understory species.	20'			✓	15'	This small tree is sometime classified as a shrub. The spring flowers appear before the leaves in yellow catkins. The fall leaves are pale yellow.	✓					✓
<i>Fraxinus latifolia</i>	Oregon ash	Part shade to full sun. Moist to saturated soils.	75'	✓		✓	20'	Fast growing for first third of life span and long lived. Good for seasonally wet soils. This species is often found growing in dense stands.		✓				
<i>Prunus emarginata</i>	Bitter cherry	Part shade to full sun. Dry to moist sites.	30'	✓	✓	✓	15'	Short lived. Plan on harvesting and/or replacing within 40 to 50 years.	✓	✓				

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Deciduous Trees				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
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<i>Rhamnus purshiana</i>	Cascara	Part shade. Moist, well drained soils.	30'			✓	15'	Usually an understory species, Cascara is a beautiful small tree that produces berries attractive to birds and small mammals.	✓	✓				
<i>Salix hookeriana</i>	Hooker's willow	Full sun. Moist, sand/gravelly soil. Flood tolerant.	20'	✓	✓			Native willow that will sprout multiple stems.		✓				✓
<i>Salix lucida</i> var. <i>lasianдра</i>	Pacific willow	Full sun. Moist, sand/gravelly soil. Flood tolerant.	40'	✓	✓	✓	6'	This fast growing species is one of the tallest native willows.		✓	✓	✓	✓	
<i>Salix scouleriana</i>	Scouler's willow	Full sun. Moist, sand/gravel soil.	30'	✓	✓	✓	6'	A native to moist woodland and meadow areas, Scouler's willow grows rapidly and can reseed after soil disturbance.		✓	✓	✓		
<i>Sorbus sitchensis</i>	Sitka mountain ash	Full sun. Moist, rich soil.	10'	✓		✓	6'	A small tree or shrub, this species is often multi-stemmed with a rounded crown. Flowers are creamy white and the fruits persist in winter, providing important winter forage for birds and wildlife.		✓	✓			

Conifers				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	
<i>Pinus contorta</i> var. <i>contorta</i>	Shore pine	Full sun. Well drained soil.	50'			✓	30'	This slender evergreen has orange-brown twigs that darken with age. Cones are asymmetrical and 1" to 2" long. Good to plant along the upland border of a pond.	✓					✓
<i>Picea sitchensis</i>	Sitka spruce	Part shade to full sun. Moist or saturated soils.	250'	✓		✓	30'	Large evergreen with sage green or light green foliage.		✓	✓			

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<i>Thuja plicata</i>	Western red cedar	Full shade to full sun. Moist to swampy soil.	100'	✓	✓	✓	30'	Long-lived western native that can survive moist, mucky conditions.		✓	✓			
<i>Tsuga heterophylla</i>	Western hemlock	Full shade. Wet soil.	150'	✓	✓	✓	30'	Young trees have foliage with a feathery appearance. The 1" long cones are small and papery. Species can be shallow rooted and prone to blow down in some locations.		✓	✓			

Deciduous Shrubs				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	
<i>Cornus sericea (stolonifera)</i>	Red-osier dogwood	Shady stream banks. Moist, well drained soils.	15'	✓	✓	✓	4'	Plant minimum of 4' from all walkways, roads, and fences in order to avoid pruning. Prune 2-3 branches of a multi-stemmed specimen to the base every other year to stimulate new branch development. New branches have bright red color and will provide winter interest.		✓	✓			
<i>Holodiscus discolor</i>	Ocean spray	Part shade to full sun. Well drained, dry soil.	15'			✓	4'	Large, vase-shaped shrub with arching branches. The big foamy white clusters of flowers bloom throughout the summer months, making this an excellent pollinator species. Good for seasonally dry soil.	✓	✓				✓
<i>Lonicera involucrata</i>	Black twinberry	Part shade. Moist soils.	2' to 7'			✓	4'	This erect, thinly branches species has twin tubular yellow flowers. The shiny black fruits are cupped by two showy purplish-maroon bracts.	✓					

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<i>Myrica gale</i>	Sweet gale	Part shade to full sun. Moist to wet soils.	5'	✓		✓	4'	Upright growth form. Can be used as a windbreak when planted in rows. Good nitrogen-fixing soil properties. Has a spicy scent on hot summer days. Can grow in relatively poor soils.		✓				

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<i>Myrica californica</i>	California gale	Part shade to full sun. Moist to wet soils.	6'-18'	✓		✓	4'	A large shrub to small tree with an upright growth pattern. Great for border planting.		✓				
<i>Oemleria cerasiformis</i>	Indian plum	Part shade. Moist to dry, well-drained soil.	5'-16'			✓	4'	An early bloomer, Indian plum is one of the first shrubs to flower in the spring. The drooping chains of white flowers appear just before the leaves. Birds love the small fruit that begin as yellow-gold and transform into a bluish-black color later in the summer. In the sun, this species can grow as a large, dense plant, but in the shade it will take on a more open and sprawling growth form.	✓	✓				
<i>Philadelphus lewisii</i>	Mock orange	Part shade to full sun. Well drained soil.	5' -10'			✓	4'	This species is an ornamental favorite. The white flowers that appear in late spring and early summer have a lovely sweet smell. This species is great for pollinators, along borders, and clustered in odd numbers.	✓	✓				
<i>Physocarpus capitatus</i>	Pacific ninebark	Full sun. Moist soil.	6' -12'	✓			3'	This multi-stemmed shrub has interesting bark that looks as if it is shedding layers. The flowers appear as white clusters in later spring and early summer.		✓				

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<i>Ribes sanguineum</i>	Red-flowering currant	Part shade to full sun. Moist to dry, well drained soil.	8' -10'		✓	✓	4'	The pink to deep red sprays of flowers on this shrub are a favorite early source of food for hummingbirds. Other birds eat the blue-black berries before the end of summer.	✓	✓				
<i>Rosa nutkana</i>	Nootka rose	Full sun. Moist soil.	3' -6'	✓	✓	✓	4'	Fast growing. Good for seasonally wet or seasonally dry soils. Bright pink flowers May through June. Rose hips are purplish-red in fall.		✓				
<i>Rubus parviflora</i>	Thimbleberry	Part shade to full sun. Moist to dry soil.	4' -6'		✓	✓	4'	Medium growth rate. Tolerates dry to seasonally wet soil. Spreads through rhizomes. Large leaves emerge in Spring. Flowers are large, papery, and white. Edible red berries look like raspberries.	✓					
<i>Rubus spectabilis</i>	Salmonberry	Full shade to full sun. Moist soil.	3' -10'	✓	✓	✓	4'	Fast growing. Bright pink to magenta flowers appear single or in small groups from March through April. The yellow to reddish fruit provide wildlife forage.	✓	✓	✓			
<i>Sambucus racemosa</i>	Red elderberry	Part shade to full sun. Moist soil.	5' -8'			✓	10'	Fast growing. Good for seasonally wet or seasonally dry soils. This shrub can grow into the form of a small tree. Clusters of white flowers in May. Red berries appear June through July.		✓				
<i>Spiraea douglasii</i>	Douglas spirea	Full sun. Wetland or lake edge.	4' -7'	✓		✓	6'	Fast growing. Prefers moist to wet soils. Will tolerate dry soils once established, but will do best on moist or boggy sites. Needs regular water during establishment. Can form thickets in boggy areas. Large clusters of tiny pinkish red flowers. Flower plumes dry and remain on plant through winter.		✓	✓	✓	✓	

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<i>Symphoricarpus albus</i>	Snowberry	Part shade to full sun. Moist to dry, well drained soil.	2' -6'	✓	✓	✓	3'	Good for seasonally wet or seasonally dry soils. If pruned to ground in early spring, plant will resprout vigorously with more fruit. White to pink bell-shaped flowers. White waxy, non-edible fruit.						✓
<i>Symphoricarpus mollis</i>	Creeping snowberry	Full shade to full sun. Moist to dry, well drained soil.	2'	✓	✓	✓	3'	This trailing species spreads by sending out new roots from along its stem. This low-growing shrub is an excellent groundcover in areas where visibility needs to be maintained.	✓	✓				

Evergreen Shrubs				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	
<i>Arctostaphylos uva-ursi</i>	Kinnikinnick	Full sun. Dry soil.	12"		✓	✓	2'	Low-growing evergreen shrub that is also commonly used as a groundcover.	✓					
<i>Berberis aquifolium</i>	Tall Oregon grape	Part shade. Well drained soil.	5' -8'			✓	4'	Tall shrub with bright yellow clusters of flowers and clusters of blue fruit in late summer and fall. Good for seasonally dry soil and open areas. Good bird forage species.	✓					
<i>Berberis nervosa</i>	Dull Oregon grape	Part shade. Moist, well drained soil.	2' -3'	✓	✓	✓	3'	Low-growing shrub that prefers shade, but will tolerate open areas. Flowers are bright yellow clusters and fruits are in blue berry-like clusters.	✓	✓				
<i>Ceanothus velutinus</i>	Snowbrush	Full sun. Moist to dry soil, well drained.	20'			✓		Large, pyramidal-shaped clusters of small white flowers. This shrub has a spicy scent. The new bark is reddish or purplish in color.	✓	✓				

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Evergreen Shrubs				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
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<i>Gaultheria shallon</i>	Salal	Part shade to full sun. Well drained soil.	3' -6'		✓	✓	3'	Good for seasonally dry soil. The more sun, the less the plant will spread. Spreads by layering, suckering, and sprouting. Does best with some moisture and part shade. Deer, rabbit, and snail resistant.	✓					✓
<i>Vaccinium ovatum</i>	Evergreen huckleberry	Shade to full sun. Moist, well drained soil.	3' in full sun. 15' in deep shade.	✓		✓	4'	This shrub has shiny, leathery leaves and tiny pink bell-shaped flowers that bloom from April through July. In areas with full sun, this shrub will have a more open form		✓				

Groundcovers				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	
<i>Adiantum aleuticum</i>	Maidenhair fern	Full shade. Moist to wet soil.	2'	✓		✓	24"	A black-stemmed fern with delicate palmately arranged leaves.	✓	✓				
<i>Angelica lucida</i>	Sea-watch	Part shade to full sun. Moist to wet soil.	5'	✓			3'	Single-stemmed plant with tight clusters of small white flowers. Blooms in late spring.		✓				✓
<i>Aquilegia formosa</i>	Western columbine	Part shade to full sun. Moist soil.	2'	✓	✓	✓	12"	The beautiful red and yellow flowers bloom in spring and summer. The delicate leaves die back in the winter months and resprout in the spring.	✓	✓				
<i>Armeria maritima</i>	Sea thrift	Full sun. Dry soils.	12"	✓	✓		12"	A popular garden flower with a slow-growing spreading habit. Good for cut flower arrangements.	✓	✓				✓

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<i>Aruncus sylvestris</i>	Goat's beard	Part shade. Moist soil.	3'- 5'	✓		✓	4'	A deciduous wildflower with large masses of airy white flowers that turn brownish-red as the seasons progress. This plant has a great form throughout the winter and resprouts new arching stems each spring.		✓				
<i>Aster subspicatus</i>	Douglas' aster	Part shade to full sun. Moist to dry soils.	3'	✓	✓	✓	3'	A perennial herb with bluish-purple ray flowers. Blooms in late summer.	✓					✓
<i>Athyrium filix-femina</i>	Lady fern	Full shade. Moist to wet soil.	2'-5'	✓		✓	24"	This fern has delicate feathery fronds and red stems. It is a reliable groundcover.		✓	✓			
<i>Blechnum spicant</i>	Deer fern	Full shade. Moist soil.	2'	✓		✓	24"	A low-growing, hardy fern that does well under the shade of plants.		✓				
<i>Camassia quamash</i>	Common camas	Part shade to full sun. Moist to moderately dry soils.	18"-24"	✓	✓	✓	12"	This pale to deep blue, occasionally white, lily has spike with 5 to many flowers. This showy plant blooms over a short few weeks in late spring.	✓	✓				
<i>Clarkia amoena</i>	Dwarf godetia	Full sun. Moist to moderate soils.	8"- 14"	✓	✓	✓	18"	This pink to rose-purple flower blooms in mid-summer and continues to bloom for several weeks. A taprooted species, it is good for drier sites.	✓	✓				
<i>Dicentra formosa</i>	Pacific bleeding heart	Full shade. Moist soil.	18"	✓	✓	✓	24"	A delicate-leaved plant with little pink heart-shaped flowers, this plant spreads by rhizomes (underground root systems).	✓	✓				

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<i>Epilobium angustifolium</i>	Fireweed	Full sun. Moist to dry soil.	2'-6'		✓	✓	24"	Showy rose to purple flowers in tall spike-like clusters. This plant spreads by seed and rhizome and will continue to thrive as long as it gets sun.	✓	✓				
<i>Fragaria chiloensis</i>	Coastal strawberry	Part shade to full sun. Sandy soil.	6"	✓	✓	✓	12"- 18"	A hardy, small strawberry plant that will colonize open areas and create a dense groundcover.	✓	✓				✓
<i>Heuchera micrantha</i>	Alumroot	Full shade. Moist soil.	18"-24"	✓		✓	18"	A delicate native with a tall spike of small white flowers. Great for shady sites.	✓	✓				
<i>Lupinus polyphyllus</i>	Large-leaf lupine	Part shade. Moist soil.	12"-36"	✓	✓	✓	12"	Big, robust plant with bold, rich-green palmate leaves. The flowers are large spikes of deep-blue to purplish flowers. This plant blooms biennially and will spread from seed.	✓	✓				
<i>Mimulus guttatus</i>	Yellow monkey flower	Full sun. Moist to wet soil.	18"- 30"	✓		✓	24"	This perennial herb spread by rhizomes and has bright happy yellow flowers with crimson to reddish-brown spots.		✓	✓			
<i>Oxalis oregana</i>	Sorrel	Full shade. Moist soil.	12"	✓	✓	✓	14"	This clover-like species spreads by rhizomes and forms a nice groundcover. The small white flowers bloom in spring and summer.	✓	✓				

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<i>Plectritis congesta</i>	Sea blush	Full sun. Moist to wet soil.	6"-24"	✓		✓	12"	This small herb has an upright stem that supports a head of showy pink flowers.	✓	✓				
<i>Polystichum munitum</i>	Sword fern	Moist to dry soil.	2' - 5'	✓	✓	✓	24"	One of the most adaptable, hardy ferns this species stays green year-round.	✓	✓				
<i>Potentilla anserina</i> var. <i>pacifica</i>	Silverweed	Part shade to full sun. Moist to wet soil.	18"	✓			24"	Small spreading plant with yellow flowers. Blooms late spring through mid-summer.		✓				✓
<i>Sedum spathulifolium</i>	Broad-leaved stonecrop	Full sun. Dry soils.	6"		✓	✓	12"	A native sedum with green and red succulent foliage. The yellow flowers bloom in June and July.	✓					✓
<i>Sidalcea hendersonii</i>	Henderson's checkermallow	Full sun. Moist to wet soil.	5'	✓			3'	A tall native herbaceous perennial with a stalk of pink to mauve flowers that bloom early to mid-summer.		✓				✓
<i>Sisyrinchium idahoense</i>	Blue eyed grass	Part shade to full sun. Moist soils.	24"	✓	✓	✓	12"	This perennial herb has grass-like leaves, but has a light blue to dark purple (sometimes white) flower.	✓	✓				
<i>Tellima grandiflora</i>	Fringecup	Part shade. Moist soil.	14"- 30"	✓		✓	18"	A perennial herb with a spike of fragrant, greenish-white flowers that turn pink or reddish as the flowers age.	✓	✓				
<i>Tolmiea menziesii</i>	Youth-on-age	Full shade. Moist soil.	6" -12"	✓		✓	12"	Small plant that forms a delicate groundcover. The tiny flowers are brownish-purple.	✓	✓				

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Grasses, Sedges, and Rushes				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
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<i>Agrostis exarata</i>	Spiked bentgrass	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	1'-3'	✓			12"	A perennial grass that grows in tufted form and has erect spikes, as its name suggests.		✓	✓			
<i>Beckmannia syzigachne</i>	American sloughgrass	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	1'-3'	✓			12"	A stout grass with somewhat spongy stems, this plant grows on its own or in groups. This species can be planted or seeded.		✓	✓			
<i>Bromus sitchensis</i>	Sitka brome	Full sun. Dry soils.	6"- 18"			✓	12"	A stout perennial grass with flowers in open, airy panicles.	✓					
<i>Carex lyngbyei</i>	Lyndgye's sedge	Part shade to full sun. Wet soils.	3'	✓			12"	A wetland sedge with lime to medium green foliage. Tops of leaf blades sometimes slightly arching. Brown flower stalks.		✓				✓
<i>Carex obnupta</i>	Slough sedge	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	1'-3'	✓			12"	A large tufted sedge with erect, then arching leaf blades and large brown arching flower heads.		✓	✓	✓		
<i>Carex stipata</i>	Saw beaked sedge	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	1'-3'	✓			12"	A tufted arching sedge, this plant has pyramidal flower clusters that turn from light green to golden as they mature. Flower stems are erect and leaves are bright spring green.		✓	✓			
<i>Danthonia californica</i>	California oat grass	Full sun. Dry to moist soil.	10"- 12"		✓	✓	12"	A delicate, native, clumping grass with purplish-red flowers.	✓	✓				
<i>Deschampsia cespitosa</i>	Tufted hairgrass	Full sun. Moist to wet soil.	18"- 4'	✓	✓	✓	12"	This large, clumping grass has big feathery flower heads with bronze arching flowers.	✓	✓	✓			✓
<i>Eleocharis palustris</i>	Common spikerush	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	1'-3'	✓			12"	A mat-forming perennial spikerush with erect slender stems.		✓	✓	✓	✓	
<i>Elymus glaucus</i>	Blue wildrye	Full shade to full sun. Dry to moist soil.	2'-4'	✓	✓	✓	12"	A tufted perennial grass that forms small clumps and has light blue-green green leaf blades.	✓	✓				✓

Bainbridge Island Mitigation Manual Plant List

Grasses, Sedges, and Rushes				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	
<i>Elymus mollis</i>	Dune grass	Full sun. Moist to wet soil.	3'	✓			24"	An industrial strength dune grass that forms large clumps and spreads via underground stems. A hearty weed competitor.		✓				✓
<i>Festuca rubra</i>	Red fescue	Full sun to full shade. Dry to moist soil.	2'	✓	✓	✓	12"	A versatile grass that spreads by rhizome. One of the few shade tolerant grasses.	✓	✓				
<i>Glyceria occidentalis</i>	Northwestern mannagrass	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	1'-5'	✓			12"	A tall perennial wetland grass.		✓	✓	✓	✓	
<i>Hordeum brachyantherum</i>	Meadow barley	Full sun. Dry to moist soil.	1'-3'	✓	✓	✓	12"	A hardy native tolerant of wet, dry, and saline sites. This species is used for erosion control and as a groundcover. Can sometimes compete with reed canary grass.	✓	✓				
<i>Juncus ensifolius</i>	Dagger-leaf rush	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	6" to 2.5'	✓			12"	A small rush with an erect form, this wetland species spreads by rhizome.		✓	✓	✓		
<i>Juncus tenuis</i>	Slender rush	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	6" to 2'	✓			12"	This rush is best planted, due to its low seed fertility rate. A clump forming perennial rush.		✓	✓	✓		
<i>Schoenoplectus acutus</i>	Hardstem bulrush	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	3' to 6'	✓			12"	A good wetland species to use for soil stabilization and water treatment. Birds eat the seeds, but this plant is not a preferred food of deer and elk.		✓	✓	✓	✓	
<i>Schoenoplectus microcarpus</i>	Soft stem bulrush	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	2' to 3'	✓			12"	A good soil stabilization and water quality species, this plant spreads readily by rhizome.		✓	✓	✓		

Bainbridge Island Mitigation Manual Plant List

Bainbridge Island Emergent Seed Mix			Seasonal Water Level Tolerance				
Latin Name	Common Name	% Mix	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet
<i>Beckmannia syzigachne</i>	American sloughgrass	20		✓	✓	✓	
<i>Carex obnupta</i>	Slough sedge	10					
<i>Eleocharis palustris</i>	Common spikerush	10					
<i>Elymus glaucus</i>	Blue wildrye	20					
<i>Glyceria occidentalis</i>	Northwestern mannagrass	10					
<i>Juncus ensifolius</i>	Dagger-leaf rush	10					
<i>Juncus tenuis</i>	Slender rush	10					
<i>Schoenoplectus acutus</i>	Hardstem bulrush	5					
<i>Schoenoplectus microcarpus</i>	Soft stem bulrush	5					

Bainbridge Island Wetland Bottom Seed Mix			Seasonal Water Level Tolerance				
Latin Name	Common Name	% Mix	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet
<i>Agrostis exarata</i>	Spiked bentgrass	20		✓	✓	✓	✓
<i>Carex stipata</i>	Saw beaked sedge	30					
<i>Glyceria occidentalis</i>	Northwestern mannagrass	20					
<i>Schoenoplectus microcarpus</i>	Soft stem bulrush	30					

Bainbridge Island Moist to Dry Slope Seed Mix			Seasonal Water Level Tolerance				
Latin Name	Common Name	% Mix	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet
<i>Deschampsia cespitosa</i>	Tufted hairgrass	20	✓	✓			
<i>Hordeum brachyantherum</i>	Meadow barley	30					
<i>Elymus glaucus</i>	Blue wildrye	15					
<i>Festuca rubra</i> var <i>rubra</i>	Red fescue	20					
<i>Bromus carinatus</i>	California brome	15					

Bainbridge Island Mitigation Manual Plant List

Bainbridge Island Emergent Wildflower/Pollinator Seed Mix			Seasonal Water Level Tolerance				
Latin Name	Common Name	% Mix	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet
<i>Camassia quamash</i>	Common camas	25	✓	✓			
<i>Erigeron speciosus</i>	Aspen daisy	25					
<i>Lupinus polyphyllus</i>	Large-leaf lupine	25					
<i>Sisyrinchium idahoense</i>	Blue eyed grass	25					

Bainbridge Island Upland Grass Seed Mix			Seasonal Water Level Tolerance				
Latin Name	Common Name	% Mix	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet
<i>Bromus carinatus</i>	California brome	20	✓				
<i>Festuca rubra</i> var. <i>rubra</i>	Red fescue	30					
<i>Hordeum brachyantherum</i>	Meadow barley	50					

Bainbridge Island Upland Forb Seed Mix			Seasonal Water Level Tolerance				
Latin Name	Common Name	% Mix	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet
<i>Achillea millefolium</i>	Yarrow	25	✓				
<i>Clarkia amoena</i>	Farewell-to-spring	25					
<i>Lupinus bicolor</i>	Bicolor lupine	25					
<i>Solidago canadensis</i>	Canada goldenrod	25					

ORDINANCE NO. 2014-04

EXHIBIT 2

Comprehensive Plan Amendments

Section 1. Policy W 6.5 of the Land Use Element of the City of Bainbridge Island Comprehensive Plan is amended to read as follows:

Land Use Element

W 6.5 Expansion or redevelopment of existing, legally established industrial areas, facilities, and services with the possibility of incorporating mixed use development that incorporates either a substantial water-dependent use or appropriate public access should be encouraged over the addition and/or location of new or single-purpose industrial facilities. Such development or redevelopment for mixed use should occur through a master planned development process in areas designated appropriate for such urban shoreline uses.

Section 2. A new section is added to the Environment Element of the City of Bainbridge Island Comprehensive Plan to read as follows:

Shoreline Master Program Goals and Policies (Ordinance No. 2014-04)

Shoreline Master Program - Master Goal

The City's shorelines are among the most valuable and fragile of our natural resources and their use, protection, restoration, and preservation is of public interest to all residents of the City. The Island shorelines provide a significant part of our way of life as a place of residence, recreational enjoyment, and occupation. It is the intent of this program to manage the shorelines of Bainbridge Island consistent with the requirements of the Shoreline Management Act, the Shoreline Master Program Guidelines, and the Growth Management Act, giving preference to water-dependent and water-related uses, and to encourage all reasonable and appropriate development and other activities to occur in a manner which will promote and enhance the public interest and protect environmental resources. An over-arching goal of this Master Program is to ensure that future use and development of the City's shorelines maintains a balance between competing uses, results in no net loss of shoreline ecological functions, and achieves a net ecosystem improvement over time.

The goals and policies of the City of Bainbridge Island Shoreline Master Program adopted by Ordinance No. 2014-04 are hereby adopted by reference.

Section 3. Policy WMP 2-3.8 of the Land Use Chapter of the Winslow Master Plan, a subplan of the City of Bainbridge Island Comprehensive Plan, is amended to read as follows:

Winslow Master Plan

Policy WMP 2-3.8: Enhance the experience of Winslow as a waterfront town that is connected to Eagle Harbor by activity, trails, views, lanes and design features, consistent with the Shoreline Master Program:

- Utilize FAR levels, development standards and incentives to encourage development and redevelopment along Bjune Drive.
- Actively work to acquire land, easements and permits needed to extend the Waterfront Trail and develop a ravine trail.
- Develop new facilities for visitors, residents and the community, including public road ends, beaches, concessions, docks, marinas and mooring.
- Plan for a future water taxi connection between the Winslow and Eagledale waterfronts.
- Improve water quality through restoration projects, management practices and environmentally responsible building techniques.
- Retain views of the harbor from public lands and streets.

Section 4. New policy WMP 2-6 is added to the Central Core Overlay District of the Land Use Chapter of the Winslow Master Plan, a subplan of the Comprehensive Plan, to read as follows:

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.

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.

Policy WMP 2-6.3: Increase the vitality of the civic plaza — currently comprised of the Farmers’ Market, BPA and City Hall — by developing better circulation and enhanced pedestrian amenities, providing opportunities for future civic and cultural buildings; and encouraging a greater variety of activities.

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.

Policy WMP 2-6.5: Enhance public connections to Eagle Harbor and the waterfront by maximizing opportunities for visual and physical access to the shoreline and promoting appropriate development, consistent with the Shoreline Master Program.

Section 5. Policy WMP 2-10.2 of the Land Use Chapter of the Winslow Master Plan, a subplan of the City of Bainbridge Island Comprehensive Plan, is amended as follows:

Policy WMP 2-10.2: Enhance the district’s status as the “gateway” to Winslow by maximizing opportunities for visual and physical access to the shoreline while protecting, reclaiming and sustaining high quality, native shoreline vegetation and by promoting appropriate development consistent with the Shoreline Master Program. Civic and public uses should be provided along the waterfront.

ORDINANCE NO. 2014-04
EXHIBIT 3

Administrative Amendments to Title 2 of the Bainbridge Island Municipal Code

Section 1. Section 2.14.010 of the Bainbridge Island Municipal Code is amended to read as follows:

2.14.010 CITY COUNCIL

A. The city council of Bainbridge Island serves as the legislative body for the municipality and the decision-maker on some types of quasi-judicial land use decisions. More specifically, city council makes final decisions on:

1. Final long subdivisions; and
2. Site-specific rezones; and
3. Consolidated project reviews where any element requires city council approval.

B. In addition, city council exercises its legislative authority regarding land use by making final decisions on:

1. Adoption or amendment of development regulations in this BIMC; and
2. Adoption of comprehensive plan amendments; and
3. Adoption of special area plans; and
4. Area-wide rezones; and
5. Adoption of, amendments to, or revisions of the Shoreline Master Program. To become effective any amendments to the Shoreline Master Program must be reviewed and approved by the Department of Ecology, pursuant to RCW 90.58.190 or its successor and Chapter 173-26 WAC or its successor.

Section 2. Section 2.16.010, Land Use Procedures Summary Table, is amended to read as follows:

Table 2.16.010-1: Summary Table of Land Use Procedures						
R = Review and Recommendation, (R) = Optional Review, D = Decision, A = Appeal, P = Public Hearing, (P) = Optional Public Hearing						
	DRB	Planning Comm.	Director	Hearing Examiner	City Council	Courts
Administrative Approvals						
Clearing Permit			D	A		
Conversion Option Harvest Plan Permit			D	A		
Minor Conditional Use	(R)	(R)	D	A		
Minor Variance		(R)	D	A		
Agricultural Conditional Use			D	A		
Large Lot Subdivisions (Prelim)			D	A		
(Final)			D			A

Table 2.16.010-1: Summary Table of Land Use Procedures

R = Review and Recommendation, (R) = Optional Review, D = Decision, A = Appeal, P = Public Hearing, (P) = Optional Public Hearing

	DRB	Planning Comm.	Director	Hearing Examiner	City Council	Courts
Minor Shoreline Variance (See BIMC 16.12.360) [1]		(R)	D	A		A [2]
<u>Minor Shoreline Conditional Use [1]</u>		<u>(R)</u>	<u>D</u>	<u>A</u>		<u>A [2]</u>
Public Works Administrative Decisions			D			A
SEPA Determinations			D	A		
Shoreline Substantial Development Exemption [1] (See BIMC 16.12.360 and 16.12.150)			D	A		
Shoreline Substantial Development Permit (See BIMC 16.12.360) [1]		(R)	D	A		A [2]
Short Subdivisions (Prelim)			D	A		
(Final)			D	A		A
Sign Permits			D			A
Minor Site Plan and Design Review	(R)	(R)	D	A		
Major Site Plan and Design Review (Any SPR in the B/I district must be processed through a major SPR)	R	R	D	A		
All other administrative decisions: This includes agricultural retail plans, boundary line adjustments (See BIMC 2.16.090), building and other construction permits, building administrative decisions, clearing permits, BIMC interpretations, habitat management plans (See BIMC 16.20.060), wetlands special use review (See BIMC 16.20.160.G), buffer averaging (See BIMC 16.20.050.B), wetlands exemption (See BIMC 16.20.040.C), vegetation management permit (See BIMC 16.22.070), extension of construction noise hours (See BIMC 16.16.025), and any other administrative land use decision authorized by this code to be made by the						

Table 2.16.010-1: Summary Table of Land Use Procedures

R = Review and Recommendation, (R) = Optional Review, D = Decision, A = Appeal, P = Public Hearing, (P) = Optional Public Hearing

	DRB	Planning Comm.	Director	Hearing Examiner	City Council	Courts
director.			D	A		
Quasi-Judicial Decisions by the Hearing Examiner						
Conditional Use Permits	(R)	(R)	R	D/P		A
Variances		(R)	R	D/P		A
Reasonable Use Exception (See BIMC 16.20.080)		(R)	R	D/P		A
<u>Major</u> Shoreline Variances (See Chapter 16.12 BIMC) [1]		(R)	R	D/P		A [23]
<u>Major</u> Shoreline Conditional Use Permits [1]			R	D/P		A [23]
Long Subdivisions (Prelim)			R	D		A
Quasi-Judicial Decisions by City Council						
Long Subdivisions (Final)			R		D	A
Site-Specific Rezones		(R)	R	R/P	D	A
Consolidated Project Review						
See BIMC 2.16.170						
Legislative Approvals						
Adoption or Amendment of Development Regulations		R/P	R		D (P)	A
Comprehensive Plan Amendments		R/P	R		D (P)	A
Legislative Area-Wide Rezones		R/P	R		D (P)	A

Table 2.16.010-1: Summary Table of Land Use Procedures

R = Review and Recommendation, (R) = Optional Review, D = Decision, A = Appeal, P = Public Hearing, (P) = Optional Public Hearing

	DRB	Planning Comm.	Director	Hearing Examiner	City Council	Courts
Special Area Plans		R/P	R		D (P)	A

[1] City decisions on shoreline variances, shoreline substantial development permits, and shoreline conditional use permits must be reviewed by the Washington Department of Ecology pursuant to WAC 173-27-130 and RCW 90.58.140(10). The Department of Ecology may approve, approve with conditions, or deny the application.

[2] The hearing examiner's decision is forwarded to the Department of Ecology (DOE) for decision. The DOE decision is then appealable to the Shoreline Hearings Board. (See ~~Chapter 16.12~~ Section 2.16.165.I BIMC.)

~~[3] The hearing examiner's decision is forwarded to the Department of Ecology (DOE) for decision. The DOE decision is then appealable to the Shoreline Hearings Board. (See Chapter 16.12 BIMC.)~~

Section 3. A new Section 2.16.165 is added to Chapter 2.16 to read as follows:

NOTE: Changes to this new chapter required by the Department of Ecology and are indicated in ~~strikeout~~/ underline format below.

2.16.165 SHORELINE MASTER PROGRAM ADMINISTRATION

A. GENERAL PURPOSE

The Shoreline Master Program administrative system is designed to assign responsibilities for implementation of the Master Program and shoreline permit review; to prescribe an orderly process by which to review proposals, exemptions and permit applications; and to ensure that all persons affected by the Master Program are treated in a fair and equitable manner.

B. ADMINISTRATIVE RESPONSIBILITIES

1. The City of Bainbridge Island Director of Planning and Community Development or his/her designee, herein known as the Administrator, is responsible for the administration of the Shoreline Management Act (SMA) (Chapter 90.58 RCW or its successor) and the shoreline master program (SMP) of the city and is vested with the following:
 - a. Overall administrative responsibility for the Master Program;
 - b. Authority to grant statements of exemption from shoreline permits;
 - c. Authority to approve, approve with conditions, or deny shoreline substantial development permits and permit revisions in accordance with the policies and regulations of the Master Program, provided that the decision may be appealed in accordance with BIMC Section 2.16.165 (I);
 - d. Authority to decide whether a shoreline variance permit application is minor, qualifying it for administrative decision; if the shoreline variance is not minor, it will be processed following the procedures in Section 2.16.165.G of this section;
 - e. Authority to approve, approve with conditions, or deny shoreline variance permit applications determined to be minor, provided that the decision may be appealed in accordance with BIMC Section 2.16.165 (I);
 - f. Authority to refer any application for a shoreline substantial development Permit, or a shoreline

- variance or conditional use to the Planning Commission for a recommendation; and
- g. Authority to determine compliance with RCW 43.21C, State Environmental Policy Act or its successor.
2. The duties and responsibilities of the Administrator shall include:
- a. Specifying the required application forms and submittal requirements including the type, details, and number of copies for exemptions, substantial development, conditional use, and shoreline variance permits. At a minimum, the application shall include the information required in WAC 173-14-110 or its successor.
 - b. Advising interested citizens and applicants of the goals, policies, regulations, and procedures of this program.
 - c. Making administrative decisions and interpretations of the policies and regulations of this program and the Shoreline Management Act.
 - d. Determining whether a shoreline exemption, shoreline substantial development permit, shoreline conditional use permit, or shoreline variance permit is required.
 - e. Collecting applicable fees and determining that all applications and necessary related information are provided.
 - f. Making field inspections.
 - g. Conducting a thorough review and analysis of permit applications and related materials, and making written findings and conclusions.
 - h. Making decisions pursuant to section 1 above.
 - i. Referring applications to the Planning Commission for recommendations when requested by the applicant or when the Director deems appropriate.
 - j. Submitting applications and all relevant information and materials along with written findings and recommendations to the Hearing Examiner pursuant to section 1 above.
 - k. Providing technical and administrative assistance to the Council, as needed, for effective and equitable implementation of this program and the Act.
 - l. Conducting on-going monitoring of the Master Program's effectiveness, identifying problem areas, and recommending Program improvements.
 - m. Proposing amendments to this program as deemed necessary to more effectively and equitably achieve its goals and policies.
 - n. Seeking remedies for alleged violations of this program, the provisions of the Act, or of conditions of any approved shoreline permit.
 - o. Coordinating information with affected agencies.
 - p. Forwarding shoreline permits to Ecology for filing or appropriate action.

C. PERMIT OR EXEMPTION REQUIRED- BEFORE UNDERTAKING DEVELOPMENT OR ACTIVITY

1. Permits Required
 - a. A development, use, or activity shall not be undertaken within the jurisdiction of the Shoreline Management Act (Chapter 90.58 RCW or its successor) and the Shoreline Master Program, unless it is consistent with the policy and procedures of the Shoreline Management Act, applicable State regulations and the Shoreline Master Program.
 - b. Any person wishing to undertake substantial development or exempt development on shorelines shall first make application to the Administrator for an appropriate shoreline permit or a statement of exemption, and obtain all approvals, following the applicable procedures pursuant to BIMC Title 2.

- c. A substantial development shall not be undertaken within the jurisdiction of the Shoreline Management Act (Chapter 90.58 RCW or its successor) and the Shoreline Master Program, unless an appropriate shoreline permit has been obtained, the appeal period has been completed, any appeals have been resolved, and/or the applicant has been given permission by the proper authority to proceed pursuant to the procedures of this chapter BIMC Title 2.
 - d. If a development, use or activity is listed as a conditional use by the Shoreline Master Program, such development, use, or activity shall not be undertaken within the jurisdiction of the Shoreline Management Act (Chapter 90.58 RCW or its successor) and the Master Program, unless a shoreline conditional use permit has been obtained, the appeal period has been completed, any appeals have been resolved, and/or the applicant given permission to proceed by the proper authority pursuant to the procedures of this chapter BIMC Title 2.
 - e. If a development, use, or activity cannot comply with the regulations of the Master Program, a shoreline variance must be obtained before commencement of development or construction, or beginning the use or activity pursuant to the procedures of BIMC Title 2.
 - f. If a project includes uses or activities that include permitted and conditional uses, or a major shoreline variance is required, all shoreline permits shall be heard and decided by the Hearing Examiner using the procedures, requirements, and criteria for a conditional use and/or shoreline variance pursuant to the procedures of BIMC Title 2.
 - g. See WAC 173-14-050 or its successor for a description of how the permit requirements apply to developments undertaken prior to the passage of the Shoreline Management Act of 1971.
 - h. See WAC 173-14-062 or its successor for a description of how the permit requirements apply to federal agency projects.
2. Statement of Exemption
- a. If it has been determined by the Administrator that a proposed development or activity is exempt from shoreline permits pursuant to WAC 173-27-040, a statement of exemption shall be required following the procedures provided in BIMC Chapter 2.16. No exempt development, use or activity shall be undertaken within the jurisdiction of the Shoreline Management Act (Chapter 90.58 RCW or its successor) and the Master Program, unless a statement of exemption has been obtained from the Administrator and all conditions are met.

D. APPLICATIONS

The Administrator shall provide the necessary application forms for statements of exemption and for permits for shoreline substantial development, shoreline conditional use, and shoreline variance. The application shall provide, at a minimum, the information required by WAC 173-14-110, or its successor along with the information required on the permit application.

E. STATEMENT OF EXEMPTION FROM SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

1. Purpose and Applicability

Certain development activities identified in WAC 173-27-040 are exempt from the requirement to secure a shoreline substantial development permit; however, a shoreline variance or shoreline conditional use permit may still be required. State law requires that exemptions be construed narrowly. Exemption from substantial development permit procedures does not constitute exemption from compliance with the policies and use regulations of the SMA (RCW 90.58), the provisions of the Master Program, or applicable City, state or federal permit requirements. Applicants shall have the burden to demonstrate that the proposal complies with the requirements for the exemptions sought as described under WAC 173-27-040, or its successor. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project, pursuant to WAC 173-27-040(d), or its successor.

2. Procedure

- a. In the case of an emergency, the Administrator may waive this requirement and authorize the use or activity orally or in writing. If authorized orally, the applicant shall submit a required application as soon as possible.
- b. The Administrator shall decide requests for a statement of exemption based on WAC 173-27-040 or its successor and the provisions of the Shoreline Management Act and the Master Program.
- c. Before determining that a proposal is exempt, the Administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria.
- d. Exempt developments and activities shall comply with the Shoreline Management Act and the Master Program. The Administrator shall condition statements of exemption to ensure the exempt development or activity complies with the Shoreline Management Act and the Master Program.
- e. In the case of development subject to the policies and regulations of the Master Program, but exempt from the substantial development permit process, shoreline management requirements may be made conditions of the building permits and/or other permits and approvals. For example, the approval of a building permit for a single-family residence can be conditioned with provisions from the Master Program.
- f. Whenever a development falls within the exemptions stated in WAC 173-27-040 or its successor, but is still subject to those permits listed in WAC 173-27-040 (as amended), a letter exempting the development from the substantial development permit requirements of Chapter 90.58 RCW or its successor shall be given to the applicant and Department of Ecology.

3. Decision Criteria

- a. Exemptions shall be narrowly construed, when making the determination, the Administrator shall grant a statement of exemption only when the development proposed is consistent with the following:
 - i. The applicable policies, guidelines, and regulations of the policies, guidelines and regulations of the Shoreline Management Act of 1971, RCW 90.58, as amended, WAC 173-26 and WAC 173-27 or its successor;
 - ii. The goals, policies, objectives and regulations of the City of Bainbridge Island Shoreline Master Program;
 - iii. The City of Bainbridge Island Comprehensive Plan and Municipal Code; all other applicable law; and any related documents and approvals.

4. Action of Administrator

The Administrator may grant, deny, or conditionally approve the shoreline exemption request. The approval or conditional approval will become conditions of approval for any related development permit, and no development permit will be issued unless it is consistent with the statement of exemption. A copy of the City's statement of exemption shall be filed with the Department of Ecology.

5. Application Timeframe

The approval for a shoreline exemption shall be the same as the expiration date of the development permit. All conditions of the approval for a shoreline exemption shall be included in the conditions of approval granted for the development permit.

6. Appeal

Any person aggrieved by the Administrator's determination on a shoreline exemption request may be appealed, except as stated below, using the applicable appeal provision of BIMC Section 2.16.165 (I). If a proposed development activity also requires approval through other permit procedures, any appeal of a shoreline exemption requires will be heard as part of that other process.

F. SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

1. Purpose and Applicability
Substantial development is any development of which the total cost or fair market value exceeds ~~five thousand seven hundred and eighteen~~ six thousand four hundred and sixteen dollars (\$5,718 ~~6,416~~) or any development, which materially interferes with the normal public use of the waters or shorelines of the state, except those exempted developments set forth in the preceding section, consistent with WAC 173-27-040, or its successor.
2. Procedure
Shoreline substantial development permits shall be approved through the general administrative review procedures described in BIMC 2.16.030 except as described below. Application materials for shoreline substantial development permits can be found in the Administrative Manual.
 - a. Public Comment - The City shall not make a decision on the permit until after the end of the comment period.
 - i. A thirty (30) day public comment period shall be given for shoreline permits.
 - ii. The public comment period shall be twenty (20) days for substantial development permits for a limited utility extension or for erosion control measures to protect a single-family residence and its appurtenant structures. (See Shoreline Master Program definition of "limited utility extension, Chapter 16.12.")
 - iii. SEPA review shall be conducted as provided by BIMC Chapter 16.04 Environmental Policy or its successor. The required SEPA notices should be included with the shoreline notices when possible. The SEPA documents should be circulated with permit documents where possible.
3. Decision and Criteria
After the thirty (30) day comment period has ended, the Administrator shall issue a decision on the application.
 - a. The Administrator may approve, approve with modifications, or deny any substantial development permit.
 - b. Decision Criteria.
 - i. In making the decision, the Administrator shall grant a substantial development permit only when the development proposed is consistent with the following:
 - A. The applicable policies, guidelines, and regulations of the policies, guidelines and regulations of the Shoreline Management Act of 1971, RCW 90.58, as amended, WAC 173-26 and WAC 173-27 or its successor;
 - B. The goals, policies, objectives and regulations of the City of Bainbridge Island Shoreline Master Program;
 - C. The City of Bainbridge Island Comprehensive Plan and Municipal Code; all other applicable law; and any related documents and approvals.
 - ii. The Administrator shall also consider whether the cumulative impact of additional past and future requests that reasonably may be made in accordance with the Comprehensive Plan, or similar planning document, for like actions in the area will result in substantial adverse effects on the shoreline environment and shoreline resources.
 - c. The applicant(s) shall have the burden of proving that a proposed development is consistent with the approval criteria and Master Program policies and regulations. [WAC 90.58.140(7) or its successor].
 - d. The Administrator may require additional information if necessary.
 - e. The Administrator shall issue a written decision which contains the following:

- i. A statement indicating the application is approved, approved with modifications, or denied;
 - ii. A statement of any conditions included as part of an approval or approval with modifications;
 - iii. A statement of facts upon which the decision, including any conditions, is based, and the conclusions derived from those facts; and
 - iv. A statement of the right of any person to appeal the decision of the Administrator pursuant to BIMC Section 2.16.165 (I) below.
- f. The Administrator may refer the application to the Planning Commission for review and recommendations prior to deciding the application. The application shall also be referred to the Planning Commission for a recommendation at the request of the applicant. The Planning Commission makes its recommendation following its review of the proposal, the environmental checklist, and the tentative threshold determination.
- g. The permit, whether approved or denied, shall be in the form required by WAC 173-27- 120 or its successor.
- 4. Distribution/notification of Administrative Decision.
 - a. The Administrator shall mail the applicant the original of the completed permit form and the findings and conclusions.
 - b. All persons who submitted comments on the application during the comment period (see paragraph above) and anyone else requesting notification in writing, shall be notified in a timely manner of the decision and shall be mailed a copy of the decision.
- 5. Application Timeframe
 - a. Substantial Progress
 - i. Substantial progress towards completion of a permitted activity shall be undertaken within two (2) years after approval of the permit [WAC 173-27-090, or its successor]. See definition of "substantial progress."
 - ii. The Administrator may, with prior notice to parties of record and to Ecology, grant one extension of the two (2) year time period for substantial progress for up to one (1) year based on reasonable factors which would justify the extension, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction [WAC 173-27-090, or its successor]. The request for the extension must be filed with the Administrator before the end of the time limit.
 - b. Five Year Permit Authorization
 - i. The authorization granted by an approved permit to construct any structure or conduct any use or activity shall terminate five (5) years after the date the permit is approved by the City, except that the permit may be authorized for a lesser period of fixed duration.
 - ii. Where an approved permit authorizes construction, the use and maintenance of the structure or facility may continue after the five (5) year period, provided the structure was completed during the five (5) year time limit or any approved extension.
 - iii. Where an approved permit authorizes a use or activity which does not require a structure, such as mining or maintenance dredging, the use or activity shall cease at the end of the five (5) year limit or any extension as granted in paragraph (iv) below.
 - iv. The Administrator may, with prior notice to parties of record and to Ecology, grant one (1) time extension of up to one year based on reasonable factors which would justify the extension. The request for the extension must be filed with the Administrator before the end of the time limit.
 - c. The application time limits shall not include the time during which an activity was not actually pursued due to the pendency of reasonably related administrative appeals or litigation.
 - d. When a permit is conditioned, the conditions shall be satisfied prior to occupancy or use of a structure, or prior to commencement of a nonstructural activity, provided an alternative compliance

limit may be specified in the permit.

- e. Revisions to permits may be authorized after the original permit has expired under paragraph b of this section, provided this procedure shall not be used to extend the original permit time requirements. [WAC 173-27-060, or its successor].
6. Adjustments to Approved Shoreline Substantial Development Permits.
- a. Minor adjustments to an approved shoreline substantial development permit may be made after review by the Administrator. The applicant must submit detailed plans and text describing the proposed changes. If the Administrator determines that the revisions proposed are within the scope and intent of the original permit, consistent with WAC 173-27-100 or its successor, the Administrator may approve the revision as a Minor Adjustment.
 - b. A Minor Adjustment entails a revision that is "within the scope and intent of the original permit," which means all of the following:
 - i. No additional over-water construction is involved, except that pier, dock, or float construction may be increased by five hundred (500) square feet or ten (10) percent, whichever is less;
 - ii. Ground area coverage and height of each building is not increased more than ten (10) percent;
 - iii. Additional structures located landward and not within required buffer or setback areas do not exceed a total of two hundred fifty (250) square feet;
 - iv. The revision does not authorize development to exceed height, setback, lot coverage, or any other requirement of the City of Bainbridge Island Shoreline Master Program;
 - v. Additional landscaping is consistent with conditions, if any, attached to the original permit and with the applicable Master Program provisions;
 - vi. The use authorized pursuant to the original permit is not changed; and
 - vii. No ~~substantial~~ adverse, environmental impact will be caused by the project revision. WAC 173-27-064 (2)(a-g) as amended.
 - c. If the sum of the proposed revision and any previously approved revisions do not meet the criteria above, the revision shall be reviewed through a Major Adjustment process. This shall be processed in the same manner as a new shoreline substantial development permit application. If the ~~revision~~ adjustment involves a conditional use or shoreline variance which was conditioned by the Department of Ecology, the ~~revision~~ adjustment also must be reviewed and approved by Ecology. [WAC 173-27-064 or its successor].
 - d. A City or Ecology decision on a minor or major adjustment to the permit may be appealed within twenty-one (21) days of such decision, in accordance with RCW 90.58.180 or its successor, and WAC 173-27-064 or its successor.
 - e. Construction allowed by the revised permit that is not authorized under the original permit is undertaken at the applicant's risk until the expiration of the appeals deadline.
7. Appeal
- The decision of the Administrator may be appealed to the Hearing Examiner following the procedures of BIMC Section 2.16.165 (I).

G. SHORELINE VARIANCE, MINOR OR MAJOR

This subsection applies to all applications for shoreline variances

- 1. Purpose
- The purposes of a shoreline variance permit is strictly limited to granting relief to specific bulk,

dimensional, or performance standards set forth in the Master Program, where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant or thwart the Shoreline Management Act policies as stated in RCW 90.58.020 or its successor.

2. Applicability

- a. The minor variance process may be used for minor deviations from zoning standards in BIMC Title 18 and BIMC 16.12 as determined by the director. Minor projects should be limited to: (a) projects that are exempt from review under the State Environmental Policy Act (SEPA), or (b) proposals for less than a 25 percent encroachment in required yards, or (c) proposals of less than a 25 percent increase in lot coverage. All other variances shall be considered a Major Variance and processed as described in 2(b) below.
- b. This process may also be used for minor variation(s) from the engineering requirements of the adopted city of Bainbridge Island engineering and development standards if the requested variation will further the purposes of the BIMC and is approved by the department director, after recommendation by the city engineer and/or the fire marshal.
- c. This procedure is not available to obtain variances from subdivision standards in BIMC Title 17 or to obtain variances from BIMC Title 18 zoning standards cross-referenced in BIMC Title 17 as part of a short subdivision, long subdivision, or large lot subdivision approval or amendment process, except for those engineering standards covered by subsection B.2 of this section.
- d. This procedure is not available to allow the siting for an accessory dwelling unit where it would not otherwise be permitted.
- e. A variance shall not be granted solely because of the presence of nonconformities in the vicinity of the subject site.
- f. The project involves only one project.
- g. The project has not generated a significant public input.

3. Procedure

- a. Minor Shoreline Variance
The Administrator shall review a minor shoreline variance application following procedures in section F.2, above.
- b. Major Shoreline Variance
Applications for shoreline variances that are more intensive than the minor shoreline variance as determined by the Administrator shall be decided by the Hearing Examiner following the procedures in BIMC 2.16.100, or its successor, supplemented by the following provisions:
 - i. The decision of the Hearing Examiner shall be the final City decision, and may be appealed in accordance with paragraphs BIMC Section 2.16.165 (I).
- d. Notice of Application and Comment Period - In addition to the notice of application content established in BIMC 2.16.020(K), notice of application for shoreline variance permits must also contain the information required under WAC 173-27-110.
- e. Notice of Hearing – When a public hearing is required, the procedures of BIMC 2.16.020 (K)(6) shall apply.
- f. The Administrator shall mail the final City decision to the applicant, the State Department of Ecology, and the State Attorney General. The permit must be received by Ecology within eight (8) days of the date of the decision. Within eight (8) days of the date of the decision, the Administrator shall also mail the decision to any person who requested notice of the decision.
- g. The State Department of Ecology shall approve, approve with conditions, or deny all shoreline

variances approved by the City. Ecology's decision must be made within thirty (30) days of the date the permit and other information required by WAC 173-14-090 or its successor are received by Ecology and the Washington State Attorney General. Ecology will send a letter to the applicant and the City informing them of the decision. Upon receipt of the Ecology decision, the Administrator shall notify those interested persons who requested notification.

4. Decision Criteria

Pursuant to WAC 173-27-210 170 or its successor, the criteria below constitute the minimum criteria for review and approval of a shoreline variance permit.

- a. Shoreline variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), and/or landward of any wetland, as defined in BIMC 16.12, may be authorized provided the applicant can demonstrate all of the following:
 - i. The strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
 - ii. The hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
 - iii. The design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment
 - iv. The variance will not constitute a grant of special privilege not enjoyed by the other properties in the area
 - v. The variance requested is the minimum necessary to afford relief; and
 - vi. The public interest will suffer no substantial detrimental effect.
- b. Shoreline variance permits where the development will be located either waterward of the ordinary high water mark (OHWM) or within or within any wetland, defined in BIMC 16.12, may be approved or approved with conditions or modifications subject to approval by Ecology, if the decision maker finds the applicant has demonstrated compliance with all of the following criteria:
 - i. The strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
 - ii. The proposal is consistent with the criteria established under subsection (3)(ii) through (vi) of this section; and
 - iii. The public rights of navigation and use of the shorelines will not be adversely affected.
- c. In the granting of all shoreline variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if shoreline variances were granted to other developments in the area where similar circumstances exist, the total of the shoreline variances should also remain consistent with the policies of RCW 90.58 or its successor and should not produce substantial adverse effects to the shoreline environment.

5. Timeframe

Construction and activities authorized by a shoreline variance are subject to the time limitations in F(5). [WAC 173-27-090, or its successor].

6. Adjustments to Approved Shoreline Variance

- a. A permit revision is required whenever an applicant proposes substantive changes to the design, terms or conditions of a project from that approved as a shoreline variance. The applicant shall submit detailed plans and text describing the proposed changes in the permit and demonstrating

compliance with the following minimum standards pursuant to WAC 173-27.

- b. If the proposed changes are determined by the Administrator to be within the scope and intent of the original permit, and are consistent with the Act (RCW 90.58), the shoreline guidelines (WAC 173-26), and the shoreline master program, the revisions may be approved as a Minor Adjustment.
 - c. A Minor Adjustment entails a revision that is “within the scope and intent of the original permit,” which means all of the following:
 - i. No additional over-water construction is involved except that a pier, dock or floating structure may be increased by ten percent (10%) or 500 square feet whichever is less over that approved under the original approval;
 - ii. Ground area coverage and/or height may be increased a maximum of ten percent (10%) over that approved under the original approval; provided that, the revised approval does not authorize development to exceed the height, impervious surface, setback or any other requirements of this Program except as authorized under a variance granted for the original development;
 - iii. Additional or revised landscaping is consistent with any conditions attached to the original approval and with this Program;
 - iv. The use authorized pursuant to the original approval is not changed; and
 - v. The revision will not cause adverse environmental impacts ~~beyond those originally authorized in the approval.~~
 - d. Revisions to shoreline permits and statements of exemption may be authorized after the original authorization has expired. Revisions made after the expiration of the original approval shall be limited to changes that are consistent with this Program and that would not require a permit under this Program. If the proposed change is a substantial development as defined by this Program, then a new permit is required. The provisions of this paragraph shall not be used to extend the time requirements or to authorize substantial development beyond the time limits or scope of the original approval.
 - e. A new permit shall be required if the proposed revision and any previously approved revisions in combination would constitute development beyond the scope and intent of the original approval.
 - f. Upon approval of a revision, the decision maker shall file a copy of the revised site plan and a detailed description of the authorized changes to the original permit with the Department of Ecology together with a final ruling and findings supporting the decision based on the requirements of this section. In addition, the decision maker shall notify parties of record of the action.
 - g. If the proposed revision is to a development for which a shoreline variance was issued, the decision maker shall submit the revision to the Department of Ecology for approval with conditions or denial, and shall indicate that the revision is being submitted under the requirements of this paragraph. Under the requirements of WAC 173-27-110(6), the department shall render and transmit to the decision maker and the applicant/proponent its final decision within fifteen (15) days of the date of the Department’s receipt of the submittal from the decision maker. The decision maker shall notify parties on record of the Department’s final decision.
7. Appeal of Decision on Shoreline Variance
The decision of the Hearing Examiner may be appealed to the following the procedures of BIMC Section 2.16.165 (I).

H. SHORELINE CONDITIONAL USE PERMITS

Where a development includes several uses or activities and one or more uses or activities require a Shoreline conditional use permit, all uses and activities shall be processed and decided following the shoreline conditional use procedures.

1. Purpose

The purpose of a shoreline conditional use permit is to allow greater flexibility in applying the use regulations of the Master Program in a manner consistent with the policies of RCW 90.58.020, or its successor provided that shoreline conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of State policy enumerated in RCW 90.58.020 or its successor. In authorizing a conditional use, special conditions may be attached to the permit by the City or the State Department of Ecology to prevent undesirable effects of the proposed use. Uses which are specifically prohibited by the Master Program may not be authorized with approval of a shoreline conditional use permit.

2. Applicability

a. Minor Conditional use

As determined by the director, this procedure shall apply to (a) all minor conditional uses indentified in BIMC 16.12; (b) where the director determines that the anticipated impacts of those conditional uses will be minor or minimal; or (c) uses that are clearly consistent and compatible with other uses in the same zone or vicinity.

b. Major Conditional Use

As determined by the administrator, a major conditional use permit shall be secured from the city prior to establishing or expanding a use according to situations that include, but are not limited to: (a) the proposed use or expansion covers 50 percent or greater of the total lot area; (b) the proposed use is accessed by a local or private road; (c) the proposed use or expansion generates more than 36 total trips per day; (d) the proposed use or expansion contains four or more units in a multifamily dwelling; or (e) requests for additional nonresidential building height pursuant to BIMC 16.12

3. Procedure

a. Application - An application for a shoreline conditional use permit shall be submitted on a form provided by the City. The application should be accompanied by maps, a completed environmental checklist, applicable fees, and any other information specified in the Master Program or requested by the Administrator.

b. Minor Shoreline Conditional Use

i. The Administrator shall review a minor shoreline variance application following procedures in F.2, above.

c. Minor Shoreline Conditional Use

Applications for shoreline variances that are more intensive than the minor shoreline variance as determined by the Administrator shall be decided by the Hearing Examiner following the procedures in BIMC 2.16.100, or its successor, supplemented by the following provisions:

i. The decision of the Hearing Examiner shall be the final City decision, and may be appealed in accordance with paragraphs BIMC Section 2.16.165 (I).

d. Notice of Application and Comment Period - In addition to the notice of application content established in 2.16.020(K), notice of application for shoreline conditional use permits must also contain the information required under WAC 173-27-110.

e. Notice of Hearing – When a public hearing is required, the procedures of BIMC 2.16.020 (K)(6) shall apply.

f. The Administrator shall mail the final City decision to the applicant, the State Department of Ecology, and the State Attorney General. The permit must be received by Ecology within eight (8) days of the date of the decision. Within eight (8) days of the date of the decision, the Administrator shall also mail the decision to any person who requested notice of the decision.

g. The State Department of Ecology shall approve, approve with conditions, or deny all shoreline

conditional use permits approved by the City. Ecology's decision must be made within thirty (30) days of the date the permit and other information required by WAC 173-14-090 or its successor are received by Ecology and the Washington State Attorney General. Ecology will send a letter to the applicant and the City informing them of the decision. Upon receipt of the Ecology decision, the Administrator shall notify those interested persons who requested notification.

4. Decision Criteria – Conditional Use Permit

- a. Uses classified as conditional uses may be authorized provided that pursuant to WAC 173-27-140 and 160 or its successor, the applicant can demonstrate all of the following:
 - i. The proposed use will be consistent with the policies of RCW 90.58.020 or its successor and the policies of the Master Program;
 - ii. The proposed use will not interfere with the normal public use of the public shorelines;
 - iii. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
 - iv. The proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is located;
 - v. The public interest suffers no substantial detrimental effect. [WAC 173- 14-140(1) or its successor]; and
 - vi. The proposed use is consistent with the provisions of the Zoning Ordinance (BIMC Title 18).
- b. Other uses which are not listed in the Master Program as permitted or conditional uses and are also not prohibited may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in 3(a) above that 1) extraordinary circumstances preclude reasonable economic use of the property in a manner consistent with the policies of RCW 90.58.020, or its successor) that the proposed use would not produce significant adverse effects on the shoreline environment.
- c. In the granting of all shoreline conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area.

5. Timeframe

Construction and activities authorized by a shoreline conditional use permit are subject to the time limitations in F(5) [WAC 173-27-090, or its successor].

6. Adjustments to Approved Shoreline Conditional Use Permit

- a. A permit revision is required whenever an applicant proposes substantive changes to the design, terms or conditions of a project from that approved as a shoreline conditional use permit. When a revision of a shoreline conditional use permit is sought, the applicant shall submit detailed plans and text describing the proposed changes in the permit and demonstrating compliance with the following minimum standards pursuant to WAC 173- 27.
- b. If the proposed changes are determined by the Administrator to be within the scope and intent of the original permit, and are consistent with the SMA (RCW 90.58), the shoreline guidelines (WAC 173-26), and the shoreline master program, the revisions may be approved as a Minor Adjustment.
- c. A Minor Adjustment entails a revision that is “within the scope and intent of the original permit,” which means all of the following:
 - i. No additional over-water construction is involved except that a pier, dock or floating structure may be increased by ten percent (10%) or 500 square feet whichever is less over that approved under the original approval;
 - ii. Ground area coverage and/or height may be increased a maximum of ten percent (10%) over that

- approved under the original approval; provided that, the revised approval does not authorize development to exceed the height, impervious surface, setback or any other requirements of this Program except as authorized under a variance granted for the original development;
- iii. Additional or revised landscaping is consistent with any conditions attached to the original approval and with this Program;
 - iv. The use authorized pursuant to the original approval is not changed; and
 - v. The revision will not cause adverse environmental impacts ~~beyond those originally authorized in the approval.~~
- d. Revisions to shoreline permits and statements of exemption may be authorized after the original authorization has expired. Revisions made after the expiration of the original approval shall be limited to changes that are consistent with this Program and that would not require a permit under this Program. If the proposed change is a substantial development as defined by this Program, then a new permit is required. The provisions of this paragraph shall not be used to extend the time requirements or to authorize substantial development beyond the time limits or scope of the original approval.
 - e. A new permit shall be required if the proposed revision and any previously approved revisions in combination would constitute development beyond the scope and intent of the original approval.
 - f. Upon approval of a revision, the decision maker, shall file a copy of the revised site plan and a detailed description of the authorized changes to the original permit with the Department of Ecology together with a final ruling and findings supporting the decision based on the requirements of this section. In addition, the decision maker shall notify parties of record of the action.
 - g. If the proposed revision is to a development for which a shoreline conditional use or variance was issued, the decision maker shall submit the revision to the Department of Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this paragraph. Under the requirements of WAC 173-27-110(6), the department shall render and transmit to the decision maker and the applicant/proponent its final decision within fifteen (15) days of the date of the Department's receipt of the submittal from the decision maker. The decision maker shall notify parties on record of the Department's final decision.
7. Appeal of Decision on Conditional Use Permit
The decision of the Hearing Examiner may be appealed to the following the procedures of BIMC Section 2.16.165 (I).

I. SHORELINE APPLICATION APPEALS

- 1. Appeal - Administrative
 - a. The decision of the Administrator on Shoreline Exemptions or Shoreline Substantial Development Permits may be appealed to the Hearing Examiner within twenty-one (21) calendar days following the issuance of a written decision by the Administrator.
 - b. Appeals shall be initiated by filing with the City Clerk a notice of appeal setting forth the action being appealed and the principal points upon which the appeal is based together with a filing fee as prescribed by resolution of the Council.
 - c. If an appeal is filed, the case shall be reviewed as an open record hearing by the Hearing Examiner, who shall follow the procedures established in BIMC 2.16.130 or its successor.
 - d. The Hearing Examiner shall consider the criteria in paragraph above and may refer the application to the Planning Commission for a recommendation. The decision of the Hearing Examiner shall be the final City action.
 - e. Within eight (8) days of final action by the City, including completion of appeals or expiration of appeal periods, the Administrator shall file copies of the action with the Department of Ecology and

the Attorney General pursuant to ~~WAC 173-27-090~~ RCW 90.58.140(6) or its successor.

2. Appeal - Shoreline Variance and Shoreline Conditional Use Permits

- a. If a shoreline variance or shoreline conditional use permit is denied by the City, the twenty-one (21) day appeal period begins on the day the denied permit or shoreline variance and other information required by ~~WAC 173-14-090~~ RCW 90.58.140(6) or its successor are received by Ecology and the Attorney General
- b. If a shoreline variance or shoreline conditional use permit is approved by the City, the twenty-one (21) day appeal period begins on the day the shoreline variance or conditional use permit is approved or denied by Ecology.
- c. During the appeal period, the City and/or Ecology decision on the permit may be appealed to the Washington State Shorelines Hearings Board as provided by RCW 90.58.180 or its successor. The applicant or any other party authorized to conduct activities or uses by the decision shall not begin construction, development, or any authorized use or activity until after the twenty-one (21) day appeal period. Construction or use may occur during the time a court appeal is underway provided 1) the permit was approved by the local government and the State Shorelines Hearings Board, and 2) permission is granted for the construction, use or activity under RCW 90.58.140(5)(9) or its successor.

3. Washington State Department of Ecology Appeal Period

- a. On the day the permit and other information required by WAC 173-27-090 or its successor are received by Ecology and the Attorney General, the twenty-one (21) day appeal period begins. (Ecology generally sends a letter to the Administrator and the applicant informing them of the date the application was received.)
- b. During the twenty-one (21) day appeal period, the City decision on the permit may be appealed to the Washington State Shorelines Hearings Board as provided by RCW 90.58.180 or its successor and WAC 461-08 or its successor.
- c. Development pursuant to a shoreline permit shall not begin and is not authorized until twenty-one (21) days from the date of filing, as defined in RCW 90.58.140(5)(b & c) or its successor and WAC 173-27-090 or its successor or until all review proceedings initiated within twenty-one (21) days from the date of such filing have been terminated, except as provided in RCW 90.58.140(b) or its successor.

Section 4. A new Section 2.16.200 is added to Chapter 2.16 to read as follows:

2.16.200 Shoreline Master Program Amendments.

A. Purpose

The purpose of this section is to provide the process for amending the Shoreline Master Program and/or designation map. Amendments may include additions, deletions, corrections, updates, modifications or revisions to maps, goals and policies or regulations of the City's adopted Shoreline Management Program.

B. Shoreline Master Program Reviews

The Shoreline Master Program shall be periodically reviewed by the Administrator and the City Council and adjustments made as necessary to reflect changing local circumstances, new information or improved data, and/or changes in state statutes and regulations. This review process shall be consistent with WAC 173-26-090 and -100, or its successor requirements and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

C. Amendments to the Shoreline Master Program

The provisions of the Shoreline Master Program may be amended as provided for in RCW 90.58.120, 90.58.200 or its successor and WAC 173-26 or its successor.

1. Any person, including the City may submit an application for an amendment to the Administrator together with any required fee.
 2. Any amendment to the Shoreline Master Program must satisfy the requirements of the State Environmental Policy Act (Chapter 43.21C RCW or its successor) and WAC 197- 11 or its successor.
 3. The City Council shall approve, modify, or deny an application for an amendment after conducting at least one public hearing to consider the proposal.
 4. Prior to conducting the hearing, the City shall publish notice of the hearing in one or more newspapers of general circulation a minimum ten (10) days prior to the date of the hearing. The notice shall include:
 - a. Reference to the authority under which the action is proposed;
 - b. A statement or summary of the proposed changes to the Master Program;
 - c. The date, time, and location of the hearing, and the manner in which interested persons may present their views; and
 - d. Reference to the availability of the proposal for public inspection at the local government office, or upon request.
 5. As provided by State law, amendments and revisions to the Master Program are not effective unless approved by the Washington State Department of Ecology.
 6. Proponents for shoreline environment redesignations (i.e., amendments to the shoreline maps and descriptions) have the burden of demonstrating consistency with shoreline environment designation criteria of the Master Program and WAC 173-26-191 and -211 or its successor.
 7. The Administrator shall transmit a copy of any locally approved amendment and the information required by WAC 173-26-110, or its successor to Ecology within fourteen days of the date of the City's decision.
 8. The Department of Ecology shall review the amendment pursuant to WAC 173-26-120, or its successor.
- D.** Pursuant to RCW 90.58.190 and RCW 36.70A.280, a decision by the City of Bainbridge Island City Council to amend the Shoreline Master Program shall not constitute a final appealable decision until the Department of Ecology has made a decision to approve, reject, or modify the proposed amendment. Following the decision of the Department of Ecology regarding the proposed amendment, the decision may be appealed to the Western Washington Growth Management Hearings Board as provided in RCW 90.58.190.

ORDINANCE NO. 2014-04

EXHIBIT 4

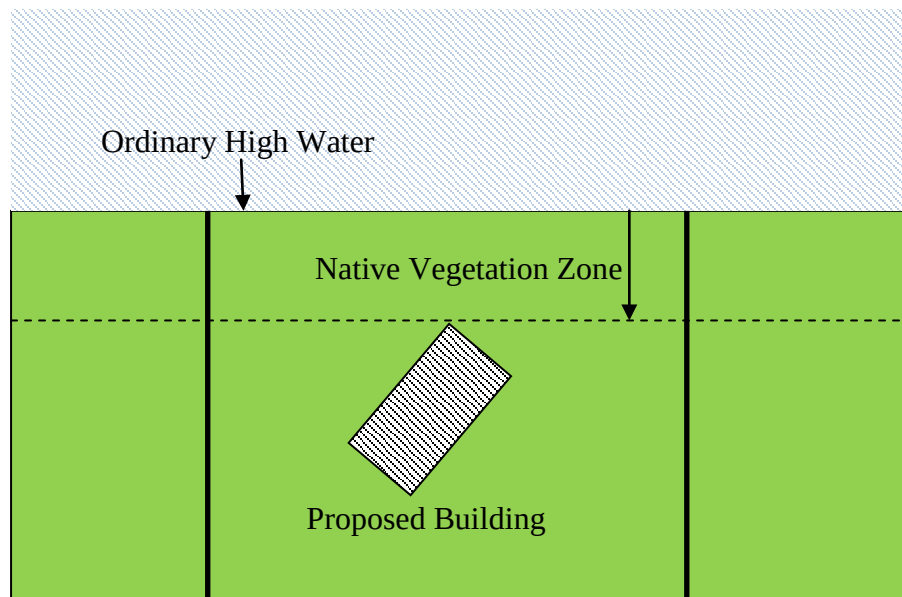
Zoning Code Amendments to Title 18 of the Bainbridge Island Municipal Code

Section 1. Section 18.12.030 of the Bainbridge Island Municipal Code is amended to delete section F, Shoreline Structure Setbacks, in its entirety.

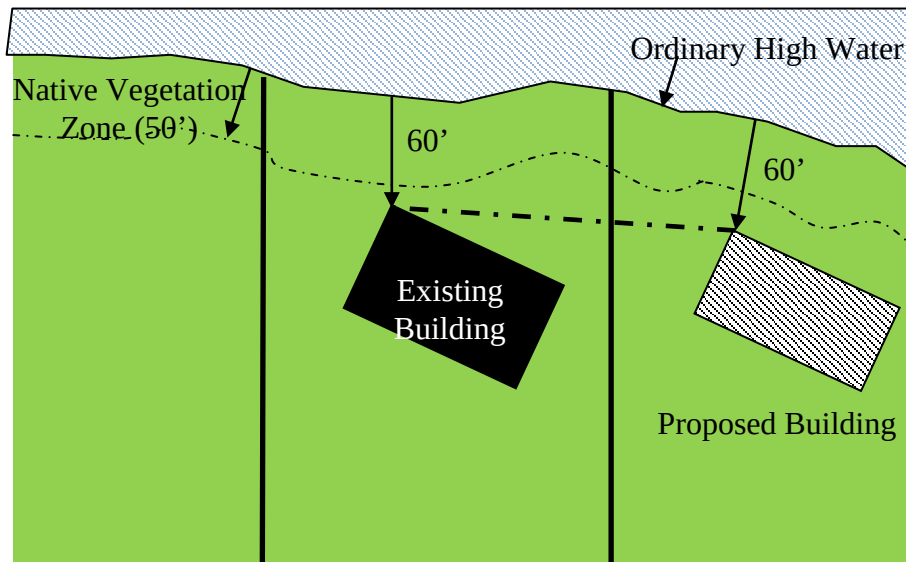
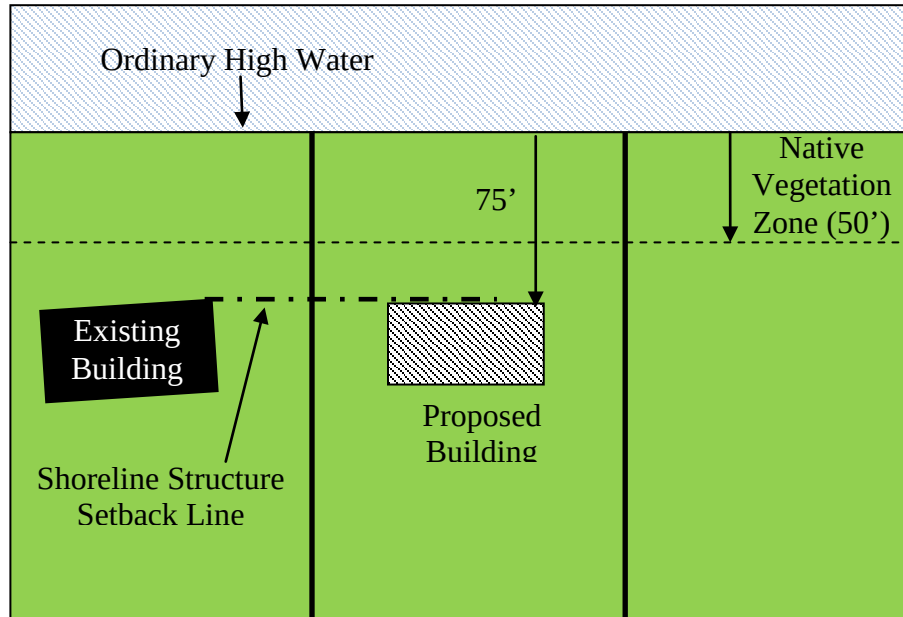
~~F. Shoreline Structure Setbacks~~

~~The intent of this section is to protect shoreline views of principal buildings on adjacent properties. This section applies only to principal buildings abutting the water within the shoreline jurisdiction where there is no road or right of way intervening between the water and the building. The Native Vegetation Zone requirements of BIMC 16.12 still apply, and may be more stringent than the shoreline structure setback.~~

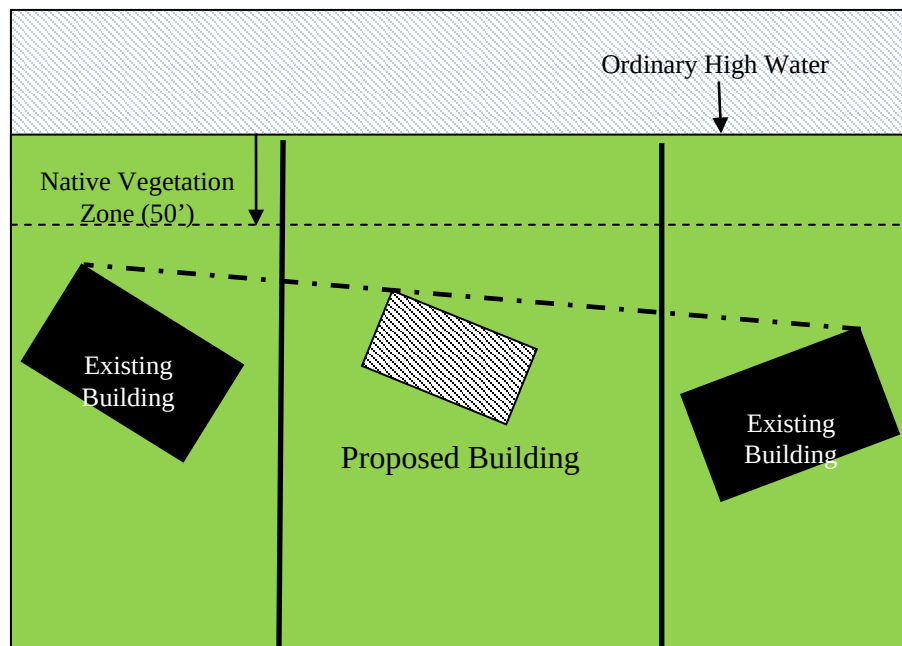
- ~~1. All proposed principal buildings and additions shall be so located as to meet the minimum shoreline structure setback lines. The shoreline structure setback line shall be based on the location of the adjacent principal building(s) and shall be determined as follows:~~
 - a. **No Existing Principal Buildings.** ~~Where no existing principal buildings are located on abutting properties, the shoreline structure setback does not apply. (See drawing below)~~



- b. ~~Existing Principal Building Located on One Side.~~ Where a principal building is located on an abutting property to one side, the shoreline structure setback line shall be a distance no less than that of the point closest to the shoreline of the adjacent principal building. (See drawing below)

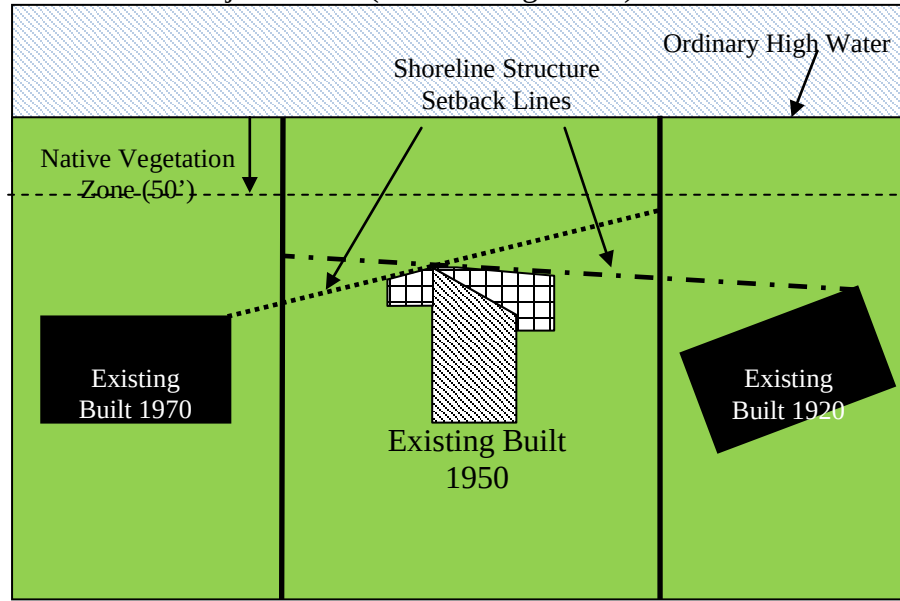


- c. **Existing Principal Buildings on Both Sides.** ~~Where existing principal buildings are abutting both sides of the proposed building on a regular shoreline, the shoreline structure setback line shall be determined by a line drawn between the points closest to the shoreline of each abutting principal buildings. Setbacks are based on principal buildings existing at the time a new building permit is submitted. A principal building constructed in compliance with the required shoreline setback is not made nonconforming by~~



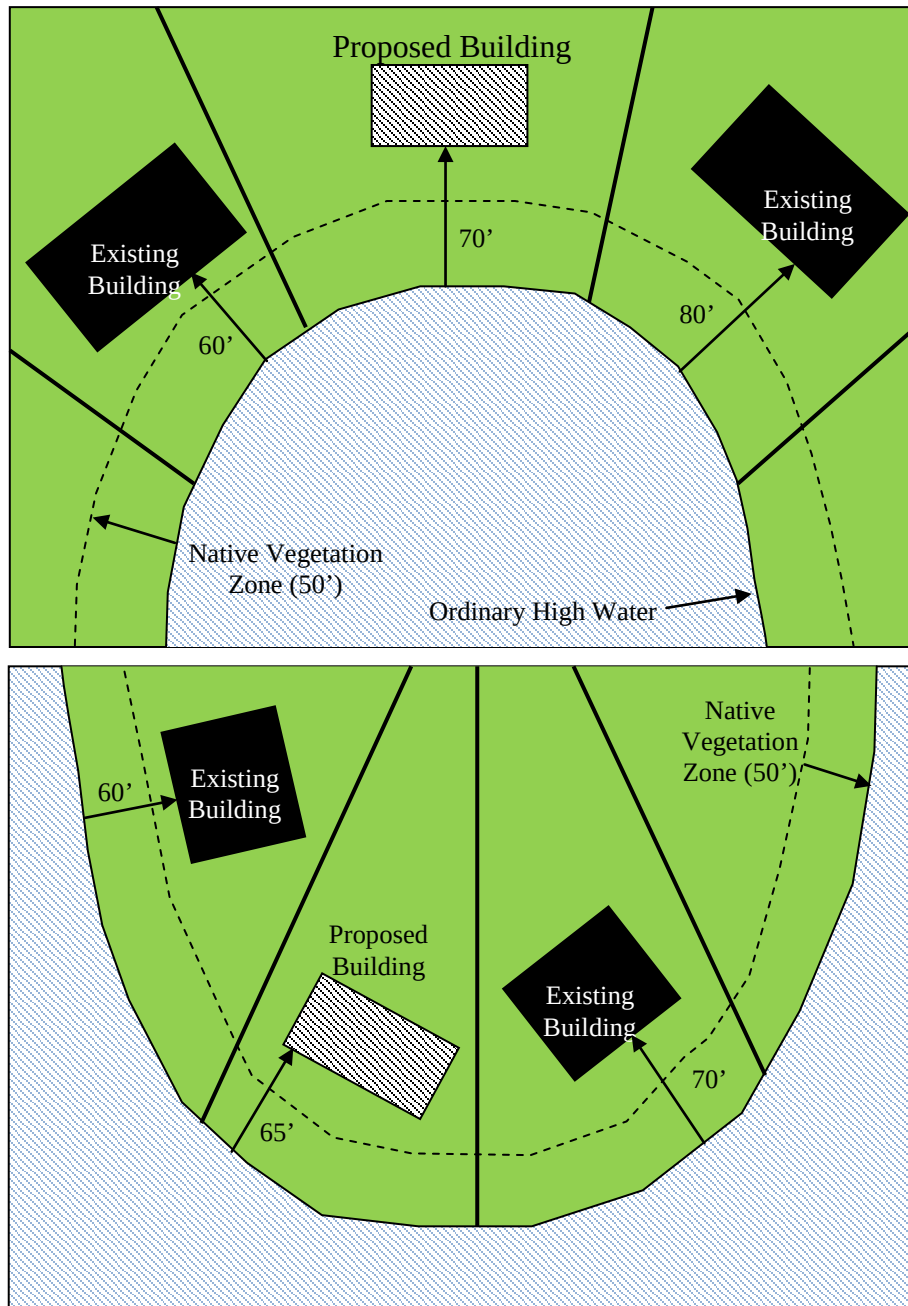
~~the later construction or replacement of a principal building in a different~~

location on an adjacent lot. (See drawing below)



= Allowed Additions per Shoreline Structure Setback

- d. **Existing Principal Buildings on Both Sides on a Shoreline Forming a Cove or Headland.** Where existing principal buildings are on abutting properties to both sides of the proposed building on a shoreline forming a cove or headland, the shoreline structure setback line shall be determined by averaging the setback lines of the two adjacent principal buildings. (See drawings below)



2. ~~Accessory structures, such as fences, boathouses, stairways, and sheds, may be situated within the shoreline setback area; provided, that they do not substantially obstruct the view of adjacent principal buildings.~~

Section 2. Section 18.12.050 of the Bainbridge Island Municipal Code is amended to read as follows:

18.12.050 RULES OF MEASUREMENT

The following rules of measurement shall apply in determining compliance with the requirements of this Title 18. When a required calculation results in a fraction greater than or equal to one-half (0.5), the requirement shall be rounded up to the next whole number.

A. Base Density

The base density of a property means the density designated on the zoning map, exclusive of any density bonuses.

B. Building Footprint

Building footprint is the area at the ground plane of a building, structure, or other element, bounded by the outside of the exterior walls.

C. Building Height

Building height is measured as the vertical distance above “grade” to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The height measurement on an asymmetrical gable shall be the same as a shed roof; it shall be from grade to the mid-point of the longest segment, provided that the asymmetrical building would not result in a taller building than a traditional symmetrical building. Building height is measured differently in the shoreline jurisdiction.

D. Density

“Density” means the number of dwelling units allowed in the lot area, not including accessory dwelling units. In zones that use floor area ratio (FAR) in place of units per acre, density means the maximum floor area allowed.

E. Fence Height

Fence height is measured from finished grade on exterior side of fence. Where fences are built on top of berms the maximum height of the fence shall apply to the combined fence and berm.

F. Floor Area

Floor area is measured as the total area of all floors within the exterior vertical walls of a building. If any room has a sloping ceiling, no portion of the room measuring

less than five vertical feet from the finished floor to the finished ceiling shall be included in the computation of total area.

G. Floor area ratio (FAR)

“Floor area ratio” is a figure that expresses the total floor area as a multiple of the lot area. This figure is determined by dividing the floor area of all buildings on a lot by the lot area prior to removal of lot area for dedication. Portions of parking located underneath a building footprint are not counted in Floor Area Ratio calculations.

H. Front Setbacks

“Front setback” means a setback extending from a building, structure or use to the street or planned right-of-way.

I. Grade

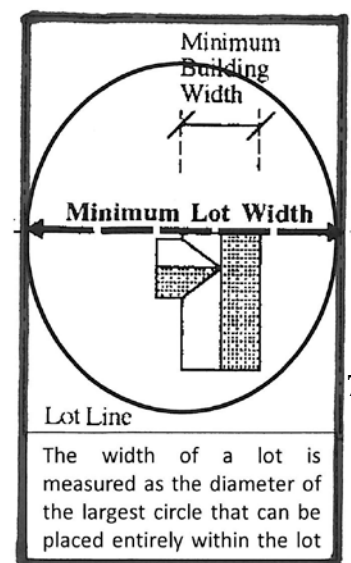
“Grade” (adjacent ground elevation) is the computed average of the lowest and the highest points of elevation of the original surface of the ground, or existing paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building. On waterfront parcels as defined in the shoreline master program, the definition of grade from the shoreline master programs shall be used (WAC 173-14-030(3)).

J. Lot Area

“Lot area” means the total horizontal area within the lot lines, excluding any area seaward of the line of the ordinary high water mark, and excluding private streets and lot area in panhandles or flag lots narrower than 30 feet.

K. Lot Coverage

“Lot coverage” means that portion of the total lot area covered by buildings, excluding up to 24 inches of eaves on each side of the building, any building or portion of building located below pre-development and finished grade. Any portion of a slatted or solid deck located more than five feet above grade shall be counted towards lot coverage. Also excluded are ground mounted accessory small wind energy generators, solar panels, composting bins, rainwater harvesting barrels, and



covers designed to shade ground mounted heat pumps and air conditioners to increase their efficiency.

L. Lot Depth

“Lot depth” means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

M. Lot Width

“Lot Width” means the diameter of the biggest circle that can fit entirely inside the lot boundary line.

N. Rear Setback

“Rear setback” means a setback extending from a building, structure or use to the rear lot line. If a property has more than one front yard, then rear setback does not apply. In the shoreline jurisdiction, rear setback does not apply since native vegetation zone requirements exceed rear setback requirements.

O. Setback

“Setback” means the required distance measured horizontally between every building, structure or use and the lot lines, planned rights-of-way, rights-of-way or streets.

P. Side Setback

“Side setback” means a setback extending from a building, structure or use to the side lot line. When a parcel has two or more front setbacks, the remaining setbacks are to be considered side setbacks. If a property is bordered on three or more sides by streets, the minimum setback on the remaining side is the minimum setback required for that zone district. If the property is bordered on two sides by streets, the two remaining sides shall meet the minimum and total side setbacks. When a setback for an existing structure is smaller than the minimum required, the minimum for the second side setback does not need to make up the difference – the second side setback need only be as large as if the nonconforming side yard met its minimum requirement.

~~Q. Shoreline Structure Setback~~

~~“Shoreline structure setback” is measured as the shortest distance measured on a horizontal plane between the ordinary high water mark and the principle building at~~

~~the point of the building nearest the water (including eaves), excluding structures less than 30 inches in height that are attached to the principle building.~~

Q. R. Structure Height

“Structure height” is measured at the highest point above grade of a structure other than a building, except as otherwise provided by this Code.

R. S. Through Lots – Accessory Building Setbacks

In through lots, setbacks for accessory buildings in rear setbacks shall conform to the front setback requirements for a principal building. Decks less than 36 inches in height extending into required rear and side setbacks may be attached to the principal building.

Section 3. Section 18.36.020 of the Bainbridge Island Municipal Code is amended to read as follows:

18.36.020 RULES OF MEASUREMENT

Rules of measurement for the following terms are defined in BIMC 18.12.050.

A. Base Density

Building Footprint

Building Height

Density

Fence Height

Floor Area

Floor Area Ratio

Front Setbacks

Grade

Lot Area

Lot Coverage

Lot Depth

Lot Width

Rear Setback

Setback

Side Setback

~~Q. Shoreline Setback Line~~

~~Q. R. Structure Height~~

~~R. S. Through Lots – Accessory Buildings~~

Section 4. Section 18.36.030 of the Bainbridge Island Municipal Code is amended as follows:

18.36.030 Definitions.

Principal Building, Shoreline

160. “Native vegetation” means tree, shrub, or ground cover species that are indigenous to ~~occur or live naturally in the~~ Central Puget Sound lowland region.

~~194. “Shoreline principal building” means that building on a lot closest to the ordinary high water mark excluding accessory structures. (Ord. 92-08 § 2, 1992)~~

221. “Significant tree” means: (a) an evergreen tree 10 inches in diameter or greater, measured four and one-half feet above existing grade; or (b) a deciduous tree 12 inches in diameter or greater, measured four and one-half feet above existing grade; or (c) all trees located within a required critical area buffer as defined in Chapter 16.20 BIMC, ~~or (d) all trees within the native vegetation zone or buffer.~~



CITY OF BAINBRIDGE ISLAND
EXECUTIVE DEPARTMENT

November 21, 2013

Barbara Nightingale, Regional Shoreline Planner
Northwest Regional Office
Washington Dept. of Ecology
3190 - 160th Ave. SE
Bellevue, WA 98008

Dear Ms. Nightingale,

Thank you for transmitting the Department of Ecology's required and recommended changes to the City's Shoreline Master Program (SMP) Update, dated October 16, October 25, and November 15, 2013. We also appreciate the time and effort that Ecology took in reviewing the City staff's proposed alternative language.

The City Council reviewed all of the changes and alternative language suggestions at a Public Hearing on November 20, 2013 and took public comment. The Council then voted to authorize me on behalf of the City to inform Ecology that the Council accepts Ecology's draft required amendments, draft recommended amendments and staff's alternative language, as amended by the Council at the November 20 Public Hearing. Two matrices are enclosed that show the action taken by Council on the required and recommended changes. A third matrix compares the draft language provided by Ecology and the alternative language approved by the City Council.

The City has spent the last three and half years working with Ecology, state and federal jurisdictions, affected Indian tribes, environmental groups and shoreline property owners to prepare shoreline policies and regulations that meet the state guidelines while addressing Bainbridge Island citizens' concerns and reflecting the unique conditions that we have along the City's shorelines.

We appreciate Ecology's responsiveness during the Bainbridge Island Shoreline Master Program update and look forward to receiving the final findings and conclusions and final amendment matrices for our December 11, 2013 final Public Hearing.

Sincerely,

Douglas Schulze
City Manager

Bainbridge Island City Council Approved Required SMP Language Changes

Item	SMP Submittal Provision	Topic	Ecology's Required Changes	Bainbridge Island City Council Action
1	BI 5.2.1	Aquaculture Applicability	These provisions apply to the commercial cultivation and harvesting of fish, shellfish or other aquatic animals or plants, but also to non-commercial harvesting, and to the incidental preparation of fish and shellfish for human consumption, or cultivation for restoration purposes. Incidental small-scale aquaculture that is strictly for personal consumption may be considered accessory to residential use and must adhere to all applicable regulations in this program.	City Council approved on November 20, 2013 as proposed by Department of Ecology.
2	BI 5.2.1	Aquaculture Applicability	Aquaculture activities may not be <u>are not considered dredging nor</u> subject to the regulations found in Section 6.4, Dredging and Dredge Material Disposal, <u>depending on site specific circumstances.</u>	City Council approved on November 20, 2013 as proposed by Department of Ecology.
3	BI 5.2.2	Aquaculture Applicability	<u>Aquaculture is dependent on the use of the water and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. Recognize that w</u> hen properly managed, aquaculture can result in long-term over short-term ecological and economic benefit and can protect the resources and ecology of the shoreline.	City Council approved on November 20, 2013 as proposed by Department of Ecology.
4	BI 5.2.2(3)	Aquaculture policies	Prohibit aquaculture where it would result in a net loss of shoreline ecological functions; adversely affect the quality or extent of habitat for native species including eelgrass, kelp, and other macroalgae; adversely impact City and state critical habitat areas and other habitat conservation areas;	City Council approved on November 20, 2013 as proposed by Department of Ecology.
5	BI 5.2.2(7)	Aquaculture Policies	Give preference to those forms of aquaculture that have less environmental and/or visual impacts. Preference is given to those projects that require fewer submerged or intertidal structures, fewer land-based facilities, <u>and</u> limited substrate modification, and <u>that don't rely</u> reliance on artificial feeding.	City Council approved on November 20, 2013 as proposed by Department of Ecology.
6	BI 5.2.3(3)(e)	Aquaculture Regulations- Prohibited	Areas that do not have potential to support native populations of the type(s) of aquaculture under consideration.	City Council approved on November 20, 2013 as proposed by Department of Ecology.

7	BI 5.2.3(4)	Aquaculture Regulations-Prohibited	Aquaculture that uses or releases herbicides, pesticides, antibiotics, fertilizers, non-indigenous species, parasites, pharmaceuticals, genetically modified organisms, feed or other materials known to be potentially harmful into surrounding waters is prohibited unless: 1) except that the following may be allowed: a. Experimental forms of aquaculture involving new species, new growing methods or new harvesting techniques may be allowed consistent with this Program and applicable state and federal regulations. b. Shellfish seeding/culturing may be permitted when conducted for native population recovery in accordance with government/Tribal approved plan <u>and all state and federal regulations or</u> c. Pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents, or other chemical applications for aquacultural operations unless approved by all only if prior approval is obtained from all appropriate state and federal agencies, including, including but not limited to, the U.S. Food and Drug Administration, the Washington State Departments of Ecology, Fish and Wildlife and Agriculture, as required, and 2) proof thereof is submitted to the City.	City Council approved on November 20, 2013 as proposed by Department of Ecology.
8	BI 5.2.3	Aquaculture Prohibited	shall be prohibited in existing kelp beds or in beds of native eel grass (<i>Zostera marina</i>) containing more than two (2) turions per one-quarter (1/4) square meter in winter or three (3) turions per one-quarter (1/4) square meter in summer.	City Council approved on November 20, 2013 as proposed by Department of Ecology.
9	BI 5.2.4(1)	Regulations General	5.2.4 Regulations - General 1. Aquaculture may be allowed as a conditional use in Shoreline Residential, Urban, and adjacent Aquatic designations and as provided below: a. Community Shellfish Gardens may be <u>are</u> allowed as a conditional use in the Island Conservancy, Shoreline Residential Conservancy, <u>Shoreline Residential and Urban</u> designations and in adjacent Aquatic designations except Priority Aquatic (unless as part of an approved restoration project). b. Individual Shellfish Gardens may be <u>are</u> allowed in the Island Conservancy, Shoreline Residential Conservancy, <u>Shoreline Residential and Urban</u>. Shoreline designations, and in adjacent Aquatic designation designations <u>Priority B. They also are allowed in Aquatic Priority A when for the recovery of native populations, restoration, or personal use as defined Aquaculture 16.12.5.3. except in Priority Aquatic A (unless as part of an approved restoration project.</u>	City Council approved alternative language on November 20, 2013: Aquaculture may be allowed as follows: a. Intensive aquaculture as a conditional use in Shoreline Residential, Urban, and adjacent Aquatic designations b. Community Shellfish Gardens as a conditional use in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential, and Urban designations, and in adjacent Aquatic designations except Priority Aquatic (only as part of an approved restoration project). c. Individual Shellfish Gardens may be allowed in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential, Urban and in adjacent Aquatic designations, including Priority Aquatic B. They also are allowed in Aquatic Priority A when for the recovery of native populations, restoration, or personal use.
10	BI 5.2.4(5)	Regulations General	Legally established aquacultural enterprises, including authorized experimental projects, shall be protected from incompatible uses which may seek to locate nearby. Demonstration of a high probability that such an adjacent use would result in damage to, or destruction of, a legally established aquacultural enterprise shall be grounds for modification or denial of that use.	City Council approved on November 20, 2013 as proposed by Department of Ecology.
11	BI 5.2.5	Regulations Design Standards	<u>Floating and submerged aquaculture structures shall be located to avoid or minimize interference with navigation navigable waters and the normal public's use of the surface waters. the water and shoreline</u>	City Council approved on November 20, 2013 as proposed by Department of Ecology.

12	BI 5.2.5(2)	Regulations Design Standards	Aquacultural structures and activities that are not water-dependent (e.g., warehouses for storage of products, parking lots) shall be located landward of the OHWM, upland of water-dependent portions of the project, and shall <u>avoid or</u> minimize detrimental impacts to the shoreline.	City Council approved on November 20, 2013 as proposed by Department of Ecology.
13	BI 5.2.5(4)	Regulations Design Standards	Onshore support structures shall meet the height and setback standards established in Table 4-2, Site Development Standards Matrix, except that reduced setbacks may be permitted <u>through a shoreline variance</u> where necessary for the operation of hatcheries and rearing ponds. Netting and fencing shall be the minimum necessary to deter targeted predators and shall not exceed 6 feet in height, as measured from <u>the ground</u> water surface	City Council approved on November 20, 2013 as proposed by Department of Ecology.
14	BI 5.2.5(5)	Regulations Design Standards	Aquacultural proposals that include net pens or rafts shall not be located closer than one (1) nautical mile to any other aquacultural facility that includes net pens or rafts, provided that a lesser distance may be authorized by the Administrator if the applicant can demonstrate to the satisfaction of the Administrator that the environmental and aesthetic concerns expressed in the Master Program shall be addressed. If a lesser distance is requested, the burden of proof shall be on the applicant to demonstrate that the cumulative impacts of the existing and proposed operations would not be contrary to the policies and regulations of the Master Program.	City Council approved on November 20, 2013 as proposed by Department of Ecology.
15	BI 5.2.5(9)	Aquaculture Design Standards	Except as provided in Section 5.2.5(1), aquacultural developments approved on an experimental basis shall not exceed five (5) acres in area, except anchorage for floating systems, and five (5) years in duration,	City Council approved on November 20, 2013 as proposed by Department of Ecology.
16	BI 5.2.5(10)	Aquaculture Design Standards	Shellfish Gardens for personal consumption are allowed <u>on private lands as an accessory use</u> to a primary residential use provided the following can be met:	City Council approved on November 20, 2013 as proposed by Department of Ecology.
17	BI 5.2.5(10)(c)	Aquaculture Design Standards	The area used for cultivation is no greater than 400 square feet in area.	City Council approved on November 20, 2013 as proposed by Department of Ecology.
18	BI 5.2.6(6)	Aquaculture Operational Standards	When feasible the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing, or hand washing, rather than chemical treatment and applications. All nets will shall be maintained and cleaned in accordance with all applicable state NPDES permit and federal requirements.	City Council approved on November 20, 2013 as proposed by Department of Ecology.
19	BI 5.2.8	Aquaculture Commercial Geoduck Requirements	<u>5.2.8 Commercial Geoduck Requirements</u> <u>In addition to other provisions in section 5.2, commercial geoduck aquaculture will be administered consistent with WAC 173-26-241(3)(b)(ii), (iii), and (iv). Where there is inconsistency between the provisions in 5.2.1, 5.2.2., 5.2.3, 5.2.4, 5.2.5, 5.2.6 or 5.2.7 and the geoduck provisions, the specific commercial geoduck provisions apply.</u> <u>A conditional use permit is required for all new commercial geoduck aquaculture and conversions from existing non-geoduck aquaculture to geoduck aquaculture. CUPs for new commercial geoduck and conversions will be administered consistent with WAC 173-26-241(3)(b)(ii), (iii), and (iv).</u>	City Council approved on November 20, 2013 as proposed by Department of Ecology.
20	BI 1.2.2(2)	Scope of Shoreline Management Act	2. <u>Segments of</u> streams and rivers with a <u>where the</u> mean annual flow <u>is more than</u> 20 cubic feet per second (cfs) or more;	City Council approved on November 20, 2013 as proposed by Department of Ecology.

21	BI 1.2.2(3)	Scope of Shoreline Management Act	3. Lakes and reservoirs 20 acres and greater larger than 20 acres in area;	City Council approved on November 20, 2013 as proposed by Department of Ecology.
22	BI 1.2.2(4)	Scope of Shoreline Management Act	4. Wetlands (a specific Shoreline Management Act term which includes related upland, shoreland, and wetland areas) associated with all of the above; and <u>Shorelands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters.</u>	City Council approved on November 20, 2013 as proposed by Department of Ecology.
23	BI 3.3.2.2		Priority Aquatic shall be designated as follows: 1. Priority Aquatic Category A is more protective and intended to be the default classification. <u>a. Those areas previously designated Aquatic Conservancy are as of the adoption of this date XXX XX, 2013 of this SMP, shall be</u> are designated Priority Aquatic Category A. 2. Priority Aquatic areas located adjacent to upland areas with a high level of existing development will be classified as <u>are</u> Priority Aquatic B.	City Council approved on November 20, 2013 as proposed by Department of Ecology.
24	BI 4.1.5.4(2)	Critical Areas	Development, uses, and activities adjacent to critical areas, including critical saltwater habitats and fish and wildlife habitat conservation areas, proposed within shorelines of the state shall be monitored to assure that these areas are not being adversely impacted by approved development or restoration projects <u>consistent with Section 4.1.2. monitoring and mitigation requirements and the monitoring and mitigation requirements in Appendix B..</u>	City Council approved on November 20, 2013 as proposed by Department of Ecology.
25	BI 3.3.1.3(4)	Aquatic Designations Management Policies	Aquaculture practices should be limited to those activities that can demonstrate that significant impacts to ecological functions, ecosystem-wide processes, and adjacent land uses will not occur. Aquaculture should be encouraged in those tidelands, waters and beds most suitable for such use. Intensive shellfish aquaculture is prohibited.	City Council approved on November 20, 2013 as proposed by Department of Ecology.
26	BI 8	Definitions	Houseboat—A particular type of vessel licensed and designed for use as a mobile structure with adequate self-propulsion and steering equipment to be operated as a vessel but also characterized by detachable utilities or facilities for residential use. When principally used as an over-water residence, it is a “live-aboard vessel.” Floating Home—A non-vessel structure designed and operated substantially as a permanently based over-water residence. Floating homes lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi-permanent anchorage/moorage facilities. <u>Floating house - any floating structure that is designed, or has been substantially and structurally remodeled or redesigned, to serve primarily as a residence. "Floating houses" include house boats, house barges, or any floating structures that serve primarily as a residence and do not qualify as a vessel as provided in subsection (74) of this section. A floating structure that is used as a residence and is capable of navigation, but is not designed primarily for navigation, nor normally is capable of self propulsion and use as a means of transportation is a floating house, not a vessel.</u>	City Council approved on November 20, 2013 as proposed by Department of Ecology.

27	Title 2	G. Shoreline Variance-Major Minor	<u>f. The Administrator shall mail the final City decision to the applicant, the State Department of Ecology, and the State Attorney General. The permit must be received by Ecology within eight (8) days of the date of the decision. Within eight (8) days of the date of the decision, the Administrator shall also mail the decision to any person who requested notice of the decision.</u> <u>g. The State Department of Ecology shall approve, approve with conditions, or deny all shoreline variances approved by the City. Ecology's decision must be made within thirty (30) days of the date the permit and other information required by WAC 173-14-090 or its successor are received by Ecology and the Washington State Attorney General. Ecology will send a letter to the applicant and the City informing them of the decision. Upon receipt of the Ecology decision, the Administrator shall notify those interested persons who requested notification.</u> <u>3. Decision Criteria</u> <u>Pursuant to WAC 173-27-210 170 or its successor, the criteria below constitute the minimum criteria for review and approval of a shoreline variance permit.</u> <u>a. Shoreline variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), and/or landward of any wetland, as defined in BIMC 16.12, may be authorized provided the applicant can demonstrate all of the following:</u> <u>i. The strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;</u> <u>ii. The hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;.</u> <u>iii. The design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment</u> <u>iv. The variance will not constitute a grant of special privilege not enjoyed by the other properties in the area</u> <u>v. The variance requested is the minimum necessary to afford relief; and</u> <u>vi. The public interest will suffer no substantial detrimental effect.</u> <u>b. Shoreline variance permits where the development will be located either waterward of the ordinary high water mark (OHWM) or within or within any wetland, defined in BIMC 16.12, may be approved or approved with conditions or modifications subject to approval by Ecology, if the decision maker finds the applicant has demonstrated compliance with all of the following criteria:</u> <u>i. The strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;</u> <u>ii. The proposal is consistent with the criteria established under subsection (3)(ii) through (vi) of this section; and</u> <u>iii. The public rights of navigation and use of the shorelines will not be adversely affected</u>	City Council approved on November 20, 2013 as proposed by Department of Ecology.
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28	Title 2	H.2. Procedure	<u>b. Minor Shoreline Conditional Use</u> <u>f. The Administrator shall mail the final City decision to the applicant, the State Department of Ecology, and the State Attorney General. The permit must be received by Ecology within eight (8) days of the date of the decision. Within eight (8) days of the date of the decision, the Administrator shall also mail the decision to any person who requested notice of the decision.</u> <u>g. The State Department of Ecology shall approve, approve with conditions, or deny all shoreline conditional use permits approved by the City. Ecology's decision must be made within thirty (30) days of the date the permit and other information required by WAC 173-14-090 or its successor are received by Ecology and the Washington State Attorney General. Ecology will send a letter to the applicant and the City informing them of the decision. Upon receipt of the Ecology decision, the Administrator shall notify those interested persons who requested notification.</u>	City Council approved on November 20, 2013 as proposed by Department of Ecology.
29		H. 3 Conditional Use Permit	<u>i. The proposed use will be consistent with the policies of RCW 90.58.020 or its successor and the policies of the Master Program;</u> <u>ii. The proposed use will not interfere with the normal public use of the public shorelines;</u> <u>iii. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;</u> <u>iv. The proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is located;</u> <u>v. The public interest suffers no substantial detrimental effect. [WAC 173-14-140(1) or its successor]; and</u> <u>vi. The proposed use is consistent with the provisions of the Zoning Ordinance (BIMC Title 18).</u>	City Council approved on November 20, 2013 as proposed by Department of Ecology.
30	Title 2	Table 2.16.010-1 Summary Table of Land Use Procedures	<u>Minor Shoreline Conditional Use (1)</u>	City Council approved on November 20, 2013 as proposed by Department of Ecology.

Bainbridge Island City Council Approved Recommended SMP Language Changes

Item	SMP Submittal Provision	Topic	Ecology's Recommended Changes	Bainbridge Island City Council Action
1	BI 5.2.2(2)	Aquaculture Policies	Identify and encourage aquaculture activities which may provide opportunities for creating ecosystem improvements <u>and result in no net loss of ecological functions.</u>	City Council approved on November 20, 2013 as proposed by Department of Ecology.
2	BI 5.2.2(2)(A)	Aquaculture Policies	Engage in coordinated planning to identify potential aquaculture areas and assess regional long-term needs for aquaculture and coordinated education efforts to provide information on best practices to those operating small-scale aquaculture for personal use and consumption. This includes working with the Department of Fish and Wildlife (WDFW), the Department of Natural Resources (DNR), area Tribes and shellfish interests to identify areas that are suitable for aquaculture and protect them from uses that would threaten aquaculture's long-term sustainability.	City Council approved on November 20, 2013 as proposed by Department of Ecology.
3	BI 5.2.2(2)	Aquaculture Policies	Allow experimental forms of aquaculture involving the use of new species, new growing methods, or new harvesting techniques when they are consistent with applicable state and federal regulations and this Program. Experimental aquaculture projects should be limited in scale and should be approved for a limited period of time. When feasible, limit or restrict new development <u>and uses proposals</u> in areas that affect existing experimental <u>aquaculture monitoring programs.</u>	City Council approved on November 20, 2013 as proposed by Department of Ecology.
4	BI 5.2.2(3)	Aquaculture Policies	Limit aquaculture, including intensive shellfish aquaculture to activities that do not create adverse impacts to ecological functions and ecosystem-wide process.	City Council approved on November 20, 2013 as proposed by Department of Ecology.
5	BI 5.2.2	Aquaculture Policies	or interfere with navigation or other water-dependent uses.	City Council approved on November 20, 2013 as proposed by Department of Ecology.
6	BI 5.2.2	Aquaculture Policies	<u>Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses.</u> Prohibit intensive aquaculture where such development or activity would: a. Result in any significant adverse environmental impacts that cannot be eliminated or adequately mitigated through enforceable conditions of approval; or	City Council approved on November 20, 2013 as proposed by Department of Ecology.
7	BI 5.2.2(5)	Aquaculture Policies	b. <u>Aquaculture facilities should be designed and located to not spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.</u> c. <u>Impacts to ecological functions shall be mitigated according to WAC 173-26-201(2)(e) and (XXX).</u> Results in the spreading of disease, the introduction of non-native species, or impacts to shoreline aesthetic qualities, or	City Council approved on November 20, 2013 5.2.2(5)(b) as proposed by Department of Ecology. City Council approved alternative language: c. Impacts to ecological functions <u>should</u> be mitigated according to WAC 173-26-201(2)(e) and <u>Section 4.1.2 Environmental Impacts.</u>
8	BI 5.2.2 (5)	Aquaculture Policies	Result in impacts to other existing and approved land and water uses which would substantially and materially conflict, including impacts to navigation, moorage, sport or commercial fishing, underwater utilities, active scientific research, and/or the aesthetic qualities of a project area; and/or	City Council approved on November 20, 2013 as proposed by Department of Ecology

9	BI 5.2.2	Aquaculture Policies	Result in impacts to where water quality, temperature, oxygen content, current, and salinity restrictions make the area unsuitable for the type(s) of aquaculture under consideration. 5. Prohibit Community Shellfish Gardens where such development or activity would: a. Result in any significant adverse environmental impacts or aesthetic impact that cannot be eliminated or adequately mitigated through enforceable conditions of approval; or b. Where impacts to other existing and approved land and water uses would substantially and materially conflict, including impacts to navigation, moorage, sport or commercial fishing, underwater utilities, and/or active scientific research; and/or c. Be unsuitable due to water quality, temperature, oxygen content, current, and salinity restrictions for the type(s) of aquaculture under consideration. Ensure Shellfish Gardens consider aesthetic impacts as part of the site design process.	City Council approved on November 20, 2013 as proposed by Department of Ecology
10	BI 5.2.2	Aquaculture Policies	Give preference to those forms of aquaculture that have less environmental and/or visual impacts. Preference is given to those projects that require fewer submerged or intertidal structures, fewer land-based facilities, <u>and</u> limited substrate modification, and that<u>don't rely</u> reliance on artificial feeding.	City Council approved on November 20, 2013 as proposed by Department of Ecology
11	BI 5.2.2	Aquaculture Policies	Ensure aquaculture does installation of net pens, raft cultures or surface embedded structures do not cause cumulative environmental impacts. and aesthetic impacts, or interfere with navigation.	City Council approved alternative language on November 20, 2013: Ensure aquaculture does not cause cumulative <u>environmental, aesthetic, and recreational impacts</u>
12	BI 5.2.3(1)	Aquaculture Prohibited	Aquaculture <u>is prohibited</u> in the Natural and Priority Aquatic designations, except as provided in Section 5.2.4 (1), below.	City Council approved on November 20, 2013 as proposed by Department of Ecology
13	BI 5.2.3(2)	Aquaculture Prohibited	Aquaculture, except individual Shellfish Gardens in the following areas: a. Areas where intensive aquaculture development would have potential adverse impacts on other existing and approved land and water uses, including navigation; and on the aesthetic qualities of a project area. i. Community Shellfish Garden is prohibited in areas listed in (a) above except <u>the</u> use may be allowed when adverse aesthetic impacts are avoided or adequately mitigated through enforceable conditions of approval. b. Areas where an aquaculture proposal will result in any significant adverse environmental impacts that cannot be eliminated or adequately mitigated through enforceable conditions of approval. c. Areas devoted to established uses of the aquatic environment with which the proposed aquacultural method(s) would substantially and materially conflict. Such uses would include, but are not limited to navigation, moorage, sport or commercial fishing, log rafting, underwater utilities and active scientific research.	City Council approved on November 20, 2013 as proposed by Department of Ecology

14	BI 5.2.3(2)	Aquaculture Prohibited	Areas that have water quality, temperature, oxygen content, current, and salinity restrictions that make the areas unsuitable for the type(s) of aquaculture under consideration.	City Council approved on November 20, 2013 as proposed by Department of Ecology
15	BI 5.2.3	Regulations Prohibited	Mechanical and/or hydraulic harvesting or other activities that involve substantial substrate modification through dredging, trenching, or digging	City Council approved on November 20, 2013 as proposed by Department of Ecology
16	BI 5.2.4(3)	Agriculture Regulations General	Aquaculture facilities shall avoid: a. A net Loss of ecological functions or processes; b. Adverse impacts to eelgrass and macro algae; c. Significant conflicts with navigation and water-dependent uses; d. The spreading of disease to native aquatic life; e. <u>Establishing new</u> Introduction of non-native species that <u>cause significant ecological impacts; and/or</u> f. <u>Significant i</u>mpacts to shoreline aesthetic qualities. 4. Shellfish Gardens shall minimize adverse aesthetic impacts and be restricted in the areas described in Section 5.2.3(2)(b)(c) and (d).	City Council approved on November 20, 2013 5.2.4(3)(a) through (f) as proposed by Department of Ecology. City Council approved alternative language : <u>g. Significant modifications of the substrate.</u>
17	BI 5.2.5 (3)	Aquaculture Regulations Design Standards	Hatchery and other aquaculture operations shall be required to maintain a vegetated buffer zone along the affected stream way as prescribed <u>in</u> Appendix B, provided that clearing of vegetation shall be permitted for essential water access points.	City Council approved on November 20, 2013 as proposed by Department of Ecology
18	BI 5.2.5 (6)	Aquaculture Regulations Design Standards	Floating/hanging aquaculture facilities, and associated equipment, except navigation aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts. All materials, including those used for incidental aquacultural for personal consumption, shall be marked with owners contact information to provide identification after storm disturbance. <u>All floating and submerged aquaculture structures and facilities in navigable waters shall comply with all applicable state and federal requirements.</u>	City Council approved on November 20, 2013 as proposed by Department of Ecology
19	BI 5.2.5 (10) Aquaculture	Regulations Design Standards	a. <u>It complies with all state and federal regulations, including transfer and harvest permits required by WDFW.</u> b. The cultivation and harvesting is limited to native species of shellfish <u>acquired from a licensed source consistent with state law; and</u>	City Council approved on November 20, 2013 5.2.5(10)(a) as proposed by Department of Ecology City Council approved alternative language: b. The cultivation and harvesting is limited to native species of shellfish acquired from a licensed source consistent with state law; and
20	BI 5.2.5 (10) Aquaculture	Regulations Design Standards	c. The operation may utilize bottom culture or off-bottom culture bags <u>if in is</u> accordance with best management practices and <u>it does not</u> shall significantly alter the tidal bed; and	City Council approved on November 20, 2013 as proposed by Department of Ecology
21	BI 5.2.6(2)	Aquaculture Regulations Operational Standards	2. Aquaculture occurring on nonconforming aquaculture sites is not considered discontinued or abandoned until the use has ceased for a period of more than 5 years. <u>e.d .Aquaculture operations that do not conform with this master program are considered discontinued if the use has ceased for a period of more than 5 years.</u>	City Council approved on November 20, 2013 as proposed by Department of Ecology

22	BI 5.2.7	Aquaculture Submittal Requirements	Submittal Requirements (a-m)	City Council approved on November 20, 2013 as proposed by Department of Ecology
23	BI 4.1.5.5	Critical Area Regulations -Fish and Wildlife Habitat Conservation Areas and Critical Saltwater Habitat	Regulations – Fish and Wildlife Habitat Conservation Areas and Critical Saltwater Habitat	City Council approved on November 20, 2013 as proposed by Department of Ecology
24	Appendix A	Designations	Shoreline Designation change for McNabb Parcel B located at 4200 Eagle Harbor Drive (CPA-REZ 13220B subject to execution of Boundary Line Adjustment) from Shoreline Residential Conservancy to Urban designation.	City Council approved on November 20, 2013 as proposed by Department of Ecology
25	5.3.1	Boating Facilities Applicability	Regulations governing boating activities in the bays and harbors of Bainbridge Island are contained in BIMC Chapters 12.24, Waterfront Park and Other City Harbors, and 12.40, Watercraft and Floating Homes, and may also apply. See Section 6.3.7.7 and 8, for regulations governing mooring buoys. Boating facility development and/or renovation shall comply with all other applicable state and federal agency policies and regulations including, but not limited to the Department of Fish and Wildlife, <u>Department of Natural Resources</u> , Federal Marine Sanitation standards (Environmental Protection Agency 1972) requiring water quality certification from the U.S. Army Corps of Engineers (Section 10 33 USC § 403), U.S. Army Corps of Engineers dredging standards (33 USC § 403), and state and federal standards for the storage of fuels and toxic materials.	City Council approved on November 20, 2013 as proposed by Department of Ecology
26	6.1.5	Regulations-General	All applicable federal and state permits, including the Army Corps of Engineers, <u>Washington Department of Natural Resources</u> , and the Washington Department of Fish and Wildlife shall be obtained and complied with in the construction and operation of shoreline stabilization and flood protection works.	City Council approved on November 20, 2013 as proposed by Department of Ecology
27	6.3.8	Submittal Requirements Piers, Docks, Floats and Buoys	A scaled drawing that indicates the proposed location of: piers, floats, docks, and float storage location, if applicable, relative to the following: a. property lines; and b. OHWM; and c. The line of navigation, the construction limit line or the harbor structure limit line, as applicable; and d. Provide contours at two-foot (2') interval for a twenty-five feet (25') distance to the right, left, and end of proposed structure, as measured from projects center line; e. <u>Location of state-owned aquatic lands in relation to the project.</u>	City Council approved on November 20, 2013 as proposed by Department of Ecology

Bainbridge Island City Council Approved SMP Alternative Language

Item	SMP Submittal Provision	Topic	Language from the June 7, 2013 draft SMP submitted to Ecology	Bainbridge Island City Council Action
1	Table 4-1	4-1 Use Table	No existing language in the June 7, 2013 transmittal to Department of Ecology.	City Council approved alternative language on November 20, 2013: Add foot note to allow mixed use development in areas within the Mixed Use Town Center zones, when physically separated from the shoreline by another parcel and in accordance with 5.4.
2	4.1.3.8(3)(e)(iii)	Shoreline Vegetation Alteration	Stairways shall not exceed 250 square feet and are not included in the total square footage allocations prescribed in subsections a through c above. Stairways shall conform to the standards of the International Residential Building Code as adopted in BIMC Chapter 15.04. Larger stairways serving a single-family residence may only be allowed through approval of a Shoreline Variance. A. As an alternative to a staircase larger than 250 square feet and to reduce environmental impacts, a tram may be allowed without a variance.	City Council approved alternative language on November 20, 2013: 4.1.3.7(3) Stairways <u>to the shoreline</u> shall not exceed 250 300 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. Stairways shall conform to the standards of the International Residential Building Code as adopted in BIMC Chapter 15.04. <u>A. Larger stairways serving a single-family residence may only be allowed through approval of a Shoreline Variance.</u> <u>Ai. As an alternative to a stairway larger than 250 300 square feet and to reduce environmental impacts, a tram may be allowed without a variance.</u> <u>B. Stairway design shall meet the following minimum criteria:</u> <u>1. International Codes for:</u> <u>a. Hand Railings;</u> <u>b. Stairway width; and</u> <u>c. Tread Depth.</u> <u>2. Landings are required, unless demonstrated not to be necessary, and shall be determined by:</u> <u>a. Existing site topography;</u> <u>b. Personal safety; and</u> <u>c. Slope stability.</u>
3	4.1.3.10(4)(a)	Shoreline Vegetation Alteration	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.	City Council approved alternative language on November 20, 2013: 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 (4-2) feet on either side of the trail, and no significant trees are removed.
8	5.2.5(11)	Aquaculture Regulations	No existing language in the June 7, 2013 transmittal to Department of Ecology.	City Council approved alternative language on November 20, 2013: <u>The following shall be limited to the minimum size or number necessary for approved aquaculture development, uses, activities:</u>
				<u>a. Submerged or intertidal structures.</u> <u>b. Land-based facilities.</u> <u>c. Structures which modify substrate.</u>
10	5.2.5(4)	Aquaculture Regulations	Move existing language in the June 7, 2013 transmittal to Department of Ecology from 5.2.5(4) to 5.2.5(1).	City Council approved alternative language on November 20, 2013: Floating and submerged aquaculture structures shall be located to minimize interference with navigable waters and the public's use of the water and shoreline. Floating structures shall

				remain shoreward of principal navigation channels. Other restrictions on the scale of aquaculture activities to protect navigational access may be necessary based on the size and shape of the affected water body. <u>Netting and fencing shall be the minimum necessary to deter targeted predators and shall not exceed 6 feet in height, as measured from water surface.</u>
12	5.4.4(1)(d)	Commercial Development	No existing language in the June 7, 2013 transmittal to Department of Ecology.	City Council approved alternative language on November 20, 2013: <u>Water-Oriented and non-water oriented commercial uses may be permitted in a mixed-use development within the Mixed Use Town Center districts provided:</u> <u>i. The site is physically separated from the shoreline by another property in separate ownership or by a public-right-of-way such that water access is precluded, provided that the property conditions were lawfully established prior to the effective date of this Program; and</u> <u>ii. Water-oriented commercial or non-water oriented commercial development is subordinate to the residential use.</u>
13	5.9.5(8)	Residential Development	a. Building. The minimum side setback shall be that established by BIMC Title 18, Zoning. Setbacks for each accessory building shall conform to the side setbacks required of, or established by, the primary structure. Structures in the side setbacks may not exceed four feet in height from existing grade, except that fences may have an additional two feet (2') of non-screening material for a total of six feet (6'). Approved Shoreline Stabilization measures may be installed within the side setbacks.	City Council approved alternative language on November 20, 2013: a. Building. The minimum side setback shall be that established by BIMC Title 18, Zoning. Setbacks for each accessory building shall conform to the side setbacks required of, or established by, the primary <u>residential</u> structure (insert figure). i. Structures in the side setbacks may not exceed four feet in height from existing grade, except that fences <u>on the side property line</u> may have an additional two feet (2') of non-screening material for a total of six feet (6'). Approved Shoreline Stabilization measures.
14	6.2.4(1)	Shoreline Stabilization	No existing language in the June 7, 2013 transmittal to Department of Ecology.	City Council approved alternative language on November 20, 2013: <u>Sheet pile style hard stabilization may be allowed for remediation and hybrid shoreline stabilization projects in accordance with 6.2.5</u>
15	6.2.5(3)(c)	Shoreline Stabilization	No existing language in the June 7, 2013 transmittal to Department of Ecology.	City Council approved alternative language on November 20, 2013: <u>Sheet pile style hard stabilization may be used in:</u> <u>a. Remediation projects to contain contaminated soils or sediments when demonstrated to the satisfaction of the Administrator to be the most appropriate solution; or</u> <u>b. Hybrid stabilization when used as a stop-gap measure at or near extreme high water.</u>
16	7.2.6	Violations, Enforcement, and Penalties	Violation Mitigation/Restoration Plan Any Mitigation/Restoration Plan (Plan) required by the City after disturbance has occurred shall meet the provisions in Sections 4.1.2, Environmental Impact; 4.1.5 Critical Ares including Appendix B; and 6.0, Shoreline Modification Policies and Regulations, and provide an analysis of lost functions over the period of violation. All development work shall remain stopped until a Plan is approved by the Administrator. The Plan must be prepared at the expense of the violator, and submitted by the owner or other responsible party for approval by the Administrator. Such a Plan shall be prepared by a qualified professional using the best available science. The Administrator may, at the violator's expense, seek expert advice, including an independent third party review, in determining the adequacy of the Plan. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal. Failure to submit a Plan shall be unlawful. Failure to implement the approved Plan shall be a criminal misdemeanor.	City Council approved alternative language on November 20, 2013: Any Mitigation/Restoration Plan (Plan) required by the City after <u>for a disturbance not authorized by this shoreline management program or approved by the City</u> has occurred shall meet the provisions in Sections 4.1.2, Environmental Impact; 4.1.5 Critical Ares including Appendix B; and 6.0, Shoreline Modification Policies and Regulations, and provide an analysis of lost functions over the period of violation. <u>Any person, party, firm, corporation, or other legal entity that knowingly and willfully refuses to complete a required restoration plan pursuant to this section, shall be guilty of a misdemeanor and provide shoreline restoration, in accordance with provision of this program, at a rate of 200% times (2 to 1) the impacted area.</u>

17	7.2.7	Violations, Penalties, and Enforcement	Civil Infraction Except as provided in subsection 7.2.8, Misdemeanor, conduct made unlawful by the city under this Master Program shall constitute a civil infraction and is subject to enforcement and fines as provided in BIMC 1.26.035. A civil infraction under this section shall be processed in the manner set forth in BIMC Chapter 1.26, Code Enforcement.	City Council approved alternative language on November 20, 2013: Except as provided in subsection 7.2.8, Misdemeanor, conduct made unlawful by the city under this Master Program shall constitute a civil infraction and is subject to enforcement and fines as provided in BIMC 1.26.035. A civil infraction under this section shall be processed in the manner set forth in BIMC Chapter 1.26, Code Enforcement <u>and in compliance with WAC 173-27-280</u>
18	7.2.9	Violations, Penalties, and Enforcement	Civil Penalty In addition to any civil infraction fine, criminal penalty, and/ or other available sanction or remedial procedure, any person engaging in conduct made unlawful by this Program shall be subject to a cumulative civil penalty in the amount of \$1,000 per day for each violation from the date set for compliance until the date of compliance. Any such civil penalty shall be collected in accordance with BIMC 1.26.090. Any person, party, firm, corporation, or other legal entity that knowingly and willfully refuses to complete a required restoration pursuant to Section 7.2.6, Violation Mitigation/Restoration Plan, shall be guilty of a misdemeanor punishable by not more than 30 days in jail and/or not more than a \$1,000 fine and provide shoreline restoration, in accordance with provision of this program, at a rate of 200% times the impacted area.	City Council approved alternative language on November 20, 2013: In addition to any civil infraction fine, criminal penalty, and/ or other available sanction or remedial procedure, <u>any person who shall fail to conform to the terms of a permit or exemption issued under this shoreline master program or who shall undertake development on the shorelines of the state without first obtaining any permit or exemption required under this shoreline master program shall also be</u> any person engaging in conduct made unlawful by this Program shall be subject to a cumulative civil penalty in the amount of not to exceed \$1,000 per day for each violation, <u>each permit violation or each day of continued development without a required permit shall constitute a separate violation [RCW 90.58.210 or successor];</u> from the date set for compliance until the date of compliance. Any such civil penalty shall be collected in accordance with BIMC 1.26.090. Any person, party, firm, corporation, or other legal entity that knowingly and willfully refuses to complete a required restoration pursuant to Section 7.2.6, Violation Mitigation/Restoration Plan, shall be guilty of a misdemeanor punishable], by not more than 30 days in jail and/or not more than a \$1,000 fine and provide shoreline restoration, in accordance with provision of this Aprogram, at a rate of 200% times the impacted area.
19	7.2.10	Violations, Penalties, and Enforcement	No existing language in the June 7, 2013 transmittal to Department of Ecology. Add new section titled General Penalty.	City Council approved alternative language on November 20, 2013: <u>In addition to incurring civil liability under section 7.2.9 Civil Penalty, any person, party, firm, corporation, or other legal entity found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of this shoreline master program’s rules, or regulations as adopted shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment: PROVIDED, That the fine for the third and all subsequent violations in any five-year period shall be not less than five hundred nor more than ten thousand dollars [RCW 90.58.220, or successor].</u>
20		Administrative		City Council approved alternative language on November 20, 2013: Moved submittal requirements to Administrative Manual.

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Ecology Required Changes

The following changes are required.

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	BI 5.2.1	Aquaculture Applicability	These provisions apply to the commercial cultivation and harvesting of fish, shellfish or other aquatic animals or plants, but also to non-commercial harvesting, and to the incidental preparation of fish and shellfish for human consumption, or cultivation for restoration purposes. Incidental small scale aquaculture that is strictly for personal consumption may be considered accessory to residential use and must adhere to all applicable regulations in this program.	Aquaculture for personal consumption may also occur on property other than residential. Also, Table 4-1 allows Shellfish Gardens in multiple environment designations where uses other than residential may occur. Deleting this statement would make this regulation and the use table consistent.
2	BI 5.2.1	Aquaculture Applicability	Aquaculture activities may not be <u>are not considered dredging nor</u> subject to the regulations found in Section 6.4, Dredging and Dredge Material Disposal, <u>depending on site specific circumstances.</u>	The City should not be inconsistent with federal law. Certain aquaculture activities may be considered dredging under federal law, depending on site specific conditions. The required change will ensure projects are not automatically subject to Section 6.4, but also will not conflict with Nationwide Permit 48 <u>under federal regulations.</u>

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3	BI 5.2.2	Aquaculture Applicability	Aquaculture is dependent on the use of the water and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. Recognize that w When properly managed, aquaculture can result in long-term <u>over short-term</u> ecological and economic benefit and can protect the resources and ecology of the shoreline.	For consistency with WAC 173-26-241(3)(b)(i). The WAC contains “consistent with control of pollution and prevention of damage to the environment” and other qualifiers that are important to interpretation and application of the SMA and WAC.
4	BI 5.2.2(3)	Aquaculture policies	Prohibit aquaculture where it would result in a net loss of shoreline ecological functions; adversely affect the quality or extent of habitat for native species including eelgrass, kelp, and other macroalgae; adversely impact City and state critical habitat areas and other habitat conservation areas;	Commercial, subsistence and recreational shellfish beds are critical saltwater habitats. Having this statement here results in circular reasoning. Typically, the CAO language is adequate to meet the intent here, without creating conflicts within the aquaculture provisions
5	BI 5.2.2(7)	Aquaculture Policies	Give preference to those forms of aquaculture that have less environmental and/or visual impacts. Preference is given to those projects that require fewer submerged or intertidal structures, fewer land-based facilities, <u>and</u> limited substrate modification, and <u>that don’t rely</u> reliance on artificial feeding.	Replace “reliance” with “don’t rely” to better describe intent.
6	BI 5.2.3(3)(e)	Aquaculture Regulations-Prohibited	Areas that do not have potential to support native populations of the type(s) of aquaculture under consideration.	Pacific oysters, manila clams, Atlantic salmon, and other species currently cultured and farmed are not native species. This policy constitutes a defacto ban on an overwhelming majority of aquaculture.
7	BI 5.2.3(4)	Aquaculture Regulations-Prohibited	Aquaculture that uses or releases herbicides, pesticides, antibiotics, fertilizers, non-indigenous species, parasites, pharmaceuticals, genetically modified organisms, feed or other materials known to be potentially harmful into surrounding waters is prohibited unless: 1) except that the following may be allowed: a. Experimental forms of aquaculture involving new species, new growing methods or new	To be consistent with WAC 173-26-241(3)(b)(i) . The WAC contains “consistent with control of pollution and prevention of damage to the environment” and other qualifiers that are important to interpretation and application of the SMA and WAC.

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		harvesting techniques may be allowed consistent with this Program and applicable state and federal regulations. b. Shellfish seeding/culturing may be permitted when conducted for native population recovery in accordance with government/Tribal approved plan <u>and all state and federal regulations or</u> c. Pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents, or other chemical applications for aquacultural operations unless approved by all <u>only if prior approval is obtained from all appropriate state and federal agencies, including, including but not limited to, the U.S. Food and Drug Administration, the Washington State Departments of Ecology, Fish and Wildlife and Agriculture, as required, and 2) proof thereof is submitted to the City.</u>	Pacific oysters, manila clams, Atlantic salmon, and other species currently cultured and farmed are not native species. This policy constitutes a defacto ban on an overwhelming majority of aquaculture. Commercial aquaculture already requires state and federal permits which address these issues. The proposed language would be inconsistent with what is currently permitted through state and federal law and regulations. It's important to note that net pens of native salmon are not permitted by WDFW, due to the risk to native salmon from escapement and disease transfer. For more information, see Marine Net Pens Science Forum videos http://www.youtube.com/playlist?list=PL8BmI4b96dKZ5rdChrLsl-e5fxeGMHsLA and Appendix C of the Aquaculture Interim Guidance http://www.ecy.wa.gov/programs/sea/shorelines/smp/handbook/aquaculture_guidance.pdf
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8	BI 5.2.3	Aquaculture Prohibited	shall be prohibited in existing kelp beds or in beds of native eel grass (<i>Zostera marina</i>) containing more than two (2) turions per one quarter (1/4) square meter in winter or three (3) turions per one quarter (1/4) square meter in summer.	The DNR definition of ‘eelgrass bed’ may change over time, and is not used by all state and federal agencies, including Ecology Water Quality Certifications, Section 401, administered for new geoduck aquaculture projects. Not defining what constitutes a "bed" allows the City to rely on the most current science at the time of project review. Also, including "other substantial substrate modification" allows the City to include new aquaculture techniques that may be developed and proposed in the future. It's important to note that this will only apply to new aquaculture, and to existing beds at the time of review.
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9	BI 5.2.4(1)	Regulations General	5.2.4 Regulations - General 1. Aquaculture may be allowed as a conditional use in Shoreline Residential, Urban, and adjacent Aquatic designations and as provided below: a. Community Shellfish Gardens may be <u>are</u> allowed as a conditional use in the Island Conservancy, Shoreline Residential Conservancy, <u>Shoreline Residential and Urban</u> designations and in adjacent Aquatic designations except Priority Aquatic (unless as part of an approved restoration project). b. Individual Shellfish Gardens may be <u>are</u> allowed in the Island Conservancy, Shoreline Residential Conservancy, <u>Shoreline Residential and Urban</u>, Shoreline designations, and in adjacent Aquatic <u>designation designations</u> Priority B. <u>They also are allowed in Aquatic Priority A when for the recovery of native populations, restoration, or personal use as defined Aquaculture 16.12.5.3. except in Priority Aquatic A (unless as part of an approved restoration project.</u>	Reword for clarity and be consistent with Table 4-1, Shoreline Use and Modification Activity Matrix
10	BI 5.2.4(5)	Regulations General	Legally established aquacultural enterprises, including authorized experimental projects, shall be protected from incompatible uses which may seek to locate nearby. Demonstration of a high probability that such an adjacent use would result in damage to, or destruction of, a legally established aquacultural enterprise shall be grounds for modification or denial of that use.	Delete or offer alternative language. This regulation appears to overreach the authority of Chapter 173-26 WAC because it applies to all existing aquaculture, including harvesting for personal consumption, and all non-aquaculture uses such as other water-dependent uses. <u>Appears to be inconsistent with intent of SMA and SMP Guidelines to develop policies and regulations to address inherent incompatibility of shoreline uses.</u>

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11	BI 5.2.5	Regulations Design Standards	Floating and submerged aquaculture structures shall be located to <u>avoid or minimize</u> interference with <u>navigation</u> navigable waters and the <u>normal</u> public's use of <u>the surface waters</u> . the water and shoreline	Edit as noted. Change wording to make it more consistent with language used in WAC 173-26-241(3)(b) and to acknowledge that mitigation is first about avoidance, then minimization of impacts.
12	BI 5.2.5(2)	Regulations Design Standards	Aquacultural structures and activities that are not water-dependent (e.g., warehouses for storage of products, parking lots) shall be located landward of the OHWM, upland of water-dependent portions of the project, and shall <u>avoid or</u> minimize detrimental impacts to the shoreline.	Edit as noted to acknowledge that mitigation is first about avoidance, then minimization of impacts.
13	BI 5.2.5(4)	Regulations Design Standards	Onshore support structures shall meet the height and setback standards established in Table 4-2, Site Development Standards Matrix, except that reduced setbacks may be permitted <u>through a shoreline variance</u> where necessary for the operation of hatcheries and rearing ponds. Netting and fencing shall be the minimum necessary to deter targeted predators and shall not exceed 6 feet in height, as measured from <u>the ground</u> water surface	Edit as noted if this section refers to onshore structures, not overwater structures
14	BI 5.2.5(5)	Regulations Design Standards	Aquacultural proposals that include net pens or rafts shall not be located closer than one (1) nautical mile to any other aquacultural facility that includes net pens or rafts, provided that a lesser distance may be authorized by the Administrator if the applicant can demonstrate to the satisfaction of the Administrator that the environmental and aesthetic concerns expressed in the Master Program shall be addressed. If a lesser distance is requested, the burden of proof shall be on the applicant to demonstrate that the cumulative impacts of the existing and proposed operations would not be contrary to the policies and regulations of the Master Program.	Provide No rationale for the 1 mile distance <u>is provided</u> . Modify to allow consideration of site potential and circumstances to determine if grouping is needed or not, and what distance if any is appropriate. Grouping uses in one location actually may reduce aesthetic and environmental impacts, rather than spreading them along a longer length of shoreline and viewshed. Projects must meet the environmental and aesthetic concerns regardless of where they are located in proximity to each other. Cumulative impacts may be considered as

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				part of any project proposal review. Since a CUP is required for almost all aquaculture projects, the city has the authority to consider and address cumulative impacts, and require mitigation or limits or conditions to those reduce impacts.
15	BI 5.2.5 (9)	Aquaculture Design Standards	Except as provided in Section 5.2.5(1), aquacultural developments approved on an experimental basis shall not exceed five (5) acres in area, except anchorage for floating systems, and five (5) years in duration;	Required change. It appears the Inventory and Characterization and the CIA don't provide rationale for the 5 acre limit and 5 year permit duration, and are arbitrary. Please delete or provide rationale.
16	BI 5.2.5 (10)	Aquaculture Design Standards	Shellfish Gardens for personal consumption are allowed <u>on private lands as an accessory use</u> to a primary residential use provided the following can be met:	Aquaculture for personal consumption may occur on private property other than residential. Also, Table 4-1 allows Shellfish Gardens in multiple environment designations where uses other than residential may occur. Deleting this statement would make this regulation and the table consistent.
17	BI 5.2.5 (10)(c)	Aquaculture Design Standards	The area used for cultivation is no greater than 400 square feet in area.	There appears to be no rationale provided in the Inventory and Characterization and CIA for the 400 square feet limit. Delete or provide rationale.

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18	BI 5.2.6(6)	Aquaculture Operational Standards	When feasible the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing, or hand washing, rather than chemical treatment and applications. <u>All nets will shall be maintained and cleaned in accordance with all applicable state NPDES permit and federal requirements.</u>	<u>All commercial geoduck operations require 401 water quality certifications that include requirements for maintaining nets.</u>
19	BI 5.2.8	Aquaculture Commercial Geoduck Requirements	<u>5.2.8 Commercial Geoduck Requirements</u> <u>In addition to other provisions in section 5.2, commercial geoduck aquaculture will be administered consistent with WAC 173-26-241(3)(b)(ii), (iii), and (iv). Where there is inconsistency between the provisions in 5.2.1, 5.2.2., 5.2.3, 5.2.4, 5.2.5, 5.2.6 or 5.2.7 and the geoduck provisions, the specific commercial geoduck provisions apply.</u> <u>A conditional use permit is required for all new commercial geoduck aquaculture and conversions from existing non-geoduck aquaculture to geoduck aquaculture. CUPs for new commercial geoduck and conversions will be administered consistent with WAC 173-26-241(3)(b)(ii), (iii), and (iv).</u>	Add commercial geoduck policies and regulations as needed to ensure the SMP aquaculture provisions comply with WAC 173-26-241(3)(b)(ii)-(iv). The policies, regulations, standards and application requirements noted above do not meet WAC 173-26-241(3)(b)(ii-iv) in its entirety. One way to comply would be to adopt the WAC subsections by reference.
20	BI 1.2.2 (2)	Scope of Shoreline Management Act	2. Segments of streams and rivers with a <u>where the mean annual flow is more than</u> 20 cubic feet per second (cfs) or more ;	For consistency with RCW 90.58.030(2) (e)
21	BI 1.2.2 (3)	Scope of Shoreline Management Act	3. Lakes and reservoirs 20 acres and greater larger than 20 acres in area;	For consistency with RCW 90.58.030(2) (e)
22	BI 1.2.2(4)	Scope of Shoreline Management Act	4. Wetlands (a specific Shoreline Management Act term which includes related upland, shoreland, and wetland areas) associated with all of the above; and <u>Shorelands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters.</u>	For consistency with RCW 90.58.030(2)(d)

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23	BI 3.3.2.2		Priority Aquatic shall be designated as follows: 1. Priority Aquatic Category A is more protective and intended to be the default classification. a. Those areas previously designated Aquatic Conservancy are as of the adoption of this date XXX XX, 2013 of this SMP, shall be are designated Priority Aquatic Category A. 2. Priority Aquatic areas located adjacent to upland areas with a high level of existing development will be classified as are Priority Aquatic B.	For clarity of designations and intent
23	BI 4.1.5.4 (2)	Critical Areas	Development, uses, and activities adjacent to critical areas, including critical saltwater habitats and fish and wildlife habitat conservation areas, proposed within shorelines of the state shall <u>be monitored</u> to assure that these areas are not being adversely impacted by approved development or restoration projects <u>consistent with Section 4.1.2. monitoring and mitigation requirements and the monitoring and mitigation requirements in Appendix B.</u>	To ensure consistency with WAC 173-26-201(2)(e)
24	BI 3.3.1.3 (4)	Aquatic Designations Management Policies	Aquaculture practices should be limited to those activities that can demonstrate that significant impacts to ecological functions, ecosystem-wide processes, and adjacent land uses will not occur. Aquaculture should be encouraged in those tidelands, waters and beds most suitable for such use. Intensive shellfish aquaculture is prohibited.	For consistency with the WAC 173-26-241(3)(b) and the SMP Use Table

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25	BI 8	Definitions	Houseboat—A particular type of vessel licensed and designed for use as a mobile structure with adequate self-propulsion and steering equipment to be operated as a vessel but also characterized by detachable utilities or facilities for residential use. When principally used as an over-water residence, it is a “live-aboard vessel.” Floating Home—A non-vessel structure designed and operated substantially as a permanently based over-water residence. Floating homes lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi-permanent anchorage/moorage facilities. Floating house - <u>any floating structure that is designed, or has been substantially and structurally remodeled or redesigned, to serve primarily as a residence. "Floating houses" include house boats, house barges, or any floating structures that serve primarily as a residence and do not qualify as a vessel as provided in subsection (74) of this section. A floating structure that is used as a residence and is capable of navigation, but is not designed primarily for navigation, nor normally is capable of self-propulsion and use as a means of transportation is a floating house, not a vessel.</u>	For consistency with WAC 332-30
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26	Title 2	G. Shoreline Variance-Major Minor	<u>f. The Administrator shall mail the final City decision to the applicant, the State Department of Ecology, and the State Attorney General. The permit must be received by Ecology within eight (8) days of the date of the decision. Within eight (8) days of the date of the decision, the Administrator shall also mail the decision to any person who requested notice of the decision.</u> <u>g. The State Department of Ecology shall approve, approve with conditions, or deny all shoreline variances approved by the City. Ecology's decision must be made within thirty (30) days of the date the permit and other information required by WAC 173-14-090 or its successor are received by Ecology and the Washington State Attorney General. Ecology will send a letter to the applicant and the City informing them of the decision. Upon receipt of the Ecology decision, the Administrator shall notify those interested persons who requested notification.</u> <u>3. Decision Criteria</u> <u>Pursuant to WAC 173-27-210 170 or its successor, the criteria below constitute the minimum criteria for review and approval of a shoreline variance permit.</u> <u>a. Shoreline variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), and/or landward of any wetland, as defined in BIMC 16.12, may be authorized provided the applicant can demonstrate all of the following:</u> <u>i. The strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;</u> <u>ii. The hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;</u> <u>iii. The design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment</u> <u>iv. The variance will not constitute a grant of special privilege not enjoyed by the other properties in the area</u> <u>v. The variance requested is the minimum necessary to afford relief; and</u> <u>vi. The public interest will suffer no substantial detrimental effect.</u> <u>b. Shoreline variance permits where the development will be located either waterward of the ordinary high water mark (OHWM) or within or within any wetland, defined in BIMC 16.12, may be approved or approved with conditions or modifications subject to approval by Ecology, if the decision maker finds the applicant has demonstrated compliance with all of the following criteria:</u> <u>i. The strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;</u> <u>ii. The proposal is consistent with the criteria established under subsection (3)(ii) through (vi) of this section; and</u> <u>iii. The public rights of navigation and use of the shorelines will not be adversely affected</u>	For consistent with WAC 173-27-160 & 170
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27	Title 2	H.2. Procedure	<u>b. Minor Shoreline Conditional Use</u> <u>f. The Administrator shall mail the final City decision to the applicant, the State Department of Ecology, and the State Attorney General. The permit must be received by Ecology within eight (8) days of the date of the decision. Within eight (8) days of the date of the decision, the Administrator shall also mail the decision to any person who requested notice of the decision.</u> <u>g. The State Department of Ecology shall approve, approve with conditions, or deny all shoreline conditional use permits approved by the City. Ecology's decision must be made within thirty (30) days of the date the permit and other information required by WAC 173-14-090 or its successor are received by Ecology and the Washington State Attorney General. Ecology will send a letter to the applicant and the City informing them of the decision. Upon receipt of the Ecology decision, the Administrator shall notify those interested persons who requested notification.</u>	For consistent with WAC 173-27-160 & 170
28		H. 3 Conditional Use Permit	<u>i. The proposed use will be consistent with the policies of RCW 90.58.020 or its successor and the policies of the Master Program;</u> <u>ii. The proposed use will not interfere with the normal public use of the public shorelines;</u> <u>iii. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;</u> <u>iv. The proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is located;</u> <u>v. The public interest suffers no substantial detrimental effect, [WAC 173-14-140(1) or its successor]; and</u> <u>vi. The proposed use is consistent with the provisions of the Zoning Ordinance (BIMC Title 18).</u>	For consistent with WAC 173-27-160 & 170
29	Title 2	Table 2.16.010-1 Summary Table of Land Use Procedures	<u>Minor Shoreline Conditional Use (1)</u>	For consistent with WAC 173-27-160 & 170

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Ecology Recommended Changes

The following changes are recommended to clarify elements of the City’s updated SMP

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	BI 5.2.2(2)	Aquaculture Policies	Identify and encourage aquaculture activities which may provide opportunities for creating ecosystem improvements <u>and result in no net loss of ecological functions.</u>	Most development and uses can document “ecosystem improvements”. It is the no net loss that is the standard NNL is already captured in other policies.
2	BI 5.2.2(2)(A)	Aquaculture Policies	Engage in coordinated planning to identify potential aquaculture areas and assess regional long-term needs for aquaculture and coordinated education efforts to provide information on best practices to those operating small-scale aquaculture for personal use and consumption. This includes working with the Department of Fish and Wildlife (WDFW), the Department of Natural Resources (DNR), area Tribes and shellfish interests to identify areas that are suitable for aquaculture and protect them from uses that would threaten aquaculture’s long-term sustainability.	The city’s intentions to engage in coordinated planning and education does not need to be contained here in the SMP. As written, this policy doesn’t lay the foundation for any of the regulations except possibly 5.2.3.2, which uses the term “areas”. Since it is a Required Change to strike 5.2.3.2, it is recommended to delete this policy.
3	BI 5.2.2(2)	Aquaculture Policies	Allow experimental forms of aquaculture involving the use of new species, new growing methods, or new harvesting techniques when they are consistent with applicable state and federal regulations and this Program. Experimental aquaculture projects should be limited in scale and should be approved for a limited period of time. When feasible, limit or restrict new development <u>and uses proposals</u> in areas that affect existing experimental <u>aquaculture monitoring programs</u> .	Add “uses” and strike proposals to make this policy apply to all potential shoreline proposals. Replace “monitoring programs” with “aquaculture”, to allow a broader application of the policy, and make the last sentence more consistent with the first.
4	BI 5.2.2(3)	Aquaculture Policies	Limit aquaculture, including intensive shellfish aquaculture to activities that do not create	Most development and uses create “adverse impacts to ecological functions and ecosystem-

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			adverse impacts to ecological functions and ecosystem wide process.	wide process”. The City has the tools of mitigation and permit limits and conditions to avoid or minimize adverse impacts, rather than banning most aquaculture outright.
5	BI 5.2.2	Aquaculture Policies	or interfere with navigation or other water dependent uses.	It benefits the City to use the same language as WAC 173-26-241(3)(b)(i)(B) and (C)The WAC has nuance and qualifiers, such as “significant”, that limit the intent and interpretation. The CAO language should provide the protection regarding critical habitat and conservation areas. The use of the word “significantly” is an important distinction in the degree of conflict. Including "significantly" is important in clarifying that there is inherent conflict between uses in the shoreline zone.
6	BI 5.2.2	Aquaculture Policies	<u>Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses.</u> Prohibit intensive aquaculture where such development or activity would: a. Result in any significant adverse environmental impacts that cannot be eliminated or adequately mitigated through enforceable conditions of approval; or	All aquaculture should be "adequately mitigated" to result in no significant adverse impacts, not just “intensive” aquaculture. Since mitigation is required, a. seems to be redundant.
7	BI 5.2.2(5)	Aquaculture Policies	b. <u>Aquaculture facilities should be designed and located to not spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.</u> c. <u>Impacts to ecological functions shall be mitigated according to WAC 173-26-201(2)(e) and (XXX). Results in the spreading of disease, the introduction of non native species, or impacts to shoreline aesthetic qualities, or</u>	For more consistency with the intent and limitations of WAC 173-26-241(3)(b)(i)(C) . Add reference to city code requiring mitigation.

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8	BI 5.2.2 (5)	Aquaculture Policies	Result in impacts to other existing and approved land and water uses which would substantially and materially conflict, including impacts to navigation, moorage, sport or commercial fishing, underwater utilities, active scientific research, and/or the aesthetic qualities of a project area; and/or	All of these are covered by Policy 5 as "navigation and other water-dependent uses" and by Policy 6 as "aesthetic qualities of the shoreline" without adding qualifiers that would confound interpretation.
9	BI 5.2.2	Aquaculture Policies	Result in impacts to where water quality, temperature, oxygen content, current, and salinity restrictions make the area unsuitable for the type(s) of aquaculture under consideration. 5. Prohibit Community Shellfish Gardens where such development or activity would: a. Result in any significant adverse environmental impacts or aesthetic impact that cannot be eliminated or adequately mitigated through enforceable conditions of approval; or b. Where impacts to other existing and approved land and water uses would substantially and materially conflict, including impacts to navigation, moorage, sport or commercial fishing, underwater utilities, and/or active scientific research; and/or c. Be unsuitable due to water quality, temperature, oxygen content, current, and salinity restrictions for the type(s) of aquaculture under consideration. Ensure Shellfish Gardens consider aesthetic impacts as part of the site design process.	All of these comprise ecological functions, and Policy 5 already does not allow a net loss of ecological functions. Delete if the policies (above) are revised. The revised policies include all types of aquaculture, and there is no need to restate specific ones for Shellfish Gardens here. The specific items listed do not necessarily result in "less environmental and/or visual impacts." For example, land-based facilities should be required to meet setback and buffer requirements, and thus are likely to have fewer visual impacts than water-based activities. Also, techniques change over time and there could be unforeseen aspects of future aquaculture that create significant impacts. Suggest at least adding some clarification about what is meant by "preference" and deleting the second sentence so the City has more flexibility in meeting the policy stated in the first sentence.
10	BI 5.2.2	Aquaculture Policies	Give preference to those forms of aquaculture that have less environmental and/or visual impacts. Preference is given to those projects that require fewer submerged or intertidal structures, fewer land-based facilities, <u>and</u> limited substrate modification, and that <u>don't rely</u> reliance on artificial feeding.	Replace "reliance" with "don't rely" to better describe intent.

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11	BI 5.2.2	Aquaculture Policies	Ensure aquaculture does installation of net pens, raft cultures or surface embedded structures do not cause cumulative environmental impacts. and aesthetic impacts, or interfere with navigation.	If policies (above) are changed, recommend editing this policy as noted given aesthetic and navigation impacts are already addressed.
12	BI 5.2.3(1)	Aquaculture Prohibited	Aquaculture <u>is prohibited</u> in the Natural and Priority Aquatic designations, except as provided in Section 5.2.4 (1), below.	To ensure clarity.
13	BI 5.2.3(2)	Aquaculture Prohibited	Aquaculture, except individual Shellfish Gardens in the following areas: a. Areas where intensive aquaculture development would have potential adverse impacts on other existing and approved land and water uses, including navigation; and on the aesthetic qualities of a project area. i. Community Shellfish Garden is prohibited in areas listed in (a) above except the use may be allowed when adverse aesthetic impacts are avoided or adequately mitigated through enforceable conditions of approval. b. Areas where an aquaculture proposal will result in any significant adverse environmental impacts that cannot be eliminated or adequately mitigated through enforceable conditions of approval. c. Areas devoted to established uses of the aquatic environment with which the proposed aquacultural method(s) would substantially and materially conflict. Such uses would include, but are not limited to navigation, moorage, sport or commercial fishing, log rafting, underwater utilities and active scientific research.	Delete this subsection. The issues addressed in this subsection are covered by other regulations. Mitigation and permit limits and conditions are important planning tools available to the City to ensure impacts are mitigated adequately.
14	BI 5.2.3(2)	Aquaculture Prohibited	Areas that have water quality, temperature, oxygen content, current, and salinity restrictions that make the areas unsuitable for the type(s) of aquaculture under consideration.	Delete this subsection. The issues addressed in this subsection are covered by other regulations. Mitigation and permit limits and conditions are important planning tools available to the City to ensure impacts are mitigated adequately.

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15	BI 5.2.3	Regulations Prohibited	Mechanical and/or hydraulic harvesting or other activities that involve substantial substrate modification through dredging, trenching, or digging	Keep the definition of ‘substantial substrate modification’ more broad to allow more flexibility during project review.
16	BI 5.2.4(3)	Agriculture Regulations General	Aquaculture facilities shall avoid: a. A net loss <u>Loss</u> of ecological functions or processes; b. Adverse impacts <u>Impacts</u> to eelgrass and macro algae; c. Significant conflicts <u>with navigation and water-dependent uses</u>; d. The spreading of disease <u>to native aquatic life</u>; e. Establishing new Introduction of <u>Introduction of</u> non-native species that <u>cause significant ecological impacts</u>; and/or f. <u>Significant impacts</u> to shoreline aesthetic qualities. 4. Shellfish Gardens shall minimize adverse aesthetic impacts and be restricted in the areas described in Section 5.2.3(2)(b)(c) and (d).	These changes are would ensure consistency with the nuances of WAC 173-26-241(3)(b)(i). Delete to avoid redundancy with other policies, above.
17	BI 5.2.5 (3)	Aquaculture Regulations Design Standards	Hatchery and other aquaculture operations shall be required to maintain a vegetated buffer zone along the affected streamway as prescribed in Appendix B, provided that clearing of vegetation shall be permitted for essential water access points.	In the SMP streamway is not defined but stream is.
18	BI 5.2.5 (6)	Aquaculture Regulations Design Standards	Floating/hanging aquaculture facilities, and associated equipment, except navigation aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts. All materials, including those used for incidental aquacultural for personal consumption, shall be marked with owners contact information to provide identification after storm disturbance. <u>All floating and submerged aquaculture structures and facilities in navigable waters shall comply with all applicable state and federal requirements.</u>	Add to ensure navigation aids are covered, which must comply with US Coast Guard regulations.

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19	BI 5.2.5 (10) Aquaculture	Regulations Design Standards	a. <u>It complies with all state and federal regulations, including transfer and harvest permits required by WDFW.</u> b. The cultivation and harvesting is limited to native species of shellfish <u>acquired from a licensed source consistent with state law</u>; and	This change will ensure better compliance with WDFW permitting designed to avoid the spread of disease and highly invasive aquatic species within the state, and from outside Washington. Even moving shellfish from one part of an embayment to another may cause the spread of highly invasive aquatic species and disease.
20	BI 5.2.5 (10) Aquaculture	Regulations Design Standards	c. The operation may utilize bottom culture or off-bottom culture bags <u>if in</u> is accordance with best management practices and <u>it does not shall</u> significantly alter the tidal bed; and	Recommend adding a specific source for best management practices. See SHB No. 11-019 (2012) Long Branch Shellfish case, where the Shorelines Hearings Board allowed Pierce County to require compliance with the Pacific Coast Shellfish Growers Environmental Codes of Practice as a condition of their permit.
21	BI 5.2.6(2)	Aquaculture Regulations Operational Standards	2. Aquaculture occurring on nonconforming aquaculture sites is not considered discontinued or abandoned until the use has ceased for a period of more than 5 years. e.d. <u>Aquaculture operations that do not conform with this master program are considered discontinued if the use has ceased for a period of more than 5 years.</u>	Consider adding a <u>timeframe for abandonment</u> .
22	BI 5.2.7	Aquaculture Submittal Requirements	Submittal Requirements (a-m)	Ecology recommends that application requirements be moved out of the SMP to administrative procedures, to avoid needing a formal amendment if there is a change in application requirements.
23	BI 4.1.5.5	Critical Area Regulations - Fish and Wildlife Habitat Conservation Areas and Critical Saltwater Habitat	Regulations – Fish and Wildlife Habitat Conservation Areas and Critical Saltwater Habitat	A typographic error needs to reflect separate section formatting.

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24	Appendix A	Designations	Shoreline Designation change for McNabb Parcel B located at 4200 Eagle Harbor Drive (CPA-REZ 13220B subject to execution of Boundary Line Adjustment) from Shoreline Residential Conservancy to Urban designation.	For consistency with upland land uses with Water Dependent Industrial Uses (WD-I) upland zoning.
25	5.3.1	Boating Facilities Applicability	Regulations governing boating activities in the bays and harbors of Bainbridge Island are contained in BIMC Chapters 12.24, Waterfront Park and Other City Harbors, and 12.40, Watercraft and Floating Homes, and may also apply. See Section 6.3.7.7 and 8, for regulations governing mooring buoys. Boating facility development and/or renovation shall comply with all other applicable state and federal agency policies and regulations including, but not limited to the Department of Fish and Wildlife, <u>Department of Natural Resources</u> , Federal Marine Sanitation standards (Environmental Protection Agency 1972) requiring water quality certification from the U.S. Army Corps of Engineers (Section 10 33 USC § 403), U.S. Army Corps of Engineers dredging standards (33 USC § 403), and state and federal standards for the storage of fuels and toxic materials.	Clarifies intent. Washington DNR manages the use of state-owned aquatic lands. DNR requires leases from marinas over state-owned aquatic lands. Therefore, it is requested that WDNR be included as an agency.
26	6.1.5	Regulations-General	All applicable federal and state permits, including the Army Corps of Engineers, <u>Washington Department of Natural Resources</u> , and the Washington Department of Fish and Wildlife shall be obtained and complied with in the construction and operation of shoreline stabilization and flood protection works.	Clarifies intent. Washington DNR manages the use of state-owned aquatic lands.
27	6.3.8	Submittal Requirements Piers, Docks, Floats and Buoys	A scaled drawing that indicates the proposed location of: piers, floats, docks, and float storage location, if applicable, relative to the following: a. property lines; and b. OHWM; and c. The line of navigation, the construction limit line or the harbor structure limit line, as applicable; and d. Provide contours at two-foot (2') interval for a twenty-five feet (25') distance	Clarifies intent. Washington DNR manages the use of state-owned aquatic lands

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			to the right, left, and end of proposed structure, as measured from projects center line; e. <u>Location of state-owned aquatic lands in relation to the project.</u>	
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CITY OF BAINBRIDGE ISLAND
ACCOUNTS PAYABLE REPORT TO CITY COUNCIL OF CASH DISBURSEMENTS

CHECK RUN: June 23, 2014 - July 14, 2014
CITY COUNCIL: June 23, 2014 - July 14, 2014

Last check from previous run: 336093 dated 6/24/14 issued to Zee Medical Service Co. in the amount of 122.79

Payment Type	Check Date	Check Number	Department/Vendor/Description	Amount
ACH	N/A	N/A	COBI Utilities June Billing	3,847.01
EFT	N/A	N/A	WA State Department of Revenue/May Excise Taxes	12,665.08
Manual	06/10/14	335916	Void - Wrong Remit Address	Void
Manual	6/24/14	336014	Void - Wrong Vendor	Void
Manual	6/24/14	336048	Void - Wrong Vendor	Void
Manual	6/20/14	336094	PCD/Michele & James Clever/Partial Refund of HBA18955	1,146.00
Manual	6/20/14	336095	POL/Modern Collision Rebuild/Repair Rear-Ended Police Car	6,870.14
Manual	6/23/14	336096	EX/Bainbridge Island Museum of Art/Rental-Strategic Planning Meeting	250.00
Manual	6/23/14	336097	PW/Home Depot/Makita Driver Drill Kit	183.69
Manual	6/23/14	336098	PW/Westbay Auto Parts Inc/Oil/Air/Cabin Filters	110.93
Manual	6/25/14	336099	POL/Chevron/Investigators Gasoline	121.55
Manual	6/25/14	336100	FIN/Eiko Shibayama; Estate of Akio Suyematsu/2014 2Q Land Purchase Interest	4,731.00
Manual	7/2/14	336101	PW/Demolition Permit-Madrona Lot 5	50.00
Manual	7/2/14	336102	POL/IPMBA (Police on Bikes) Membership for 5 Officers	365.00
Manual	7/2/14	336103	PCD/Toshiba Financial Services/4540C & 6550C Copier Leases	566.40
Manual	7/2/14	336104	Washington Water Service Co/June 2014 Water-Decant Facility	122.78
Manual	7/3/14	336105	PW/Kitsap Tire Center/4 Tires-Equip #4	2,178.35
Manual Checks, Electronic Disbursements				33,207.93

Regular Run	7/15/14	336106 - 336244	Regular Check Run	647,438.99
Total Disbursements				680,646.92

Retainage Release	6/24/14	125	Stripe Rite, Inc/2013 Road Striping	4,289.68
Travel Advance	N/A	N/A	No Advance Travel	Ø

Prepared and Reviewed by Linda Steinberg Linda Steinberg, Accounts Payable

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished,
the services rendered, or the labor performed as described herein and that the claim
is a just, due, and unpaid obligation against the City of Bainbridge Island,
and that I am authorized to authenticate and certify to said claim.

Karl R. Shaw
Karl R Shaw, Accounting Manager

7-9-2014
Date

ACH UP

06/26/2014 09:09 |CITY OF BAINBRIDGE ISLAND
 lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

PG 1
 apcshdsb

CASH ACCOUNT: 635 111100 CASH
 CHECK NO CHK DATE TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

CHECK RUN

NET

INVOICE DTL DESC

154	06/26/2014	MANL	103 CITY OF BAINBRIDGE I	191808	10717JUN14	06/05/2014	ACHJUN14	13.35
Invoice: 10717JUN14						LIBRARY IRRIGATION		
				13.35	91011722 547500	GG-C/E-LIBRARY-COBI WTR/SWR		
				191809	10727JUN14	06/05/2014	ACHJUN14	954.18
Invoice: 10727JUN14						LIBRARY		
				954.18	91011722 547500	GG-C/E-LIBRARY-COBI WTR/SWR		
				191810	11015JUN14	06/05/2014	ACHJUN14	1,493.11
Invoice: 11015JUN14						WWTP		
				1,493.11	91425358 547500	GG-WWTP-WATER/SEWER		
				191811	11122JUN14	06/05/2014	ACHJUN14	341.25
Invoice: 11122JUN14						POLICE STATION		
				341.25	91011215 547500	GG-C/E-PD-COBI WTR/SWR		
				191812	11762JUN14	06/05/2014	ACHJUN14	21.54
Invoice: 11762JUN14						WW DRINKING FOUNTAIN		
				21.54	91011768 547500	GG-C/E-PARKS-WTR/SWR		
				191813	11806JUN14	06/05/2014	ACHJUN14	9.46
Invoice: 11806JUN14						MADISON/HS RAINBRINGER		
				9.46	91011768 547500	GG-C/E-PARKS-WTR/SWR		
				191814	11982JUN14	06/05/2014	ACHJUN14	710.30
Invoice: 11982JUN14						CITY HALL		
				710.30	91011189 547500	GG-C/E-CITY HALL-COBI WTR/SWR		
				191815	11983JUN14	06/05/2014	ACHJUN14	235.24
Invoice: 11983JUN14						CITY HALL IRRIGATION		
				235.24	91011189 547500	GG-C/E-CITY HALL-COBI WTR/SWR		
				191816	12754JUN14	06/05/2014	ACHJUN14	52.25
Invoice: 12754JUN14						WW PLANTINGS IRRIGATION		
				52.25	91011768 547500	GG-C/E-PARKS-WTR/SWR		
				191817	11805JUN14	06/05/2014	ACHJUN14	16.33
Invoice: 11805JUN14						HS/MADISON RAINBRINGER		
				16.33	91011768 547500	GG-C/E-PARKS-WTR/SWR		

CHECK 154 TOTAL: 3,847.01

06/26/2014 09:09
lsteinberg

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|PG 2
|apcshdsb

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 3,847.01

	COUNT	AMOUNT
TOTAL MANUAL CHECKS	1	3,847.01

*** GRAND TOTAL *** 3,847.01

06/26/2014 09:09 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

|PG 3
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

CLERK: lsteinberg

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT						LINE DESC			
EFF DATE	JNL DESC	REF 1	REF 2	REF 3					
2014 6	242								
APP 001-213000						GENERAL - ACCOUNTS PAYABLE		2,353.90	
06/26/2014	ACHJUN14	ACH	UB			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH			3,847.01
06/26/2014	ACHJUN14	ACH	UB			AP CASH DISBURSEMENTS JOURNAL			
APP 402-213000						ACCOUNTS PAYABLE		1,493.11	
06/26/2014	ACHJUN14	ACH	UB			AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL								3,847.01	3,847.01
APP 631-130000						DUE TO/FROM CLEARING		3,847.01	
06/26/2014	ACHJUN14	ACH	UB						
APP 001-130000						GENERAL - DUE TO/FROM CLEARING			2,353.90
06/26/2014	ACHJUN14	ACH	UB						
APP 402-130000						DUE TO/FROM CLEARING			1,493.11
06/26/2014	ACHJUN14	ACH	UB						
SYSTEM GENERATED ENTRIES TOTAL								3,847.01	3,847.01
JOURNAL 2014/06/242 TOTAL								7,694.02	7,694.02

06/26/2014 09:09
lsteinberg

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|PG 4
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND	ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001	GENERAL FUND	2014	6	242	06/26/2014			
	001-130000					GENERAL - DUE TO/FROM CLEARING		2,353.90
	001-213000					GENERAL - ACCOUNTS PAYABLE	2,353.90	
						FUND TOTAL	2,353.90	2,353.90
402	SEWER OPERATING FUND	2014	6	242	06/26/2014			
	402-130000					DUE TO/FROM CLEARING		1,493.11
	402-213000					ACCOUNTS PAYABLE	1,493.11	
						FUND TOTAL	1,493.11	1,493.11
631	CLEARING FUND	2014	6	242	06/26/2014			
	631-130000					DUE TO/FROM CLEARING	3,847.01	
	635-111100					CASH		3,847.01
						FUND TOTAL	3,847.01	3,847.01

FUND		DUE TO	DUE FROM
001	GENERAL FUND		2,353.90
402	SEWER OPERATING FUND		1,493.11
631	CLEARING FUND	3,847.01	
TOTAL		3,847.01	3,847.01

** END OF REPORT - Generated by Linda Steinberg **

EXC TAX

06/26/2014 09:14 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

|PG 1
|apcshdsb

CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

155 06/26/2014 MANL 124 WA ST DEPT OF REVENUE 191818 2014-06 06/24/2014 EPTJUN14 12,665.08
Invoice: 2014-06

MAY 2014 EXCISE TAXES

252.66	91411341	553000	FINANCE - WATER EXTRNL TAXES
149.75	91421351	553000	FINANCE - SEWER - EXTRNL TAXES
4,963.11	91421351	553000	FINANCE - SEWER - EXTRNL TAXES
22.67	91421351	553000	FINANCE - SEWER - EXTRNL TAXES
5.33	91411341	553000	FINANCE - WATER EXTRNL TAXES
4.43	91411341	553000	FINANCE - WATER EXTRNL TAXES
2,947.14	91431383	553000	FINANCE - SSWM - EXTRNL TAXES
3,633.92	91411341	553000	FINANCE - WATER EXTRNL TAXES
593.58	91421351	553000	FINANCE - SEWER - EXTRNL TAXES
22.27	52015212	531100	POLICE - INV SUPPLIES
12.41	53011212	531100	PD-C/E-PATROL SUPPLIES
1.97	81011881	535500	IT - C/E COMPUTER PARTS & EQ
50.70	81011881	535500	IT - C/E COMPUTER PARTS & EQ
5.14	81011881	535500	IT - C/E COMPUTER PARTS & EQ

CHECK 155 TOTAL: 12,665.08

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 12,665.08

COUNT AMOUNT

TOTAL MANUAL CHECKS 1 12,665.08

*** GRAND TOTAL *** 12,665.08

06/26/2014 09:14 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

|PG 2
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

CLERK: lsteinberg

YEAR PER	JNL								
SRC ACCOUNT						ACCOUNT DESC	T OB	DEBIT	CREDIT
EFF DATE	JNL DESC	REF 1	REF 2	REF 3		LINE DESC			
2014 6 244									
APP 401-213000						ACCOUNTS PAYABLE		3,896.34	
06/26/2014	EFTJUN14	062614				AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH			12,665.08
06/26/2014	EFTJUN14	062614				AP CASH DISBURSEMENTS JOURNAL			
APP 402-213000						ACCOUNTS PAYABLE		5,729.11	
06/26/2014	EFTJUN14	062614				AP CASH DISBURSEMENTS JOURNAL			
APP 403-213000						ACCOUNTS PAYABLE		2,947.14	
06/26/2014	EFTJUN14	062614				AP CASH DISBURSEMENTS JOURNAL			
APP 001-213000						GENERAL - ACCOUNTS PAYABLE		92.49	
06/26/2014	EFTJUN14	062614				AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL								12,665.08	12,665.08
APP 631-130000						DUE TO/FROM CLEARING		12,665.08	
06/26/2014	EFTJUN14	062614							
APP 401-130000						DUE TO/FROM CLEARING			3,896.34
06/26/2014	EFTJUN14	062614							
APP 402-130000						DUE TO/FROM CLEARING			5,729.11
06/26/2014	EFTJUN14	062614							
APP 403-130000						DUE TO/FROM CLEARING			2,947.14
06/26/2014	EFTJUN14	062614							
APP 001-130000						GENERAL - DUE TO/FROM CLEARING			92.49
06/26/2014	EFTJUN14	062614							
SYSTEM GENERATED ENTRIES TOTAL								12,665.08	12,665.08
JOURNAL 2014/06/244 TOTAL								25,330.16	25,330.16

06/26/2014 09:14
lsteinberg

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|PG 3
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	DEBIT	CREDIT
ACCOUNT			ACCOUNT DESCRIPTION		
001 GENERAL FUND	2014 6	244	06/26/2014		
001-130000			GENERAL - DUE TO/FROM CLEARING		92.49
001-213000			GENERAL - ACCOUNTS PAYABLE	92.49	
			FUND TOTAL	92.49	92.49
401 WATER OPERATING FUND	2014 6	244	06/26/2014		
401-130000			DUE TO/FROM CLEARING		3,896.34
401-213000			ACCOUNTS PAYABLE	3,896.34	
			FUND TOTAL	3,896.34	3,896.34
402 SEWER OPERATING FUND	2014 6	244	06/26/2014		
402-130000			DUE TO/FROM CLEARING		5,729.11
402-213000			ACCOUNTS PAYABLE	5,729.11	
			FUND TOTAL	5,729.11	5,729.11
403 STORM & SURFACE WATER FUND	2014 6	244	06/26/2014		
403-130000			DUE TO/FROM CLEARING		2,947.14
403-213000			ACCOUNTS PAYABLE	2,947.14	
			FUND TOTAL	2,947.14	2,947.14
631 CLEARING FUND	2014 6	244	06/26/2014		
631-130000			DUE TO/FROM CLEARING	12,665.08	
635-111100			CASH		12,665.08
			FUND TOTAL	12,665.08	12,665.08

06/26/2014 09:14
lsteinberg

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|PG 4
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		92.49
401	WATER OPERATING FUND		3,896.34
402	SEWER OPERATING FUND		5,729.11
403	STORM & SURFACE WATER FUND		2,947.14
631	CLEARING FUND	12,665.08	
	TOTAL	12,665.08	12,665.08

** END OF REPORT - Generated by Linda Steinberg **

VOID

06/23/2014 08:31 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

PG 1
apcshdsb

CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

335916 06/10/2014 VOID 4850 HOME DEPOT CREDIT SE 191233 05/16/14 05/16/2014 -183.69
Invoice: 05/16/14 PW/MAKITA DRIVER DRILL KIT
-183.69 73111264 531100 O&M-STREET-TRAF CONTROL-SUPPLY

CHECK 335916 TOTAL: -183.69

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** -183.69

	COUNT	AMOUNT
TOTAL VOIDED CHECKS	1	183.69

*** GRAND TOTAL *** -183.69

06/23/2014 08:31 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

| PG 2
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

CLERK: lsteinberg

YEAR PER	JNL								
SRC ACCOUNT						ACCOUNT DESC	T OB	DEBIT	CREDIT
EFF DATE	JNL DESC	REF 1	REF 2	REF 3	LINE DESC				
2014 6 213									
APP 101-213000					STREETS - ACCOUNTS PAYABLE				183.69
06/10/2014	335916	VOID			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH			183.69	
06/10/2014	335916	VOID			AP CASH DISBURSEMENTS JOURNAL				
GENERAL LEDGER TOTAL								183.69	183.69
APP 631-130000					DUE TO/FROM CLEARING				183.69
06/10/2014	06/08/14	VOID							
APP 101-130000					STREETS - DUE TO/FROM CLEARING			183.69	
06/10/2014	06/08/14	VOID							
SYSTEM GENERATED ENTRIES TOTAL								183.69	183.69
JOURNAL 2014/06/213 TOTAL								367.38	367.38

06/23/2014 08:31
lsteinberg

CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

PG 3
apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND	ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
101	STREET FUND	2014 6	213	06/10/2014			
	101-130000				STREETS - DUE TO/FROM CLEARING	183.69	
	101-213000				STREETS - ACCOUNTS PAYABLE		183.69
					FUND TOTAL	183.69	183.69
631	CLEARING FUND	2014 6	213	06/10/2014			
	631-130000				DUE TO/FROM CLEARING		183.69
	635-111100				CASH	183.69	
					FUND TOTAL	183.69	183.69

06/23/2014 08:31
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|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|PG 4
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
101 STREET FUND			183.69
631 CLEARING FUND		183.69	
	TOTAL	183.69	183.69

** END OF REPORT - Generated by Linda Steinberg **

06/23/2014 08:35 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

VOID

PG 1
apcshdsb

CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

336014 06/24/2014 VOID 7896 EUROFINS EATON ANALY 191419 1573 06/06/2014 -250.00
Invoice: 1573 EX/RENTAL-STRAT PLAN MEETING
-250.00 31011131 545000 EXEC - C/E RENTS & LEASES

CHECK 336014 TOTAL: -250.00

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** -250.00

	COUNT	AMOUNT
TOTAL VOIDED CHECKS	1	250.00

*** GRAND TOTAL *** -250.00

06/23/2014 08:35 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

|PG 2
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

CLERK: lsteinberg

YEAR	PER	JNL				ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC	ACCOUNT					LINE DESC			
	EFF DATE	JNL DESC	REF 1	REF 2	REF 3				
2014	6	215							
APP 001-213000						GENERAL - ACCOUNTS PAYABLE			250.00
	06/24/2014	336014	VOID			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH		250.00	
	06/24/2014	336014	VOID			AP CASH DISBURSEMENTS JOURNAL			
						GENERAL LEDGER TOTAL		250.00	250.00
APP 631-130000						DUE TO/FROM CLEARING			250.00
	06/24/2014	06/22/14	VOID						
APP 001-130000						GENERAL - DUE TO/FROM CLEARING		250.00	
	06/24/2014	06/22/14	VOID						
						SYSTEM GENERATED ENTRIES TOTAL		250.00	250.00
						JOURNAL 2014/06/215	TOTAL	500.00	500.00

06/23/2014 08:35
lsteinberg

CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

PG 3
apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
ACCOUNT						
001 GENERAL FUND	2014 6	215	06/24/2014			
001-130000				GENERAL - DUE TO/FROM CLEARING	250.00	
001-213000				GENERAL - ACCOUNTS PAYABLE		250.00
				FUND TOTAL	250.00	250.00
631 CLEARING FUND	2014 6	215	06/24/2014			
631-130000				DUE TO/FROM CLEARING		250.00
635-111100				CASH	250.00	
				FUND TOTAL	250.00	250.00

06/23/2014 08:35
lsteinberg

CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

PG 4
apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001 GENERAL FUND			250.00
631 CLEARING FUND		250.00	
	TOTAL	250.00	250.00

** END OF REPORT - Generated by Linda Steinberg **

VOID

06/23/2014 08:27 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

PG 1
apcshdsb

CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

336048 06/24/2014 VOID 449 PARK & PLAYGROUND PR 191784 954435 05/12/2014 -110.93
Invoice: 954435 PW/OIL/AIR/CABIN FILTERS
-84.46 73638935 531100 OFFICE SUPPLIES
-26.47 990 141100 MERCHANDISE

CHECK 336048 TOTAL: -110.93

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** -110.93

	COUNT	AMOUNT
TOTAL VOIDED CHECKS	1	110.93

*** GRAND TOTAL *** -110.93

06/23/2014 08:27 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

|PG 2
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

CLERK: lsteinberg

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT						LINE DESC			
EFF DATE	JNL DESC	REF 1	REF 2	REF 3					
2014 6 211									
APP 631-213000						ACCOUNTS PAYABLE			84.46
06/24/2014	336048	VOID				AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH		84.46	
06/24/2014	336048	VOID				AP CASH DISBURSEMENTS JOURNAL			
APP 901-213000						ACCOUNTS PAYABLE			26.47
06/24/2014	336048	VOID				AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH		26.47	
06/24/2014	336048	VOID				AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL								110.93	110.93
APP 631-130000						DUE TO/FROM CLEARING			26.47
06/24/2014	06/22/14	VOID							
APP 901-130000						DUE TO/FROM CLEARING		26.47	
06/24/2014	06/22/14	VOID							
SYSTEM GENERATED ENTRIES TOTAL								26.47	26.47
JOURNAL 2014/06/211 TOTAL								137.40	137.40

06/23/2014 08:27
lsteinberg

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|PG 3
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	DEBIT	CREDIT
ACCOUNT			ACCOUNT DESCRIPTION		
631 CLEARING FUND	2014 6	211	06/24/2014		
631-130000			DUE TO/FROM CLEARING		26.47
631-213000			ACCOUNTS PAYABLE		84.46
635-111100			CASH	110.93	
			FUND TOTAL	110.93	110.93
901 GENERAL LONG TERM DEBT	2014 6	211	06/24/2014		
901-130000			DUE TO/FROM CLEARING	26.47	
901-213000			ACCOUNTS PAYABLE		26.47
			FUND TOTAL	26.47	26.47

06/23/2014 08:27
lsteinberg

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|PG 4
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
631	CLEARING FUND	26.47	
901	GENERAL LONG TERM DEBT		26.47
	TOTAL	26.47	26.47

** END OF REPORT - Generated by Linda Steinberg **

Manual

06/20/2014 10:54 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

|PG 1
|apcshdsb

CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

CHECK RUN

NET

INVOICE DTL DESC

336094 06/20/2014 PRD 7981 CLEVER, MICHELE E. & 191800 HBA18955 06/20/2014 M062014 1,146.00
Invoice: HBA18955 PCD/PARTIAL REFUND HBA48955
1,146.00 47047 322900 OTHER NON-BUS.LICENSES/

CHECK 336094 TOTAL: 1,146.00

336095 06/20/2014 PRD 493 MODERN COLLISION REB 191801 RO#013647 06/20/2014 M062014 6,870.14
Invoice: RO#013647 POL/REPR REAR-ENDED POLC CAR
6,870.14 53011212 548100 POLICE - C/E PATROL MAINTENANC

CHECK 336095 TOTAL: 6,870.14

NUMBER OF CHECKS 2 *** CASH ACCOUNT TOTAL *** 8,016.14

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	2	8,016.14

*** GRAND TOTAL *** 8,016.14

06/20/2014 10:54 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

PG 2
apcshdsb

JOURNAL ENTRIES TO BE CREATED

CLERK: lsteinberg

YEAR	PER	JNL	SRC	ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T OB	DEBIT	CREDIT
2014	6	206	APP	407-213000	06/20/2014	M062014	2014			ACCOUNTS PAYABLE AP CASH DISBURSEMENTS JOURNAL		1,146.00	
			APP	635-111100	06/20/2014	M062014	2014			CASH AP CASH DISBURSEMENTS JOURNAL			8,016.14
			APP	001-213000	06/20/2014	M062014	2014			GENERAL - ACCOUNTS PAYABLE AP CASH DISBURSEMENTS JOURNAL		6,870.14	
GENERAL LEDGER TOTAL												8,016.14	8,016.14
APP	631-130000	06/20/2014	M062014	2014						DUE TO/FROM CLEARING		8,016.14	
APP	407-130000	06/20/2014	M062014	2014						DUE TO/FROM CLEARING			1,146.00
APP	001-130000	06/20/2014	M062014	2014						GENERAL - DUE TO/FROM CLEARING			6,870.14
SYSTEM GENERATED ENTRIES TOTAL												8,016.14	8,016.14
JOURNAL 2014/06/206 TOTAL												16,032.28	16,032.28

06/20/2014 10:54
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|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|PG 3
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JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
ACCOUNT						
001 GENERAL FUND	2014 6	206	06/20/2014			
001-130000				GENERAL - DUE TO/FROM CLEARING		6,870.14
001-213000				GENERAL - ACCOUNTS PAYABLE	6,870.14	
				FUND TOTAL	6,870.14	6,870.14
407 BUILDING & DEVELOPMENT FUND	2014 6	206	06/20/2014			
407-130000				DUE TO/FROM CLEARING		1,146.00
407-213000				ACCOUNTS PAYABLE	1,146.00	
				FUND TOTAL	1,146.00	1,146.00
631 CLEARING FUND	2014 6	206	06/20/2014			
631-130000				DUE TO/FROM CLEARING	8,016.14	
635-111100				CASH		8,016.14
				FUND TOTAL	8,016.14	8,016.14

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|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|PG 4
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JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		6,870.14
407	BUILDING & DEVELOPMENT FUND		1,146.00
631	CLEARING FUND	8,016.14	
	TOTAL	8,016.14	8,016.14

** END OF REPORT - Generated by Linda Steinberg **

manual

06/24/2014 07:17 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

PG 1
apcshdsb

CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

336096 06/23/2014 PRD 7696 BAINBRIDGE ISLAND MU 191802 1573 06/06/2014 M062314 250.00
Invoice: 1573 EX/RENTAL-STRAT PLANNING MTG
250.00 31011131 545000 EXEC - C/E RENTS & LEASES

CHECK 336096 TOTAL: 250.00

336097 06/23/2014 PRD 4850 HOME DEPOT CREDIT SE 191803 05/16/14A 05/16/2014 M062314 183.69
Invoice: 05/16/14A PW/MAKITA DRIVER DRILL KIT
183.69 73111264 531100 O&M-STREET-TRAF CONTROL-SUPPLY

CHECK 336097 TOTAL: 183.69

336098 06/23/2014 PRD 499 WESTBAY AUTO PARTS I 191804 954435 05/12/2014 M062314 110.93
Invoice: 954435 PW/OIL/AIR/CABIN FILTERS
84.46 73638935 531100 OFFICE SUPPLIES
26.47 990 141100 MERCHANDISE

CHECK 336098 TOTAL: 110.93

NUMBER OF CHECKS 3 *** CASH ACCOUNT TOTAL *** 544.62

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	3	544.62

*** GRAND TOTAL *** 544.62

06/24/2014 07:17 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

PG 2
apcshdsb

JOURNAL ENTRIES TO BE CREATED

CLERK: lsteinberg

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT						LINE DESC			
EFF DATE	JNL DESC	REF 1	REF 2	REF 3					
2014 6 219									
APP 001-213000						GENERAL - ACCOUNTS PAYABLE		250.00	
06/23/2014	M062314	062314				AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH			544.62
06/23/2014	M062314	062314				AP CASH DISBURSEMENTS JOURNAL			
APP 101-213000						STREETS - ACCOUNTS PAYABLE		183.69	
06/23/2014	M062314	062314				AP CASH DISBURSEMENTS JOURNAL			
APP 631-213000						ACCOUNTS PAYABLE		84.46	
06/23/2014	M062314	062314				AP CASH DISBURSEMENTS JOURNAL			
APP 901-213000						ACCOUNTS PAYABLE		26.47	
06/23/2014	M062314	062314				AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL								544.62	544.62
APP 631-130000						DUE TO/FROM CLEARING		460.16	
06/23/2014	M062314	062314							
APP 001-130000						GENERAL - DUE TO/FROM CLEARING			250.00
06/23/2014	M062314	062314							
APP 101-130000						STREETS - DUE TO/FROM CLEARING			183.69
06/23/2014	M062314	062314							
APP 901-130000						DUE TO/FROM CLEARING			26.47
06/23/2014	M062314	062314							
SYSTEM GENERATED ENTRIES TOTAL								460.16	460.16
JOURNAL 2014/06/219 TOTAL								1,004.78	1,004.78

06/24/2014 07:17
lsteinberg

CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

PG 3
apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	DEBIT	CREDIT
ACCOUNT			ACCOUNT DESCRIPTION		
001 GENERAL FUND	2014 6	219	06/23/2014		
001-130000			GENERAL - DUE TO/FROM CLEARING		250.00
001-213000			GENERAL - ACCOUNTS PAYABLE	250.00	
			FUND TOTAL	250.00	250.00
101 STREET FUND	2014 6	219	06/23/2014		
101-130000			STREETS - DUE TO/FROM CLEARING		183.69
101-213000			STREETS - ACCOUNTS PAYABLE	183.69	
			FUND TOTAL	183.69	183.69
631 CLEARING FUND	2014 6	219	06/23/2014		
631-130000			DUE TO/FROM CLEARING	460.16	
631-213000			ACCOUNTS PAYABLE	84.46	
635-111100			CASH		544.62
			FUND TOTAL	544.62	544.62
901 GENERAL LONG TERM DEBT	2014 6	219	06/23/2014		
901-130000			DUE TO/FROM CLEARING		26.47
901-213000			ACCOUNTS PAYABLE	26.47	
			FUND TOTAL	26.47	26.47

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|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|PG 4
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		250.00
101	STREET FUND		183.69
631	CLEARING FUND	460.16	
901	GENERAL LONG TERM DEBT		26.47
	TOTAL	460.16	460.16

** END OF REPORT - Generated by Linda Steinberg **

CASH ACCOUNT: 635	111100	CASH
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CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
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INVOICE	DTL	DESC
1	100	100
2	100	100
3	100	100
4	100	100
5	100	100
6	100	100
7	100	100
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99	100	100
100	100	100

336099	06/25/2014	PRTD	96 CHEVRON PRODUCTS COM	191806	597741	06/22/2014	M062514	121.55
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Invoice: 597741

POL/INVESTIGATORS GASOLINE

121.55 52011212 543100

PD-INV-TRAVEL (NOT MEALS/LODG)

CHECK 336099 TOTAL: 121.55

336100	06/25/2014	PRTD	3843	EIKO SHIBAYAMA, P.R.	191807	06/25/14	06/25/2014	M062514	4,731.00
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Invoice: 06/25/14

2014 20 LAND PURCH INTEREST

4,731.00 91021921 783000

FIN-OS INTEREST EXP

CHECK	336100	TOTAL:	4,731.00
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NUMBER OF CHECKS	2	*** CASH ACCOUNT TOTAL ***	4,852.55
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COUNT	AMOUNT
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TOTAL PRINTED CHECKS	2	4,852.55
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*** GRAND TOTAL *** 4,852.55

06/25/2014 11:13 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

|PG 2
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

CLERK: lsteinberg

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT						LINE DESC			
EFF DATE	JNL DESC	REF 1	REF 2	REF 3					
2014 6 235									
APP 001-213000						GENERAL - ACCOUNTS PAYABLE		4,852.55	
06/25/2014	M062514	062514				AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH			4,852.55
06/25/2014	M062514	062514				AP CASH DISBURSEMENTS JOURNAL			
						GENERAL LEDGER TOTAL		4,852.55	4,852.55
APP 631-130000						DUE TO/FROM CLEARING		4,852.55	
06/25/2014	M062514	062514							
APP 001-130000						GENERAL - DUE TO/FROM CLEARING			4,852.55
06/25/2014	M062514	062514							
						SYSTEM GENERATED ENTRIES TOTAL		4,852.55	4,852.55
						JOURNAL 2014/06/235 TOTAL		9,705.10	9,705.10

06/25/2014 11:13
lsteinberg

CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

PG 3
apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
ACCOUNT						
001 GENERAL FUND	2014 6	235	06/25/2014			
001-130000				GENERAL - DUE TO/FROM CLEARING		4,852.55
001-213000				GENERAL - ACCOUNTS PAYABLE	4,852.55	
					-----	-----
				FUND TOTAL	4,852.55	4,852.55
631 CLEARING FUND	2014 6	235	06/25/2014			
631-130000				DUE TO/FROM CLEARING	4,852.55	
635-111100				CASH		4,852.55
					-----	-----
				FUND TOTAL	4,852.55	4,852.55

06/25/2014 11:13
lsteinberg

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|PG 4
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001 GENERAL FUND			4,852.55
631 CLEARING FUND		4,852.55	
	TOTAL	4,852.55	4,852.55

** END OF REPORT - Generated by Linda Steinberg **

Manual

07/02/2014 08:29 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

|P 1
|apcshdsb

CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

336101 07/02/2014 PRD 634 CITY OF BAINBRIDGE I 191990 07/01/14-DEMO 07/01/2014 M070214 50.00
Invoice: 07/01/14-DEMO PW/DEMO PERMIT-MADRONA-LOT5
50.00 31011182 54110000504 IMHP-SALES EXP-PROF SVCS

CHECK 336101 TOTAL: 50.00

336102 07/02/2014 PRD 7983 POLICE ON BIKES, INC 191991 06/26/14 06/26/2014 M070214 365.00
Invoice: 06/26/14 POL/IPMBA MEMBERSHP-5 OFFICER
365.00 53011212 549100 PD-C/E-PATROL-DUES/SUBCR/MEMBR

CHECK 336102 TOTAL: 365.00

336103 07/02/2014 PRD 6714 TOSHIBA FINANCIAL SE 191993 15453457 06/16/2014 M070214 237.03
Invoice: 15453457 PCD/4540C COPIER LEASE
237.03 61470581 545000 PCD - DEV ADMIN RENTS & LEASES

191994 15453458 06/16/2014 M070214 329.37
Invoice: 15453458 PCD/6550C COPIER LEASE
329.37 61470581 545000 PCD - DEV ADMIN RENTS & LEASES

CHECK 336103 TOTAL: 566.40

336104 07/02/2014 PRD 5271 WASHINGTON WATER SER 191989 0131710JUN14 06/20/2014 M070214 122.78
Invoice: 0131710JUN14 JUN14 WATER/DECANT FACILITY
122.78 91435838 547500 GG-DECANT-WATER/SEWER

CHECK 336104 TOTAL: 122.78

NUMBER OF CHECKS 4 *** CASH ACCOUNT TOTAL *** 1,104.18

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	4	1,104.18

*** GRAND TOTAL *** 1,104.18

07/02/2014 08:29 |CITY OF BAINBRIDGE ISLAND
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|P 2
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

CLERK: lsteinberg

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT	JNL DESC	REF 1	REF 2	REF 3	LINE DESC				
2014 7 5									
APP 001-213000					GENERAL - ACCOUNTS PAYABLE			415.00	
07/02/2014 M070214	070214				AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH				1,104.18
07/02/2014 M070214	070214				AP CASH DISBURSEMENTS JOURNAL				
APP 407-213000					ACCOUNTS PAYABLE			566.40	
07/02/2014 M070214	070214				AP CASH DISBURSEMENTS JOURNAL				
APP 403-213000					ACCOUNTS PAYABLE			122.78	
07/02/2014 M070214	070214				AP CASH DISBURSEMENTS JOURNAL				
GENERAL LEDGER TOTAL								1,104.18	1,104.18
APP 631-130000					DUE TO/FROM CLEARING			1,104.18	
07/02/2014 M070214	070214								
APP 001-130000					GENERAL - DUE TO/FROM CLEARING				415.00
07/02/2014 M070214	070214								
APP 407-130000					DUE TO/FROM CLEARING				566.40
07/02/2014 M070214	070214								
APP 403-130000					DUE TO/FROM CLEARING				122.78
07/02/2014 M070214	070214								
SYSTEM GENERATED ENTRIES TOTAL								1,104.18	1,104.18
JOURNAL 2014/07/5 TOTAL								2,208.36	2,208.36

07/02/2014 08:29
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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

P 3
apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	DEBIT	CREDIT
ACCOUNT			ACCOUNT DESCRIPTION		
001 GENERAL FUND	2014 7	5	07/02/2014		
001-130000			GENERAL - DUE TO/FROM CLEARING		415.00
001-213000			GENERAL - ACCOUNTS PAYABLE	415.00	
			FUND TOTAL	415.00	415.00
403 STORM & SURFACE WATER FUND	2014 7	5	07/02/2014		
403-130000			DUE TO/FROM CLEARING		122.78
403-213000			ACCOUNTS PAYABLE	122.78	
			FUND TOTAL	122.78	122.78
407 BUILDING & DEVELOPMENT FUND	2014 7	5	07/02/2014		
407-130000			DUE TO/FROM CLEARING		566.40
407-213000			ACCOUNTS PAYABLE	566.40	
			FUND TOTAL	566.40	566.40
631 CLEARING FUND	2014 7	5	07/02/2014		
631-130000			DUE TO/FROM CLEARING	1,104.18	
635-111100			CASH		1,104.18
			FUND TOTAL	1,104.18	1,104.18

07/02/2014 08:29
lsteinberg

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|P 4
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		415.00
403	STORM & SURFACE WATER FUND		122.78
407	BUILDING & DEVELOPMENT FUND		566.40
631	CLEARING FUND	1,104.18	
	TOTAL	1,104.18	1,104.18

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Manual

07/02/2014 14:17 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

|P 1
|apcshdsb

CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

CHECK RUN

NET

INVOICE DTL DESC

336105 07/03/2014 PRD 309 KITSAP TIRE CENTER I 192018 188350 04/22/2014 M070314 2,178.35

Invoice: 188350

PW/4 TIRES-EQ#4

2,178.35 73637941 548100

VACTOR R&M-REPAIRS

CHECK 336105 TOTAL: 2,178.35

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 2,178.35

COUNT AMOUNT

TOTAL PRINTED CHECKS 1 2,178.35

*** GRAND TOTAL *** 2,178.35

CLERK: lsteinberg

JOURNAL ENTRIES TO BE CREATED

YEAR PER	JNL								
SRC ACCOUNT						ACCOUNT DESC	T OB	DEBIT	CREDIT
EFF DATE	JNL DESC	REF 1	REF 2	REF 3	LINE DESC				
2014 7 10									
APP 631-213000					ACCOUNTS PAYABLE			2,178.35	
07/03/2014	M070314	070314			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH				2,178.35
07/03/2014	M070314	070314			AP CASH DISBURSEMENTS JOURNAL				
					JOURNAL 2014/07/10	TOTAL		2,178.35	2,178.35

07/02/2014 14:17
lsteinberg

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|P 3
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
ACCOUNT						
631 CLEARING FUND	2014 7	10	07/03/2014			
631-213000				ACCOUNTS PAYABLE	2,178.35	
635-111100				CASH		2,178.35
				FUND TOTAL	2,178.35	2,178.35

** END OF REPORT - Generated by Linda Steinberg **

Regular

07/09/2014 09:19 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

|P 1
|apcshdsb

CASH ACCOUNT: 635			111100		CASH							
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN			NET	
INVOICE DTL DESC												
336106	07/15/2014	PRTD	5 ACE HARDWARE	191819	27659	06/03/2014		07/13/14			56.34	
Invoice: 27659				56.34	73435838 531100	PW/MISC SUPPL- VINCENT SAMPLG						
						O&M-DECANT-SUPPLIES						
Invoice: 27697				191820	27697	06/06/2014		07/13/14			37.96	
				37.96	73411345 531100	PW/FILTER/RUB ALCOHOL/ACID						
						OFFICE SUPPLIES						
Invoice: 27700				191821	27700	06/06/2014		07/13/14			16.29	
				16.29	73426355 531100	PW/ALK C BATTERIES						
						O&M-SIS-SUPPLIES						
Invoice: 27712				191822	27712	06/09/2014		07/13/14			35.84	
				35.84	73425358 531100	PW/ROPES/PRUNER RATCHET-WWTP						
						O&M-WWTP-SUPPLIES						
Invoice: 27716				191823	27716	06/10/2014		07/13/14			33.64	
				22.78	73111427 531100	PW/BRUSHES/TUBE/COUPLE						
				10.86	73111427 531100	OFFICE SUPPLIES						
						OFFICE SUPPLIES						
Invoice: 27725				191824	27725	06/11/2014		07/13/14			1.97	
				1.97	73111264 531100	PW/FASTENERS-SCHOOL SIGNS						
						O&M-STREET-TRAF CONTROL-SUPPLY						
Invoice: 27726				191825	27726	06/11/2014		07/13/14			51.21	
				51.21	73435838 531100	PW/WTR/HOSES/CLAMPS-VINCNT						
						O&M-DECANT-SUPPLIES						
Invoice: 27728				191826	27728	06/11/2014		07/13/14			17.38	
				17.38	73111427 531100	PW/WATER PRESSURE GAUGE						
						OFFICE SUPPLIES						
Invoice: 27748				191827	27748	06/12/2014		07/13/14			65.20	
				65.20	73637950 531100	PW/MARINE HOSE 1/2" X 50'						
						O&M ALLOC-50WTR/50DEV-SUPPLIES						
Invoice: 27761				191828	27761	06/16/2014		07/13/14			17.38	
				17.38	73011183 531100	PW/LAWN FOOD-CITY HALL						
						O&M-C/E-CH FAC-SUPPLIES						
Invoice: 27770				191829	27770	06/17/2014		07/13/14			2.16	
				2.16	73111427 531100	PW/2 C MEASURING CUP						
						OFFICE SUPPLIES						
Invoice: 27773				191830	27773	06/17/2014		07/13/14			16.26	
				16.26	73111427 531100	PW/PLASTIC PAILS X 2						
						OFFICE SUPPLIES						
Invoice: 27778				191831	27778	06/17/2014		07/13/14			56.32	
				56.32	73011897 531100	PW/CLEANER/WAX/BATTERY/KEY						
						O&M-C/E-PWYD FAC-SUPPLIES						

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CASH ACCOUNT: 635 111100 CASH
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Invoice: 27782	191832	27782	06/17/2014	07/13/14	4.57
			PW/FASTENERS		
	4.57	73431835 531100	OFFICE SUPPLIES		
Invoice: 27836	191833	27836	06/23/2014	07/13/14	26.00
			PW/PLUMBING SUPPLIES-WWTP		
	26.00	73425358 531100	O&M-WWTP-SUPPLIES		
Invoice: 27775	191882	27775	06/17/2014	07/13/14	36.91
			ENG/HWY STRIPING PAINT		
	36.91	72111421 53110000222	STREET-ROADS PRES-SUPPLIES		
Invoice: 27804	191883	27804	06/19/2014	07/13/14	36.91
			ENG/HWY STRIPING PAINT		
	36.91	72111421 53110000222	STREET-ROADS PRES-SUPPLIES		
Invoice: 27841	191884	27841	06/24/2014	07/13/14	460.80
			PW/FARM HOSES X 8		
	460.80	73011183 531100	O&M-C/E-CH FAC-SUPPLIES		
Invoice: 27842	191885	27842	06/24/2014	07/13/14	-57.60
			PW/RETURN 1 FARM HOSE		
	-57.60	73011183 531100	O&M-C/E-CH FAC-SUPPLIES		
Invoice: 27843	191886	27843	06/24/2014	07/13/14	54.34
			PW/1 FARM HOSE		
	54.34	73011183 531100	O&M-C/E-CH FAC-SUPPLIES		
Invoice: 27856	191887	27856	06/25/2014	07/13/14	70.63
			PW/ALUM SCOOP X 2		
	70.63	73111427 531100	OFFICE SUPPLIES		
Invoice: 27810	192019	27810	06/20/2014	07/13/14	35.86
			PW/24" BOLT CUTTER		
	35.86	73011897 531100	O&M-C/E-PWYD FAC-SUPPLIES		
Invoice: 27851	192020	27851	06/24/2014	07/13/14	15.20
			PW/BRASS COUPLES X 2		
	15.20	73411345 531100	OFFICE SUPPLIES		
Invoice: 27866	192021	27866	06/25/2014	07/13/14	7.60
			PW/BRASS COUPLE		
	7.60	73411345 531100	OFFICE SUPPLIES		
Invoice: 27895	192022	27895	06/27/2014	07/13/14	119.73
			PW/BROOM/BRUSH/BLADES-WWTP		
	119.73	73425358 531100	O&M-WWTP-SUPPLIES		
Invoice: 27746	192082	27746	06/12/2014	07/13/14	21.73
			PW/3" X 10' PIPE		
	21.73	73111427 531100	OFFICE SUPPLIES		

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CASH ACCOUNT: 635 111100 CASH
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						CHECK	336106 TOTAL:	1,240.63	
336107	07/15/2014	PRTD	7726 AIR MANAGEMENT SOLUT	191835	0000083342	02/03/2014	21400103	07/13/14	5,215.56
		Invoice: 0000083342				BUILDING SERVICES CONTRACT			
				5,215.56	73011183 54810000495	BLDG SVCS CONTRACT-CH-MAINT			
						CHECK	336107 TOTAL:	5,215.56	
336108	07/15/2014	PRTD	863 INTERSTATE BATTERIES	191834	21072725	06/12/2014		07/13/14	9.13
		Invoice: 21072725				PW/DRY0075-SHOP SUPPLY			
				9.13	73638935 531100	OFFICE SUPPLIES			
						CHECK	336108 TOTAL:	9.13	
336109	07/15/2014	PRTD	6393 AMERICAN DATA GUARD	192062	68307	05/31/2014		07/13/14	180.00
		Invoice: 68307				CITY HALL ON SITE SHREDDING			
				180.00	44011143 541100	RECORDS MNGT - C/E PROF SVCS			
						CHECK	336109 TOTAL:	180.00	
336110	07/15/2014	PRTD	5907 AMSAN OLYMPIC SUPPLY	191836	312850167	06/10/2014		07/13/14	922.34
		Invoice: 312850167				PW/TISSUES/TOWELLS			
				922.34	73637948 531100	O&M ALLOC-CITY WIDE SUPPLIES			
				191888	313326092	06/17/2014		07/13/14	186.90
		Invoice: 313326092				PW/MULTIFOLD TOWELLS			
				186.90	73637948 531100	O&M ALLOC-CITY WIDE SUPPLIES			
						CHECK	336110 TOTAL:	1,109.24	
336111	07/15/2014	PRTD	5947 ANDERSON TREE SERVIC	192083	4003	07/01/2014		07/13/14	1,739.20
		Invoice: 4003				PW/REMOVE WILLOWS-SOUNDVIEW			
				1,739.20	73111427 548100	O&M-ACCESS RDSIDE R&M			
						CHECK	336111 TOTAL:	1,739.20	
336112	07/15/2014	PRTD	4710 ASSOCIATED PETROLEU	191838	0594946-IN	06/11/2014		07/13/14	2,934.90
		Invoice: 0594946-IN				PW/800 GAL REGULAR			
				2,934.90	73638932 532000	O&M-FUEL ALLOC TO OTH DEPTS			
				191839	0594952-IN	06/11/2014		07/13/14	955.20
		Invoice: 0594952-IN				PW/275 GAL DIESEL			
				955.20	73638893 532000	O&M-FUEL USE-ALLOCATION			
				192023	0599638-IN	06/23/2014		07/13/14	1,541.34

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Invoice: 0599638-IN

1,541.34 73638932 532000 PW/400 GAL REGULAR
O&M-FUEL ALLOC TO OTH DEPTS

192024 0599641-IN 06/23/2014 07/13/14 1,265.94

Invoice: 0599641-IN

1,265.94 73638893 532000 PW/350.5 GAL DIESEL
O&M-FUEL USE-ALLOCATION

CHECK 336112 TOTAL: 6,697.38

336113 07/15/2014 PRD 1513 AMERICAN PUBLIC WORK 192084 732329

Invoice: 732329

06/25/2014 07/13/14 280.00
PW/CERT PUBL FLEET BOOKS X 7
O&M-C/E-CH FAC-TRAINING

280.00 73011183 443410

CHECK 336113 TOTAL: 280.00

336114 07/15/2014 PRD 7821 AUS WEST LOCKBOX 191840 1987468004

Invoice: 1987468004

06/12/2014 07/13/14 55.22
PW/LAUNDRY SERVICE
LAUNDRY SERVICES

55.22 73638893 589310

191841 1987479375 06/19/2014 07/13/14 59.02

Invoice: 1987479375

59.02 73638893 589310 PW/LAUNDRY SERVICE
LAUNDRY SERVICES

192025 1987490824 06/26/2014 07/13/14 59.02

Invoice: 1987490824

59.02 73638893 589310 PW/LAUNDRY SERVICE
LAUNDRY SERVICES

192026 19875020702 07/03/2014 07/13/14 59.02

Invoice: 19875020702

59.02 73638893 589310 PW/LAUNDRY SERVICE
LAUNDRY SERVICES

CHECK 336114 TOTAL: 232.28

336115 07/15/2014 PRD 4204 ARBITRAGE COMPLIANCE 191837 G4019

Invoice: G4019

06/10/2014 07/13/14 1,250.00
FIN/LTGO 2009 BONDS-ARBITRAGE
FIN - C/E ADMIN PROF SERVICES

1,250.00 41011141 541100

CHECK 336115 TOTAL: 1,250.00

336116 07/15/2014 PRD 1200 ARNESS INCORPORATED 191842 33259

Invoice: 33259

06/13/2014 07/13/14 356.00
PW/PUMP TRUCK TIME-WET WELL
WIN COLL-R&M

356.00 73421355 548100

CHECK 336116 TOTAL: 356.00

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INVOICE DTL DESC

336117 07/15/2014 PRTD 2922 ARXCIS INC 192085 997216 06/25/2014 07/13/14 975.00
Invoice: 997216 PW/TEST/INSPECT SANDER RACKS
975.00 73011897 541100 O&M-C/E-PWYD FAC-PROF SVCS

CHECK 336117 TOTAL: 975.00

336118 07/15/2014 PRTD 6689 HERCULES, INC 191876 130825033 06/06/2014 07/13/14 3,883.20
Invoice: 130825033 PW/PRAESTOL K 279 FLX
3,883.20 73425358 531100 O&M-WWTP-SUPPLIES

CHECK 336118 TOTAL: 3,883.20

336119 07/15/2014 PRTD 6420 AT&T MOBILITY 191969 0932JUN14 06/21/2014 07/13/14 101.29
Invoice: 0932JUN14 ENG/DATA CARD SURVEY EQUIP
101.29 91011189 542100 GG-C/E-CITY HALL-PHONE

CHECK 336119 TOTAL: 101.29

336120 07/15/2014 PRTD 4365 AUTOMATIC FUNDS TRAN 191843 74861 06/09/2014 07/13/14 758.67
Invoice: 74861 FIN/STATEMENT PREP AND MAIL
154.46 43411341 541100 FIN - WATER ADMIN PROF SERVICE
154.46 43421351 541100 FIN - SEWER ADMIN PROF SERVICE
224.87 91411891 542500 GG-WTR-FAC-POSTAGE
224.88 91421891 542500 GG-SWR-FAC-POSTAGE

191844 74920 06/11/2014 07/13/14 10.81

Invoice: 74920

FIN/FINAL BILL PRINT & MAIL
FIN - WATER ADMIN PROF SERVICE
FIN - SEWER ADMIN PROF SERVICE
GG-WTR-FAC-POSTAGE
GG-SWR-FAC-POSTAGE

1.80 43411341 541100
1.81 43421351 541100
3.60 91411891 542500
3.60 91421891 542500

CHECK 336120 TOTAL: 769.48

336121 07/15/2014 PRTD 47 BAINBRIDGE DISPOSAL 191846 06/18/14 06/18/2014 07/13/14 15.00
Invoice: 06/18/14 PW/VINCENT RD GARBAGE CHARG
15.00 73011182 54790200504 IMHP-SALES EXP-DEMOLITION EXP

192041 051003JUN14 06/30/2014 07/13/14 334.11

Invoice: 051003JUN14

JUN14 CITY HALL DISPOSAL SVC
GG-C/E-CITY HALL-GARBAGE

334.11 91011189 547900

192042 010963JUN14 06/30/2014 07/13/14 1,752.43

Invoice: 010963JUN14

JUN14 CITYWIDE DISPOSAL SVC
GG-C/E-PD-GARBAGE
GG-C/E-PARKS-GARBAGE
GG-WWTP-GARBAGE (NOT BIOSOLIDS)

85.35 91011215 547900
282.99 91011768 547900
301.61 91425358 547900

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1,082.48 91011897 547900 GG-C/E-O&M YARD FAC-GARBAGE

CHECK 336121 TOTAL: 2,101.54

336122 07/15/2014 PRTD	54 BAINBRIDGE RENTAL IN	191849	159547	05/23/2014	07/13/14	227.90
Invoice: 159547				PW/OIL/BLADES/GREASE		
		227.90	73431835 531100	OFFICE SUPPLIES		
		191850	159807	05/28/2014	07/13/14	256.31
Invoice: 159807				PW/UNIV ADV/PRUNER/BRSH KNIF		
		256.31	73431835 531100	OFFICE SUPPLIES		
		191851	160246	06/04/2014	07/13/14	128.40
Invoice: 160246				PW/POLYCUT BLADES/BAG		
		128.40	73431835 531100	OFFICE SUPPLIES		
		191852	161182	06/19/2014	07/13/14	77.12
Invoice: 161182				PW/BLADES/BRUSH KNIFE		
		77.12	73431835 531100	OFFICE SUPPLIES		
		191853	161239	06/20/2014	07/13/14	305.34
Invoice: 161239				PW/BLADES/PRUNER/GREASE		
		305.34	73111427 531100	OFFICE SUPPLIES		
		191854	161240	06/20/2014	07/13/14	162.06
Invoice: 161240				PW/CARBURETR/CAM WHEEL/PLUG		
		162.06	73111427 531100	OFFICE SUPPLIES		
		191855	161241	06/20/2014	07/13/14	107.94
Invoice: 161241				PW/CARBURATR/FILTER/SPRK PLG		
		107.94	73111427 531100	OFFICE SUPPLIES		
		191889	161491	06/24/2014	07/13/14	52.70
Invoice: 161491				PW/CHAIN/BLADES		
		52.70	73020769 531100	O&M-ROAD ENDS-SUPPLIES		
		191890	161558	06/25/2014	07/13/14	92.60
Invoice: 161558				PW/BLADES/GREASE/OIL		
		92.60	73111427 531100	OFFICE SUPPLIES		
		192027	162025	07/02/2014	07/13/14	440.18
Invoice: 162025				PW/BACKPACK BLOWER		
		440.18	73011897 531100	O&M-C/E-PWYD FAC-SUPPLIES		
		192028	162110	07/03/2014	07/13/14	207.78
Invoice: 162110				PW/CARBURATR REPR KIT/CHAPS		
		119.68	73431835 531100	OFFICE SUPPLIES		
		88.10	73431835 548100	REPAIRS & MAINTENANCE		

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CHECK 336122 TOTAL: 2,058.33

336123 07/15/2014 PRD	55 BAINBRIDGE ISLAND RE	191856	568047	06/13/2014	07/13/14	57.85
Invoice: 568047				CLRK/LEGAL AD-ORD 2014-16,25		
		57.85	11011113 544000	COUNCIL - LEGAL NOTICES		
		191857	568048	06/13/2014	07/13/14	69.65
Invoice: 568048				CLERK/LEGAL AD-RESO 20174-11		
		69.65	11011113 544000	COUNCIL - LEGAL NOTICES		
		191858	568107	06/13/2014	07/13/14	90.90
Invoice: 568107				CLERK/LEGAL AD-MARIJUANA ZON		
		90.90	11011113 544000	COUNCIL - LEGAL NOTICES		
		191891	563610	05/23/2014	07/13/14	711.00
Invoice: 563610				ENG/LEGAL AD-MAD AV PAVEMNT		
		711.00	72111421 54400000658	MAD AVE OVERLAY-ADVERTISING		
		191892	566599	06/06/2014	07/13/14	481.67
Invoice: 566599				ENG/LEGAL AD-EHBM BIDS		
		481.67	72423434 64400000471	BEACH MAIN REPL DES-CAP ADV		
		191893	569615	06/20/2014	07/13/14	128.68
Invoice: 569615				PCD/LEGAL AD-FLOREZ NOA		
		128.68	63470586 544000	CUR - DEV ZONING ADVERTISING		
		191998	571118	06/27/2014	07/13/14	64.93
Invoice: 571118				CLERK/LEGAL-RD VAC-PLEAS BCH		
		64.93	11011113 544000	COUNCIL - LEGAL NOTICES		
		192063	568110	06/13/2014	07/13/14	139.31
Invoice: 568110				ENG/LEGAL AD-EHBM STRMWTR		
		139.31	72423434 64400000471	BEACH MAIN REPL DES-CAP ADV		
				CHECK 336123 TOTAL:		1,743.99

336124 07/15/2014 PRD	55 BAINBRIDGE ISLAND RE	191948	568115	06/13/2014	07/13/14	100.35
Invoice: 568115				PCD/LEGAL AD-HELDER NOA		
		100.35	63470586 544000	CUR - DEV ZONING ADVERTISING		
		191970	564968	05/30/2014	07/13/14	179.44
Invoice: 564968				HEX/LEGAL AD-NOH GROW		
		179.44	34470586 544000	HEX - DEV ADVERTISING		
		191971	566672	06/06/2014	07/13/14	109.79
Invoice: 566672				HEX/LEGAL AD-NOH PSE-REITAN		
		109.79	34470586 544000	HEX - DEV ADVERTISING		
		191997	571115	06/27/2014	07/13/14	51.94
Invoice: 571115				CLERK/LEGAL AD-ORD 2014-26		

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51.94 11011113 544000

COUNCIL - LEGAL NOTICES

CHECK 336124 TOTAL: 441.52

336125 07/15/2014 PRD 7179 BAINBRIDGE YOUTH SER 191848 2014-2Q 06/18/2014 21400086 07/13/14 11,000.00

Invoice: 2014-2Q

2014 2Q COUNSELING/OUTREACH

11,000.00 31017526 54110000297 EX-HHHS-YOUTH COUNS & JOB OPP

CHECK 336125 TOTAL: 11,000.00

336126 07/15/2014 PRD 57 BAY HAY & FEED 191859 1007318 06/12/2014 07/13/14 54.44

Invoice: 1007318

PW/BULK PROPANE-FORKLIFT

54.44 73011897 531100

O&M-C/E-PWYD FAC-SUPPLIES

CHECK 336126 TOTAL: 54.44

336127 07/15/2014 PRD 7478 MARK BEARD 192103 1299 05/15/2014 07/13/14 470.67

Invoice: 1299

POL/FRONT DOOR SHADE

470.67 51011215 548100

POLICE - C/E FACIL REPAIRS

CHECK 336127 TOTAL: 470.67

336128 07/15/2014 PRD 7242 BELFAIR HOSE AND HYD 191861 2827 06/12/2014 07/13/14 247.78

Invoice: 2827

PW/REPLACE CYLINDER SEALS

247.78 73111427 531100

OFFICE SUPPLIES

CHECK 336128 TOTAL: 247.78

336129 07/15/2014 PRD 5412 BENEFIT ADMINISTRATI 191862 146518 06/17/2014 07/13/14 151.00

Invoice: 146518

2014 FLEX SPENDING PLAN

12.08 21011125 520000

COURT - BENEFITS

36.24 31011131 520000

EXEC - C/E BENEFITS

19.63 41011141 520000

FIN - C/E ADMIN BENEFITS

15.10 51011211 520000

PD-C/E ADMIN-BENEFITS

13.59 61011581 520000

PCD - C/E ADMIN BENEFITS

36.24 71011321 520000

PW - C/E BENEFITS

18.12 81011881 520000

IT - C/E ADMIN BENEFITS

CHECK 336129 TOTAL: 151.00

336130 07/15/2014 PRD 5119 BERGER/ABAM ENGINEER 192064 306509 06/04/2014 21100559 07/13/14 1,452.46

Invoice: 306509

ROCKAWAY BCH ENGINEERING SVCS

1,452.46 72321951 64110000534 ROCKAWAY BEACH-DESIGN/ENG

192065 306159

05/05/2014 21100559 07/13/14

46,947.12

Invoice: 306159

ROCKAWAY BCH ENGINEERING SVCS

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46,947.12 72321951 64110000534 ROCKAWAY BEACH-DESIGN/ENG

CHECK 336130 TOTAL: 48,399.58

336131	07/15/2014	PRTD	50 BAINBRIDGE ISLAND EL	191847	20140276	06/13/2014		07/13/14	550.76
Invoice: 20140276						PW/POL STATN LAMPS & BALLASTS			

550.76 73011215 548100 O&M-C/E-POLICE FAC-REPAIRS

CHECK 336131 TOTAL: 550.76

336132	07/15/2014	PRTD	314 BAINBRIDGE ISLAND FI	192102	G 06-2014	07/02/2014		07/13/14	1,771.19
Invoice: G 06-2014						POL/474.6 GAL GASOLINE			

1,663.85 53011212 532000 PD-C/E-PATROL-FUEL
107.34 52011212 532000 PD DET-C/E-FUEL

CHECK 336132 TOTAL: 1,771.19

336133	07/15/2014	PRTD	2265 BAINBRIDGE ISLAND LO	191996	07/01/14	07/01/2014	21400068	07/13/14	10,311.25
Invoice: 07/01/14						2Q WEB IMPROVEMENTS FOR BILA			

10,311.25 91140573 541100 GG-TOUR-PROF SERVICES

CHECK 336133 TOTAL: 10,311.25

336134	07/15/2014	PRTD	7696 BAINBRIDGE ISLAND MU	191860	1656	06/06/2014		07/13/14	521.76
Invoice: 1656						EX/COUNCIL STRAT PLNG CATERG			

521.76 31011131 531100 EXEC - C/E SUPPLIES

Invoice: 06/30/14						191995	06/30/14	06/30/2014	21400104	07/13/14	2,500.00
						2014 LTAC - ADVERTISING COSTS					

2,500.00 91140573 541100 GG-TOUR-PROF SERVICES

CHECK 336134 TOTAL: 3,021.76

336135	07/15/2014	PRTD	5202 BAINBRIDGE ARTS AND	191845	2014-2Q	06/17/2014	21400083	07/13/14	1,167.00
Invoice: 2014-2Q						2014 2Q OFF-ISLAND ADVERTISING			

1,167.00 91140573 541100 GG-TOUR-PROF SERVICES

CHECK 336135 TOTAL: 1,167.00

336136	07/15/2014	PRTD	69 BLUMENTHAL UNIFORMS	191999	78524	06/25/2014		07/13/14	70.30
Invoice: 78524						POL/HAT-862			

70.30 53011212 520000 POLICE - C/E PATROL BENEFITS

CHECK 336136 TOTAL: 70.30

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336137	07/15/2014	PRTD	5118 CARDNO TEC INC	191895	9898-023	05/27/2014	21400026	07/13/14	13,858.93
Invoice: 9898-023						WATER QUALITY & FLOW MONITORIN			
13,858.93						72431832 54110000445 NPDES PERMIT-PRO SVCS			

CHECK 336137 TOTAL: 13,858.93

336138	07/15/2014	PRTD	7621 CAROLLO ENGINEERS IN	191865	0134612	05/28/2014	21300157	07/13/14	45,907.76
Invoice: 0134612						BEACH MAINS PRF SVC			
45,907.76						72423434 64110000471 BEACH MAIN REPL DES-CAP ENG			

CHECK 336138 TOTAL: 45,907.76

336139	07/15/2014	PRTD	853 KATHRYN M CARRUTHERS	191972	06/30/14	06/30/2014		07/13/14	300.00
Invoice: 06/30/14						CRT/PRO TEM-6 HRS			
300.00						21011125 541210 COURT - JUDGE PRO TEMPORE SVCS			

CHECK 336139 TOTAL: 300.00

336140	07/15/2014	PRTD	4586 CHS, INC.	191866	2190 /2	06/11/2014		07/13/14	372.31
Invoice: 2190 /2						PW/50# BAGS SALT X 49			
372.31						73411345 531100 OFFICE SUPPLIES			

CHECK 336140 TOTAL: 372.31

336141	07/15/2014	PRTD	551 CENTURYLINK	191927	0399JUN14-B	06/23/2014		07/13/14	2,486.47
Invoice: 0399JUN14-B						CITYWIDE PHONE SERVICE			
1,512.61						91425358 542100 GG-WWTP-TELEPHONE/FAX			
607.55						91411891 542100 GG-WTR-FAC-PHONE			
44.47						91011755 542100 GG-C/E-COMMONS-PHONE			
89.03						91011189 542100 GG-C/E-CITY HALL-PHONE			
149.71						91011897 542100 GG-C/E-O&M YARD FAC-PHONE			
42.16						91011255 542100 GG-C/E-COURT BLDG-PHONE			
40.94						91011215 542100 GG-C/E-PD-PHONE			

CHECK 336141 TOTAL: 2,486.47

336142	07/15/2014	PRTD	634 CITY OF BAINBRIDGE I	192000	14-018-REFUND	06/25/2014		07/13/14	200.00
Invoice: 14-018-REFUND						POL/REFD NATL MARINA DAY DEP			
200.00						62238 386000 PARK/DOCK USE DEPOSIT			

CHECK 336142 TOTAL: 200.00

336143	07/15/2014	PRTD	460 CITY OF BI - PETTY C	192043	44899	06/11/2014		07/13/14	.50
Invoice: 44899						USPS POSTAGE DUE			
.50						91011189 542500 GG-C/E-CITY HALL-POSTAGE			

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CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

CHECK RUN

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INVOICE DTL DESC

Invoice: 44900	192044	44900	06/13/2014	07/13/14	8.25
			ENG/PARKING/TOLL-HILL MEETING		
	8.25	72011321 543100	ENG - C/E ADMIN TRAVEL EXPENSE		
Invoice: 44901	192045	44901	06/18/2014	07/13/14	23.89
			ENG/PAINT MARKING WAND-DR		
	23.89	72111421 53110000621	ISLAND WIDE ASPHALT R&M-SUPL		
Invoice: 44902	192046	44902	06/25/2014	07/13/14	4.76
			ENG/PLANS/SPECS LAMINATION-JH		
	4.76	72011321 531100	ENG - C/E ADMIN SUPPLIES		
			CHECK	336143 TOTAL:	37.40
336144 07/15/2014 PRD	460	CITY OF BI - PETTY C	192104	2014-10	16.19
Invoice: 2014-10			06/25/2014	07/13/14	
			POL/BATTERIES		
	16.19	51011211 531100	PD-C/E-ADM-SUPPLIES		
			CHECK	336144 TOTAL:	16.19
336145 07/15/2014 PRD	51	BAINBRIDGE ISLAND	192066	26798245	50.00
Invoice: 26798245			07/01/2014	07/13/14	
			OUT COURT TICKET		
	50.00	63638 389000	COURT NON-REVENUE		
			CHECK	336145 TOTAL:	50.00
336146 07/15/2014 PRD	5482	CODE 4	192001	12278	199.00
Invoice: 12278			06/16/2014	07/13/14	
			POL/CISM PEER SUPPT TRNG-DJ		
	199.00	53011212 443410	POLICE - C/E PATROL TRAINING		
			CHECK	336146 TOTAL:	199.00
336147 07/15/2014 PRD	6920	COMCAST	192002	06/201/4	11.26
Invoice: 06/201/4			06/20/2014	21400034 07/13/14	
			POL/HD XFINITY CONVERTER BOX		
	11.26	51011211 545000	PD-C/E-ADMIN RENTS/LEASE		
			CHECK	336147 TOTAL:	11.26
336148 07/15/2014 PRD	6642	COMMUNITY SOLAR SOLU	192086	07/01/14	438.53
Invoice: 07/01/14			07/01/2014	07/13/14	
			EX/JUN14 SOLAR NET METERING		
	438.53	91011189 54500000627	CH SOLAR-NET METERING PYMTS		
			CHECK	336148 TOTAL:	438.53

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CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

CHECK RUN

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INVOICE DTL DESC

336149 07/15/2014 PRD 7977 COMPUCOM SYSTEMS, IN 192047 62327559 06/24/2014 07/13/14 2,130.52
Invoice: 62327559 IT/COMMITTEE EMAIL ACCT LIC
2,130.52 81011881 535500 IT - C/E COMPUTER PARTS & EQ

CHECK 336149 TOTAL: 2,130.52

336150 07/15/2014 PRD 7166 AMERICAN MESSAGING 192029 W41044920G 07/01/2014 07/13/14 79.73
Invoice: W41044920G PW/JUL14 MESSAGE SERVICE
79.73 73637891 542100 O&M - ALLOC FACIL TELEPHONE

CHECK 336150 TOTAL: 79.73

336151 07/15/2014 PRD 142 COPIERS NORTHWEST IN 191973 INV1050657 06/13/2014 07/13/14 133.85
Invoice: INV1050657 CRT/IR3235I COPIER LEASE
133.85 21011125 545000 COURT - RENTS & LEASES - OPER

191974 INV1050658 06/13/2014 07/13/14 31.49
Invoice: INV1050658 CRT/IR3235I COPIER MAINT
31.49 21011125 548100 COURT - REPAIRS

192067 INV1057641 06/30/2014 07/13/14 228.18
Invoice: INV1057641 EX/FIN/IR6075 COPIER LEASE
114.09 31011131 545000 EXEC - C/E RENTS & LEASES
114.09 41011141 545000 FIN - C/E ADMIN RENTS & LEASES

192068 INV1057642 06/30/2014 07/13/14 89.33
Invoice: INV1057642 EX/FIN/IR6075 COPIER MAINT
44.66 31011131 548100 EXEC - C/E MAINT & REPAIRS
44.67 41011141 548100 FIN - C/E ADMIN REPAIRS/MAINT

CHECK 336151 TOTAL: 482.85

336152 07/15/2014 PRD 3333 CAPITAL ONE COMMERCIAL 192069 17586933 06/17/2014 07/13/14 1,445.64
Invoice: 17586933 IT/COMPUTER REPLACEMENT
1,445.64 81011881 535500 IT - C/E COMPUTER PARTS & EQ

192070 10078839 06/12/2014 07/13/14 255.60
Invoice: 10078839 PW/KS WATER X 60
255.60 73637891 531100 OFFICE SUPPLIES

CHECK 336152 TOTAL: 1,701.24

336153 07/15/2014 PRD 6101 E & S BRYAN INC 191975 1451 06/30/2014 07/13/14 5,000.00
Invoice: 1451 FIN/CRYSTAL REPORTING-MUNIS
5,000.00 41011141 541100 FIN - C/E ADMIN PROF SERVICES

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CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

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CHECK 336153 TOTAL: 5,000.00

336154 07/15/2014 PRD 7016 CUSTOM PRINTING 192087 4201 07/03/2014 07/13/14 36.85
Invoice: 4201 PCD/BUSINESS CARDS-JH

36.85 61470581 549500 PCDADM-DEV-COPIES/PRINTING

CHECK 336154 TOTAL: 36.85

336155 07/15/2014 PRD 5060 DARREL EMEL'S TREE S 191868 4000 06/17/2014 07/13/14 1,494.63
Invoice: 4000 PW/DOWN & HAUL CEDAR-MADRONA

1,494.63 73011182 54790200504 IMHP-SALES EXP-DEMOLITION EXP

CHECK 336155 TOTAL: 1,494.63

336156 07/15/2014 PRD 7144 DTMICRO, INC 192048 1967 06/15/2014 07/13/14 135.88
Invoice: 1967 IT/JUL14 POL ILEADS CONNECT KC

135.88 91011215 542100 GG-C/E-PD-PHONE

CHECK 336156 TOTAL: 135.88

336157 07/15/2014 PRD 4503 ESRI 192049 92831318 06/18/2014 07/13/14 14,565.80
Invoice: 92831318 IT/GIS SOFTWARE ANNUAL MAINT

14,565.80 81011881 548500 IT - C/E COMPUTER SUPPORT

CHECK 336157 TOTAL: 14,565.80

336158 07/15/2014 PRD 7510 EXPERIAN 192105 CD1503002698 06/27/2014 07/13/14 93.49
Invoice: CD1503002698 POL/CREDIT CHECK SERVICE

93.49 52011212 549100 PD-C/E-INV-DUES/SUBSCR/MEMBRSH

CHECK 336158 TOTAL: 93.49

336159 07/15/2014 PRD 5781 EXTERMINATION SERVIC 192003 19121 06/17/2014 07/13/14 90.22
Invoice: 19121 POL/EXTERMINATION SERVICE

90.22 51011215 541100 POLICE - C/E FACIL PROF SVCS

CHECK 336159 TOTAL: 90.22

336160 07/15/2014 PRD 212 FABRICARE 02 - PLANT 192106 07/02/14 07/02/2014 07/13/14 196.11
Invoice: 07/02/14 POL/LAUNDRY SERVICE

97.03 51011211 520000 PD-C/E ADMIN-BENEFITS
8.54 51011217 520000 PD-C/E-PARKING ENF-BEN
67.06 52011212 520000 POLICE - C/E INVEST BENEFITS
8.54 53011212 520000 POLICE - C/E PATROL BENEFITS
14.94 55011757 520000 PD-HARBORMASTER-BENEFITS

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CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME

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					CHECK	336160 TOTAL:	196.11
336161	07/15/2014	PRTD	2677 FASTSIGNS	191869 230 28260	05/27/2014	07/13/14	297.50
	Invoice: 230 28260				PW/VINYL DECALS FOR VEHICLES		
				297.50 73638935 531100	OFFICE SUPPLIES		
					CHECK	336161 TOTAL:	297.50
336162	07/15/2014	PRTD	1953 FERGUSON ENTERPRISES	191870 0423324	06/05/2014	07/13/14	2,000.30
	Invoice: 0423324				PW/LF 5/8X3/4 SR2 TRPL X 12		
				2,000.30 73411345 531100	OFFICE SUPPLIES		
				191896 0406711	06/13/2014	07/13/14	1,304.40
	Invoice: 0406711				PW/AUTOGUN 4090C X 2		
				1,304.40 73411345 531100	OFFICE SUPPLIES		
					CHECK	336162 TOTAL:	3,304.70
336163	07/15/2014	PRTD	5681 SANDY L FRANCIS	191976 06/17/14	06/17/2014	07/13/14	338.64
	Invoice: 06/17/14				CRT/INVESTIGATION SERVICES		
				338.64 21011125 541100	COURT - PROFESSIONAL SERVICES		
					CHECK	336163 TOTAL:	338.64
336164	07/15/2014	PRTD	187 GOV'T FINANCE OFFICE	191871 2762056	06/17/2014	07/13/14	237.00
	Invoice: 2762056				FIN/GAAFR BOOK & SUPPLEMENT		
				237.00 41011141 531100	FIN - C/E ADMIN SUPPLIES		
					CHECK	336164 TOTAL:	237.00
336165	07/15/2014	PRTD	7451 GOOD TO GO!	192107 TB-145698734	06/18/2014	07/13/14	6.25
	Invoice: TB-145698734				POL/BRIDGE TOLL		
				6.25 53011212 443410	POLICE - C/E PATROL TRAINING		
					CHECK	336165 TOTAL:	6.25
336166	07/15/2014	PRTD	1517 GUARDIAN SECURITY SY	192108 516752	07/01/2014 21400006	07/13/14	42.00
	Invoice: 516752				POL/FIRE ALARM MONITORING		
				42.00 51011215 541100	POLICE - C/E FACIL PROF SVCS		
					CHECK	336166 TOTAL:	42.00

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CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

336167 07/15/2014 PRD 252 H.D. FOWLER COMPANY 191874 I3650532 06/05/2014 07/13/14 84.25
Invoice: I3650532 PW/GRIPPER PLUGS

84.25 73421355 531100 WIN COLL-SUPPLIES

Invoice: I3662559

191875 I3662559 06/18/2014 07/13/14 31.89
PW/17X17 GRATE FOR BASIN

31.89 73431835 531100 OFFICE SUPPLIES

CHECK 336167 TOTAL: 116.14

336168 07/15/2014 PRD 253 HACH COMPANY 191897 8854922 05/29/2014 07/13/14 97.83
Invoice: 8854922 ENG/HYDROLAB DEPOT

97.83 72431835 53110000451 MONITORING-SUPPLIES

Invoice: 8854924

191898 8854924 05/29/2014 07/13/14 355.22
ENG/HYDROLAB DEPOT

355.22 72431835 53110000451 MONITORING-SUPPLIES

CHECK 336168 TOTAL: 453.05

336169 07/15/2014 PRD 6155 HDR ENGINEERING INC 191900 00156891-B 06/11/2014 21300174 07/13/14 7,992.51
Invoice: 00156891-B WING PT WAY NM IMPROVEMENTS

7,992.51 72334953 64110000324 WING PT-NM-DESIGN

CHECK 336169 TOTAL: 7,992.51

336170 07/15/2014 PRD 7180 HELPLINE HOUSE 191872 2014-2Q 06/27/2014 21400081 07/13/14 5,090.00
Invoice: 2014-2Q 2014 2Q EMERG RENTAL ASSIST

5,090.00 31180592 54130300297 EM RENT/HOMESHARE (OLD CODE)

Invoice: 06/30/14

191873 06/30/14 06/27/2014 21400070 07/13/14 33,559.19
FUNDS FOR SOCIAL SERVICES 2014

33,559.19 31017512 54110000297 EXEC - HHHS WELFARE PROF SVCS

CHECK 336170 TOTAL: 38,649.19

336171 07/15/2014 PRD 268 HOUSING RESOURCES BO 191877 2014-169 06/01/2014 21400032 07/13/14 725.00
Invoice: 2014-169 2014 2Q HRP DEFAULT SPACE

725.00 31180592 54130400297 IMHP SPACE RENT DEFAULT

Invoice: 2014-170

192004 2014-170 07/01/2014 21400032 07/13/14 725.00
2014 2Q HRP DEFAULT SPACE

725.00 31180592 54130400297 IMHP SPACE RENT DEFAULT

CHECK 336171 TOTAL: 1,450.00

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CASH ACCOUNT: 635 111100 CASH

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336172	07/15/2014	PRTD	280 INTEGRA CHEMICAL COM	192031	0111317-IN	06/23/2014		07/13/14	2,113.08
					Invoice: 0111317-IN				
					2,113.08	73411345	531100		

PW/SODIUM FLOURIDE
OFFICE SUPPLIES

CHECK 336172 TOTAL: 2,113.08

336173	07/15/2014	PRTD	7482 JUDGE PLUMBING COMPA	191878	60214251	06/02/2014	21400092	07/13/14	672.00
					Invoice: 60214251				
					639.22	73411349	54110000510		
					32.78	73415349	54110000510		

2014 - ANNUAL BACKFLOW TESTING
BACKFLOW TEST-PRO SVCS
BACKFLOW TEST-RB-PRO SVCS

191879	62114269	06/21/2014	21400092	07/13/14	544.00
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Invoice: 62114269

2014 - ANNUAL BACKFLOW TESTING
BACKFLOW TEST-PRO SVCS
BACKFLOW TEST-RB-PRO SVCS

192030	70314320	07/03/2014		07/13/14	144.24
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Invoice: 70314320

PW/TNP VALVE/LABOR
O&M - C/E FACIL REPAIRS

144.24	73011189	548100			
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CHECK 336173 TOTAL: 1,360.24

336174	07/15/2014	PRTD	7961 KATY BIGELOW, ARBORI	191863	3335	06/13/2014		07/13/14	250.00
					Invoice: 3335				
					250.00	73011768	541100		

PW/ASSESS 7 TREES WTRFRT PRK
O&M-C/E-PARKS-PRO SVCS

191864	3345	06/24/2014		07/13/14	250.00
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Invoice: 3345

PW/ASSES 2 FIRS-DOCK/MANZAN
O&M-ACCESS RDSIDE PROF SVCS

250.00	73111427	541100			
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CHECK 336174 TOTAL: 500.00

336175	07/15/2014	PRTD	2306 KITSAP COUNTY PROSEC	192006	2014-JULY	07/01/2014	21400029	07/13/14	7,801.33
					Invoice: 2014-JULY				
					7,801.33	32011521	541112		

KC PROSECUTING ATTORNEY 2014
LGL-CRIMINA-OUTSIDE PROSECUTOR

CHECK 336175 TOTAL: 7,801.33

336176	07/15/2014	PRTD	1496 KITSAP COUNTY SEWER	192050	23582-BLAKELY	05/20/2014	21400016	07/13/14	700.00
					Invoice: 23582-BLAKELY				
					700.00	73426356	551000		

MAY14/14 BLAKELY
SIS-SD#7 PROCESSING CHGS

192051	23582-LYNWOOD	05/20/2014	21400016	07/13/14	2,795.00
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Invoice: 23582-LYNWOOD

MAY14/61.8 LYNWOOD CTR
SIS-SD#7 PROCESSING CHGS

2,795.00	73426356	551000			
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192052	23582-SIS	05/20/2014	21400016	07/13/14	8,600.00
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CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

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Invoice: 23582-SIS

8,600.00 73426356 551000

MAY14/167 SIS

SIS-SD#7 PROCESSING CHGS

192053 23582-BLOSSOM

05/20/2014 21400016 07/13/14

985.00

Invoice: 23582-BLOSSOM

MAY14/BLOSSOM HILL

985.00 73426356 551000

SIS-SD#7 PROCESSING CHGS

192054 23835-BLAKELY

06/20/2014 21400016 07/13/14

700.00

Invoice: 23835-BLAKELY

JUN14/14 BLAKELY

700.00 73426356 551000

SIS-SD#7 PROCESSING CHGS

192055 23835-LYNWOOD

06/20/2014 21400016 07/13/14

2,795.00

Invoice: 23835-LYNWOOD

JUN14/61.8 LYNWOOD CTR

2,795.00 73426356 551000

SIS-SD#7 PROCESSING CHGS

192056 2383SIS

06/20/2014 21400016 07/13/14

8,600.00

Invoice: 2383SIS

JUN14/167 SIS

8,600.00 73426356 551000

SIS-SD#7 PROCESSING CHGS

192057 23835-BLOSSOM

06/20/2014 21400016 07/13/14

985.00

Invoice: 23835-BLOSSOM

JUN14/BLOSSOM HILL

985.00 73426356 551000

SIS-SD#7 PROCESSING CHGS

CHECK 336176 TOTAL:

26,160.00

336177 07/15/2014 PRD 338 KITSAP COUNTY SHERIF 192109 JAIL HOUSING-MAY2014 07/02/2014 21400054 07/13/14

6,216.43

Invoice: JAIL HOUSING-MAY2014

POL/PRISONER BOARD

6,216.43 51011236 551000

POLICE - C/E PRISONER DETENT'N

192110 JAIL MEDICAL-MAY2014

07/02/2014 21400054 07/13/14

282.50

Invoice: JAIL MEDICAL-MAY2014

POL/PRISONER MEDS

282.50 51011236 551000

POLICE - C/E PRISONER DETENT'N

CHECK 336177 TOTAL:

6,498.93

336178 07/15/2014 PRD 316 KC TREASURER

191906 7120196-2014

06/16/2014 07/13/14

382.37

Invoice: 7120196-2014

LID 7120196 FORT WARD LOT 7

382.37 91021182 547800

GG-OS-PROP MNGT-LID PAYMENT

191907 7120155-2014

06/16/2014 07/13/14

385.40

Invoice: 7120155-2014

LID 7120196 FORT WARD LOT 8

385.40 91021182 547800

GG-OS-PROP MNGT-LID PAYMENT

191908 7120197-2014

06/16/2014 07/13/14

402.35

Invoice: 7120197-2014

LID 7120197 FORT WARD LOT 9

402.35 91021182 547800

GG-OS-PROP MNGT-LID PAYMENT

191909 7120156-2014

06/16/2014 07/13/14

384.08

Invoice: 7120156-2014

LID 7120156 FORT WARD LOT 10

384.08 91021182 547800

GG-OS-PROP MNGT-LID PAYMENT

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CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

Invoice: 7120198-2014	191910	7120198-2014	06/16/2014	07/13/14	364.55
			LID 7120198 FORT WARD LOT 11		
	364.55	91021182 547800	GG-OS-PROP MNGT-LID PAYMENT		
Invoice: 7120159-2014	191911	7120159-2014	06/16/2014	07/13/14	414.00
			LID 7120159 FORT WARD LOT 16		
	414.00	91021182 547800	GG-OS-PROP MNGT-LID PAYMENT		
Invoice: 7120189-2014	191912	7120189-2014	06/16/2014	07/13/14	385.53
			LID 7120189 FORT WARD LOT 17		
	385.53	91021182 547800	GG-OS-PROP MNGT-LID PAYMENT		
			CHECK	336178 TOTAL:	2,718.28
336179 07/15/2014 PRTD	199	KITSAP ECONOMIC DEVE	192005	B--2Q-14	
Invoice: B--2Q-14					
	1,250.00	91140573 541100	06/28/2014 21400067	07/13/14	1,250.00
			2Q ECONOMIC DEVELOPMENT SVC		
			GG-TOUR-PROF SERVICES		
			CHECK	336179 TOTAL:	1,250.00
336180 07/15/2014 PRTD	1971	KELLEY IMAGING SYSTE	192088	124556	
Invoice: 124556					
	595.13	61470581 545000	07/01/2014	07/13/14	595.13
			PCD/4540C COPIER MAINT		
			PCD - DEV ADMIN RENTS & LEASES		
Invoice: 124557	192089	124557	07/01/2014	07/13/14	790.25
			PCD/4540C COPIER MAINT		
	790.25	61470581 545000	PCD - DEV ADMIN RENTS & LEASES		
Invoice: 124558	192090	124558	07/01/2014	07/13/14	1,260.59
			PCD/6550C COPIER MAINT		
	1,260.59	61470581 545000	PCD - DEV ADMIN RENTS & LEASES		
Invoice: 124559	192091	124559	07/01/2014	07/13/14	1,848.99
			PCD/6550C COPIER MAINT		
	1,848.99	61470581 545000	PCD - DEV ADMIN RENTS & LEASES		
			CHECK	336180 TOTAL:	4,494.96
336181 07/15/2014 PRTD	579	KITSAP SUN	191901	20141232	
Invoice: 20141232					
	172.06	72423434 64400000471	06/08/2014	07/13/14	172.06
			ENG/LEGAL AD-EHBM BIDS		
			BEACH MAIN REPL DES-CAP ADV		
			CHECK	336181 TOTAL:	172.06
336182 07/15/2014 PRTD	309	KITSAP TIRE CENTER I	191880	189348	
Invoice: 189348					
	568.37	53011212 548100	06/17/2014	07/13/14	568.37
			PW/TIRES-POL VEH #190		
			POLICE - C/E PATROL MAINTENANC		

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CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

CHECK 336182 TOTAL: 568.37

336183 07/15/2014 PRD 5384 KITSAP TRANSIT 191881 352 06/19/2014 07/13/14 4,415.25
Invoice: 352 REIMB 50%-ENVIRON MONIT-ILA

4,415.25 72011373 54110000638 WAY PT PARK-WELL MONITORING

192092 381 06/27/2014 07/13/14 3,445.25
Invoice: 381 REIMB 50%-ENVIRON MONIT-ILA

3,445.25 72011373 54110000638 WAY PT PARK-WELL MONITORING

CHECK 336183 TOTAL: 7,860.50

336184 07/15/2014 PRD 1851 KRAZAN & ASSOCIATES 191913 1067973-5873 05/31/2014 07/13/14 8,307.65
Invoice: 1067973-5873 PCD/BLDG INSPECTOR ON CALL

8,307.65 62471596 541100 BLDG - BLDG PERMITS PROF SVCS

CHECK 336184 TOTAL: 8,307.65

336185 07/15/2014 PRD 6789 LAMB'S OFFICE SUPPLY 191950 0000750-001 06/30/2014 07/13/14 826.79
Invoice: 0000750-001 PCD/FOLDERS/COPY PAPER

107.85 61011581 531100 PCD - C/E ADMIN SUPPLIES
718.94 62471591 531100 BLDG - BLDG OFFICE SUPPLIES

191951 0000751-001 06/30/2014 07/13/14 138.97
Invoice: 0000751-001 PCD/LABELS/STAPLES/POSTCARDS

138.97 61011581 531100 PCD - C/E ADMIN SUPPLIES

191977 0000428-001-A 04/30/2014 07/13/14 14.44
Invoice: 0000428-001-A PCD/SALES TAX 4/30

6.64 63470588 531100 CUR - DEV DEV PLAN OFC SUPPLY
7.80 62471591 531100 BLDG - BLDG OFFICE SUPPLIES

191978 0000721-001 06/25/2014 07/13/14 510.04
Invoice: 0000721-001 CRT/MISC OFFICE SUPPLIES

510.04 21011125 531100 COURT - SUPPLIES

191979 0000763-001 07/01/2014 07/13/14 61.46
Invoice: 0000763-001 PCD/LEGAL PACKETS

61.46 62471591 531100 BLDG - BLDG OFFICE SUPPLIES

192008 0000745-001 06/27/2014 07/13/14 221.42
Invoice: 0000745-001 POL/COPY PAPER

221.42 51011211 531100 PD-C/E-ADM-SUPPLIES

192032 0000736-001 06/27/2014 07/13/14 170.95
Invoice: 0000736-001 PW/BINDER/BATTERIES/REINFORC

170.95 73637891 531100 OFFICE SUPPLIES

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CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

Invoice: 0000731-001	192071	0000731-001	06/26/2014	07/13/14	268.15
			EX/FIN/COPY PAPER/LEGAL FILES		
	101.85	31011131 531100	EXEC - C/E SUPPLIES		
	166.30	41011141 531100	FIN - C/E ADMIN SUPPLIES		
Invoice: 0000753-001	192072	0000753-001	07/01/2014	07/13/14	8.46
			FIN/PRINT RIBBONS/RUBB BANDS		
	8.46	41011141 531100	FIN - C/E ADMIN SUPPLIES		
Invoice: 0000776-001	192073	0000776-001	07/03/2014	07/13/14	47.81
			ENG/DISPL CALC/FILE CARDS		
	47.81	72011321 531100	ENG - C/E ADMIN SUPPLIES		
			CHECK	336185 TOTAL:	2,268.49
336186 07/15/2014 PRD 7984 LAW ENFORCEMENT TECH	192010	06/26/14	06/26/2014	07/13/14	50.00
Invoice: 06/26/14			POL/SUBSCRIPTION		
	50.00	53011212 549100	PD-C/E-PATROL-DUES/SUBCR/MEMBR		
			CHECK	336186 TOTAL:	50.00
336187 07/15/2014 PRD 7849 LAW OFFICE OF THOMAS	192007	06/26/14	06/26/2014	21400013 07/13/14	4,291.67
Invoice: 06/26/14			PUBLIC DEFENDER SERVICES 2014		
	4,291.67	32011281 541113	LGL-C/E-PUBLIC DEF-OUTSIDE ATT		
			CHECK	336187 TOTAL:	4,291.67
336188 07/15/2014 PRD 6889 LEADS ONLINE LLC	192009	228403	06/23/2014	07/13/14	192.50
Invoice: 228403			POL/2014 SEARCH SERVICE		
	192.50	52011212 549100	PD-C/E-INV-DUES/SUBSCR/MEMBRSH		
			CHECK	336188 TOTAL:	192.50
336189 07/15/2014 PRD 7962 MACKENZIE ENGINEERIN	191903	1028432	06/04/2014	21400097 07/13/14	6,000.00
Invoice: 1028432			SITE STUDY FOR EMERGENCY FAC		
	6,000.00	31011521 54110000677	JOINT PD/FIRE FACILITY PLANNIN		
			CHECK	336189 TOTAL:	6,000.00
336190 07/15/2014 PRD 6454 MAP LTD	192074	27664	06/16/2014	21200161 07/13/14	2,217.50
Invoice: 27664			LYNWOOD CENTER DESIGN		
	2,217.50	72433438 64110000599	LYNWOOD OUTFALL-ENG/DESIGN		
			CHECK	336190 TOTAL:	2,217.50

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CASH ACCOUNT: 635		111100	CASH						
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
INVOICE DTL DESC									
336191	07/15/2014	PRTD	163 DENNIS MARTIN	192111	07/03/14	07/03/2014		07/13/14	187.01
Invoice: 07/03/14						POL/LEOFF I MEDICAL REIMB			
				187.01	91029211 521500	POLICE - INS ADD MEDICAL COSTS			
						CHECK	336191	TOTAL:	187.01
336192	07/15/2014	PRTD	6100 MILLIMAN CONSULTANTS	191928	0270CBI0514	05/31/2014		07/13/14	18,750.00
Invoice: 0270CBI0514						HR/COMPENSATION STUDY			
				18,750.00	33011161 541100	HR-C/E-PROF SVCS			
						CHECK	336192	TOTAL:	18,750.00
336193	07/15/2014	PRTD	7038 MOON SECURITY SERVIC	192093	717599	06/30/2014		07/13/14	832.00
Invoice: 717599						CRT/ELECTRONIC HOME MONIT			
				832.00	21011232 545000	COURT-ELECT HOME DET'N-EQ RENT			
						CHECK	336193	TOTAL:	832.00
336194	07/15/2014	PRTD	6208 MSDS ONLINE INC	191904	106260	06/11/2014		07/13/14	2,099.00
Invoice: 106260						PW/ONLINE ACCOUNT RENEWAL			
				2,099.00	73637891 549100	DUES/SUBSCRIPTIONS			
						CHECK	336194	TOTAL:	2,099.00
336195	07/15/2014	PRTD	7982 MURATI, ROBERT & CIN	191905	BLD18623	06/23/2014		07/13/14	933.00
Invoice: BLD18623						PCD/RFND SURETY DEP BLD18623			
				933.00	62338 386000	BID/SURETY DEPOSITS CUS			
						CHECK	336195	TOTAL:	933.00
336196	07/15/2014	PRTD	4111 OLYMPIC SPRINGS INC	192112	262321	06/30/2014	21400055	07/13/14	40.82
Invoice: 262321						POL/PURIFIED WATER			
				40.82	51011215 531100	POLICE - C/E FACIL SUPPLIES			
						CHECK	336196	TOTAL:	40.82
336197	07/15/2014	PRTD	1754 OTIS ELEVATOR COMPAN	191914	ST05151G714	06/20/2014		07/13/14	1,523.59
Invoice: ST05151G714						PW/CH ELEV SVC-7/1 - 9/3014			
				1,523.59	73011183 548100	O&M-C/E-CH FAC-REPAIRS			
						CHECK	336197	TOTAL:	1,523.59

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CASH ACCOUNT: 635 111100 CASH

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INVOICE DTL DESC

336198	07/15/2014	PRTD	5932 PACIFIC ELECTRONICS	192011	56721	06/12/2014		07/13/14	550.29
Invoice: 56721						POL/RADIO REPAIR-GK			

550.29 53011212 531100

PD-C/E-PATROL SUPPLIES

CHECK 336198 TOTAL: 550.29

336199	07/15/2014	PRTD	2623 POWER PLAN - OIB	191915	8990444	06/05/2014		07/13/14	916.81
Invoice: 8990444						PW/WNDOW PANE-EQ #50			

916.81 73431835 531100

OFFICE SUPPLIES

CHECK 336199 TOTAL: 916.81

336200	07/15/2014	PRTD	7405 PARR FORD	192033	72907	07/01/2014		07/13/14	172.54
Invoice: 72907						PW/LAMP ASSBLY-98 RANGER			

172.54 72011321 531100

ENG - C/E ADMIN SUPPLIES

CHECK 336200 TOTAL: 172.54

336201	07/15/2014	PRTD	7832 POULSBO MUNICIPAL CO	191980	2014-1	06/24/2014		07/13/14	800.00
Invoice: 2014-1						CRT/ELECTRONIC HOME MONITORG			

800.00 21011232 545000

COURT-ELECT HOME DET'N-EQ RENT

CHECK 336201 TOTAL: 800.00

336202	07/15/2014	PRTD	7790 PRIMO CONSTRUCTION,	192121	PAYREQ2	07/02/2014	21300136	07/13/14	225,151.81
Invoice: PAYREQ2						FORT WARD HILL PH II			

225,151.81 72321953 663000000318 FORT WARD HILL-CONSTR

CHECK 336202 TOTAL: 225,151.81

336203	07/15/2014	PRTD	360 PROBUILD COMPANY LLC	191916	1525098	06/02/2014		07/13/14	29.73
Invoice: 1525098						PW/PIPE/ELBOW/TAPE/COUPLING			

29.73 73111427 531100

OFFICE SUPPLIES

191917 1525115

06/02/2014

07/13/14

1.08

Invoice: 1525115

1.08 73111427 531100

PW/2" WHT CAP SLIP

OFFICE SUPPLIES

191918 1525790

06/06/2014

07/13/14

13.65

Invoice: 1525790

13.65 73111427 531100

PW/ELBOW/SAND PAD/FLEX COUPL

OFFICE SUPPLIES

191919 1525808

06/06/2014

07/13/14

53.22

Invoice: 1525808

53.22 73111427 531100

PW/MISC PLUMBING SUPPLIES

OFFICE SUPPLIES

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CASH ACCOUNT: 635 111100 CASH

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INVOICE DTL DESC

Invoice: 1526442	191920	1526442	06/11/2014	07/13/14	-27.01		
			PW/RETURN ELBOW/COUPL/NUTS				
	-27.01	73111427 531100	OFFICE SUPPLIES				
			CHECK	336203 TOTAL:	70.67		
336204 07/15/2014 PRD	4698	PUBLIC SAFETY CENTER	192012	5517239	06/18/2014	07/13/14	319.89
Invoice: 5517239					POL/BOX OF 10 TESTS		
	319.89	53011212 531100	PD-C/E-PATROL SUPPLIES				
			CHECK	336204 TOTAL:			319.89
336205 07/15/2014 PRD	1205	PUGET SOUND ENERGY	192094	838JUN14	07/01/2014	07/13/14	2,945.11
Invoice: 838JUN14					CITY HALL 200006410837		
	2,695.11	91011189 547100	GG-C/E-CITY HALL-ELECTRIC				
	250.00	91011189 547101	ELECTRIC-GREEN POWER				
			CHECK	336205 TOTAL:			2,945.11
336206 07/15/2014 PRD	6394	RECALL SECURE DESTRU	192095	0090685595	06/21/2014	07/13/14	83.21
Invoice: 0090685595					CRT/MOBILE SHREDDING SVC		
	83.21	21011125 541100	COURT - PROFESSIONAL SERVICES				
			CHECK	336206 TOTAL:			83.21
336207 07/15/2014 PRD	6685	REGIONAL DISPOSAL CO	192059	0000143175	04/30/2014	21400105 07/13/14	4,853.05
Invoice: 0000143175					5/14-5/15=BIOSOLIDS DISPOSAL		
	4,853.05	91425358 54790100551	WWTP-BIOSOLIDS WASTE DISPOSAL				
	192060	0000143330	05/31/2014	21400105 07/13/14			6,857.27
Invoice: 0000143330					5/14-5/15=BIOSOLIDS DISPOSAL		
	6,857.27	91425358 54790100551	WWTP-BIOSOLIDS WASTE DISPOSAL				
			CHECK	336207 TOTAL:			11,710.32
336208 07/15/2014 PRD	557	RELIABLE STORAGE BAI	192058	10948	07/02/2014	07/13/14	484.00
Invoice: 10948					PCD/AUG RENTL-UNITS M007,008		
	484.00	61470581 545000	PCD - DEV ADMIN RENTS & LEASES				
			CHECK	336208 TOTAL:			484.00
336209 07/15/2014 PRD	7527	RIDOLFI INC	191921	2014-5748	04/30/2014	21400099 07/13/14	5,124.70
Invoice: 2014-5748					SHORELINE MONITORING		
	2,562.35	64011391 54110000340	STRAWBERRY-PROF SVCS				
	2,562.35	64011391 54110000341	PP E BLUFF-PROF SVCS				

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CASH ACCOUNT: 635 111100 CASH

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INVOICE DTL DESC

CHECK 336209 TOTAL: 5,124.70

336210 07/15/2014 PRD 6534 JERRY RINGENBERG 191922 BLD11584GAF 05/20/2014 07/13/14 2,625.00
Invoice: BLD11584GAF
2,625.00 62338 386000 PCD/RFND SURETY DEP BLD11584
BID/SURETY DEPOSITS CUS

CHECK 336210 TOTAL: 2,625.00

336211 07/15/2014 PRD 2409 RIVER OAKS COMMUNICA 192013 06/26/14 06/26/2014 21400096 07/13/14 11,915.75
Invoice: 06/26/14
11,915.75 31011131 541100 ANALYZE COMCAST AGREEMENT
EXEC - C/E PROF SERVICES

CHECK 336211 TOTAL: 11,915.75

336212 07/15/2014 PRD 639 EDWARD ROSENBAUM, PH 192114 314044 07/03/2014 07/13/14 1,050.00
Invoice: 314044
1,050.00 51011211 541100 POL/PRE HIRE TEST & INTERVIEW
PD-C/E-ADM-PROF SVCS

CHECK 336212 TOTAL: 1,050.00

336213 07/15/2014 PRD 5251 ROTARY CLUB OF BAINB 192015 6232 06/26/2014 21400010 07/13/14 230.00
Invoice: 6232
230.00 51011211 549100 POL/2014 3 QTR DUES/HAMNER
PD-C/E-ADM-DUES/SUBCR/MEMBERSHP
192017 6271 06/26/2014 07/13/14 230.00
Invoice: 6271
230.00 31011131 549100 EX/2014 3Q DUES-SCHULTZE
EXEC-C/E-DUES/SUBCR/MEMBERSH

CHECK 336213 TOTAL: 460.00

336214 07/15/2014 PRD 618 SAFEWAY INC 192061 723667-061414-1252 06/14/2014 07/13/14 181.92
Invoice: 723667-061414-1252
181.92 51011211 53110000589 POL/NATL MARINA DAY FOOD/BEV
PD-COMM OUTREACH-SUPPLIES

CHECK 336214 TOTAL: 181.92

336215 07/15/2014 PRD 7245 SAN DIEGO POLICE EQU 192096 613008 06/24/2014 07/13/14 851.15
Invoice: 613008
851.15 53011212 531100 POL/FED-P45HST1-C X 2
PD-C/E-PATROL SUPPLIES

CHECK 336215 TOTAL: 851.15

336216 07/15/2014 PRD 7985 SCHROER, ELLEN 192097 07/01/14 07/01/2014 07/13/14 93.63
Invoice: 07/01/14
93.63 62938 386000 FIN/REFND EXCESS ICMA CONTRIB
DEPOSIT-MISC IN

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CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
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INVOICE DTL DESC

						CHECK	336216	TOTAL:	93.63
336217	07/15/2014	PRTD	2035 SIX ROBBLEES INC	191923	2-566936	06/09/2014		07/13/14	101.16
	Invoice: 2-566936					PW/LED BEACON PULSE II			
				101.16	73111427 531100	OFFICE SUPPLIES			
						CHECK	336217	TOTAL:	101.16
336218	07/15/2014	PRTD	601 SOUND REPROGRAPHICS	191924	27963	06/20/2014		07/13/14	62.77
	Invoice: 27963					CLERK/COUNCIL NAMEPLATES			
				62.77	11011116 531100	COUNCIL - SUPPLIES			
				192075	27784	06/13/2014		07/13/14	187.19
	Invoice: 27784					ENG/RD STRIPING BIND/COVERS			
				187.19	72011321 531100	ENG - C/E ADMIN SUPPLIES			
						CHECK	336218	TOTAL:	249.96
336219	07/15/2014	PRTD	4890 STUDIO CASCADE INC	192076	10487	06/20/2014	21300190	07/13/14	12,719.94
	Invoice: 10487					WATERFRONT PARK / DOCK PROJECT			
				12,719.94	61311476 64110000637	WFP-PCD-CAP PROF SVCS/DESIGN			
				192077	1937-CM	06/20/2014	21300190	07/13/14	-10,102.61
	Invoice: 1937-CM					WATERFRONT PARK / DOCK PROJECT			
				-10,102.61	61311476 64110000637	WFP-PCD-CAP PROF SVCS/DESIGN			
						CHECK	336219	TOTAL:	2,617.33
336220	07/15/2014	PRTD	6746 SYMBOL ARTS	192098	0214855-IN	06/17/2014		07/13/14	106.00
	Invoice: 0214855-IN					POL/BADGE/CASE			
				106.00	51011211 531100	PD-C/E-ADM-SUPPLIES			
						CHECK	336220	TOTAL:	106.00
336221	07/15/2014	PRTD	565 TACOMA SCREW PRODUCT	191929	14118166	06/18/2014		07/13/14	41.89
	Invoice: 14118166					PW/SCREWS/WASHERS/SOCKETS			
				41.89	73431835 531100	OFFICE SUPPLIES			
				191930	30532972	06/04/2014		07/13/14	35.35
	Invoice: 30532972					PW/ROUND WASHER/STEEL NUT			
				35.35	73011183 531100	O&M-C/E-CH FAC-SUPPLIES			
				191931	30534172	06/06/2014		07/13/14	111.85
	Invoice: 30534172					PW/FLAT HEAD SCREWS			
				111.85	73111427 531100	OFFICE SUPPLIES			

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CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
INVOICE DTL DESC									
Invoice: 30534832				191932	30534832	06/09/2014		07/13/14	91.09
						PW/FLAT HD/CAP SCREW-EQ#18			
				91.09	73111427 531100	OFFICE SUPPLIES			
Invoice: 30536092				191933	30536092	06/11/2014		07/13/14	256.56
						PW/TIE/SCREWS/CLEANER/ENAMEL			
				256.56	73638935 531100	OFFICE SUPPLIES			
Invoice: 30539225				191934	30539225	06/18/2014		07/13/14	222.34
						PW/BOLTS/WASHERS/NUTS/SCREW			
				222.34	73111264 531100	O&M-STREET-TRAF CONTROL-SUPPLY			
						CHECK	336221	TOTAL:	759.08
336222	07/15/2014	PRTD	6714 TOSHIBA FINANCIAL SE	192079	256272873	06/21/2014		07/13/14	428.28
Invoice: 256272873						PW/3530C COPIER LEASE			
				428.28	73637891 545000	RENTS & LEASES - OPERATING			
						CHECK	336222	TOTAL:	428.28
336223	07/15/2014	PRTD	6714 TOSHIBA FINANCIAL SE	191985	256215393	06/25/2014	21400011	07/13/14	366.32
Invoice: 256215393						POL/3530C COPIER LEASE			
				366.32	51011211 545000	PD-C/E-ADMIN RENTS/LEASE			
Invoice: 15460271				192078	15460271	06/17/2014		07/13/14	229.16
						ENG/4540C COPIER LEASE			
				229.16	72011321 545000	ENG - C/E ADMIN RENTS & LEASES			
						CHECK	336223	TOTAL:	595.48
336224	07/15/2014	PRTD	558 TOWN & COUNTRY MARKE	191935	06/04/14	06/04/2014		07/13/14	19.96
Invoice: 06/04/14						PW/SPRING WATER			
				19.96	73637891 531100	OFFICE SUPPLIES			
Invoice: 06/09/14				191936	06/09/14	06/09/2014		07/13/14	10.62
						PW/EPSOM SALT/SPONGE=WWTP			
				10.62	73425358 531100	O&M-WWTP-SUPPLIES			
Invoice: 01/13/14				192099	01/13/14	01/13/2014		07/13/14	86.53
						PCD/WFP PLANNING SUPPLIES			
				86.53	61011581 53110000637	WFP PLANNING-SUPPLIES			
Invoice: 01/14/14				192100	01/14/14	01/14/2014		07/13/14	55.84
						PCD/WFP PLANNING SUPPLIES			
				55.84	61011581 53110000637	WFP PLANNING-SUPPLIES			
						CHECK	336224	TOTAL:	172.95

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CASH ACCOUNT: 635 111100 CASH

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INVOICE DTL DESC

336225	07/15/2014	PRTD	560 TWISS ANALYTICAL INC	191937	14-67941	06/06/2014		07/13/14	19.32
Invoice: 14-67941						PW/WINSLOW WTR TESTING			
				19.32	73411345 54110000391	LAB SVCS-WATER			

				191938	14-67942	06/06/2014		07/13/14	19.32
Invoice: 14-67942						PW/O&M WTR TESTING			
				19.32	73011897 54110000391	LAB SVCS-PW YARD FAC			

				191939	14-67943	06/06/2014		07/13/14	19.32
Invoice: 14-67943						PW/ROCKAWAY WTR TESTING			
				19.32	73415345 54110000391	LAB SVCS-WATER ROCKAWAY			

				191940	14-68022	06/13/2014		07/13/14	80.04
Invoice: 14-68022						PW/WINSLOW WTR TESTING			
				80.04	73411345 54110000391	LAB SVCS-WATER			

				191941	14-68096	06/17/2014		07/13/14	57.96
Invoice: 14-68096						PW/WINSLOW WTR TESTING			
				57.96	73411345 54110000391	LAB SVCS-WATER			

				191942	14-68153	06/20/2014		07/13/14	38.64
Invoice: 14-68153						PW/WINSLOW WTR TESTING			
				38.64	73411345 54110000391	LAB SVCS-WATER			

CHECK	336225 TOTAL:	234.60
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336226	07/15/2014	PRTD	2190 UNITED PARCEL SERVIC	191986	000028Y3Y1244	06/14/2014		07/13/14	20.80
Invoice: 000028Y3Y1244						POL/SHIP TO KC PROSECUTOR			
				20.80	91011215 542500	GG-C/E-PD-POSTAGE			

				191987	000028Y371254	06/21/2014		07/13/14	17.22
Invoice: 000028Y371254						POL/GROUND SHIPMENTS			
				17.22	91011215 542500	GG-C/E-PD-POSTAGE			

				192115	000028Y3Y1264	06/28/2014		07/13/14	24.80
Invoice: 000028Y3Y1264						POL/GROUND SHIPMENT			
				24.80	91011215 542500	GG-C/E-PD-POSTAGE			

CHECK	336226 TOTAL:	62.82
-------	---------------	-------

336227	07/15/2014	PRTD	2425 THE UPS STORE #1265	191925	06/18/14	06/18/2014		07/13/14	24.00
Invoice: 06/18/14						PW/GROUND SHIPMENTS X 2			
				24.00	91011897 542500	GG-C/E-O&M YARD FAC-POSTAGE			

CHECK	336227 TOTAL:	24.00
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CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

CHECK RUN

NET

INVOICE DTL DESC

336228 07/15/2014 PRD 5348 US MOWER
Invoice: 271323

192034 271323
901.86 73111427 531100

06/26/2014 07/13/14
PW/2 JOYSTICKS
OFFICE SUPPLIES

CHECK 336228 TOTAL: 901.86

336229 07/15/2014 PRD 1152 USA BLUE BOOK
Invoice: 360549

191926 360549
786.13 73425358 531100

06/02/2014 07/13/14
PW/PARTS/ LAB SUPPLIES-WWTP
O&M-WWTP-SUPPLIES

CHECK 336229 TOTAL: 786.13

336230 07/15/2014 PRD 5457 VERN'S ORGANIC TOPSO
Invoice: 72660

191943 72660
586.98 73111427 531100

06/16/2014 07/13/14
PW/BARK-CH/MEDIANS/WW/WFP
OFFICE SUPPLIES

192080 72884
586.98 73111427 531100

07/03/2014 07/13/14
PW/MED BARK-STREETSCAPE
OFFICE SUPPLIES

CHECK 336230 TOTAL: 1,173.96

336231 07/15/2014 PRD 2308 VPCI
Invoice: 00001406

192081 00001406
5,341.52 81011881 548500

06/23/2014 07/13/14
IT/RECORDS ARCHV SFTWR MAINT
IT - C/E COMPUTER SUPPORT

CHECK 336231 TOTAL: 5,341.52

336232 07/15/2014 PRD 518 WA ST CRIMINAL JUSTI
Invoice: 20113735

191988 20113735
700.00 53011212 443410

06/16/2014 07/13/14
POL/RIFLE TRAINING-TZ, GK
POLICE - C/E PATROL TRAINING

CHECK 336232 TOTAL: 700.00

336233 07/15/2014 PRD 1945 WA ST DEPT LABOR & I
Invoice: 06/24/14

191953 06/24/14
129.00 73011183 549800

06/24/2014 07/13/14
PW/2014 CH ELEVATOR PERMIT
O&M-C/E-CH FAC-PERMIT

CHECK 336233 TOTAL: 129.00

336234 07/15/2014 PRD 7420 WA ST DEPT OF ENTERP
Invoice: 7115301

191947 7115301
150.00 63011586 443410

06/20/2014 07/13/14
PCD/ASSERT COMM CLASS-TAYARA
CUR - C/E TRAINING TRAVEL

150.00

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CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

CHECK 336234 TOTAL: 150.00

336235 07/15/2014 PRD 123 WA ST DEPT OF LICENS 191946 2014-33744 06/23/2014 07/13/14 116.00
Invoice: 2014-33744

116.00 72011321 549100 ENG/PROF ENG CERT RENEWAL-CH
ENG - C/E ADMIN MISCELLEANEOUS

CHECK 336235 TOTAL: 116.00

336236 07/15/2014 PRD 4104 WA ST FERRIES 192117 RK233032 06/30/2014 07/13/14 381.70
Invoice: RK233032

268.50 51011211 543100 JUNE 2014 WAVE2GO FERRY CHGS
8.00 61011581 543100 PD-C/E-ADM-TRAVEL
66.60 72011321 543100 PCD - C/E ADMIN TRAVEL EXPENSE
8.00 73011189 543100 ENG - C/E ADMIN TRAVEL EXPENSE
30.60 81011881 543100 O&M-FAC-TRAVEL (NOT MEALS/LODG
IT - C/E TRAVEL EXPENSE

CHECK 336236 TOTAL: 381.70

336237 07/15/2014 PRD 952 WASHINGTON STATE PAT 192101 I14009806 07/01/2014 07/13/14 99.00
Invoice: I14009806

99.00 41654861 586100 JUN14 CPL BACKGROUND CHECKS
AGENCY DISBURSEMENTS

CHECK 336237 TOTAL: 99.00

336238 07/15/2014 PRD 7185 WA ST SMILE PARTNERS 191945 06/26/14 06/26/2014 21400084 07/13/14 997.32
Invoice: 06/26/14

997.32 31017555 54110000297 2014 2Q DENTAL SVC FOR SENIORS
EXEC-HHHS AGING IN-HOME SVCS

CHECK 336238 TOTAL: 997.32

336239 07/15/2014 PRD 4010 WA ASSOC OF SHERIFFS 191981 INV025808 06/19/2014 07/13/14 156.65
Invoice: INV025808

156.65 21011232 545000 CRT/DOR SALES TAX AUDIT
COURT-ELECT HOME DET'N-EQ RENT

CHECK 336239 TOTAL: 156.65

336240 07/15/2014 PRD 6860 WCI 192116 141811885 06/30/2014 07/13/14 833.72
Invoice: 141811885

833.72 71637891 542100 CITYWIDE PHONE SERVICE
PW - ALLOC COMMUNICATION

CHECK 336240 TOTAL: 833.72

336241 07/15/2014 PRD 5709 WEBCHECK INC 191954 4900 06/02/2014 21400046 07/13/14 156.53
Invoice: 4900

78.26 43411341 541100 ESCROW PAYOFF FOR UB
FIN - WATER ADMIN PROF SERVICE

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CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

78.27 43421351 541100 FIN - SEWER ADMIN PROF SERVICE

Invoice: 4921

192118 4921 07/02/2014 21400046 07/13/14 182.62

ESCROW PAYOFF FOR UB

91.31 43411341 541100 FIN - WATER ADMIN PROF SERVICE

91.31 43421351 541100 FIN - SEWER ADMIN PROF SERVICE

CHECK 336241 TOTAL: 339.15

336242 07/15/2014 PRD 2175 WEST SOUND WILDLIFE 191952 06/23/14-2Q 06/23/2014 21400066 07/13/14 2,137.50

Invoice: 06/23/14-2Q

2014 2Q ANIMAL CONTROL SERV

2,137.50 91011393 541100 FIN - C/E ANIMAL CONTROL FEES

CHECK 336242 TOTAL: 2,137.50

336243 07/15/2014 PRD 499 WESTBAY AUTO PARTS I 191955 963298 06/10/2014 07/13/14 369.56

Invoice: 963298

PW/TORQUE WRENCH-EQ#19

369.56 73111427 531100 OFFICE SUPPLIES

Invoice: 963664

191956 963664 06/11/2014 07/13/14 140.26

PW/HUB ASSY-POL VEH#182

140.26 53011212 531100 PD-C/E-PATROL SUPPLIES

Invoice: 963670

191957 963670 06/11/2014 07/13/14 90.46

PW/BALL JOINT-POL VEH#182

90.46 53011212 531100 PD-C/E-PATROL SUPPLIES

Invoice: 963732

191958 963732 06/11/2014 07/13/14 20.41

PW/2 DR 6PT DP IM-EQ#19

20.41 73111427 531100 OFFICE SUPPLIES

Invoice: 964071

191959 964071 06/12/2014 07/13/14 -65.20

PW/RETURN 2DR TORQUE WRENCH

-65.20 73111427 531100 OFFICE SUPPLIES

Invoice: 965063

191960 965063 06/16/2014 07/13/14 109.13

PW/F SWIVEL X 5-EQ#18

109.13 73111427 531100 OFFICE SUPPLIES

Invoice: 965179

191961 965179 06/16/2014 07/13/14 546.22

PW/HOSES X 50-EQ#18

546.22 73111427 531100 OFFICE SUPPLIES

Invoice: 965211

191962 965211 06/16/2014 07/13/14 14.20

PW/AIR FILTERS X 2

14.20 990 141100 MERCHANDISE

Invoice: 965371

191963 965371 06/17/2014 07/13/14 10.79

PW/OIL/AIR FILTERS

10.79 990 141100 MERCHANDISE

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CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
INVOICE DTL DESC									
Invoice: 965770				191964	965770	06/18/2014		07/13/14	34.76
						PW/2IN DR EXT-EQ#19			
				34.76	73111427 531100	OFFICE SUPPLIES			
Invoice: 966566				191965	966566	06/20/2014		07/13/14	1.09
						PW/CORE DEPOSIT-VEH#24			
				1.09	73111423 531100	OFFICE SUPPLIES			
Invoice: 966248				191966	966248	06/19/2014		07/13/14	119.23
						PW/BRAKE SHOE/DEXTER-VEH#24			
				119.23	73111423 531100	OFFICE SUPPLIES			
Invoice: 966090				191967	966090	06/19/2014		07/13/14	274.50
						PW/FUEL PUMP-POL VEH#112			
				274.50	53011212 531100	PD-C/E-PATROL SUPPLIES			
Invoice: 967774				191968	967774	06/25/2014		07/13/14	49.75
						PW/TAIL LIGHT CIRC BD-VEH#71			
				49.75	73011768 531100	O&M-C/E-PARKS-SUPPLIES			
Invoice: 965370				192035	965370	06/17/2014		07/13/14	29.02
						PW/TRAILER SOCKET/PLUG			
				29.02	73431835 531100	OFFICE SUPPLIES			
Invoice: 968149				192036	968149	06/26/2014		07/13/14	248.30
						PW/POL CHEV IMP BRAKE ROTOR			
				248.30	51011211 531100	PD-C/E-ADM-SUPPLIES			
Invoice: 968153				192037	968153	06/26/2014		07/13/14	46.76
						PW/GREASE GUN/HOSE			
				46.76	73111427 531100	OFFICE SUPPLIES			
Invoice: 968154				192038	968154	06/26/2014		07/13/14	7.65
						PW/GREASE HOSE			
				7.65	73111427 531100	OFFICE SUPPLIES			
Invoice: 968346				192039	968346	06/26/2014		07/13/14	250.71
						PW/POL CHEV IMP-FRT BRAKE ROTR			
				250.71	51011211 531100	PD-C/E-ADM-SUPPLIES			
Invoice: 969242				192040	969242	06/30/2014		07/13/14	46.24
						PW/WAX/PROTECTANT			
				46.24	73638935 531100	OFFICE SUPPLIES			
Invoice: 966097				192119	966097	06/19/2014		07/13/14	21.95
						PW/SENSOR-POL VEH#112			
				21.95	53011212 531100	PD-C/E-PATROL SUPPLIES			
Invoice: 966100				192120	966100	06/19/2014		07/13/14	21.95
						PW/SENSOR-POL VEH#112			
				21.95	53011212 531100	PD-C/E-PATROL SUPPLIES			

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CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

CHECK 336243 TOTAL: 2,387.74

336244 07/15/2014 PRD 2607 ZEE MEDICAL SERVICE 191982 68264423 06/25/2014 07/13/14 206.37
Invoice: 68264423 PW/1ST AID RESTOCK

206.37 73637891 531100 OFFICE SUPPLIES

191983 68264425 06/25/2014 07/13/14 180.28
Invoice: 68264425 CITY HALL 1ST AID RESTOCK

180.28 41011189 531100 FIN - C/E CNTL SV SUPPLIES

CHECK 336244 TOTAL: 386.65

NUMBER OF CHECKS 139 *** CASH ACCOUNT TOTAL *** 647,438.99

COUNT AMOUNT

TOTAL PRINTED CHECKS 139 647,438.99

*** GRAND TOTAL *** 647,438.99

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JOURNAL ENTRIES TO BE CREATED

CLERK: lsteinberg

YEAR PER	JNL	SRC ACCOUNT	ACCOUNT DESC	T OB	DEBIT	CREDIT
EFF DATE	JNL DESC	REF 1	REF 2	REF 3	LINE DESC	
2014 7 32						
APP 403-213000					ACCOUNTS PAYABLE	18,558.72
07/15/2014	07/13/14	071514			AP CASH DISBURSEMENTS JOURNAL	
APP 635-111100					CASH	647,438.99
07/15/2014	07/13/14	071514			AP CASH DISBURSEMENTS JOURNAL	
APP 401-213000					ACCOUNTS PAYABLE	8,443.98
07/15/2014	07/13/14	071514			AP CASH DISBURSEMENTS JOURNAL	
APP 402-213000					ACCOUNTS PAYABLE	92,257.73
07/15/2014	07/13/14	071514			AP CASH DISBURSEMENTS JOURNAL	
APP 101-213000					STREETS - ACCOUNTS PAYABLE	7,739.94
07/15/2014	07/13/14	071514			AP CASH DISBURSEMENTS JOURNAL	
APP 631-213000					ACCOUNTS PAYABLE	12,857.14
07/15/2014	07/13/14	071514			AP CASH DISBURSEMENTS JOURNAL	
APP 001-213000					GENERAL - ACCOUNTS PAYABLE	183,039.82
07/15/2014	07/13/14	071514			AP CASH DISBURSEMENTS JOURNAL	
APP 407-213000					ACCOUNTS PAYABLE	14,636.56
07/15/2014	07/13/14	071514			AP CASH DISBURSEMENTS JOURNAL	
APP 301-213000					ACCOUNTS PAYABLE	284,161.23
07/15/2014	07/13/14	071514			AP CASH DISBURSEMENTS JOURNAL	
APP 104-213000					CIVIC IMPR - ACCOUNTS PAYABLE	15,228.25
07/15/2014	07/13/14	071514			AP CASH DISBURSEMENTS JOURNAL	
APP 622-213000					ACCOUNTS PAYABLE	3,851.63
07/15/2014	07/13/14	071514			AP CASH DISBURSEMENTS JOURNAL	
APP 108-213000					AFFORD HSG - ACCOUNTS PAYABLE	6,540.00
07/15/2014	07/13/14	071514			AP CASH DISBURSEMENTS JOURNAL	
APP 650-213000					ACCOUNTS PAYABLE	99.00
07/15/2014	07/13/14	071514			AP CASH DISBURSEMENTS JOURNAL	
APP 901-213000					ACCOUNTS PAYABLE	24.99
07/15/2014	07/13/14	071514			AP CASH DISBURSEMENTS JOURNAL	
					GENERAL LEDGER TOTAL	647,438.99 647,438.99
APP 631-130000					DUE TO/FROM CLEARING	634,581.85
07/15/2014	07/13/14	071514				
APP 403-130000					DUE TO/FROM CLEARING	18,558.72
07/15/2014	07/13/14	071514				
APP 401-130000					DUE TO/FROM CLEARING	8,443.98
07/15/2014	07/13/14	071514				
APP 402-130000					DUE TO/FROM CLEARING	92,257.73
07/15/2014	07/13/14	071514				
APP 101-130000					STREETS - DUE TO/FROM CLEARING	7,739.94
07/15/2014	07/13/14	071514				
APP 001-130000					GENERAL - DUE TO/FROM CLEARING	183,039.82
07/15/2014	07/13/14	071514				
APP 407-130000					DUE TO/FROM CLEARING	14,636.56
07/15/2014	07/13/14	071514				
APP 301-130000					DUE TO/FROM CLEARING	284,161.23

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JOURNAL ENTRIES TO BE CREATED

YEAR PER	JNL								
SRC ACCOUNT						ACCOUNT DESC	T OB	DEBIT	CREDIT
EFF DATE	JNL DESC	REF 1	REF 2	REF 3		LINE DESC			
07/15/2014	07/13/14	071514							
APP 104-130000						CIVIC IMPR DUE TO/FROM CLEAR'G			15,228.25
07/15/2014	07/13/14	071514							
APP 622-130000						DUE TO/FROM CLEARING			3,851.63
07/15/2014	07/13/14	071514							
APP 108-130000						AFFORD HSG DUE TO/FROM CLEAR'G			6,540.00
07/15/2014	07/13/14	071514							
APP 650-130000						DUE TO/FROM CLEARING			99.00
07/15/2014	07/13/14	071514							
APP 901-130000						DUE TO/FROM CLEARING			24.99
07/15/2014	07/13/14	071514							
SYSTEM GENERATED ENTRIES TOTAL								634,581.85	634,581.85
JOURNAL 2014/07/32 TOTAL								1,282,020.84	1,282,020.84

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JOURNAL ENTRIES TO BE CREATED

FUND	YEAR	PER	JNL	EFF DATE	DEBIT	CREDIT
ACCOUNT				ACCOUNT DESCRIPTION		
001 GENERAL FUND	2014	7	32	07/15/2014		
001-130000				GENERAL - DUE TO/FROM CLEARING		183,039.82
001-213000				GENERAL - ACCOUNTS PAYABLE	183,039.82	
				FUND TOTAL	183,039.82	183,039.82
101 STREET FUND	2014	7	32	07/15/2014		
101-130000				STREETS - DUE TO/FROM CLEARING		7,739.94
101-213000				STREETS - ACCOUNTS PAYABLE	7,739.94	
				FUND TOTAL	7,739.94	7,739.94
104 CIVIC IMPROVEMENT FUND	2014	7	32	07/15/2014		
104-130000				CIVIC IMPR DUE TO/FROM CLEAR'G		15,228.25
104-213000				CIVIC IMPR - ACCOUNTS PAYABLE	15,228.25	
				FUND TOTAL	15,228.25	15,228.25
108 AFFORDABLE HOUSING FUND	2014	7	32	07/15/2014		
108-130000				AFFORD HSG DUE TO/FROM CLEAR'G		6,540.00
108-213000				AFFORD HSG - ACCOUNTS PAYABLE	6,540.00	
				FUND TOTAL	6,540.00	6,540.00
301 CAPITAL CONSTRUCTION FUND	2014	7	32	07/15/2014		
301-130000				DUE TO/FROM CLEARING		284,161.23
301-213000				ACCOUNTS PAYABLE	284,161.23	
				FUND TOTAL	284,161.23	284,161.23
401 WATER OPERATING FUND	2014	7	32	07/15/2014		
401-130000				DUE TO/FROM CLEARING		8,443.98
401-213000				ACCOUNTS PAYABLE	8,443.98	
				FUND TOTAL	8,443.98	8,443.98
402 SEWER OPERATING FUND	2014	7	32	07/15/2014		
402-130000				DUE TO/FROM CLEARING		92,257.73
402-213000				ACCOUNTS PAYABLE	92,257.73	
				FUND TOTAL	92,257.73	92,257.73
403 STORM & SURFACE WATER FUND	2014	7	32	07/15/2014		
403-130000				DUE TO/FROM CLEARING		18,558.72
403-213000				ACCOUNTS PAYABLE	18,558.72	
				FUND TOTAL	18,558.72	18,558.72
407 BUILDING & DEVELOPMENT FUND	2014	7	32	07/15/2014		

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JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
ACCOUNT						
407-130000				DUE TO/FROM CLEARING		14,636.56
407-213000				ACCOUNTS PAYABLE	14,636.56	
				FUND TOTAL	14,636.56	14,636.56
622 EXPENDABLE TRUST FUND	2014 7	32	07/15/2014			
622-130000				DUE TO/FROM CLEARING		3,851.63
622-213000				ACCOUNTS PAYABLE	3,851.63	
				FUND TOTAL	3,851.63	3,851.63
631 CLEARING FUND	2014 7	32	07/15/2014			
631-130000				DUE TO/FROM CLEARING	634,581.85	
631-213000				ACCOUNTS PAYABLE	12,857.14	
635-111100				CASH		647,438.99
				FUND TOTAL	647,438.99	647,438.99
650 AGENCY FUND	2014 7	32	07/15/2014			
650-130000				DUE TO/FROM CLEARING		99.00
650-213000				ACCOUNTS PAYABLE	99.00	
				FUND TOTAL	99.00	99.00
901 GENERAL LONG TERM DEBT	2014 7	32	07/15/2014			
901-130000				DUE TO/FROM CLEARING		24.99
901-213000				ACCOUNTS PAYABLE	24.99	
				FUND TOTAL	24.99	24.99

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JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		183,039.82
101	STREET FUND		7,739.94
104	CIVIC IMPROVEMENT FUND		15,228.25
108	AFFORDABLE HOUSING FUND		6,540.00
301	CAPITAL CONSTRUCTION FUND		284,161.23
401	WATER OPERATING FUND		8,443.98
402	SEWER OPERATING FUND		92,257.73
403	STORM & SURFACE WATER FUND		18,558.72
407	BUILDING & DEVELOPMENT FUND		14,636.56
622	EXPENDABLE TRUST FUND		3,851.63
631	CLEARING FUND	634,581.85	
650	AGENCY FUND		99.00
901	GENERAL LONG TERM DEBT		24.99
	TOTAL	634,581.85	634,581.85

** END OF REPORT - Generated by Linda Steinberg **

Ret Rel

06/24/2014 10:16 | CITY OF BAINBRIDGE ISLAND
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PG 1
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CASH ACCOUNT: 628 111100 CASH-RETAINAGE
CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

125 06/24/2014 PRD 585 STRIPE RITE 191805 RETREL-235 A 06/23/2014 RT062414 4,289.68
Invoice: RETREL-235 A
4,289.68 41628860 586000 RET REL 2013 ROAD STRIPING
RETAINAGE RELEASE

CHECK 125 TOTAL: 4,289.68

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 4,289.68

COUNT AMOUNT

TOTAL PRINTED CHECKS 1 4,289.68

*** GRAND TOTAL *** 4,289.68

06/24/2014 10:16 |CITY OF BAINBRIDGE ISLAND
lsteinberg |A/P CASH DISBURSEMENTS JOURNAL

|PG 2
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

CLERK: lsteinberg

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT						LINE DESC			
EFF DATE	JNL DESC	REF 1	REF 2	REF 3					
2014 6 225									
APP 622-213000						ACCOUNTS PAYABLE		4,289.68	
06/24/2014	RT062414	062414				AP CASH DISBURSEMENTS JOURNAL			
APP 628-111100						CASH-RETAINAGE			4,289.68
06/24/2014	RT062414	062414				AP CASH DISBURSEMENTS JOURNAL			
						JOURNAL 2014/06/225	TOTAL	4,289.68	4,289.68

06/24/2014 10:16
lsteinberg

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|PG 3
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
ACCOUNT						
622 EXPENDABLE TRUST FUND	2014 6	225	06/24/2014			
622-213000				ACCOUNTS PAYABLE	4,289.68	
628-111100				CASH-RETAINAGE		4,289.68
				FUND TOTAL	4,289.68	4,289.68

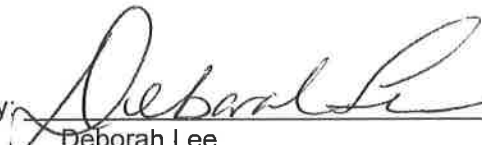
** END OF REPORT - Generated by Linda Steinberg **

PAYROLL

PAYROLL CHECK RUN: 7 - 5 - 2014

Run Type	Run Date	Check # Sequence	Comments	Amount
Normal	7/5/2014	030677 - 030787	P/R check run - direct deposit	227,880.27
Normal	7/5/2014	106700 - 106706	P/R check run - regular	7,570.04
Vendor	7/5/2014	106707 - 106719	P/R vendor check run	229,278.96
Misc	7/5/2014	030788	Misc - add'l vac/sick pay	214.05
EFTPS	7/5/2014		Federal Tax Electronic Transfer	94,315.79
			TOTAL:	559,259.11

Prepared and Reviewed by:


Deborah Lee

Date

7-3-14

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Bainbridge Island, and that I am authorized to authenticate and certify to said claim.



Karl R. Shaw, Accounting Manager

Date

7-3-2014

ITEMS DISCUSSED

1. EXECUTIVE SESSION: CURRENT AND POTENTIAL LITIGATION (RCW 42.30.110(1)(i))
2. CALL TO ORDER/ROLL CALL
3. ACCEPTANCE OR MODIFICATION OF AGENDA/CONFLICT OF INTEREST DISCLOSURE
4. CITY MANAGER'S REPORT
 - A. SETTLEMENT AGREEMENT [ADDED]
5. STAFF INTENSIVE
 - A. PUBLIC ART FUNDING (BAINBRIDGE ISLAND ARTS AND HUMANITIES COUNCIL, PROFESSIONAL SERVICES AGREEMENT, AB 14-079 – EXECUTIVE
 - B. PROCESS FOR COMPREHENSIVE PLAN UPDATE – AB 14-072 - PLANNING
 - C. PRIORITY-BASED BUDGETING FOLLOW-UP, AB 14-045 – FINANCE
 - D. Q1, 2014 FINANCIAL REPORT, AB 14-078 – FINANCE
 - E. ORDINANCE NO. 2014-15, Q1, 2014 BUDGET AMENDMENTS, AB 14-064 – FINANCE
 - F. CHAMBER TECHNOLOGY, AB 14-075 – EXECUTIVE
 - G. ORDINANCES RELATED TO BOARDS, COMMISSIONS AND COMMITTEES, AB 14-077 – EXECUTIVE
6. COUNCIL DISCUSSION
 - A. PROCLAMATION DECLARING MAY 18-24, 2014 AS NATIONAL PUBLIC WORKS WEEK, AB 14-080 – MAYOR BLAIR
7. COMMITTEE REPORTS
8. REVIEW UPCOMING COUNCIL MEETING AGENDAS
9. FOR THE GOOD OF THE ORDER
10. ADJOURNMENT

1. EXECUTIVE SESSION: CURRENT AND POTENTIAL LITIGATION (RCW 42.30.110(1)(i)) 5:59 PM

At 5:59 PM, Deputy Mayor Tollefson adjourned the meeting to an executive session with Councilmembers Bonkowski, Blossom, Roth, Townsend and Mayor Blair to discuss current and potential litigation with legal counsel. Councilmember Ward participated by telephone. The recording system was turned off and the door to council chambers was posted.

2. CALL TO ORDER/ROLL CALL 7:00 PM

Deputy Mayor Tollefson reconvened the meeting at 7:00 PM with aforementioned Councilmembers and Mayor Blair present. He indicated no decisions were made in executive session. Councilmember Ward participated by telephone during a portion of the study session. City Clerk Lassoff monitored the recording of the meeting and prepared the minutes.

3. ACCEPTANCE OR MODIFICATION OF AGENDA/CONFLICT OF INTEREST DISCLOSURE 7:00

Councilmember Bonkowski requested a settlement agreement be added following the City Manager's report (item 4A).

The agenda was unanimously approved as amended.

Deputy Mayor Tollefson disclosed that he had a conflict of interest with respect to item 5A related to the public art funding. He would not vote on the item however would participate in the discussion.

4. CITY MANAGER'S REPORT 7:02 PM

City Manager Schulze reported on the following items:

- Priority Based Budgeting process
- City earns 2014 WellCity Award
- Update on beaches at Wyckoff Eagle Harbor Superfund Site

A. SETTLEMENT AGREEMENT [ADDED] 7:04 PM

***MOTION:** I'd like to make a motion that we authorize the city manager to sign a settlement agreement and release of the Wicktom undergrounding claim as discussed in executive session.*

***BONKOWSKI/BLAIR** – Motion carried unanimously, 7-0.*

5. STAFF INTENSIVE

- A. PUBLIC ART FUNDING (BAINBRIDGE ISLAND ARTS AND HUMANITIES COUNCIL), PROFESSIONAL SERVICES AGREEMENT, AB 14-079 – EXECUTIVE 7:05 PM**

Deputy City Manager Smith explained this item was a continuation of a council discussion from last December about what options exist to resume some or all of the activities around the city's public art program. She noted the proposed motion is really a policy decision about whether to resume expenditures towards the program and, in particular, whether the program support that's being proposed would be something the council would like to have resumed and, if so, whether the proposal reflects what council would like to see.

Councilmember Bonkowski suggested changing the name of the committee to something else besides PAC.

Mayor Blair said she was pleased to see the city moving back into being actively involved in support of the cultural element. She pointed out that the contract does not explicitly include an automatic renewal for funding in 2015 and that there will be regular reports to the council. She added a renewal would be something that the council would need to consider based on scope of work accomplishments and the timeline presented.

Deputy City Manager Smith noted the funding cycle would be January 1 through December 31 and there are early termination clauses.

Deputy Mayor Tollefson asked where the \$10,000 for conservation came from to which staff replied it came from the public arts subfund which lives underneath the general fund. Deputy Mayor Tollefson asked staff to look into making sure that the ordinances on the website properly reflect how the fund is being accounted for.

Mayor Blair clarified that the funds being discussed tonight would be an additional expenditure of \$18,350 from the public art subfund. Councilmember Bonkowski asked whether there was an estimate on how much money would be going into the fund this year. Deputy City Manager Smith responded contributions were suspended in 2010 and there has been no money going in since then. Councilmember Bonkowski thought it was council's intent when they authorized the \$10,000 that they also wanted to begin putting 2% back into the fund. Deputy City Manager Smith explained there certainly was discussion about that concept however council did not take any action to resume funding during last December's discussion. Councilmember Bonkowski wanted to get the funding determined before settling on the biennial budget. Deputy Mayor Tollefson indicated the timeline and scope of work in the contract before council tonight contains some target dates for recommendations from Arts and Humanities. Deputy City Manager Smith noted if council prefers that being an activity that occurs earlier than what is shown in the timeline, tonight would be a good time for feedback since the scope of work suggests that funding will largely fall into next year.

Barbara Sacerdote, Bainbridge Island Arts and Humanities Council Executive Director, thanked everyone for bringing this forward. She shared three goals of the BIAHC were to reactivate the public art project, initiate a new project and get the conservation management of all the citizen's art up and running.

Amy Alspell, Kallgren Road, was glad that this issue was being addressed and encouraged everyone to move forward with the program.

Debbi Lester, 266 Erickson Avenue, thanked the council for moving forward with reinstituting the public art committee. She mentioned three potential projects within the coming years could include Waterfront Park, the ferry terminal remodel and Sound to Olympic Trail.

7:22 PM **MOTION:** *I would move that the City Council forward this item to the consent agenda on May 12, 2014.*
BLAIR/BONKOWSKI – *Motion carried unanimously, 6-0 with Deputy Mayor Tollefson abstaining.*

B. PROCESS FOR COMPREHENSIVE PLAN UPDATE, AB 14-072 – PLANNING 7:23 PM

Planning Director Cook explained the three attachments contained in the agenda packet from the Department of Commerce and noted the city would be relying on those documents quite extensively during the update process. She indicated the city is required to develop and regularly update its Comprehensive Plan as the document provides the framework for how our community wants to grow and what values we wish to protect (land use, housing, capital facilities, utilities, transportation, economic development, natural resources, environment and cultural resources). She listed the required tasks for a state-mandated update include:

1) conduct a public participation program which must be early and continuous, 2) review relevant plans and regulations, 3) take legislative action and 4) submit notice to the state 60-days prior to adoption and then again 10 days after adoption. She explained a Comp Plan 101 kickoff event would be held at the high school as an introductory session sometime in early summer.

Councilmember Townsend encouraged the use of alternative media resources to get the word out. Mayor Blair asked whether there was an approval process similar to what we are going through with DOE. Interim City Attorney Haney replied it not a formal approval process in that they are not required to formally approve it, as DOE needs to for the Shoreline Master Program. City Manager Schulze encouraged everyone that has an interest in this is to visit the Association of Washington Cities website.

Dominique Cantwell asked how binding the comprehensive plan is as a document for the council's leadership in the three-year term. Planning Director Cook replied the plan is intended to provide a policy framework and guidance in the development of our zoning regulations. She added the plan is enforced through the application of the development regulations so if there were substantive changes to the goals and policies then we would want to look at our development regulations to see whether those should be modified to allow the city to apply the comprehensive plan.

Councilmember Bonkowski briefly commented on stormwater management and infrastructure development. Councilmember Blossom did not want to undo what the consultants have already done with respect to the general sewer plan. Mayor Blair asked whether questions raised could be discussed during the Comp Plan 101 discussion. Planning Director Cook replied it would need to be part of the public participation process because the public may have other thoughts they would like addressed. Mayor Blair wanted to see stewardship, advocates and careful thought when it comes to the cultural element.

MOTION: *Authorize the City staff to move forward with a "Comp Plan 101"*

BLAIR/BONKOWSKI – Motion carried unanimously, 7-0.

C. PRIORITY-BASED BUDGETING FOLLOW-UP, AB 14-045 – FINANCE 7:46 PM

Finance Director Schroer provided follow-up on last week's priority-based budgeting workshop. She briefly reported on both the resource alignment and fiscal health diagnostic tools as well as the results definition based on council's feedback (community-orientated results working list - safe city, reliable infrastructure and connected mobility, green, well-planned community, healthy and attractive community and healthy economy). She reviewed what has been done and the process moving forward.

Councilmember Bonkowski said he was delighted the city was doing this. He encouraged staff to put a link to the "Espresso Blast" video on the city website. Councilmember Townsend suggested utilizing various social media outlets to engage the community. Councilmember Bonkowski thought the city should also be utilizing the local radio station if we have not already done so.

D. Q1, 2014 FINANCIAL REPORT, AB 14-078 – FINANCE 7:53 PM

Finance Director Schroer gave PowerPoint presentation on city's finances through the end of March.

Mayor Blair commented on an email received from a citizen asking about the SSWM revenue, prior work done and the assurance that the fund would be made whole. Councilmember Bonkowski said the discussion has already taken place noting when council made the decision to eliminate city streets from stormwater, the commitment at that time was that we were going to transfer money from the General Fund to the SSWM Fund in an equivalent amount to make it whole. Deputy Mayor Tollefson noted if the decision was made, it would be in the record. City Manager Schulze commented it was a decision the council made for a given budget year and what we are trying to do is go back and confirm whether it was something that was done in perpetuity. Councilmember Bonkowski said if you go back and look at the meeting where council made the decision, a commitment was made at that point in time that the General Fund would be used to make the SSWM Fund whole on an annual basis not just one time. City Manager Schulze noted another issue is a previous policy that the city's Enterprise Funds (Utility Funds) will be self-sustaining so the council needs to give clear direction on how they would like to handle that. Deputy Mayor Tollefson suggested reviewing the record before spending time talking about it.

Finance Director Schroer continued her presentation.

E. ORDINANCE NO. 2014-15, Q1, 2014 BUDGET AMENDMENTS, AB 14-064 – FINANCE 8:03 PM

Finance Director Schroer reported on proposed amendments to the 2014 operating budget (capital projects – Waterfront Park/City Dock – \$240,000 from WSF funds, Sportsman's Club Road Trail – \$17,000 from bond funds, Madison Avenue Safety/Pedestrian Improvements – \$4,000, Rockaway Beach Road mitigation – \$20,000 and North Madison Overlay administrative transfer of budget authority; contingency reserve – classification and compensation study – \$75,000, Green Power – \$3,000; city operating activities – Priority Based Budgeting – \$60,000 and community outreach – \$35,000).

Mayor Blair asked where the funding the priority based budgeting was coming from. Finance Director Schroer explained it was a one-time expense as an increase to the budget (i.e. fund balance). Councilmember Blossom asked what the \$35,000 for community outreach covered. City Manager Schulze replied the city would be participating in various community events, creating videos, pushing out information on social media. Councilmember Bonkowski thought it would be helpful on an annual basis to receive a general accounting of what we are spending the money on.

8:12 PM

MOTION: *I move the City move Ordinance 2014-15 Amending the 2014 Budget of the City to the May 12, 2014 Consent Agenda.*

BONKOWSKI/ROTH – Motion carried unanimously, 7-0.

**F. ORDINANCES RELATED TO BOARDS, COMMISSIONS AND COMMITTEES, AB 14-077 –
EXECUTIVE 8:13 PM**

Mayor Blair explained these ordinances incorporate language contained in the scopes of work approved last year as well as adding email account and training language. She indicated the Non-Motorized Transportation Advisory Committee was originally established by resolution and it will now be codified in the municipal code.

8:15 PM **MOTION:** *I move that the City Council forward Ordinance Nos. 2014-17, 2014-18, 2014-19 and 2014-20 to the May 12, 2014 Consent Agenda*
BLAIR/TOWNSEND – Motion carried unanimously, 7-0.

6. COUNCIL DISCUSSION

**A. PROCLAMATION DECLARING MAY 18-24, 2014 AS NATIONAL PUBLIC WORKS WEEK, AB 14-080
– MAYOR BLAIR 8:16 PM**

Mayor Blair read the proclamation.

MOTION: *I move the City Council authorize Mayor Anne Blair to sign the proclamation declaring May 18 through May 24, 2014 as National Public Works Week.*
BONKOWSKI/WARD – Motion carried unanimously, 7-0.

Councilmember Bonkowski asked whether proclamations are included in the city manager's report to which City Manager Schulze replied some are but he can certainly do that on a regular basis.

7. COMMITTEE REPORTS 8:20 PM

There were no committee reports given.

8. REVIEW UPCOMING COUNCIL MEETING AGENDAS 8:20 PM

City Manager Schulze reviewed the May 12 business meeting agenda. There was a brief discussion on how best to arrange agenda topics given the marijuana ordinance public hearing. Following a brief discussion, the public hearing was scheduled after the two presentations.

City Manager Schulze reviewed the long-range calendar. Councilmember Ward requested 15 minutes be scheduled on May 19 to receive recommendations from the Environmental Technical Advisory Committee. Mayor Blair commented on the June 10 Advance follow-up on the strategic planning workshop held earlier in the year. Councilmember Bonkowski asked why council was getting involved in the City Hall paint and wood restoration project item listed on the June 2 agenda. City Manager Schulze indicated he had the same question and was going to ask whether it's a contract related issue. Deputy City Manager Smith said it was her impression that the item exceeds the \$30,000 budget authority. Councilmember Bonkowski asked whether it is appropriate to increase the city manager's budget authority. Deputy City Manager Smith recalled a recent discussion about matching the surplus and signing authority to match levels with the state.

9. FOR THE GOOD OF THE ORDER 8:33:38 PM

Councilmember Bonkowski commented on Cinco de Mayo.

10. ADJOURNMENT 8:34 PM

The meeting adjourned at 8:34 PM.

Anne S. Blair, Mayor

Rosalind D. Lassoff, City Clerk

ITEMS DISCUSSED

1. EXECUTIVE SESSION: CURRENT AND POTENTIAL LITIGATION (RCW 42.30.110(1)(i))
2. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
4. PRESENTATIONS
 - A. ETHICS BOARD TRAINING SESSION – ETHICS BOARD
 - B. ROAD ENDS ADVISORY COMMITTEE 2013 RESULTS AND 2014 WORK PLAN, AB 14-082 – MAYOR BLAIR, LIAISON
5. PUBLIC HEARING: ORDINANCE NO. 2014-09, ESTABLISHING ZONING REGULATIONS FOR RECREATIONAL MARIJUANA PROCESSING, RETAILING AND PRODUCTION (GROWING) BUSINESSES, AB 13-136 – PLANNING
6. PUBLIC COMMENT
7. CITY MANAGER'S REPORT
 - A. NATIONAL POLICE WEEK [ADDED]
8. CONSENT AGENDA
 - A. ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL
 - B. SPECIAL/REGULAR BUSINESS MEETING MINUTES, MARCH 24, 2014
 - C. PUBLIC ART FUNDING (BAINBRIDGE ISLAND ARTS AND HUMANITIES COUNCIL), PROFESSIONAL SERVICES AGREEMENT, AB 14-079 – EXECUTIVE
 - D. ORDINANCE NO. 2014-05, Q1 2014 BUDGET ADJUSTMENTS, AB 04-064 – FINANCE
 - E. ORDINANCE NO. 2014-17, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE HARBOR COMMISSION, AND AMENDING BIMC 2.46, AB 14-077 – EXECUTIVE
 - F. ORDINANCE NO. 2014-18, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE PLANNING COMMISSION, AND AMENDING BIMC 2.14.020, AB 14-077 – EXECUTIVE
 - G. ORDINANCE NO. 2014-19, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE DESIGN REVIEW BOARD, AND AMENDING BIMC 2.14.040, AB 14-077 – EXECUTIVE
 - H. ORDINANCE NO. 2014-20, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE NON-MOTORIZED TRANSPORTATION ADVISORY COMMITTEE AND CREATING A NEW BIMC CHAPTER 2.32, AB 14-077 – EXECUTIVE
9. COMMITTEE REPORT
 - A. NORTH WARD MEETING REPORT – BLAIR, BONKOWSKI AND TOLLEFSON
10. REVIEW UPCOMING COUNCIL MEETING AGENDAS
11. FOR THE GOOD OF THE ORDER
12. ADJOURNMENT

1. EXECUTIVE SESSION: CURRENT AND POTENTIAL LITIGATION RCW 42.30.110(1)(i) 6:15 PM

Mayor Blair recessed the meeting to an executive session in the planning conference room with Councilmembers Blossom, Bonkowski, Roth and Tollefson to discuss current and potential litigation with legal counsel. Councilmember Ward joined by telephone. The recording system was turned off and the door to Council Chambers was posted. At 6:47 PM, Councilmember Bonkowski indicated the executive session would be extended another 15 minutes. The meeting resumed immediately following executive session with no action being taken.

2. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE 7:15 PM

Mayor Blair reconvened the meeting to order at 7:15 PM. Everyone stood for the Pledge of Allegiance.

3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE 7:16 PM

Mayor Blair added a proclamation regarding National Police Week under the City Manager's report.

MOTION: *I move to accept the agenda as amended.*

TOLLEFSON/ROTH – *Motion carried unanimously, 7-0.*

Mayor Blair noted that public comment has been placed after the public hearing.

There were no conflicts of interest disclosed.

4. PRESENTATIONS

A. ETHICS BOARD TRAINING SESSION – ETHICS BOARD 7:18 PM

Boardmember Willerford gave an overview on the program's history. He explained the differences between values and rules.

Boardmember Yesley briefly discussed ethics rules, enforcement processes and council obligations.

Mayor Blair indicated the materials contained in the agenda packet is a replication of the tri-fold brochure. She shared that citizens working on citizen advisory groups or as volunteers are given information on the ethics code.

Deputy Mayor Tollefson indicated he would be recusing himself from voting on the consent agenda due to a conflict of interest related to public art funding.

B. ROAD ENDS ADVISORY COMMITTEE 2013 RESULTS AND 2014 WORK PLAN, AB 14-082 – MAYOR BLAIR, LIAISON 7:37 PM

Road Ends Chair Bitsy Ostenson gave a brief report on their 2013 results and 2014 work plan. She announced a June 1 event called *Spring Fling*.

MOTION: *I move we accept the work plan for the Road Ends Committee for 2014.*

BONKOWSKI/TOWNSEND

AMENDED MOTION: *...and the 2013 results.*

BONKOWSKI/TOWNSEND – *Motion carried unanimously, 7-0.*

Mayor Blair thanked Robert Campbell and Jack Christianson for their service on the Road Ends Advisory Committee.

5. PUBLIC HEARING: ORDINANCE NO. 2014-09, ESTABLISHING ZONING REGULATIONS FOR RECREATIONAL MARIJUANA PROCESSING, RETAILING AND PRODUCTION (GROWING) BUSINESSES, AB 13-136 – PLANNING 7:45 PM

Special Projects Planner Sutton explained the proposed ordinance establishes zoning regulations for recreational marijuana businesses and addresses medical marijuana collective gardens. She indicated the public hearing had been properly noticed and the ordinance has been revised to reflect the direction given by the council at the April 28 meeting to allow marijuana production in the business industrial district (indoor production only) and to require some renewable energy and water reuse measures to be implemented.

Councilmember Blossom indicated the proposed ordinance would allow marijuana retail in neighborhood service centers (NSC) and asked if that was only the three called out in the Comprehensive Plan or included the fourth one in Eagledale. Special Project Planner Sutton there were one or two properties in Eagledale are zoned NSC so theory it would be allowed. Councilmember Blossom then asked if there was any way to allow it in the three others (Rolling Bay, Island Center, Lynwood Center) and not in Eagledale? Planning Director Cook indicated the ordinance could be modified so that it was allowed in the NSC special planning areas because the three locations are identified as NSC special planning areas.

Mayor Blair opened the public hearing at 7:49 PM.

Kent Scott, Old Mill Road, Quince Farm, asked the council to reconsider the proposed ordinance.

Steve Romein addressed agriculture and growing issues.

Chuck Beek spoke in favor of allowing licensed, legal and controlled growing of cannabis on the island.

Sue Wilmot, Old Mill Road, spoke against the ordinance however would support locating production in the business industrial rather than residential zones.

Gary Wilmot, Old Mill Road, spoke to the uncertainty over the past few months which he believes screams out for regulation of the industry.

Alison Whiteman, Ferncliff/High School Road resident, shared her concern regarding more access to marijuana and asked folks to think carefully about how it will affect lives.

Theresa Muzzi said she was against marijuana grow production in residential areas and would prefer it in the business industrial zone.

Eric Fredricks, 7776 Yeomalt Point Drive, supported the referendum that was passed. He thought that farmers on the island should be able to grow marijuana along with other crops however did have questions on how that evolves into on site sales as well as vineyards that can sell wine on site, etc. He asked whether marijuana farmers would be able to sell marijuana on site and whether the 1,000 feet rule applied in Rolling Bay.

Jon Quitslund, 5192 NE Sullivan Road, understood the council has two options – approve the draft ordinance recommended by a majority of planning commission using language proposed by the planning department or approve alternative policy developed in conformity with opinions expressed in the minority report given by the planning commission. He addressed both options and the implication of their language.

Hap Leon, Old Mill Road, encouraged council to go with the planning commission's recommendation for allowing marijuana growing in the R2.5 zone.

Mike Bonoff, 5711 Old Mill Road, thanked the council for taking the time to read all the comments submitted and making the effort to look at the site itself. He hoped that folks do not feel like winners and losers and that people feel that they are heard.

Amii Pratt, Rolling Bay, stated her opposition to citing a marijuana dispensary in her neighborhood and wondered if there was a better location for it to go.

Kristina Pujolar, Rolling Bay, spoke to the hundreds of children living in her neighborhood and was opposed to citing a marijuana dispensary there.

Tom Golon, Point Monroe, read a prepared statement from Mr. Hong, owner of the Jiffy Mart, in which he strenuously opposes locating a business that sells marijuana in his convenient store complex.

Dylan Wilkins, 8480 Ferncliff Avenue, spoke in support of the renewable energy aspect of the proposed ordinance.

Cindy Vandersluis, Valley Road, stated a large number of citizens living in the Rolling Bay neighborhood oppose the creation of a marijuana business outlet as do business owners such as Mr. Hong, owner of the Rolling Bay property, where it would be located.

Soon Hong spoke to his opposition of citing the proposed retail store on his property.

Tim Wilkins, said although he did not vote in favor of I-502, he believed if someone has a right to put their business in Rolling Bay, they should be able to do it.

Eric Snyder, 10877 Bill Point Circle NE, commented that Colorado has shown a market decrease in residential crime, violent crime and negative impacts of marijuana are almost nothing.

Mayor Blair closed the public hearing at 8:26 PM.

Special Project Planner Sutton explained Rolling Bay Presbyterian is not considered a sensitive use since it does not have an elementary or secondary school associated with it nor does it have childcare/preschool. She addressed concerns raised regarding the Island Music Guild and indicated she would forward on those concerns to the Liquor Control Board given the close proximity of the retail application still in process. Mayor Blair noted comments made regarding the possibility of outdoor growing sites evolving into onsite sales. Special Project Planner Sutton indicated one could not have retail recreational marijuana at a production or processing site. Mayor Blair noted comments raised regarding difficulties finding information on this topic on the website. Special Project Planner Sutton noted there was a marijuana related uses page on the website containing history and information.

Councilmember Townsend asked whether the consent of the landlord was an element that the Liquor Control Board would require. Special Project Planner Sutton replied the board did not request that confirmation during the initial application window back in November however, they have since requested it from the applicant. Deputy Mayor Tollefson asked in the event council decided tonight to either take a different direction or to continue the discussion at a study session level, what would the options be. Planning Director Cook indicated the city is operating under 6-month interim regulations which are due to terminate May 25 so we do have a time constraint and would need to extend those interim regulations. Interim City Attorney Haney explained council has the right to extend those regulations provided that they find they need additional time for specific reasons and that there be findings regarding those reasons. He noted one constraint is that once we adopt interim regulations, in order to extend them you need to hold a public hearing prior to May 25.

Councilmember Townsend said he has come to the realization through all the thoughtful comments from both sides that doing nothing or not allowing an outlet for this to happen on farms will effectively be status quo. He was in favor of a rigid structure greenhouse outdoors in R4 with 2.5 acres.

Councilmember Blossom said she did not buy the idea that if we encourage people to have greenhouses in residential areas that we are somehow going to stop illegal operations. She also believed it was not about one particular applicant.

Deputy Mayor Tollefson suggested council take whatever action is necessary tonight and schedule it for a future study session to have a continued open discussion. He suggested dealing with each of the three issues separately (growing, producing and retail) under existing categories of use rather than creating a new one. He said if council decided to move forward on the ordinance before them tonight, he would be voting against the portion having to do with growing in business industrial because it is not fair from a business standpoint to impose the well-intended energy and water conservation regulations on marijuana businesses alone. He also noted if it turned out that growing marijuana in the business industrial zone was an economically viable model, there was a strong risk that it would drive up warehouse prices.

Councilmember Bonkowski said he would support growing in the business industrial zone if we needed to have growing on the island at all. He also commented on the cost of warehouse space on the island.

Councilmember Roth said he would hate to move so quickly that we ended up not being able to implement anything very well. He thought council needs to make an honest commitment to amend and move forward as more is known. He did not support the ordinance as presented specifically related to the growing issue.

Councilmember Blossom thought staff had said that these addresses were not necessarily the site location. Special Projects Planner Sutton responded these addresses are connected to the site on the current application. Councilmember Blossom did not think council could draw the conclusion that this is a finite pool of applicants and thought they should not ignore the fact that other people have applied.

Mayor Blair asked the council whether they were interested in separating the three issues or keeping them together.

Councilmember Bonkowski was supportive of separating them and extending the interim ordinance until the questions are answered.

Councilmember Townsend was favor a three-prong approach.

Councilmember Roth thought council should come to some baseline about what they think each of them is talking about.

Councilmember Blossom favored acting on the ordinance now. She asked whether the purpose of splitting them apart was to focus on them separately. Deputy Mayor Tollefson suggested dealing with the three elements (production, processing and retail sales) within the context of the categories of use that we already have in the zoning code. He also suggested adding a type for agricultural-crop (marijuana) and defining how it is permitted.

Planning Director Cook indicated the interim regulations would expire on May 25 and the city cannot meet the noticing requirements for a public hearing earlier than May 27, which would be past the deadline.

Mayor Blair was very interested in finding out whether it is possible to follow the model as described by Deputy Mayor Tollefson about integrating the different elements into our existing regulatory structure and not having a separate marijuana-use section.

Council discussed next steps.

9:11 PM **MOTION:** *I move that we adjourn to executive session until 9:30.*
TOLLEFSON/BONKOWSKI – Motion carried unanimously, 7-0.

Mayor Blair reconvened the meeting at 9:29 PM and indicated no decisions were made during executive session.

9:30 PM **MOTION:** *I move we approve Ordinance 2014-06 amended in the following fashion: that the ordinance shall expire and automatically be repealed effective November 12, 2014.*
BONKOWSKI/TOLLEFSON

RESTATED MOTION: *I move we approve the Ordinance 2014-06 and the ordinance shall expire and be automatically repealed effectively November 12, 2014.*
BONKOWSKI/TOLLEFSON

AMENDMENT: *I move to amend the motion to have the retail that is allowed in Neighbor Service Center only apply to Lynwood Center, Rolling Bay and Island Center.*
BLOSSOM/TOLLEFSON

FRIENDLY AMENDMENT: *...limited to the Neighborhood Service Center Special Planning Areas of Rolling Bay, Island Center and Lynwood Center.*
TOLLEFSON – The amendment passed unanimously, 6-0. Councilmember Ward was no longer participating via telephone.

The underlying motion, as amended, was unanimously approved, 6-0.

6. PUBLIC COMMENT 9:35 PM
There was no public comment.

7. CITY MANAGER'S REPORT 9:36 PM
City Manager Schulze reported the following: National Public Works Week, Wyckoff site and safe boating activities.

A. NATIONAL POLICE WEEK PROCLAMATION 9:37 PM
Mayor Blair read the proclamation.

9:40 PM **MOTION:** *I move we authorize our mayor to sign the proclamation for National Police Week 2014.*
BONKOWSKI/ROTH – Motion carried unanimously, 6-0.

8. CONSENT AGENDA 9:40 PM

A. ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL

Accounts Payable ACH Check Number 150, EFT Check Number 151, Void Check Numbers 335679 and 334373, Manual Check Numbers 335678 through 335684, Regular Run Check Numbers 335685 through 335778 for a total of \$367,594.69. Travel Advance Check Number 59 for a total of \$150.00. Payroll Direct Deposit Check Numbers 030248 through 030354, Regular Check Numbers 106626 through 106629, Vendor Check Numbers 106630 through 106642 and a Federal Tax Electronic Transfer for a total \$550,095.74.

B. SPECIAL/REGULAR BUSINESS MEETING MINUTES, MARCH 24, 2014

C. PUBLIC ART FUNDING (BAINBRIDGE ISLAND ARTS AND HUMANITIES COUNCIL), PROFESSIONAL SERVICES AGREEMENT, AB 14-079 – EXECUTIVE

D. ORDINANCE NO. 2014-05, Q1 2014 BUDGET ADJUSTMENTS, AB 04-064 – FINANCE

E. ORDINANCE NO. 2014-17, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE HARBOR COMMISSION, AND AMENDING BIMC 2.46, AB 14-077 – EXECUTIVE

F. ORDINANCE NO. 2014-18, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE PLANNING COMMISSION, AND AMENDING BIMC 2.14.020, AB 14-077 – EXECUTIVE

G. ORDINANCE NO. 2014-19, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE DESIGN REVIEW BOARD, AND AMENDING BIMC 2.14.040, AB 14-077 – EXECUTIVE

H. ORDINANCE NO. 2014-20, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE NON-MOTORIZED TRANSPORTATION ADVISORY COMMITTEE AND CREATING A NEW BIMC CHAPTER 2.32, AB 14-077 – EXECUTIVE

***MOTION:** I move that the city council approve consent agenda items A through H: A) Accounts Payable Voucher and Payroll Approval, B) Special/Regular Business Meeting Minutes, March 24, 2014, C) Public Art Funding (Bainbridge Island Arts and Humanities Council) Professional Services Agreement, D) Ordinance No. 2014-05, E) Ordinance No. 2017-17, F) Ordinance No. 2017-18, G) Ordinance No. 2014-19 and Ordinance 2014-20.*

***TOWNSEND/ROTH** – Motion carried 5-0 with Deputy Mayor Tollefson abstaining.*

9. COMMITTEE REPORT 9:41 PM

A. NORTH WARD MEETING REPORT – BLAIR, BONKOWSKI AND TOLLEFSON

There were no reports given.

10. REVIEW UPCOMING COUNCIL MEETING AGENDAS 9:42 PM

Mayor Blair indicated she would be working with Deputy Mayor Tollefson and City Manager Schulze to outline an approach and timeline regarding the marijuana ordinance discussion next week. Councilmember Bonkowski asked if council could also look at the issue of the paper or record.

City Manager Schulze commented on merging the sidewalk and right-of-way use regulations into a single ordinance. Following a brief discussion, it was decided that the sidewalk regulations come forward sooner. City Manager Schulze explained the City Hall painting and wood restoration contract exceeded his signing authority. Councilmember Bonkowski suggested adding a marijuana discussion to the June 2 study session agenda. Mayor Blair said a joint meeting with Poulsbo would be scheduled in the near future.

11. FOR THE GOOD OF THE ORDER 9:49 PM

Mayor Blair reported on the proposed interview teams for citizen advisory group interviews. The following councilmember's volunteered for the remaining panels: Bonkowski-Ethics, Townsend-Design Review Board, Roth-Historic Preservation Commission, and Blossom-Road Ends Advisory Committee.

Councilmember Roth commented that Winslow Way merchants have been considerate with respect to placement of their sandwich boards, etc. He also pleased to see Public Works weeding along Winslow Way.

12. ADJOURNMENT 9:53 PM

The meeting adjourned at 9:53 PM.

Anne S. Blair

Rosalind D. Lassoff, City Clerk

DRAFT

ITEMS DISCUSSED

1. CALL TO ORDER / ROLL CALL
2. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
3. CITY MANAGER'S REPORT
4. STAFF INTENSIVE
 - A. HISTORIC PRESERVATION COMMISSION ANNUAL BLAKELY AWARDS, AB 14-085
 - ~~B. SCHOOL RESOURCE OFFICER (SRO) BRIEFING, AB 14-088 PULLED~~
 - C. BAKER HILL/LYNWOOD CENTER INTERSECTION OPTIONS, AB 14-087
 - D. ORDINANCE NO. 2014-16, RELATING TO RETAIL USE OF PUBLIC SIDEWALKS AND RESOLUTION NO. 2014-11, AMENDING THE FEE SCHEDULE, AB 14-029
 - E. FARMERS' MARKET COMMERCIAL LEASE AGREEMENT, AB 14-084
 - F. PUBLIC DEFENDER CONTRACT EXTENSION, AB 14-086
 - G. ORDINANCES RELATED TO BOARDS, COMMISSIONS AND COMMITTEES, AB 14-077
5. COUNCIL DISCUSSION
 - A. MARIJUANA REGULATIONS: APPROACH AND TIMELINE, AB 13-136
 - ~~B. RECOMMENDATIONS FROM THE ENVIRONMENTAL TECHNICAL ADVISORY COMMITTEE ON SMP MONITORING, AB 14-089 PULLED~~
6. COMMITTEE REPORTS
 - A. SOUTH WARD MEETING NOTES, MAY 13, 2014
 - B. CENTURY LINK 911 SYSTEM APRIL 9, 2014 MAJOR OUTAGE REPORT – COUNCIL LIAISON WARD
7. REVIEW UPCOMING COUNCIL MEETING AGENDAS
8. FOR THE GOOD OF THE ORDER
9. ADJOURNMENT

1. CALL TO ORDER / ROLL CALL 6:59 PM

Deputy Mayor Tollefson called the meeting to order at 6:59 PM. Councilmembers Blair, Blossom, Bonkowski, Townsend, and Ward were present; Councilmember Roth was absent and excused. Records Management Coordinator Jahraus monitored the recording of the meeting and prepared the minutes.

2. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE 6:59 PM

City Manager Schulze and Councilmember Ward pulled agenda items 4B and 5B.

7:00 PM **MOTION:** *I move we accept the agenda as modified.*
 WARD/BONKOWSKI: *Motion carried unanimously, 6-0.*

3. CITY MANAGER'S REPORT 7:00 PM

City Manager Schulze recapped his report for Friday, May 16.

4. STAFF INTENSIVE

A. HISTORIC PRESERVATION COMMISSION ANNUAL BLAKELY AWARDS, AB 14-085 7:02 PM

The Historic Preservation Commission established the Blakely Awards in 2010 to recognize significant contributions towards historic preservation in our community made by individuals and organizations. David Williams, chair of the Historic Preservation Committee presented the awards to those recipients attending the meeting.

This year's recipients are:

- Dr. Frank Y. Kitamoto, Preservation Leader, for his critical role in preserving and honoring the memory of the Japanese-American experience on Bainbridge Island.
- Sara and Steve Newman, Project of Excellence, for the restoration of the 1913 Captain E.L. Franks House.
- Crystina Cupp and Evan Sturtevant, Project of Excellence, for the restoration of the 1936 Captain Lovell House.

~~**B. SCHOOL RESOURCE OFFICER (SRO) BRIEFING, AB 14-088 PULLED**~~

C. BAKER HILL/LYNWOOD CENTER INTERSECTION OPTIONS, AB 14-087 7:09 PM

Public Works Director Loveless presented the agenda item. One of the intersections studied was Lynwood Center Road and Baker Hill Road. The recommendations from the study were to:

1. Maintain existing east and westbound stop control for Baker Hill Road.
2. Remove and replace existing stop lines for east and westbound traffic on Baker Hill Road.
3. Place stop bar approximately 4-feet from the shoulder edge on Lynwood Center Road.
4. Remove existing "2-way" supplemental plaque on Baker Hill Road approaches.
5. Remove existing yield line markings.
6. Install fluorescent yellow-green pedestrian crosswalk warning signs (W11-2) and supplemental warning plaques (W16-7P) at the crosswalk. Maintain existing "yield here to pedestrians" (R1-5) signs.
7. Review illumination to determine if adequate visibility is available at the crosswalk.

Public Works Director Loveless referenced the traffic study completed by Perteet in December of 2013 and the modest changes and improvements that have been implemented. Council discussed other possible traffic calming measures including a roundabout, a traffic circle, moving the yield line markings and speed bumps to increase the safety of the intersection. At this time, no further action is required from Council.

D. ORDINANCE NO. 2014-16, RELATING TO RETAIL USE OF PUBLIC SIDEWALKS AND RESOLUTION NO. 2014-11, AMENDING THE FEE SCHEDULE, AB 14-029 7:29 PM

At the request of City Council, City staff has prepared an ordinance to address issues relating to the retail use of sidewalks not previously addressed in the Bainbridge Island Municipal Code. The ordinance establishes a permit requirement for sidewalk cafes and clarifies the City's policy on sidewalk displays of merchandise. The ordinance will cover all public sidewalks, not just Winslow.

7:42 PM **MOTION:** *I move that the City Council forward Ordinance No. 2014-16 relating to the retail use of sidewalks to 2nd reading on May 27, 2014 and Resolution No. 2014-11 amending the City's Fee Schedule to the consent agenda on May 27, 2014, with the inclusion of a specified way to install and remove chains on the sidewalk cafes.*
BONKOWSKI/WARD: *Motion carried unanimously, 6-0.*

E. FARMERS' MARKET COMMERCIAL LEASE AGREEMENT, AB 14-084 7:44 PM

City Manager Schulze introduced the agenda item. The lease was entered into under the previous Mayor-Council form of government approximately 13 years ago, and the City and the Farmers' Market have agreed to amend and restate their agreement and clarify the hours of use.

7:46 PM **MOTION:** *I move that the City Council forward the Amended and Restated Commercial Lease Agreement with the Bainbridge Island Farmers' Market to the consent agenda on May 27, 2014.*
BONKOWSKI/WARD: *Motion carried unanimously, 6-0.*

F. PUBLIC DEFENDER CONTRACT EXTENSION, AB 14-086 7:46 PM

City Manager Schulze introduced the agenda item. In 2011, the City and Thomas Alpaugh entered into a Professional Services Agreement to provide legal representation for indigent persons charged with certain criminal offenses. The agreement is scheduled to expire on May 31, 2014 absent an agreement between the parties to extend.

7:47 PM **MOTION:** *I move that the City Council forward Amendment No. 1 to Professional Services Agreement relating to public defender services to the consent agenda on May 27, 2014.*
BLAIR/BLOSSOM: *Motion carried unanimously, 6-0.*

G. ORDINANCES RELATED TO BOARDS, COMMISSIONS AND COMMITTEES, AB 14-077 7:48 PM

In April 2014, City Council suggested arranging for the provision of city email accounts and related training on the use of email accounts, including personal computer privacy expectations while serving on an advisory group. These changes are reflected in the four ordinances included in the agenda packet:

Ordinance No. 2014-21: Clarifying the role, composition and duties of the Road Ends Advisory Committee, and creating a new Chapter 2.34 of the Bainbridge Municipal Code.

Ordinance No. 2014-22: Clarifying the role, composition and duties of the Historic Preservation, and amending Section BIMC Section 18.24.020 of the Bainbridge Municipal Code.

Ordinance No. 2014-23: Clarifying the composition, organization and duties of the Salary Commission, and amending Chapter 2.74 of the Bainbridge Municipal Code.

Ordinance No. 2014-23: Clarifying the composition, organization and duties of the Salary Commission, and amending Chapter 2.74 of the Bainbridge Municipal Code.

7:49 PM **MOTION:** *I move that the City Council forward Ordinance Nos. 2014-21, 2014-22 and 2014-23 to the May 27, 2014 Consent Agenda.*
WARD/BLOSSOM: *Motion carried unanimously, 6-0.*

5. COUNCIL DISCUSSION 7:50 PM

A. MARIJUANA REGULATIONS: APPROACH AND TIMELINE, AB 13-136

Planning and Community Development Director Cook addressed Council and stated the purpose of the discussion that is to clarify the approach and timeline for developing permanent marijuana regulations. The discussion is not intended to focus on the specific content of the regulations. On May 12, 2014, the City Council conducted a Public Hearing on Ordinance 2014-06, Establishing Zoning Regulations for Recreational Marijuana Processing, Retailing, and Production (Growing) Businesses. After hearing public comment, the City Council deliberated the provisions of Ordinance 2014-06, with much of the discussion focused on proposed regulations related to marijuana production (growing) facilities. The Council generally agreed that the proposed regulations need more review and possible revision. However, due to time constraints associated with the expiration date of the City's interim marijuana regulations (Ordinance 2013-32), the Council unanimously passed Ordinance 2014-06, but with an automatic repeal date of November 12, 2014. The intervening six-month period will be used to evaluate the regulations contained in Ordinance 2014-06 and consider other possible approaches to legalized marijuana regulations, including how permanent regulations should be integrated into the Municipal Code. This review process will include identifying what outstanding questions and issues need to be researched and resolved.

Regardless of the process and timeline Council arrives at, it does need to go back to the Planning Commission because it is a new ordinance amending the zoning code.

Mayor Blair would like to anticipate have a genuine work-study session to identify and resolve specific questions on June 2 during the regular Study Session. Mayor Blair stated a separate section should be created in the code for marijuana because it is a brand new issue with a stand-alone ordinance.

Interim City Attorney Haney stated the Washington State Liquor Control Board has specific standards that will be applied when issuing licenses. If the City chooses to apply stricter standards, it or differs from the definition that the WSLCB is using, it needs to be written into the code.

Prior to accepting public comment, Deputy Mayor Tollefson reminded the audience that Council has received a lot of public comment and they are reading all of the comments.

Susan Wilmot, Old Mill Road, asked how is the information on locations needing buffers provided to the WSLCB?

Tom Golon, Sand Spit, was curious why the three areas for apothecaries (Rolling Bay, Lynwood Center and Island Centers), are all off the highway; he fears the roads will be taking on more off-island traffic.

Eric Billies, Old Mill Road, asked if there is a more efficient way to bundle the research?

Tim Wilkins, BI Taxi, referenced a poll in the Bainbridge Review that asked if Rolling Bay was a good location for a marijuana retail shop. The results were 54% in favor; 45% said no.

Gary Wilmot, Old Mill Road, asked if the temporary ordinance would be changed before the six-month time period is up.

Tim Carey, Rolling Bay, also referenced the poll in the Bainbridge Review; the latest result showed that 67% were against the Rolling Bay location and is not a scientific study.

~~B. RECOMMENDATIONS FROM THE ENVIRONMENTAL TECHNICAL ADVISORY COMMITTEE ON SMP MONITORING, AB 14-089~~ PULLED

6. COMMITTEE REPORTS 8:23 PM

A. SOUTH WARD MEETING NOTES, MAY 13, 2014

B. CENTURY LINK 911 SYSTEM APRIL 9, 2014 MAJOR OUTAGE REPORT – COUNCIL LIAISON WARD

There were no reports given.

7. REVIEW UPCOMING COUNCIL MEETING AGENDAS 8:24 PM

City Manager Schulze reviewed the May 27 agenda and upcoming calendar.

8. FOR THE GOOD OF THE ORDER 8:33 PM

Community members were invited to use this time as public comment.

Brendan Peters, Valley Road, had a question about the Ordinance 2014-06 and local authority notification provided under the RCW. How does the City intend on responding to the WSLCB?

Dr. Steve Curtis, Rolling Bay, stated it makes absolutely no sense in placing a dispensary in the Rolling Bay neighborhood.

Tim Carey, Rolling Bay, asked where the sources for the mapping of schools, day care centers, etc were conceived.

9. ADJOURNMENT 8:51 PM

The meeting was adjourned at 8:51 PM.

Anne S. Blair, Mayor

Kelly Jahraus, Records Management Coordinator

ITEMS DISCUSSED

1. EXECUTIVE SESSION: CURRENT LITIGATION (RCW 42.30.110(1)(i))
2. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE
3. ACCEPTANCE OR MODIFICATION OF AGENDA/CONFLICT OF INTEREST DISCLOSURE
4. PRESENTATION
 - A. PUBLIC SAFETY FACILITY ASSESSMENT UPDATE, AB 14-008 – EXECUTIVE
5. CITY MANAGER'S REPORT
6. PUBLIC COMMENT
7. ORDINANCES/2ND READING
 - A. ORDINANCE NO. 2014-169, RELATING TO THE RETAIL USE OF SIDEWALKS, AB 14-029 – EXECUTIVE
8. UNFINISHED BUSINESS
 - A. WATERFRONT DOCK 30% DESIGN AND APPROVAL OF AUTHORIZING RESOLUTION NO. 2014-12, RECREATION CONSERVATION OFFICE (RCO) GRANT APPLICATION, AB 14-025 – PUBLIC WORKS
9. NEW BUSINESS
 - A. SCHOOL RESOURCE OFFICER (SRO) BRIEFING, AB 14-088 – POLICE
 - B. PROCLAMATION DECLARING SUNDAY, JUNE 1, 2014 AS ROAD ENDS DAY, AB 14-090 – EXECUTIVE
10. CONSENT AGENDA
 - A. ACCOUNTS PAYABLE AND VOUCHER APPROVAL
 - B. SPECIAL/REGULAR STUDY SESSION MEETING MINUTES, APRIL 7, 2014
 - C. REGULAR BUSINESS MEETING MINUTES, APRIL 14, 2014
 - D. FARMERS' MARKET COMMERCIAL LEASE AGREEMENT, AB 14-084 – EXECUTIVE
 - E. PUBLIC DEFENDER CONTRACT EXTENSION, AB 14-086 – EXECUTIVE
 - F. RESOLUTION NO. 2014-11, AMENDING THE FEE SCHEDULE, AB 14-029 – EXECUTIVE
 - G. ORDINANCE NO. 2014-21, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE ROAD ENDS ADVISORY COMMITTEE AND CREATING A NEW BIMC CHAPTER 2.34, AB 14-077 – EXECUTIVE
 - H. ORDINANCE NO. 2014-22, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE HISTORIC PRESERVATION COMMISSION AND AMENDING BIMC SECTION 18.24.020, AB 14-077 – EXECUTIVE
 - I. ORDINANCE NO. 2014-23, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE SALARY COMMISSION AND AMENDING BIMC CHAPTER 2.74, AB 14-077 – EXECUTIVE
11. COMMITTEE REPORTS
12. REVIEW UPCOMING COUNCIL MEETING AGENDAS
13. FOR THE GOOD OF THE ORDER
14. ADJOURNMENT

1. EXECUTIVE SESSION 6:15 PM

Deputy Mayor Tollefson called the meeting to order at 6:15 PM and adjourned to Executive Session to discuss Current Litigation (RCW 42.30.110(1)(i)).

2. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE 6:58 PM

Mayor Blair reconvened the meeting at 6:58 PM. She announced that no action was taken in Executive Session. Councilmembers Blossom, Bonkowski, Townsend, and Ward were present. Councilmember Roth was absent and excused. Court Clerk Rose monitored the recording of the meeting and prepared the minutes.

3. ACCEPTANCE OR MODIFICATION OF AGENDA/CONFLICT OF INTEREST DISCLOSURE 6:59 PM

There were no modifications to the agenda.

MOTION: *Move that the agenda be accepted as published.*

BONKOWSKI/WARD – *Motion carried unanimously 6-0.*

There were no conflicts of interest disclosed.

4. PRESENTATION 7:00 PM

A. PUBLIC SAFETY FACILITY ASSESSMENT UPDATE, AB 14-008 – EXECUTIVE

Deputy City Manager Smith introduced Jeff Humphries from Mackenzie, Inc. to brief the Council on the last, and third, of three community meetings held on May 14, and answer Council questions. Mackenzie will be coming back with a full report with their final conclusions in early June.

RESCHEDULED SPECIAL/REGULAR BUSINESS MEETING
MAY 27, 2014

Jeff Humphries gave a presentation which covered the site, interior diagram, program requirements, schedule and next steps. Questions and comments from the Council followed.

5. CITY MANAGER'S REPORT 7:14 PM

City Manager Schulze reported on the following:

- The City Manager's Report is available on the City's website and the message this week was related to Memorial Day.
- The rust colored water observed in Fletcher Bay was due to a bloom of microorganisms that are not harmful.
- There is a new City Building Inspector, Justin Lauritzin
- There will be an upcoming annual flushing of water mains from Fletcher Bay to Wing Point.
- The Central Ward meeting is scheduled for June 4.
- The announcement of celebration by Road Ends will be on June 1.

6. PUBLIC COMMENT 7:18 PM

Denise Garcia spoke to I-594, regarding reducing gun violence.

Danni Minter spoke to issue of gun violence and I-594.

John Grinter spoke regarding bicycle and commuter access on Wing Pt. Way, and the need for a commuter multi-use route.

Ben Dorr (sp) spoke to importance of businesses being able to use sidewalks.

Elizabeth Montcliff (sp) spoke in favor of businesses using sidewalks and has had no problems with wheelchair and stroller.

Larry Weiner, spoke in support of business use of sidewalks.

Mike Suraci raised concerns regarding retail use of sidewalks.

Sandra McGill spoke in favor of business use of sidewalks.

Chuck Depew spoke to the value of activating a public space and concerns over width as relates to the disabled.

Diane Thompson spoke in favor of business sidewalk use.

Maradel Gale spoke to the size and scope of Hitchcock's table and chairs.

Eric Schmidt spoke in favor of I-594, widening trails and suggested regarding outdoor eating, taking out a parking stall.

Jody Vickess (sp), visitor to Bainbridge Island, noted that Hitchcock will replace existing tables and spoke in favor of outdoor seating.

Dan (inaudible) voiced support for sidewalk business use.

Linda Grant, downtown business owner, referred to tables on Madrone Lane that she initiated and spoke in favor of outdoor seating.

7. ORDINANCES/2nd READING 7:56 PM

A. ORDINANCE NO. 2014-169, RELATING TO THE RETAIL USE OF SIDEWALKS, AB 14-029 – EXECUTIVE

City Manager Schulze introduced the topic which was presented for Council to consider approval. He referred to what the Council requested be included in the ordinance as well as Resolution No. 2014-11 which would add a sidewalk café permit fee. In addition to sidewalk cafes, the ordinance refers to sidewalk displays.

Council questions and discussion followed.

- There was a question regarding vehicles going over the curb when parked and thereby lessening the 5-foot requirement.
- When asked if there are regulations for lighting and noise, City Manager Schulze responded that those issues are covered in the Code.

RESCHEDULED SPECIAL/REGULAR BUSINESS MEETING
MAY 27, 2014

- Suggestion to increase the pedestrian passage to 6 foot.
- Request to have a diagram showing what the sidewalk would look like.
- Council proposed that staff come back with a recommendation and address the ordinance again at the June 9, 2014, meeting.

8. UNFINISHED BUSINESS 8:13 PM

A. WATERFRONT DOCK 30% DESIGN AND APPROVAL OF AUTHORIZING RESOLUTION NO. 2014-12, RECREATION CONSERVATION OFFICE (RCO) GRANT APPLICATION, AB 14-025 – PUBLIC WORKS

Public Works Director Loveless spoke to the agenda item which was a continuation of discussion of the proposed projects at Waterfront Park. He described the layout and referred to the need of preserving the area for sailing and rowing activities.

Council discussion followed regarding the design, public access and what is required for the grant proposal.

MOTION: *I move that the City Council approve the Waterfront Dock 30% Design Layout and approve the authorizing Resolution No. 2014-12 for Studio Cascade to move forward with the Recreation Conservation Office (RCO) grant application.*

BONKOWSKI/WARD – Motion carried unanimously, 6-0

9. NEW BUSINESS

A. SCHOOL RESOURCE OFFICER (SRO) BRIEFING, AB 14-088 – POLICE 8:25 PM

Chief Hammer described the item and spoke to benefits and goals of have a School Resources Officer. He described the duties and responsibilities of both the School District and BIPD. The Chief summarized the costs which will be offset by a US DOJ grant. The program is currently in the planning stage with September 2015 as a possible start date.

8:32 PM **MOTION:** *I move the City Council endorse this project.*

WARD/TOWNSEND – Motion carried unanimously, 6-0.

B. PROCLAMATION DECLARING SUNDAY, JUNE 1, 2014 AS ROAD ENDS DAY, AB 14-090 – EXECUTIVE

8:33 PM

Mayor Blair read the proclamation.

MOTION: *I move the City Council authorize Mayor Anne Blair to sign the proclamation declaring Sunday, June 1, 2014 as Road Ends Day.*

BONKOWSKI/TOLLEFSON – Motion carried unanimously, 6-0.

10. CONSENT AGENDA 8:35 PM

A. ACCOUNTS PAYABLE AND VOUCHER APPROVAL

Accounts Payable Void Manual Check Numbers 335729 and 335397, Manual Check Numbers 335779 through 335788, Regular Run Check Numbers 335789 through 335876 for a total of \$200,041.68. Retainage Release Check Numbers 123 through 124 for a total of \$8,116.59. Payroll Direct Deposit Check Numbers 030355 through 030461, Regular Run Check Numbers 106643 through 106648, Vendor Check Numbers 106649 through 106658 and Federal Tax Electronic Transfer for a total of \$422,801.07.

B. SPECIAL/REGULAR STUDY SESSION MEETING MINUTES, APRIL 7, 2014

C. REGULAR BUSINESS MEETING MINUTES, APRIL 14, 2014

D. FARMERS' MARKET COMMERCIAL LEASE AGREEMENT, AB 14-084 – EXECUTIVE

E. PUBLIC DEFENDER CONTRACT EXTENSION, AB 14-086 – EXECUTIVE

F. RESOLUTION NO. 2014-11, AMENDING THE FEE SCHEDULE, AB 14-029 – EXECUTIVE

G. ORDINANCE NO. 2014-21, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE ROAD ENDS ADVISORY COMMITTEE AND CREATING A NEW BIMC CHAPTER 2.34, AB 14-077 – EXECUTIVE

H. ORDINANCE NO. 2014-22, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE HISTORIC PRESERVATION COMMISSION AND AMENDING BIMC SECTION 18.24.020, AB 14-077 – EXECUTIVE

I. ORDINANCE NO. 2014-23, CLARIFYING THE ROLE, COMPOSITION AND DUTIES OF THE SALARY COMMISSION AND AMENDING BIMC CHAPTER 2.74, AB 14-077 – EXECUTIVE

MOTION: *I move that the City Council approve the consent agenda items A through I.*

WARD/BLOSSOM – Motion carried unanimously, 6-0.

11. COMMITTEE REPORTS 8:36 PM

There were no committee reports given.

12. REVIEW UPCOMING COUNCIL MEETING AGENDAS 8:36 PM

Topics of discussion to be addressed include:

- Review of information from Kitsap Transit on the BI Ride Program
- Ordinance 2014-24 Zoning Regulations Related to Marijuana Usage
- Discussion with financial advisor
- Information on the Eagle Harbor Sewer Beach Mains project
- Statewide Stormwater Grant Amendment I for Lynwood Center outfall improvements
- Ordinance 2014-25 related to the roles, composition and duties of Boards, Commissions and Committees
- Capital Facilities Plan Workshop
- Classification Compensation Study Report
- Sidewalk Regulations
- Councilmember Bonkowski requested discussion on the completion of the Waterfront Park design.
- Councilmember Blossom would like to add a study session regarding the Suzuki property.

City Manager Schulze reviewed the June 16 study session agenda.

13. FORTHEGOOD OF THE ORDER 8:44 PM

Council discussed the role of liaison from the Council to various community groups versus the role of a councilmember who serves as a liaison to a City committee. It was suggested that the definitions of the roles be incorporated into the Governance Manual.

Mayor Blair asked Council for their opinion regarding her potentially joining the Mayors League Against Illegal Guns. Following Council discussion, the Mayor determined there was not general Council support. The Mayor then asked if Council is supportive of I-594 to which there was a consensus. Councilmember Bonkowski suggested a resolution be drafted regarding same.

City Manager Schulze referred to an email he received from AWC to designate the City's voting delegates for the annual business meeting which will occur during the AWC conference.

14. ADJOURNMENT 9:04 PM

Mayor Blair adjourned the meeting at 9:04 PM.

Anne S. Blair, Mayor

Deborah Rose, Court Clerk

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Resolution No. 2014-16 regarding unpaid holidays for reasons of faith or conscience	Date: July 14, 2014
Agenda Item: Consent Agenda	Bill No.: 14-100
Proposed By: Executive	Referral(s):

BUDGET INFORMATION

Department:	Fund:	Munis Contract #
Expenditure Req:	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☐ Yes ☐ No ☒ N/A
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DESCRIPTION/SUMMARY

Action Item:

Consider approval of Resolution No. 2014-16 regarding unpaid holidays for reasons of faith or conscience.

History:

The Washington State Legislature passed SSB 5173, which provides two unpaid holidays per calendar year for public employees for reasons of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church or religious organization. The law requires that the employer implement rules to administer this new benefit. The employee manual will be revised to provide for these two unpaid holidays consistent with this state law.

RECOMMENDED ACTION

Motion:

I move that the City Council approve Resolution No. 2014-16.

RESOLUTION NO. 2014-16

A RESOLUTION of the City Council of Bainbridge Island, Washington, implementing SSB 5173 relating to two unpaid holidays for city employees for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

WHEREAS, on March 31, 2014, the State Legislature approved, and Washington's Governor signed, Substitute Senate Bill 5173, which became effective on June 12, 2014 ("SSB 5173"); and

WHEREAS, SSB 5173 provides that in all Washington cities, employees shall be entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization; and

WHEREAS, SSB 5173 further provides that the employee may select the days on which the employee desires to take the two unpaid holidays after consultation with the employer pursuant to guidelines to be promulgated by ordinance or resolution of the legislative authority of the city; and

WHEREAS, SSB 5173 also provides that the employer must allow the employee to take the holidays on days specified by the employee unless the employee's absence would impose an undue hardship on the employer or the employee is necessary to maintain public safety; and

WHEREAS, the City Council desires to adopt this resolution in accordance with SSB 5173; now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND DOES RESOLVE AS FOLLOWS:

Section 1. The City Council hereby approves the provision of two unpaid holidays per calendar year for City employees, which unpaid holidays may be taken for the purposes of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. Such unpaid holidays may be taken on days selected by the employee after consultation with the employee's managers. The employee's managers shall evaluate requests by considering the desires of the employee, the impact on the City and the employee's program including, without limitation, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the other factors that would constitute an undue hardship on the City. The unpaid holiday may not be taken on the day specified by the employee if to do so would impose an undue hardship on the City or the employee is necessary to maintain public safety. The

term “undue hardship” has the meaning contained in the rule adopted by the Office of Financial Management to implement SSB 5173. The two unpaid holidays allowed by this section must be taken during the same calendar year, if at all; they do not carry over from one year to the next.

Section 2. The City Council requests that the administration take the steps necessary to ensure the proper implementation of SSB 5173, with an effective date of June 12, 2014.

Section 3. If any section, subsection, paragraph, sentence, clause or phrase of this resolution is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this resolution.

Section 4. Any act consistent with the authority and prior to the effective date of this resolution is hereby ratified and affirmed.

PASSED by the City Council this ____ day of _____, 2014.

APPROVED by the Mayor this ____ day of _____, 2014

By: _____
Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

By: _____
Rosalind D. Lassoff, CMC
City Clerk

FILED WITH THE CITY CLERK: June 25, 2014
PASSED BY THE CITY COUNCIL:
RESOLUTION NO. 2014-16

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Eagle Harbor Sewer Beach Mains Replacement Project – Mitigation Monitoring	Date: July 14, 2014
Agenda Item: Consent Agenda	Bill No.: AB 10-102
Proposed By: Public Works Director Barry Loveless	

BUDGET INFORMATION

Depart/Fund: PW/Sewer - 2014 CIP - \$4,045,000		Munis Project No. 00471
PWTF Loan – No. PC13-961-046		
Expenditure Req: \$63,249.00	Budgeted? ☒ Yes ☐ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW

Study Session: 07/07/14	Recommendation: Forward to 7/14/14 Consent Agenda		
City Manager ☒ Yes ☐ No	Legal ☒ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A	

DESCRIPTION/SUMMARY

Action Item:

Consider approval of the Eagle Harbor Sewer Beach Mains Replacement Project mitigation monitoring professional services agreement.

Background:

The city negotiated a professional services agreement with Environmental Science Associates to meet the construction permit requirements to provide monitoring, sampling and reporting for the Eagle Harbor Sewer Beach Mains Replacement project. The various monitoring efforts include forage fish monitoring, cultural resources, landscape installation, and beach nourishment. See attached scope of work for further details.

RECOMMENDED ACTION

Motion:

I move that the City Council approve the professional services agreement with Environmental Science Associates in the amount of \$63,249.00 for the Eagle Harbor Sewer Beach Mains Replacement Project mitigation monitoring services.

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT FOR PROFESSIONAL SERVICES (this "Agreement") is entered into as of the date written below between the City of Bainbridge Island, a Washington state municipal corporation (the "City") and Environmental Science Associates DBA Environmental Science Associates Corp. (the "Consultant").

WHEREAS, the City desires to provide construction monitoring, sampling and reporting in connection with the Eagle Harbor Beach Main Sewer Replacement Project; and

WHEREAS, the Consultant has the expertise and experience to provide said services and is willing to do so in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, promises, and agreements set forth herein, it is agreed by and between the City and the Consultant as follows:

1. SERVICES BY CONSULTANT

The Consultant shall provide the professional services as defined in this Agreement and as necessary to accomplish the scope of work attached hereto as Attachment A and incorporated herein by this reference as if set forth in full. The Consultant shall furnish all services, labor and related equipment to conduct and complete the work, except as specifically noted otherwise in this Agreement.

2. PAYMENT

A. The City shall pay the Consultant for such services: (check one)

[X] Hourly, plus actual expenses, in accordance with Attachment A, but not more than a total of Sixty-Three Thousand Two Hundred Forty-Nine Dollars (\$63,249);

[] Fixed Sum: a total amount of \$(_____);

[] Other: _____, for all services performed and incurred under this Agreement, to be billed monthly in equal amounts.

B. The Consultant shall submit monthly invoices for services performed in a previous calendar month in a format acceptable to the City. Each project and each task within a project shall be the subject of a separate invoice. The Consultant shall maintain time and expense records and provide them to the City upon request.

C. All invoices shall be paid by mailing a city check within sixty (60) days of receipt of a proper invoice.

D. If the services rendered do not meet the requirements of this Agreement, the Consultant shall correct or modify the work to comply with this Agreement. The City may withhold payment for such work until it meets the requirements of this Agreement.

3. INSPECTION AND AUDIT

The Consultant shall maintain all books, records, documents and other evidence pertaining to the costs and expenses allowable under this Agreement in accordance with generally accepted accounting practices. All such books and records required to be maintained by this Agreement shall be subject to inspection and audit by representatives of the City and/or the Washington State Auditor at all reasonable times, and the Consultant shall afford the proper facilities for such inspection and audit. Representatives of the City and/or the Washington State Auditor may copy such books, accounts and records where necessary to conduct or document an audit. The Consultant shall preserve and make available all such books of account and records for a period of three (3) years after final payment under this Agreement. In the event that any audit or inspection identifies any discrepancy in such financial records, the Consultant shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

4. INDEPENDENT CONTRACTOR

A. The Consultant and the City understand and expressly agree that the Consultant is an independent contractor in the performance of each and every part of this Agreement. The Consultant expressly represents, warrants and agrees that the Consultant's status as an independent contractor in the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195. The Consultant, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The Consultant shall make no claim of City employment nor shall claim any related employment benefits, social security, and/or retirement benefits.

B. The Consultant shall be solely responsible for paying all taxes, deductions, and assessments, including but not limited to federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, the Consultant shall pay the same before it becomes due.

C. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

D. The Consultant shall obtain a business license and, if applicable, pay business and occupation taxes pursuant to Title 5 of the Bainbridge Island Municipal Code.

5. DISCRIMINATION AND COMPLIANCE WITH LAWS

A. The Consultant agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this Agreement because of race, creed, color, national origin, marital status, sex, sexual orientation, age, disability, or other circumstance prohibited by federal, state or local law or ordinance, except for a bona fide occupational qualification.

B. The Consultant shall comply with all federal, state and local laws and ordinances applicable to the work to be done under this Agreement.

C. Violation of this Section 5 shall be a material breach of this Agreement and grounds for cancellation, termination or suspension by the City, in whole or in part, and may result in ineligibility for further work for the City.

6. TERM AND TERMINATION OF AGREEMENT

A. This Agreement shall become effective upon execution by both parties and shall continue in full force and effect until March 31, 2015, unless sooner terminated by either party as provided below.

B. This Agreement may be terminated by either party without cause upon thirty (30) days' written notice to the other party. In the event of termination, all finished or unfinished documents, reports, or other material or work of the Consultant pursuant to this Agreement shall be submitted to the City, and the Consultant shall be entitled to just and equitable compensation at the rate set forth in Section 2 for any satisfactory work completed prior to the date of termination.

7. OWNERSHIP OF WORK PRODUCT

All data, materials, reports, memoranda and other documents developed under this Agreement whether finished or not shall become the property of the City, shall be forwarded to the City in hard copy and in digital format that is compatible with the City's computer software programs.

8. GENERAL ADMINISTRATION AND MANAGEMENT

The City Manager of the City, or designee, shall be the City's representative, and shall oversee and approve all services to be performed, coordinate all communications, and review and approve all invoices, under this Agreement.

9. HOLD HARMLESS AND INDEMNIFICATION

A. The Consultant agrees to protect, defend, indemnify, and hold harmless the City, its elected officials, officers, employees and agents from any and all claims, demands, losses, liens, liabilities, penalties, fines, lawsuits, and other proceedings and all judgments, awards, costs and expenses (including reasonable attorneys' fees and disbursements) caused by or occurring by reason of any negligent act, error and/or omission of the Consultant, its officers, employees, and/or agents, arising out of or in connection with the performance or non-performance of the services, duties, and obligations required of the Consultant under this Agreement.

B. In the event that the Consultant and the City are both negligent, then the Consultant's liability for indemnification of the City shall be limited to the contributory negligence for any resulting suits, actions, claims, liability, damages, judgments, costs and expenses (including reasonable attorneys' fees and disbursements) that can be apportioned to the Consultant, its officers, employees and agents.

C. The foregoing indemnity is specifically and expressly intended to constitute a waiver of the immunity of the Consultant under Washington's Industrial Insurance Act, RCW Title 51, as respects the other parties only, and only to the extent necessary to provide the indemnified party with a full and complete indemnity of claims made by the employees of the Consultant. The parties acknowledge that these provisions were specifically negotiated and agreed upon by them.

D. The City's inspection or acceptance of any of the Consultant's work when completed shall not be grounds to void, nullify and/or invalidate any of these covenants of indemnification.

E. Nothing contained in this section of this Agreement shall be construed to create a liability or a right of indemnification in any third party.

F. The provisions of this section shall survive the expiration or termination of this Agreement with respect to any event occurring prior to such expiration or termination.

10. INSURANCE

Consultant shall maintain insurance as follows:

- ☐ Commercial General Liability as described in Attachment B.
- ☒ Professional Liability as described in Attachment B.
- ☒ Automobile Liability as described in Attachment B.
- ☐ None.

11. SUBLETTING OR ASSIGNING CONTRACT

This Agreement, or any interest herein or claim hereunder, shall not be assigned or transferred in whole or in part by the Consultant to any other person or entity without the prior written consent of the City. In the event that such prior written consent to an assignment is granted, then the assignee shall assume all duties, obligations, and liabilities of the Consultant as stated herein.

12. EXTENT OF AGREEMENT/MODIFICATION

This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified or added to only by written instrument properly signed by both parties.

13. SEVERABILITY

A. If a court of competent jurisdiction holds any part, term or provision of this Agreement to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

14. FAIR MEANING

The terms of this Agreement shall be given their fair meaning and shall not be construed in favor of or against either party hereto because of authorship. This Agreement shall be deemed to have been drafted by both of the parties.

15. NON-WAIVER

A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay or failure of either party to insist upon strict performance of any agreement, covenant or condition of this Agreement, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition or right.

16. NOTICES

Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties at their addresses as follows:

To the City: City of Bainbridge Island
 280 Madison Avenue North
 Bainbridge Island, WA 98110
 Attention: City Manager

To the Consultant: Environmental Science Associates
 5309 Shilshole Avenue NE
 Suite 200
 Seattle, Washington 98107

or to such addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

17. SURVIVAL

Any provision of this Agreement which imposes an obligation after termination or expiration of this Agreement shall survive the term or expiration of this Agreement and shall be binding on the parties to this Agreement.

18. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

19. VENUE

The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Kitsap County, Washington.

20. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of July ____, 2014.

ENVIRONMENTAL SCIENCE
ASSOCIATES DBA
ENVIRONMENTAL SCIENCE
ASSOCIATES CORP.

CITY OF BAINBRIDGE ISLAND

By_____

By_____

Douglas Schulze, City Manager

Name_____

Title_____

Tax I.D. #_____

City Bus. Lic. #_____

ATTACHMENT A

SCOPE OF SERVICES

ATTACHMENT A

**Eagle Harbor Beach Mains Sewer Replacement Project
Construction Monitoring Services
ESA
June 27, 2014**

Construction monitoring services have been broken out into four separate tasks: Forage Fish Monitoring, Cultural Resources Monitoring, Landscape Installation Monitoring, and Beach Nourishment Installation Assistance. All services will be billed on a time and materials basis. Due to the uncertainty of construction progress and timing, additional hours have been included to cover some unanticipated delays.

Task 1: Forage Fish Monitoring

Forage fish sampling for the City of Bainbridge Island Public Works Eagle Harbor Beach Sewer Main project is required, per the project Hydraulic Permit Approval (HPA) issued by the Washington State Department of Fish and Wildlife (WDFW). In addition, the sampling will follow commitments made in the Biological Assessment prepared for the project.

Construction activities will result in 5,300 linear feet of excavation and pipe installation along the intertidal zone of Eagle Harbor. For purposes of managing the timing of inwater work, the beach will be divided into six segments, ranging from 500 to 1,000 feet in length. ESA will survey each beach segment for forage fish to ensure that no forage fish spawning occurs within the beach segment during beach-disturbing construction.

Surf smelt spawning surveys will be conducted by ESA according to the protocols in *WDFW Intertidal Forage Fish Spawning Habitat Survey Protocols: Procedures for obtaining bulk beach substrate samples*, *WDFW Intertidal Forage Fish Spawning Habitat Survey Protocol: Procedures for recovering "winnowed light fractions" subsamples of forage fish egg-sized material from bulk beach substrate samples*, and *WDFW Intertidal Forage Fish Spawning Habitat Survey Protocols: Laboratory procedure for determining forage fish egg presence/absence from preserved "winnowed light fraction" beach substrate samples* (WDFW, 2011a,b,c).

Prior to the initiation of project work, ESA will provide the City written documentation (email correspondence) of each survey, including the survey methods, date, sampling locations, and findings. The City will then notify Washington Department of Fish and Wildlife (WDFW) and the U.S. Army Corps of Engineers (Corps) of the survey efforts.

If the ESA biologist confirms that no surf smelt are spawning in the project area, the City will have up to two weeks from the date of the survey to complete work below mean higher high water within the sampled reach. A new surf smelt survey would be required to conduct additional inwater in the previously sampled reach for work past the two week timeframe. This

schedule will apply to all inwater work conducted from July 16 to August 31, a time when it is least likely for spawning surf smelt to occur in the project area.

The duration of work activities below the OHWM of Eagle Harbor is not known and inwater work may be required past August 31. If inwater work is required to occur after August 31, the sampling for surf smelt will occur as described above, with the additional requirement that the City will have only one week from the date of the survey to complete work below mean higher high water within the sampled reach before a new survey would be required. In any case, no inwater work will be permitted after October 14.

Deliverables:

- Prior to each survey, ESA will provide the City with an email communication summarizing the survey methods, survey dates, sampling location.
- After the completion of each individual survey, ESA will provide the City with a brief one- to two page memorandum, summarizing the survey dates, sampling location, and the results of the survey.
- After completion of all forage fish, ESA will provide the City with a summary report (in PDF version) that summarizes all survey methods and data. The report will include a summary table of findings, completed WDFW data sheets, and a map of survey locations.

Assumptions:

- The scope includes a total of nine (9) complete surf smelt spawning surveys. This includes one survey per segment, plus three additional surveys to account for the re-survey of areas where surf smelt were detected or where project construction activities in a given segment exceed the one- or two-week timeframe, necessitating an additional survey to allow continued work in the segment. If fewer surveys are required, this will result in a cost savings for the City.
- The City will provide ESA notification of the need for forage fish spawning surveys (prior to initiation of work within a new segment) within 7 working days to the required survey date.
- For each segment, ESA will attempt to provide surveys as close as possible to the date when construction will begin. However, spawning surveys will only be conducted during daylight hours and when tidal conditions allow for appropriate collection of bulk sediment.
- ESA will conduct spawning surveys during the work week (Monday through Friday).
- ESA will provide the City with the results of each survey within 24 hours of field sampling.

- All survey work will occur between July 14 and October 14, 2015.
- The City is responsible for the submittal of all reports to WDFW and the Corps.

Task 2: Cultural Resources Monitoring

ESA will provide on-site archaeological monitoring during excavation of the Beach Mains Replacement under methods and provisions set forth in the Archaeological Resources Monitoring Plan and Inadvertent Discovery Plan. ESA assumes that an archaeological monitor will be required to be present up to 100 hours.

At the completion of monitoring, ESA will summarize the findings of our work in a brief memorandum for submittal to the Corps.

Deliverables: Summary Memorandum – final version only, electronic copy only

Assumptions:

- Cost estimate assumes no archaeological resources will be encountered, and that no Archaeological Site/Isolate Form will be required. Preparation of an Archaeological Site/Isolate Form is beyond this scope.
- Thirteen (13), 8-hour days including round-trip drive time. If fewer monitoring days are required, this will result in a cost savings for the City.
- Four (4) hours of monitoring supervision and coordination by Project Archaeologist.

Task 3: Landscape Installation Monitoring

This task covers the final design and construction services associated with the installation of mitigation planting associated with the replacement of the Eagle Harbor Beach Sewer Main.

Task 3 includes construction monitoring assistance from ESA during the planting installation, including plantings in the area along the alignment that leads from the beach to the Wastewater Treatment Plant. ESA will support the City inspection efforts, when requested by the City. Inspection may be provided for any landscaping aspect of the project that was designed by ESA. Construction monitoring assistance will include the following services:

- Coordinate with the City, Stantec, and Contractor throughout the Project.
- Respond to questions relating to the Project and forwarded by the City
- Respond to contractor requests for information (RFIs)
- Submittal reviews
- Inspection of plant materials delivered to site, prior to installation
- Field locate and recommend methods of invasive species removal

- Field locate plants to be installed within Zone 3 – Buffer (Supplemental)
- Provide assistance to the Contractor during plant and habitat feature installation to interpret the plans and assist with minor adjustments as required by field conditions.
- Conduct a post installation inspection to determine if plant materials and habitat features were installed per plan.

Deliverables:

- ESA will provide a written response to each RFI in .pdf file format. Responses will be coordinated with the City.
- ESA will provide a technical memorandum summarizing each inspection.

Assumptions:

- The City will notify ESA of the contractors schedule at least 48 hours prior to any on-site work.
- Scope budgeted for a maximum of two RFIs.
- Three site inspections including one ESA representative (i.e. landscape architect, hydrologist, biologist, wetland scientist) are budgeted for this effort.
- This scope of work does not include any as-built survey, record drawing development, or post construction monitoring.

Task 4: Beach Nourishment Monitoring

This task covers the construction assistance services associated with the installation of beach nourishment as required per the project Hydraulic Permit Approval (HPA) issued by the Washington State Department of Fish and Wildlife (WDFW).

ESA will provide construction monitoring assistance by:

- Inspecting the beach nourishment material to ensure it meets the targeted size range and mixture.
- Refine placement design.
- Respond to contractor requests for information (RFIs). Assume 2 RFIs at 2 hours each.
- Assist two days in the field for assistance with the placement of the beach nourishment.
- Conduct post-construction physical monitoring (e.g., survey transects, beach face grain size) for any placed feature and the adjacent beach to provide information for future projects. It is anticipated that this would occur during the spring of 2015.

Deliverables:

- ESA will provide a written response to each RFI in .pdf file format. Responses will be coordinated with the City.
- ESA will provide a technical memorandum summarizing each inspection.

Assumptions:

- The City will notify ESA of the contractors schedule at least 48 hours prior to any on-site work.
- Scope budgeted for a maximum of two RFIs.
- This scope of work does not include any as-built survey, or record drawing development.

ATTACHMENT A

CONTINGENCY \$10,000.00 TOTAL: \$63,249.00

ATTACHMENT B

Insurance against claims for injuries to persons or damage to property arising out of or in connection with the performance of this Agreement by the Consultant, its officers, employees and agents:

A. Automobile Liability Insurance with limits no less than \$1,000,000.00 combined single limit per accident for bodily injury and property damage.

B. Commercial General Liability Insurance written on an occurrence basis with limits no less than \$1,000,000.00 combined single limit per occurrence and \$2,000,000.00 aggregate for personal injury, bodily injury and property damage. Coverage shall include, but not be limited to blanket contractual; products/completed operations; broad form property damage; explosion, collapse and underground (XCU) if applicable; and employer's liability.

C. Professional Liability Insurance with limits no less than \$1,000,000.00 limit per occurrence.

Before commencing work and services, the Consultant shall provide to the person identified in Section 16 of the Agreement a Certificate of Insurance evidencing the required insurance. City reserves the right to request and receive a certified copy of all required insurance policies.

Any payment of deductible or self-insured retention shall be the sole responsibility of the Consultant. City shall be named as an additional insured on the Commercial General Liability Insurance Policy, with regard to work and services performed by or on behalf of the Consultant, and a copy of the endorsement naming City as an additional insured shall be attached to the Certificate of Insurance.

The insurance policies (1) shall state that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability; (2) shall be primary insurance with regard to City; and (3) shall state that City will be given at least 30 days' prior written notice of any cancellation, suspension or material change in coverage.

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Dripping Water Creek Culvert Replacement Project Budget Amendment	Date: July 14, 2014
Agenda Item: Consent Agenda	Bill No.: AB 14-039
Proposed By: Public Works Director Barry Loveless	

BUDGET INFORMATION

Department/Fund: Public Works - Stormwater		
2014 CIP – Dripping Water Creek Culvert Replace. Munis# 00577		\$200,000.00
2014 Annual Stormwater Preservation – Munis# 00231		\$10,000.00
	Sub-total	\$210,000.00
Expenditure Req: \$10,000.00	Budgeted? ☒ Yes ☐ No	Budget Amend. Req? ☒ Yes

REFERRALS/REVIEW

Study Session: 07/07/14	Recommendation: Forward to 7/14/14 Consent Agenda		
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☐ Yes ☐ No ☒ N/A	Finance ☒ Yes ☐ No ☐ N/A	

DESCRIPTION/SUMMARY

Action Item:

Consider approval of the Dripping Water Creek Culvert Replacement project budget amendment transferring \$10,000 from the 2014 Annual Stormwater Preservation Program to the Dripping Water Creek Culvert Replacement project.

Background:

The Dripping Water Creek Culvert Replacement project was approved at the March 10, 2014 City Council meeting in the amount of \$192,790.00. Additional costs are needed to complete the project due to additional construction support services and a five percent contingency.

RECOMMENDED ACTION

Motion:

I move that the City Council approve the budget amendment transferring \$10,000 from the 2014 Annual Stormwater Preservation program to the Dripping Water Creek Culvert Replacement project.



CITY OF BAINBRIDGE
FINANCE & ADMINISTRATIVE SERVICES
BUDGET CHANGE REQUEST FORM

Budget Year:

2014

Department: PW Engineering		Date of request: June 5, 2014	
Status: New ☐ Modification ☒			
Contact Person: K. Gormanous		Extension: X3714	
Budget Cycle:			
FYI			
☐ Initial Budget Development ☐ Budget Cleanup/Correction			
☒ Budget Amendment ☐ Other (specify) _____			
Reason for Change: Establishing a professional service contract for construction oversight in the amount of \$7800. An adjustment is needed to cover the cost of the services.			
Org/Object	Original amount:	Amount of change: Increase(Decrease)	Revised \$:
72433428 663000 00577	200,000	-6310.07	193,689.93
72433428 631100 00577	0.00	6310.07	6310.07
Stormwater Fund		1500.00	7810.07
Source of Funding:			
Interdepartmental Approval: _____			
Initiating Department Director Approval: _____			
Finance Department Action			
Control Number: _____ Date: _____ ☐ MUNIS Updated			
Initials:			
Comments:			
Budget Manager Approval: _____			
Finance Director Approval: _____			

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: 2014 Road Striping Project	Date: July 14, 2014
Agenda Item: Consent Agenda	Bill No.: 14-108
Proposed By: Public Works Director Barry Loveless	

BUDGET INFORMATION

Depart/Fund: 2014 Budget @ \$128,500 - Public Works Repair & Maintenance	
Expenditure Required: Base Bid @ \$104,235.22	Alternative Bid @ \$14,725.88
Budgeted? ☒ Yes ☐ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW

Study Session: 07/07/2014	Recommendation: Forward to 7/14/14 Consent Agenda
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A
Finance ☒ Yes ☐ No ☐ N/A	

DESCRIPTION/SUMMARY

Action Item:

Consider approval of the 2014 Road Striping project contract award to Stripe Rite Inc. in the base bid amount of \$104,235.22.

Background:

This project consist of pavement marking on approximately eighty miles of roadway which includes collectors and urban/rural residential roads resulting in approximately 923,041 linear feet of paint stripe. Work also includes traffic controls and environmental protection in accordance with the project manual and the *Washington State Standard Specification for Road & Bridge Construction*, 2014 edition. See Attachment A for list of base bid roads and Alternative 1 roads. Alternative 1 work is considered discretionary and includes striping on residential streets and pavement markers in non-critical areas and was developed as a potential cost savings measure.

Bids were solicited through the local newspaper and the bid opening was held on Monday, June 30, 2014. The apparent low bidder is Stripe Rite in the base bid amount of \$104,235.22 and alternative bid of \$14,725.88. See attached bid results. The engineer's estimate is \$105,000 to \$128,000.

Staff has reviewed the bid results and contractor's qualifications and recommends that the City Council award this contract to Stripe Rite in the base bid amount of \$104,235.22.

RECOMMENDED ACTION

Motion:

I move that the City Council approve the contract with Strip Rite Inc. in the base bid amount of \$104,235.22 for the 2014 Annual Roads Striping project.



City of Bainbridge Island

Public Works Department – Operations & Maintenance

Project: 2014 Road Striping

Bid Opening Date: Bids Due on June 30, 2014 @ 9:00am

Open Bids @ 9:30am, June 30, 2014

Note: Bids Are Opened in Order Received. Bids Solicited by: ☒ Advertisement ☐ Small Works Roster The Engineers Estimate is: \$105,000- \$128,146	<u>BIDDER #1</u> StripeRite, Inc.	<u>BIDDER #2</u> Specialized Pavement Marking	<u>BIDDER #3</u> Apply-a-line	
Proposal – <i>Items of Work & Materials, Estimated Quantities, Units of Measurement.</i>	X	X	X	
Signature Page	X	X	X	
Addendum Acknowledged (None)	X	X	X	
Statement of Qualifications- Subcontractors	X	X	X	
Non-Collusion Declaration	X	X	X	
Proposal Bond (5%)	X	X	X	
TOTAL BASE BID AMOUNT	\$104,235.22	\$122,221.55	\$118,766.75	
TOTAL BID ADD. ALT. 1	\$14,725.88	\$18,502.40	\$19,409.84	
TOTAL BASE + ADD. ALT. 1	\$118,961.10	\$140,723.95	\$138,176.59	

A total of **3** bids were received for the **2014 Road Striping** project. Aaron Claiborne, Operations & Maintenance has reviewed all the bids and recommends that the City Council award the contract to the apparent low bidder, **StripeRite, Inc.** in the amount of **\$104,235.22** base bid.

Appendix A

2014 Road Striping

Base Bid Locations

Road Name	Center Stripe (LF)	Edge Line (LF)	Painted		RPM- Type 1 Actual	Road Designation
			Wide Line (LF)	RPM Type 2 Actual		
Agate Pass Road	3,485	0	0	0	0	Collector
Agatewood Road	1,600	0	0	0	0	Collector
Agate Point Road	3,229	0	0		0	Collector
Arrow Point Drive	9,504	0	0	75	0	Secondary Arterial
Baker Hill Road	10,666	21,332	0	75	0	Secondary Arterial
Battle Point Drive	10,930	0	0	50	0	Collector
Bayhill Road	1,373	0	0	0	0	Residential Suburban
Bergman Road	2,817	0	0	0	0	Collector
Bjune Drive	302	1,641	0	0	0	Collector
Blakely Avenue	15,840	31,680	0	50	0	Secondary Arterial
Blakely Hill Road	4,224	0	0	0	0	Collector
Brien Drive	0	988	0	0	0	Collector
Bucklin Hill Road	5,333	10,666	0	45	0	Secondary Arterial
Byron Drive	1,297	0	0	0	0	Residential Suburban
Cherry Avenue	0	0	0	0	0	Residential Urban
Commodore Lane	324	0	0	0	0	Residential Urban
Country Club Road	8,976	0	0	25	0	Collector
Crystal Springs Drive	9,194	0	0	0	0	Collector
Day Road	12,461	24,922	0	75	0	Collector
Dolphin Drive	2,640	0	0	0	0	Collector
Eagle Harbor Drive	12,725	25,450	0	75	0	Secondary Arterial
Ericksen Avenue	2,600	1,750	3,450	0	0	Collector
Euclid Avenue E	7,603	0	0	0	0	Residential Urban
Falk Road	2,763	0	0	0	0	Residential Suburban
Ferncliff Avenue	8,818	9,874	7,762	50	0	Secondary Arterial
Fletcher Bay Road	12,091	22,722	1,460	85	0	Secondary Arterial
Finch Road	2,640	5,280	0	0	0	Collector
Fort Ward Hill Road	7,973	4,934	0	0	0	Collector
Foster Road	1,954	0	0	0	0	Collector
Frey Road	1,320	0	0	0	0	Collector
Grand Avenue	4,752	9,504	0	0	0	Collector
Grow Avenue	4,150	0	0		0	Residential Urban
Halls Hill Road	3,854	0	0	50	0	Collector
Harborview Drive	2,587	0	0	0	0	Unknown
Henderson Road	4,013	0	0	25	0	Collector
Hidden Cove Rd	11,088	22,176	0	45	0	Collector

Appendix A

2014 Road Striping

Base Bid Locations

Road Name	Center Stripe (LF)	Edge Line (LF)	Painted Wide Line (LF)	RPM Type 2 Actual	RPM- Type 1 Actual	Road Designation
High School Road	7,260	9,108	5,412	100	25	Secondary Arterial
Ihland	0	0	0	0	0	Residential Urban
Komedal Road	2,429	0	0	0	0	Residential Suburban
Koura Road	7,248	16,684	0	65	0	Secondary Arterial
Lafayette Avenue	3,960	7,920	0	25	0	Collector
Lofgren Road	1,901	3,802	0	0	0	Collector
Lovegren Road	2,563	0	0	0	0	Collector
Lovell Avenue	2,640	5,280	0	0	0	Residential Urban
Lynnwood Center Road	6,653	10,660	2,646	75	0	Secondary Arterial
Madison Avenue	22,326	35,452	11,500	25	0	Secondary Arterial
Mandus Olson	2,590	0	0	0	0	Residential Suburban
Manitou Beach Road	8,501	17,002	0	0	0	Collector
Manzanita Avenue	5,280	0	0	45	0	Collector
McDonald Avenue	2,323	0	0	0	0	Collector
Miller Road	15,101	30,202	0	75	0	Secondary Arterial
Moran Road	2,904	5,808	0	0	0	Collector
Murden Cove	1,848	0	0	0	0	Residential Urban
Nakata Place	0	0	0	0	0	Residential Urban
New Brooklyn Road	10,666	19,373	1,959	75	0	Secondary Arterial
New Sweden Avenue	3,907	0	0	25	0	Collector
Nicholson Place	0	0	0	0	0	
North Street	528	0	0	0	0	Collector
Oddfellow Road	2,904	5,808	0	0	0	Collector
Old Creosote Drive	3,653	0	0	0	0	Residential Suburban
Old Mill Road	5,280	0	0	0	0	Collector
Olympic Terrace	2,798	0	0	0	0	Collector
Parfitt Way	2,640	0	0	0	0	Residential Urban
Park Avenue	1,742	3,484	0	0	0	Collector
Peterson Hill Road	1,320	0	0	0	0	Residential Urban
Phelps Road	8,026	16,052	0	25	0	Secondary Arterial
Pleasant Beach Drive	6,970	13,940	0	25	0	Collector
Point White Drive	8,026	16,052	0	25	0	Collector
Ralston Road	581	0	0	0	0	Residential Suburban
Rockaway Beach Road	5,280	0	0	0	0	Collector
Rose Avenue	1,584	0	0	0	0	Residential Suburban
Sands Avenue	2,534	0	0	0	0	Residential Suburban

Appendix A

2014 Road Striping

Base Bid Locations

Road Name	Center Stripe (LF)	Edge Line (LF)	Painted		RPM- Type 1 Actual	Road Designation
			Wide Line (LF)	RPM Type 2 Actual		
Seabold Road	400	0	0	0	0	Collector
Seabold Church Road	581	0	0	0	0	Residential Suburban
South Beach Road	3,168	0	0	0	0	Collector
Sportsman Club Road	8,606	17,212	0	50	0	Secondary Arterial
Springridge Road	5,966	0	0	0	0	Collector
Sunrise Drive	15,787	31,574	0	25	0	Secondary Arterial
Taylor Avenue	6,791	0	0	0	0	Collector
Toe Jam Hill Road	7,920	0	0	0	0	Collector
Tolo Road	326	0	0	0	0	Collector
Torvanger Road	1,320	0	0	0	0	Collector
Valley Road	2,587	5,174	0	25	0	Secondary Arterial
Vincent Road	2,734	0	0	0	0	Residential Suburban
Wallace Way	1,320	2,640	0	0	0	Residential Urban
Wardwell Road	286	572	0	0	0	Collector
Washington Avenue	2,666	0	0	0	0	Residential Urban
Weaver Road	3,117	0	0	0	0	Collector
West Port Madison Road	5,333	0	0	0	0	Collector
Wing Point Way	3,498	0	0	50	0	Secondary Arterial
Wing Point Road	1,145	0	0	0	0	Residential Urban
Winther Road	1,320	0	0	0	0	Collector
Winslow Way	3,676	2,774	1,500	0	25	Secondary Arterial
Wood Avenue	1,742	0	0	0	0	Residential Urban
Wyatt Street	5,280	9,060	1,500	40	0	Secondary Arterial
Yaquina Avenue	2,640	0	0	0	0	Residential Suburban
3-T Road	890	0	0	0	0	Unknown
Total	448,191	478,552	37,189	1,500	50	

Appendix A

2014 Road Striping

Alternative Bid Locations

Road Name	Center Stripe (LF)	Edge Line (LF)	Painted Wide Line (LF)	RPM Type 2 Actual	RPM- Type 1 Actual	Road Designation
<i>ADDITIVE ALTERNATIVE 1 LOCATIONS</i>						
Arrow Point Drive	0	0	0	50	0	Secondary Arterial
Baker Hill Road	0	0	0	80	0	Secondary Arterial
Blakely Avenue	0	0	0	120	0	Secondary Arterial
Bucklin Hill Road	0	0	0	35	0	Secondary Arterial
Cherry Avenue	0	0	0	25	25	Residential Urban
Country Club Road	0	0	0	25	0	Collector
Crystal Springs Drive	0	22,388	0	0	0	Collector
Day Road	0	0	0	75	0	Collector
Eagle Harbor Drive	0	0	0	75	0	Secondary Arterial
Ericksen Avenue	0	0	0	85	0	Collector
Euclid Avenue E	0	4,292	0	56	0	Residential Urban
Ferncliff Avenue	0	0	0	75	0	Secondary Arterial
Fletcher Bay Road	0	0	0	35	0	Secondary Arterial
Grand Avenue	0	0	0	141	0	Collector
Grow Avenue	0	8,300	0		0	Residential Urban
Halls Hill Road	0	0	0	45	0	Collector
Hidden Cove Rd	0	0	0	45	0	Collector
High School Road	0	0	0	100	100	Secondary Arterial
Lynnwood Center Road	0	0	0	75	0	Secondary Arterial
Madison Avenue	0	0	0	200	0	Secondary Arterial
Manzanita Avenue	0	0	0	115	0	Collector
McDonald Avenue	0	0	0	50	0	Collector
Miller Road	0	0	0	75	0	Secondary Arterial
New Brooklyn Road	0	0	0	150	0	Secondary Arterial
Oddfellow Road	0	0	0	35	0	Collector
Parfitt Way	0	0	0	25	50	Residential Urban
Park Avenue	0	0	0	0	60	Collector
Peterson Hill Road	0	0	0	0	46	Residential Urban
Phelps Road	0	0	0	50	0	Secondary Arterial
Pleasant Beach Drive	0	0	0	60	0	Collector
Point White Drive	0	0	0	60	0	Collector
Sportsman Club Road	0	0	0	150	0	Secondary Arterial
Sunrise Drive	0	0	0	75	0	Secondary Arterial
Valley Road	0	0	0	50	0	Secondary Arterial

Appendix A

2014 Road Striping

Alternative Bid Locations

Road Name	Center Stripe (LF)	Edge Line (LF)	Painted		RPM- Type 1 Actual	Road Designation
			Wide Line (LF)	RPM Type 2 Actual		
Vincent Road	0	5,468	0	50	0	Residential Suburban
Wallace Way	0	0	0	50	50	Residential Urban
West Port Madison Road	0	0	0	50	0	Collector
Wing Point Way	0	0	0	25	0	Secondary Arterial
Winslow Way	0	0	0	25	45	Secondary Arterial
Wood Avenue	0	3,484	0	0	0	Residential Urban
Wyatt Street	0	0	0	75	60	Secondary Arterial
Total	0	43,932	0	2,512	436	

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Sound to Olympics Trail Preliminary Design
Professional Services Agreement

Date: July 14, 2014

Agenda Item: Consent Agenda

Bill No.: AB 14-096

Proposed By: Public Works Director Barry Loveless

BUDGET INFORMATION

Depart/Fund: 2014 CIP \$420,000 Federal Transportation Alternative Program Grant @ \$363,000

Expenditure Req: \$164,368.00

Budgeted? ☒ Yes ☐ No

Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW

Study Session: 07/07/14

Recommendation: Forward to 7/14/14 Consent Agenda

City Manager ☒ Yes ☐ No ☐ N/A

Legal ☒ Yes ☐ No ☐ N/A

Finance ☒ Yes ☐ No ☐ N/A

DESCRIPTION/SUMMARY

Action Item:

Consider approval of the Professional Services Agreement with MacLeod Reckord PLLC for the Sound to Olympics Trail preliminary design.

Background:

The Sound to Olympics (STO) Trail preliminary design provides for construction of a shared separated pathway along the SR305 Corridor. See attached map. Work includes clearing and grubbing, excavation and fill, retaining walls, shoulder/curb/sidewalk (intersection interface reconstruction), landscaping, surfacing, paint striping, signage and other related work. The project will complete the design of the "first mile" of the Sound to Olympics Trail and study potential branch trail connections. The new pathway will connect to the Ravine Creek Non-Motorized Bridge and an existing 800-foot section of the STO Trail.

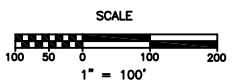
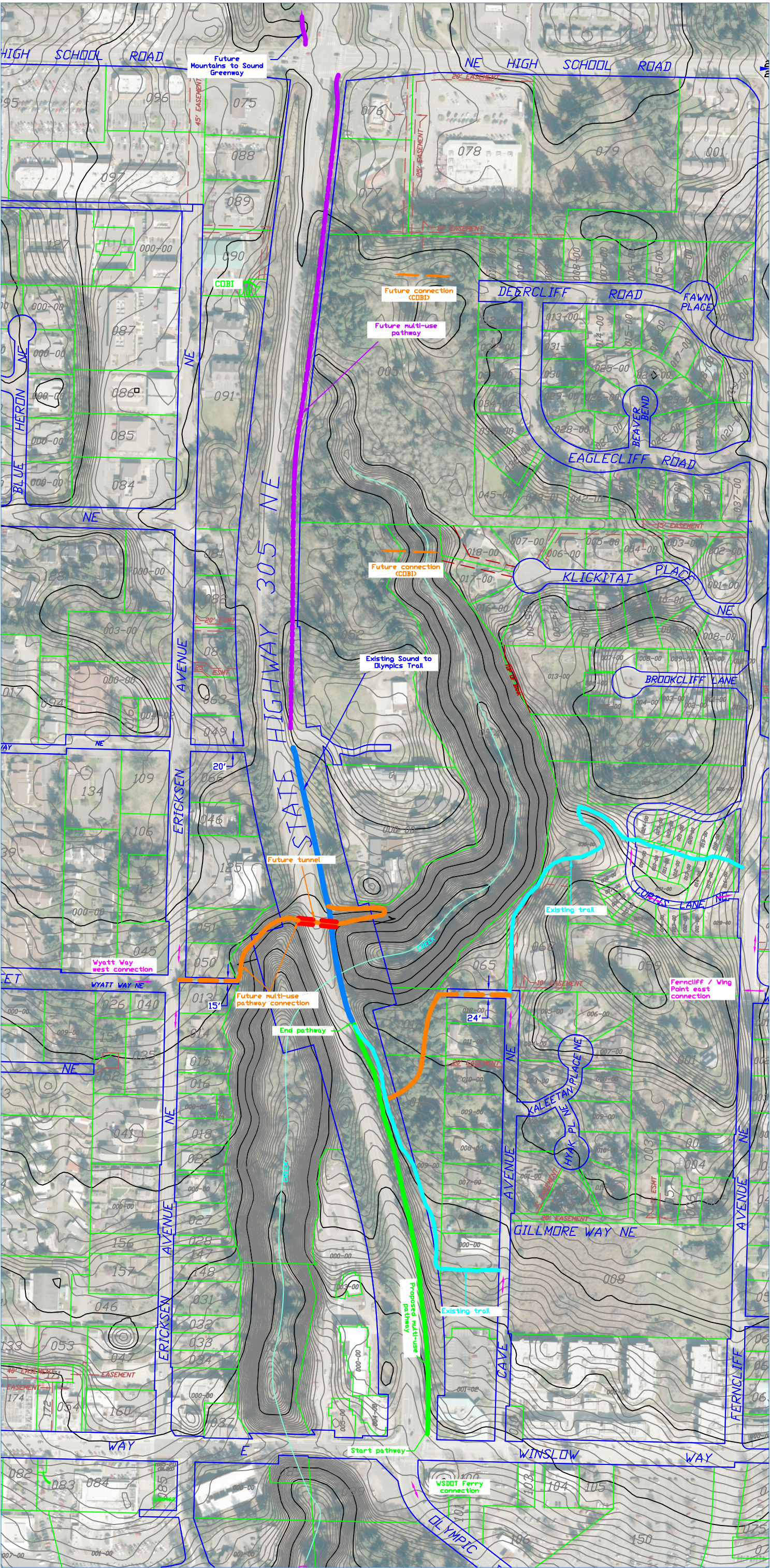
The City advertised a Request for Qualifications and five firms responded. The top three rated firms were interviewed and MacLeod Reckord was selected as the most qualified consultant to design the project.

The City has negotiated a contract with MacLeod Reckord in the amount of \$164,368.00 to perform preliminary design. Attached is a copy of their scope of work and cost estimate.

RECOMMENDED ACTION

Motion:

I move that the City Council award the Professional Services Agreement with MacLeod Reckord in the amount of \$164,368.00 for the Sound to Olympics Trail preliminary design.



Sound to Olympics Trail



CITY OF BAINBRIDGE ISLAND
PUBLIC WORKS ENGINEERING DEPARTMENT

Local Agency Standard Consultant Agreement	Consultant/Address/Telephone MacLeod Reckord PLLC 83 Columbia Street, Suite 306 Seattle, WA 98104 (206) 323-7919						
☒ Architectural/Engineering Agreement ☐ Personal Services Agreement Agreement Number _____	Project Title And Work Description Sound to Olympics Trail Phase 2 Planning and Design						
Federal Aid Number _____							
Agreement Type (Choose one) ☐ Lump Sum Lump Sum Amount \$ _____ ☒ Cost Plus Fixed Fee Overhead Progress Payment Rate _____ % Overhead Cost Method ☐ Actual Cost ☐ Actual Cost Not To Exceed _____ % ☒ Fixed Overhead Rate <u>208.91</u> % Fixed Fee \$ <u>16,158.00</u> ☐ Specific Rates Of Pay ☐ Negotiated Hourly Rate ☐ Provisional Hourly Rate ☐ Cost Per Unit of Work							
DBE Participation ☐ Yes ☒ No _____ %							
Federal ID Number or Social Security Number _____							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 5px;"> Do you require a 1099 for IRS? ☒ Yes ☐ No </td> <td style="width: 30%; padding: 5px;"> Completion Date December 31, 2014 </td> </tr> </table>		Do you require a 1099 for IRS? ☒ Yes ☐ No	Completion Date December 31, 2014				
Do you require a 1099 for IRS? ☒ Yes ☐ No	Completion Date December 31, 2014						
<table style="width: 100%;"> <tr> <td style="width: 70%;">Total Amount Authorized \$</td> <td style="width: 30%; text-align: right;">144,368.00</td> </tr> <tr> <td>Management Reserve Fund \$</td> <td style="text-align: right;">20,000.00</td> </tr> <tr> <td>Maximum Amount Payable \$</td> <td style="text-align: right;">164,368.00</td> </tr> </table>		Total Amount Authorized \$	144,368.00	Management Reserve Fund \$	20,000.00	Maximum Amount Payable \$	164,368.00
Total Amount Authorized \$	144,368.00						
Management Reserve Fund \$	20,000.00						
Maximum Amount Payable \$	164,368.00						

Index of Exhibits (Check all that apply):

- | | |
|---|---|
| ☒ Exhibit A-1 Scope of Work
☐ Exhibit A-2 Task Order Agreement
☐ Exhibit B-1 DBE Utilization Certification
☒ Exhibit C Electronic Exchange of Data
☐ Exhibit D-1 Payment - Lump Sum
☒ Exhibit D-2 Payment - Cost Plus
☐ Exhibit D-3 Payment - Hourly Rate
☐ Exhibit D-4 Payment - Provisional
☒ Exhibit E-1 Fee - Lump/Fixed/Unit
☐ Exhibit E-2 Fee - Specific Rates
☒ Exhibit F Overhead Cost
☒ Exhibit G Subcontracted Work
☒ Exhibit G-1 Subconsultant Fee | ☐ Exhibit G-2 Fee-Sub Specific Rates
☒ Exhibit G-3 Sub Overhead Cost
☒ Exhibit H Title VI Assurances
☒ Exhibit I Payment Upon Termination of Agreement
☒ Exhibit J Alleged Consultant Design Error Procedures
☒ Exhibit K Consultant Claim Procedures
☐ Exhibit L Liability Insurance Increase
☒ Exhibit M-1a Consultant Certification
☒ Exhibit M-1b Agency Official Certification
☒ Exhibit M-2 Certification - Primary
☒ Exhibit M-3 Lobbying Certification
☒ Exhibit M-4 Pricing Data Certification
☒ App. 31.910 Supplemental Signature Page |
|---|---|

THIS AGREEMENT, made and entered into this _____ day of _____, 2014, between the Local Agency of _____ City of Bainbridge Island _____, Washington, hereinafter called the "AGENCY", and the above organization hereinafter called the "CONSULTANT".

WITNESSETH THAT:

WHEREAS, the AGENCY desires to accomplish the above referenced project, and

WHEREAS, the AGENCY does not have sufficient staff to meet the required commitment and therefore deems it advisable and desirable to engage the assistance of a CONSULTANT to provide the necessary services for the PROJECT; and

WHEREAS, the CONSULTANT represents that he/she is in compliance with the Washington State Statutes relating to professional registration, if applicable, and has signified a willingness to furnish Consulting services to the AGENCY,

NOW THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, or attached and incorporated and made a part hereof, the parties hereto agree as follows:

I General Description of Work

The work under this AGREEMENT shall consist of the above described work and services as herein defined and necessary to accomplish the completed work for this PROJECT. The CONSULTANT shall furnish all services, labor, and related equipment necessary to conduct and complete the work as designated elsewhere in this AGREEMENT.

II Scope of Work

The Scope of Work and projected level of effort required for this PROJECT is detailed in Exhibit "A" attached hereto and by this reference made a part of this AGREEMENT.

III General Requirements

All aspects of coordination of the work of this AGREEMENT with outside agencies, groups, or individuals shall receive advance approval by the AGENCY. Necessary contacts and meetings with agencies, groups, and/or individuals shall be coordinated through the AGENCY. The CONSULTANT shall attend coordination, progress and presentation meetings with the AGENCY and/or such Federal, State, Community, City or County officials, groups or individuals as may be requested by the AGENCY. The AGENCY will provide the CONSULTANT sufficient notice prior to meetings requiring CONSULTANT participation. The minimum required hours or days notice shall be agreed to between the AGENCY and the CONSULTANT and shown in Exhibit "A."

The CONSULTANT shall prepare a monthly progress report, in a form approved by the AGENCY, which will outline in written and graphical form the various phases and the order of performance of the work in sufficient detail so that the progress of the work can easily be evaluated.

The CONSULTANT, and each SUBCONSULTANT, shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The CONSULTANT, and each SUBCONSULTANT, shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the CONSULTANT to carry out these requirements is a material breach of this AGREEMENT that may result in the termination of this AGREEMENT.

Participation for Disadvantaged Business Enterprises (DBE), if required, per 49 CFR Part 26, or participation of Minority Business Enterprises (MBE), and Women Business Enterprises (WBE), shall be shown on the heading of this AGREEMENT. If D/M/WBE firms are utilized, the amounts authorized to each firm and their certification number will be shown on Exhibit "B" attached hereto and by this reference made a part of this AGREEMENT. If the Prime CONSULTANT is a DBE firm they must comply with the Commercial Useful Function (CUF) regulation outlined in the AGENCY'S "DBE Program Participation Plan". The mandatory DBE participation goals of the AGREEMENT are those established by the WSDOT'S Highway and Local Programs Project Development Engineer in consultation with the AGENCY.

All Reports, PS&E materials, and other data furnished to the CONSULTANT by the AGENCY shall be returned. All electronic files, prepared by the CONSULTANT, must meet the requirements as outlined in Exhibit "C."

All designs, drawings, specifications, documents, and other work products, including all electronic files, prepared by the CONSULTANT prior to completion or termination of this AGREEMENT are instruments of service for this PROJECT, and are the property of the AGENCY. Reuse by the AGENCY or by others, acting through or on behalf of the AGENCY of any such instruments of service, not occurring as a part of this PROJECT, shall be without liability or legal exposure to the CONSULTANT.

IV Time for Beginning and Completion

The CONSULTANT shall not begin any work under the terms of this AGREEMENT until authorized in writing by the AGENCY.

All work under this AGREEMENT shall be completed by the date shown in the heading of this AGREEMENT under completion date.

The established completion time shall not be extended because of any delays attributable to the CONSULTANT, but may be extended by the AGENCY in the event of a delay attributable to the AGENCY, or because of unavoidable delays caused by an act of GOD or governmental actions or other conditions beyond the control of the CONSULTANT. A prior supplemental agreement issued by the AGENCY is required to extend the established completion time.

V Payment Provisions

The CONSULTANT shall be paid by the AGENCY for completed work and services rendered under this AGREEMENT as provided in Exhibit "D" attached hereto, and by reference made part of this AGREEMENT. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work. The CONSULTANT shall conform to all applicable portions of 48 CFR Part 31.

A post audit may be performed on this AGREEMENT. The need for a post audit will be determined by the State Auditor, WSDOT External Audit Office and/or at the request of the AGENCY'S PROJECT Manager.

VI Sub-Contracting

The AGENCY permits sub-contracts for those items of work as shown in Exhibit "G" attached hereto and by this reference made part of this AGREEMENT.

Compensation for this sub-consultant work shall be based on the cost factors shown on Exhibit "G."

The work of the sub-consultant shall not exceed its maximum amount payable unless a prior written approval has been issued by the AGENCY.

All reimbursable direct labor, overhead, direct non-salary costs and fixed fee costs for the sub-consultant shall be substantiated in the same manner as outlined in Section V. All sub-contracts shall contain all applicable provisions of this AGREEMENT.

With respect to sub-consultant payment, the CONSULTANT shall comply with all applicable sections of the Prompt Payment laws as set forth in RCW 39.04.250 and RCW 39.76.011.

The CONSULTANT shall not sub-contract for the performance of any work under this AGREEMENT without prior written permission of the AGENCY. No permission for sub-contracting shall create, between the AGENCY and sub-contractor, any contract or any other relationship. A DBE certified sub-consultant is required to perform a minimum amount of their sub-contracted agreement that is established by the WSDOT Local Programs Project Development Engineer in consultation with the AGENCY.

VII Employment

The CONSULTANT warrants that they have not employed or retained any company or person, other than a bona fide employee working solely for the CONSULTANT, to solicit or secure this contract, and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the CONSULTANT, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of this contract. For breach or violation of this warrant, the AGENCY shall have the right to annul this AGREEMENT without liability or, in its discretion, to deduct from the AGREEMENT price or consideration or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

Any and all employees of the CONSULTANT or other persons while engaged in the performance of any work or services required of the CONSULTANT under this AGREEMENT, shall be considered employees of the CONSULTANT only and not of the AGENCY, and any and all claims that may arise under any Workmen's Compensation Act on behalf of said employees or other persons while so engaged, and any and all claims made by a

third party as a consequence of any act or omission on the part of the CONSULTANT'S employees or other persons while so engaged on any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of the CONSULTANT.

The CONSULTANT shall not engage, on a full- or part-time basis, or other basis, during the period of the contract, any professional or technical personnel who are, or have been, at any time during the period of the contract, in the employ of the United States Department of Transportation, or the STATE, or the AGENCY, except regularly retired employees, without written consent of the public employer of such person.

VIII Nondiscrimination

During the performance of this contract, the CONSULTANT, for itself, its assignees, and successors in interest agrees to comply with the following laws and regulations:

Title VI of the Civil Rights Act of 1964
(42 USC Chapter 21 Subchapter V Section 2000d through 2000d-4a)

Federal-aid Highway Act of 1973
(23 USC Chapter 3 Section 324)

Rehabilitation Act of 1973
(29 USC Chapter 16 Subchapter V Section 794)

Age Discrimination Act of 1975
(42 USC Chapter 76 Section 6101 et seq.)

Civil Rights Restoration Act of 1987
(Public Law 100-259)

American with Disabilities Act of 1990
(42 USC Chapter 126 Section 12101 et. seq.)

49 CFR Part 21

23 CFR Part 200

RCW 49.60.180

In relation to Title VI of the Civil Rights Act of 1964, the CONSULTANT is bound by the provisions of Exhibit "H" attached hereto and by this reference made part of this AGREEMENT, and shall include the attached Exhibit "H" in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

IX Termination of Agreement

The right is reserved by the AGENCY to terminate this AGREEMENT at any time upon ten (10) days written notice to the CONSULTANT.

In the event this AGREEMENT is terminated by the AGENCY other than for default on the part of the CONSULTANT, a final payment shall be made to the CONSULTANT as shown in Exhibit "I" for the type of AGREEMENT used.

No payment shall be made for any work completed after ten (10) days following receipt by the CONSULTANT of the Notice to Terminate. If the accumulated payment made to the CONSULTANT prior to Notice of Termination exceeds the total amount that would be due when computed as set forth herein above, then no final payment shall be due and the CONSULTANT shall immediately reimburse the AGENCY for any excess paid.

If the services of the CONSULTANT are terminated by the AGENCY for default on the part of the CONSULTANT, the above formula for payment shall not apply.

In such an event, the amount to be paid shall be determined by the AGENCY with consideration given to the actual costs incurred by the CONSULTANT in performing the work to the date of termination, the amount of work originally required which was satisfactorily completed to date of termination, whether that work is in a form or a type which is usable to the AGENCY at the time of termination, the cost to the AGENCY of employing another firm to complete the work required and the time which may be required to do so, and other factors which affect the value to the AGENCY of the work performed at the time of termination.

Under no circumstances shall payment made under this subsection exceed the amount, which would have been made using the formula set forth above.

If it is determined for any reason that the CONSULTANT was not in default or that the CONSULTANT'S failure to perform is without the CONSULTANT'S or it's employee's default or negligence, the termination shall be deemed to be a termination for the convenience of the AGENCY. In such an event, the CONSULTANT would be reimbursed for actual costs in accordance with the termination for other than default clauses listed previously.

In the event of the death of any member, partner or officer of the CONSULTANT or any of its supervisory personnel assigned to the PROJECT, or dissolution of the partnership, termination of the corporation, or disaffiliation of the principally involved employee, the surviving members of the CONSULTANT hereby agree to complete the work under the terms of this AGREEMENT, if requested to do so by the AGENCY. This subsection shall not be a bar to renegotiation of the AGREEMENT between the surviving members of the CONSULTANT and the AGENCY, if the AGENCY so chooses.

In the event of the death of any of the parties listed in the previous paragraph, should the surviving members of the CONSULTANT, with the AGENCY'S concurrence, desire to terminate this AGREEMENT, payment shall be made as set forth in the second paragraph of this section.

Payment for any part of the work by the AGENCY shall not constitute a waiver by the AGENCY of any remedies of any type it may have against the CONSULTANT for any breach of this AGREEMENT by the CONSULTANT, or for failure of the CONSULTANT to perform work required of it by the AGENCY. Forbearance of any rights under the AGREEMENT will not constitute waiver of entitlement to exercise those rights with respect to any future act or omission by the CONSULTANT.

X Changes of Work

The CONSULTANT shall make such changes and revisions in the complete work of this AGREEMENT as necessary to correct errors appearing therein, when required to do so by the AGENCY, without additional compensation thereof. Should the AGENCY find it desirable for its own purposes to have previously satisfactorily completed work or parts thereof changed or revised, the CONSULTANT shall make such revisions as directed by the AGENCY. This work shall be considered as Extra Work and will be paid for as herein provided under Section XIV.

XI Disputes

Any dispute concerning questions of fact in connection with the work not disposed of by AGREEMENT between the CONSULTANT and the AGENCY shall be referred for determination to the Director of Public Works or AGENCY Engineer, whose decision in the matter shall be final and binding on the parties of this AGREEMENT; provided, however, that if an action is brought challenging the Director of Public Works or AGENCY Engineer's decision, that decision shall be subject to de novo judicial review. If the parties to this AGREEMENT mutually agree, disputes concerning alleged design errors will be conducted under the procedures found in Exhibit "J", and disputes concerning claims will be conducted under the procedures found in Exhibit "K".

XII Venue, Applicable Law, and Personal Jurisdiction

In the event that either party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this AGREEMENT, the parties hereto agree that any such action shall be initiated in the Superior court of the State of Washington, situated in the county in which the AGENCY is located. The parties hereto agree that all questions shall be resolved by application of Washington law and that the parties to such action shall have the right of appeal from such decisions of the Superior court in accordance with the laws of the State of Washington. The CONSULTANT hereby consents to the personal jurisdiction of the Superior court of the State of Washington, situated in the county in which the AGENCY is located.

XIII Legal Relations

The CONSULTANT shall comply with all Federal, State, and local laws and ordinances applicable to the work to be done under this AGREEMENT. This contract shall be interpreted and construed in accordance with the laws of the State of Washington.

The CONSULTANT shall indemnify and hold the AGENCY and the STATE and its officers and employees harmless from and shall process and defend at its own expense all claims, demands, or suits at law or equity arising in whole or in part from the CONSULTANT'S negligence or breach of any of its obligations under this AGREEMENT; provided that nothing herein shall require a CONSULTANT to indemnify the AGENCY or the STATE against and hold harmless the AGENCY or the STATE from claims, demands or suits based solely upon the conduct of the AGENCY or the STATE, their agents, officers and employees; and provided further that if the claims or suits are caused by or result from the concurrent negligence of (a) the CONSULTANT'S agents or employees, and (b) the AGENCY or the STATE, their agents, officers and employees, this indemnity provision with respect to (1) claims or suits based upon such negligence (2) the costs to the AGENCY or the STATE of defending such claims and suits shall be valid and enforceable only to the extent of the CONSULTANT'S negligence or the negligence of the CONSULTANT'S agents or employees.

The CONSULTANT'S relation to the AGENCY shall be at all times as an independent contractor.

The CONSULTANT shall comply with all applicable sections of the applicable Ethics laws, including RCW 42.23, which is the Code of Ethics for regulating contract interest by municipal officers. The CONSULTANT specifically assumes potential liability for actions brought by the CONSULTANT'S own employees against the AGENCY and, solely for the purpose of this indemnification and defense, the CONSULTANT specifically waives any immunity under the state industrial insurance law, Title 51 RCW.

Unless otherwise specified in the AGREEMENT, the AGENCY shall be responsible for administration of construction contracts, if any, on the PROJECT. Subject to the processing of a new sole source, or an acceptable supplemental agreement, the CONSULTANT shall provide On-Call assistance to the AGENCY during contract administration. By providing such assistance, the CONSULTANT shall assume no responsibility for: proper construction techniques, job site safety, or any construction contractor's failure to perform its work in accordance with the contract documents.

The CONSULTANT shall obtain and keep in force during the terms of the AGREEMENT, or as otherwise required, the following insurance with companies or through sources approved by the State Insurance Commissioner pursuant to Title 48 RCW.

Insurance Coverage

- A. Worker's compensation and employer's liability insurance as required by the STATE.
- B. Commercial general liability written under ISO Form CG 00 01 12 04 or its equivalent with minimum limits of one million dollars (\$1,000,000) per occurrences and two million dollars (\$2,000,000) in the aggregate for each policy period.
- C. Vehicle liability insurance for any automobile used in an amount not less than a one million dollar (\$1,000,000) combined single limit.

Excepting the Worker's Compensation Insurance and any Professional Liability Insurance secured by the CONSULTANT, the AGENCY will be named on all policies as an additional insured. The CONSULTANT shall furnish the AGENCY with verification of insurance and endorsements required by the AGREEMENT. The AGENCY reserves the right to require complete, certified copies of all required insurance policies at any time.

All insurance shall be obtained from an insurance company authorized to do business in the State of Washington. The CONSULTANT shall submit a verification of insurance as outlined above within fourteen (14) days of the execution of this AGREEMENT to the AGENCY.

No cancellation of the foregoing policies shall be effective without thirty (30) days prior notice to the AGENCY.

The CONSULTANT'S professional liability to the AGENCY shall be limited to the amount payable under this AGREEMENT or one million (\$1,000,000) dollars, whichever is the greater, unless modified by Exhibit "L". In no case shall the CONSULTANT'S professional liability to third parties be limited in any way.

The AGENCY will pay no progress payments under Section V until the CONSULTANT has fully complied with this section. This remedy is not exclusive; and the AGENCY and the STATE may take such other action as is available to it under other provisions of this AGREEMENT, or otherwise in law.

XIV Extra Work

- A. The AGENCY may at any time, by written order, make changes within the general scope of the AGREEMENT in the services to be performed.
- B. If any such change causes an increase or decrease in the estimated cost of, or the time required for, performance of any part of the work under this AGREEMENT, whether or not changed by the order, or otherwise affects any other terms and conditions of the AGREEMENT, the AGENCY shall make an equitable adjustment in the (1) maximum amount payable; (2) delivery or completion schedule, or both; and (3) other affected terms and shall modify the AGREEMENT accordingly.
- C. The CONSULTANT must submit any "request for equitable adjustment", hereafter referred to as "CLAIM", under this clause within thirty (30) days from the date of receipt of the written order. However, if the AGENCY decides that the facts justify it, the AGENCY may receive and act upon a CLAIM submitted before final payment of the AGREEMENT.
- D. Failure to agree to any adjustment shall be a dispute under the Disputes clause. However, nothing in this clause shall excuse the CONSULTANT from proceeding with the AGREEMENT as changed.
- E. Notwithstanding the terms and conditions of paragraphs (A) and (B) above, the maximum amount payable for this AGREEMENT, shall not be increased or considered to be increased except by specific written supplement to this AGREEMENT.

XV Endorsement of Plans

If applicable, the CONSULTANT shall place their endorsement on all plans, estimates, or any other engineering data furnished by them.

XVI Federal and State Review

The Federal Highway Administration and the Washington State Department of Transportation shall have the right to participate in the review or examination of the work in progress.

XVII Certification of the Consultant and the Agency

Attached hereto as Exhibit "M-1(a and b)" are the Certifications of the CONSULTANT and the AGENCY, Exhibit "M-2" Certification Regarding Debarment, Suspension and Other Responsibility Matters - Primary Covered Transactions, Exhibit "M-3" Certification Regarding the Restrictions of the Use of Federal Funds for Lobbying and Exhibit "M-4" Certificate of Current Cost or Pricing Data. Exhibit "M-3" is required only in AGREEMENTS over \$100,000 and Exhibit "M-4" is required only in AGREEMENTS over \$500,000.

XVIII Complete Agreement

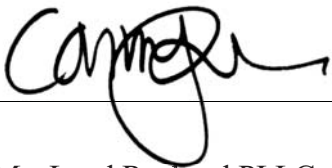
This document and referenced attachments contain all covenants, stipulations, and provisions agreed upon by the parties. No agent, or representative of either party has authority to make, and the parties shall not be bound by or be liable for, any statement, representation, promise or agreement not set forth herein. No changes, amendments, or modifications of the terms hereof shall be valid unless reduced to writing and signed by the parties as an amendment to this AGREEMENT.

XIX Execution and Acceptance

This AGREEMENT may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. The CONSULTANT does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in the proposal, and the supporting material submitted by the CONSULTANT, and does hereby accept the AGREEMENT and agrees to all of the terms and conditions thereof.

In witness whereof, the parties hereto have executed this AGREEMENT as of the day and year shown in the "Execution Date" box on page one (1) of this AGREEMENT.

By



By

Consultant

MacLeod Reckord PLLC

Agency

EXHIBIT A-1
Scope of Work
June 20, 2014

City of Bainbridge Island
SOUND TO OLYMPICS TRAIL PHASE 2

PROJECT DESCRIPTION

The City of Bainbridge Island (COBI) seeks to develop a project to provide non-motorized improvements on SR305/Olympic Drive, from Winslow Way to the bridge at Ravine Creek as the second phase of the Sound to Olympics Trails (STO). The project includes: a study of the SR305 corridor between Winslow Way and High School Road to select an alignment for a shared use path and identify connections or branch trails where appropriate; design of the north/south shared use path with east/west connections to a conceptual level; engaging the public to build consensus for a preferred alignment; and final design documentation, environmental documentation, permit application support, and construction support for the segment from Winslow Way to the bridge at Ravine Creek.

Funding for design and construction is from a combination of COBI sources and federal transportation grant (PSRC/FHWA). COBI may utilize conceptual plans to pursue additional funding for the separated grade crossing.

The Project Area and limit of field survey and mapping is as defined by the limits shown on the attached Exhibit 1.

OUTLINE OF SCOPE OF SERVICES

The MacLeod Reckord team will provide planning, design, environmental, and construction administrative services to complete the design in accordance with the WSDOT LAG Manual for the project. Scope of work shall consist of the following, in three parts:

- I. Preliminary Design Services
 - Task 01 Project Management (Preliminary Design)
 - 02 Survey and Mapping
 - 03 Public Outreach Support
 - 04 Conceptual Design Alternatives
 - 05 Preferred Alignment
- II. Final Design and Environmental Services
 - Task 06 Project Management (Design and Environmental)
 - 07 Supplemental Survey and Mapping
 - 08 Public Outreach Support
 - 09 Geotechnical Evaluation & Engineering
 - 10 Environmental & Permit Support Services
 - 11 30% Schematic Design
 - 12 60% Design Development
 - 13 90% Construction Documents
 - 14 100% Bid Documents
- III. Construction Support Services
 - Task 15 Bidding & Award
 - 16 Construction Support

PROJECT TEAM ROLES AND RESPONSIBILITIES

MacLeod Reckord (Consultant) will contract with qualified subconsultants, including, but not limited to the firms indicated below. Roles and responsibilities are as follows:

1. **MacLeod Reckord PLLC** (Consultant) – Project management, agency coordination, public outreach coordination, preliminary and final trail planning, design and documentation, overall document coordination, construction support services, project oversight and compliance with WSDOT LAG Manual.
2. **KPFF Consulting Engineers** – Survey and mapping, civil engineering, structural engineering, utilities, temporary erosion control measures, and construction support services. Participation in public outreach, project oversight and compliance with WSDOT LAG Manual.
3. **ESA** – Environmental science and permit support, NEPA process (including ECS and all required supporting documentation), critical area impact mitigation design and documentation. Participation in public outreach.
4. **GeoEngineers** – Geotechnical evaluation and engineering, and construction support services.

GENERAL PROJECT ASSUMPTIONS

1. The following scope is defined for **Part I Preliminary Design Services** and outlined for **Part II Final Design and Environmental Services** and **Part III Construction Support Services**. The Consultant and COBI will further define scope and establish fee for the Final Design and Environmental Services during, or shortly following, completion of Preliminary Design Services. Construction Support services scope and fee TBD at a later date.
2. Direct correspondence and coordination with WSDOT (Local Programs) will be the responsibility of COBI.
3. Advisory Committee selection and Stakeholder coordination for meetings by COBI.
4. Public and Agency Study Phase Involvement Plan (May 2014) process is anticipated, with tasks as specified in this scope being the responsibility of the Consultant.
5. Public outreach events and notification arranged and hosted by COBI.
6. Existing survey data as provided by COBI will be utilized in survey and mapping of project area to the extent possible.
7. Bicycle and Pedestrian level of service information as available from COBI and/or WSDOT will be provided to the Consultant for use in Preliminary Design Phase. No new level of service data is anticipated to be needed for this initial study phase.
8. LEED™ Process is not included at this time, however sustainable building practices will be incorporated into site design as program and budget allow.

DESIGN STANDARDS/CRITERIA

1. All work will comply with City of Bainbridge Island, Kitsap County, WSDOT, and AASHTO guidelines. Conflicting guideline directives will be resolved by COBI and deviations, if required, will be provided by the Consultant.
2. Documentation will be in ACAD 2014, Civil 3D 2014, or as mutually agreed.
3. Specification format for 60%, 90%, and 100% submittal is WSDOT Standard Specifications with Special Provisions prepared by the design team and incorporation of General Special Provisions and Amendments coordinated with COBI. Scope for 60% submittal will be outline of Special Provisions and Amendments to the WSDOT Standard Specifications only.
4. City of Bainbridge Island Design and Construction Standards.

5. City of Bainbridge Island Non-Motorized Transportation Plan.
6. Kitsap County *Non-Motorized Facility Plan Draft*, October 17, 2013.
7. WADOE, *2012 Stormwater Management Manual for Western Washington*.
8. WSDOT, *Standard Plans*, current edition
9. WSDOT, *Standard Specifications for Road, Bridge, and Municipal Construction*, English, current edition and Amendments.

SCHEDULE

The scope of work is premised on a Notice-to-Proceed date for Part I Preliminary Design Services of July 1, 2014; Part II Final Design and Environmental Services approximately September 30, 2014; Part III Construction Support Services TBD. Completion dates TBD. See draft schedule on the attached Exhibit 2.

DELIVERABLES

Deliverables will be provided as noted herein for Part I Preliminary Design Services. Deliverables for Part II Final Design and Environmental Services and Part III Construction Support Services are shown herein as a draft and will be finalized in Supplemental Scope of Work descriptions.

TASKS

PART I – PRELIMINARY DESIGN SERVICES

01. Project Management

- 1.1 Coordination and Review:** Coordinate the Consultant design team to ensure that the work is completed on schedule, is technically competent, and meets WSDOT LAG Manual and COBI's requirements. Develop and implement the work plan and provide overall coordination and review of the work. Organize and administer regular internal coordination meetings of the design team to facilitate execution of the work.
- 1.2 Coordination Meetings:** Meet with COBI and their assigns (may include but not be limited to WSDOT, multiple COBI departments, boards, administrators, and council) to discuss and/or present project issues, schedule, progress, and general coordination of effort.
- 1.3 Document Management:** Provide for the management of drawings and documents received and generated over the course of the project, including review, distribution, filing, and storage.
- 1.4 Project Schedule:** Provide a detailed schedule for the Consultant work elements, integrating project deliverables and milestones with schedules identified by COBI. Update schedule as necessary.
- 1.5 Subconsultant Management:** Subconsultant management includes the preparation and execution of subcontracts with each Subconsultant involved in the project. The Consultant shall provide ongoing overview of progress, review of invoices, and overall coordination of Subconsultants involved in the project.
- 1.6 Quality Assurance/Quality Control:** Conduct a quality assurance check of all deliverables prior to submittal to COBI.
- 1.7 Invoicing:** Prepare and submit regular invoicing and monthly progress reports within 45 days of work completed.

Deliverables: 1) Contract Documents. 2) Meeting Notes as required. 3) Schedule. 4) Invoicing. 5) Progress Reports.

02. Survey and Mapping

2.1 Data Research and Assembly: Assemble documentation as provided by COBI and/or available to the general public to inform survey and mapping effort.

2.2 Field Survey: Perform site reconnaissance and perform field survey within the Part 1 Limit of Field Survey and Mapping as shown on Project Area plan (Exhibit 1) and per Survey Request Form (Exhibit 3). Utilize datum as required by COBI and to meet funding requirements. Collect necessary field ties in order to properly determine boundary and right of way associated with the project. Identify and permanently locate and survey recoverable benchmarks as requested. Obtain the services of a private utility locator to mark and identify underground utilities within the Part 1 Limit of Field Survey and Mapping area (Exhibit 1).

2.3 Survey Mapping: Map results of assembled documentation and field survey, providing a comprehensive topographic, planimetric, and boundary survey. See Survey Request Form (Exhibit 3). Provide legend, notes, and survey stamp and signature on approved title block.

Assumptions:

- Survey team will be provided with unrestricted access to the project sites. There are private residences and businesses within the project areas as outlined in Exhibit 1. All right of entry will be negotiated and obtained by others and provided to the Consultant prior to start of work.
- Boundary survey will be based on best available record information. Proposed fee does not include the cost for title company research or title report analysis. Should these tasks be necessary the City will provide the title report information for the Consultant to provide a scope and fee for title analysis.
- Scope does not include a record of survey: no property corners will be set and no record of survey will be recorded.
- Below ground utility depths, material, and sizes, except for sewer and storm structure inverts are not part of the scope.
- City will make available all utility and record drawings associated within the project area.
- WSDOT right of way drawings will not be required for this phase of the work.
- Scope does not include preparation of documents, exhibits, or descriptions for any easements, or right of way acquisitions. Consultant may provide scope and fee for this task if required.
- Areas outside of Part 1 Limit of Field Survey and Mapping will not be field surveyed and will rely on LiDAR information as provided by COBI for purposes of providing a base map for the project.

Deliverables: 1) Base Survey.

03. Public Outreach Support

3.1 Public Outreach Meetings: Prepare presentation material and record comment/input at (6) public meetings/focus groups as outlined:

- a. NMTAC sponsored public meeting – Assess community desires
- b. NMTAC sponsored focus group (open to public) – Alternatives Development
- c. NMTAC sponsored focus group (open to public) – Alternatives Selection
- d. Public Meeting – Present Alternatives

- e. NMTAC sponsored focus group (open to public) – Elaborate on Alternatives
- f. Council study session – Preferred Alternative Presentation

Deliverables: 1) Presentation material as developed under other tasks. 2) Summary notes/reporting on public input.

04. Conceptual Design Alternatives

- 4.1 Site Reconnaissance/Evaluation:** Perform site reconnaissance and field mapping to evaluate conditions, evaluate the presence of environmental critical areas (ECAs) and potential cultural resources within the Limit of Project Area (Exhibit 1), assess previously generated plans, and inform conceptual planning effort. Evaluation will consist of a review of existing maps and databases on the presence of streams, wetlands, and steep slopes, as well as a reconnaissance level site visit to determine the presence of critical areas. This task includes approximate ratings of streams and wetlands. Although no formal stream or wetland delineations will be conducted in this phase, a single day of environmental site reconnaissance will occur, and the approximate location of all ECAs will be noted on sketch maps and recorded with handheld GPS units, if feasible. All collected GPS data will be incorporated into the base map. Cultural investigations will include a literature and database review of the Project Area. Deliverables from this task to support Public Outreach Meeting (a).
- 4.2 Review Base Information with COBI:** Review assembled data and reconnaissance information with COBI and Non-Motorized Transportation Advisory Committee (NMTAC) to resolve additional information for the concept planning effort. Deliverables from this task to support Public Outreach Meeting (b).
- 4.3 Trail Concept Alternatives:** Analyze a range of alignment and/or facility type alternatives that accommodate needs and/or design criteria as identified by COBI. Develop draft conceptual plans showing alternatives. Identify variations in facility type and any exceptions to recognized guidelines. Identify impacts to SR305 channelization and road prism for each alternative alignment. Deliverables from this task to support Public Outreach Meeting (c).
- 4.4 Structural Concept Alternatives:** Analyze up to three retaining structure (wall or slope) alternatives and up to three crossing structure (over and/or under crossing) alternatives that are compatible with alternatives identified in Task 4.2. Develop draft conceptual plans showing up to six alternatives. Identify impacts to SR305 channelization and road prism for each alternative. Deliverables from this task to support Public Outreach Meeting (c).
- 4.5 Storm Drainage System and Utility Impacts Evaluation:** Identify impacts under various alignment alternatives to existing storm drainage system and utility systems (water, sewer, electrical, fiber optics, other). Provide conceptual level recommendations for storm drainage requirements associated with additional impervious surface and disruptions of existing systems. Deliverables from this task to support Public Outreach Meeting (c).
- 4.6 Environmental Review and Permit Evaluation:** Potential environmental impacts will be evaluated under various alignment alternatives. A permit matrix, identifying key permitting implications for each alternative will be developed. Key technical issues and critical path items will be identified and summarized in tabular form. Permit Matrix will identify specific regulatory triggers, lead agencies, submittal requirements, and other technical studies or information needed for a complete permit application. Permit matrix will be included as part of a brief (2-3 page) memorandum that compares overall environmental impacts of each alternative, including a list of relevant discipline reports that may be required for NEPA compliance. The memo will outline an approach for early initiation of NEPA public notice and

SEPA process. Once the preferred alternative is selected, a draft Area of Potential Effect Correspondence will be prepared to assist COBI in Section 106 consultation with WSDOT. Deliverables from this task to support Public Outreach Meeting (c).

- 4.7 Geotechnical Evaluation:** Provide historical and baseline information on geotechnical conditions from readily available sources. Complete a detailed geologic reconnaissance of the site within the Project Area (Exhibit 1) including observation of exposed soils and slopes, and limited hand auguring in selected areas for evaluation of (shallow) soil conditions. Summarize hazardous/steep slope conditions based on observations and topographic information, near-surface soil and groundwater conditions, and provide recommendations for future investigation and evaluation. Coordinate with team on conceptual proposals for trail construction and structural components.
- 4.8 Planning Level Cost Estimates:** Develop planning level cost estimates for alignment alternatives and level of magnitude cost comparisons for structural options.
- 4.9 Review/approval:** Meet with COBI and NMTAC to review draft concepts. Incorporate revisions and develop final alternative concepts. Deliverables from this task to support Public Outreach Meeting (d).

Deliverables: 1) Draft and final trail concept alternatives as plans, cross section, and/or illustrative sketches. 2) Draft and final structural concept alternatives as plans, cross section, and/or illustrative sketches. 3) Impacts to SR305 as plans, cross sections, and/or narrative description. 4) Storm drainage and utility impact/recommendations as technical memorandum. 5) Draft and final Reconnaissance Memorandum. 6) Draft and final Environmental Review Memorandum (including Permit Matrix). 7) Draft and Final Area of Potential Effect Correspondence. 8) Geotechnical evaluation and recommendation memorandum. 9) Planning level cost estimates for alternatives at outlined above. 10) Meeting notes.

05. Preferred Alignment

- 5.1 Refine Preferred Alignment:** Based on input from COBI, NMTAC, and public, develop and illustrate a preferred alignment and provide basis of design. Deliverables from this task to support Public Outreach Meeting (e).
- 5.2 Review:** Meet with COBI and NMTAC to review final preferred alignment. Incorporate revisions and finalize preferred concept. Deliverables from this task to support Public Outreach Meeting (f).

Deliverables: 1) Final preferred alignment illustrated in plan, cross section, and/or illustrative sketches. 2) Basis of design. 3) Meeting notes.

PART II – DESIGN AND ENVIRONMENTAL SERVICES (Outline only)

06. Project Management

- 6.1 Coordination and Review**
- 6.2 Coordination Meetings**
- 6.3 Document Management**
- 6.4 Project Schedule**
- 6.5 Subconsultant Management**

6.6 Quality Assurance/Quality Control

6.7 Invoicing

Deliverables:

07. Supplemental Survey and Mapping

7.1 Field Survey and Mapping

7.2 Right of Access and Temporary Construction Easements

Deliverables:

08. Public Outreach Support

8.1 Public Outreach Meetings

Deliverables:

09. Geotechnical Evaluation & Engineering

9.1 Geotechnical Evaluation and Reporting

9.2 Geotechnical Engineering

Deliverables:

10. Environmental & Permit Support Services

The table below includes anticipated environmental and land use permits, reviews, or other environmental approvals that are anticipated will be required for the project. The list of permits is based on the previously prepared alternatives analysis and an initial review of federal, state, and local regulations related to the type proposed for the beach trenching alternative. This is not a complete list. This list does not include building permits and other permits or approvals that may be needed depending on the selected final site, local jurisdiction, and design standards.

Sound to Olympics Phase 2 Project– Anticipated Permits

Lead Agency	Permits/Approvals/ Reviews	Application/ Documentation	Comments
Corps of Engineers	Section 404/401/10 Nationwide Permit 14	Joint Aquatic Resourced Project Application (JARPA)	Required if wetland fill will occur. Assumes project meets the criteria for NWP 14.
	404(b)(1) Alternatives Analysis	Assumed not required.	Will be required if an Individual Permit is needed. Not anticipated at this time.
	Endangered Species Act Section 7 / Magnusson Stevens Act Review	Biological Evaluation	Required by federal permit nexus.
WSDOT/FHWA	National Historic Preservation Act Section 106 Review	Cultural Resources Report	A Cultural Resources Report is included as part of the WSDOT application package. Additional Cultural Resources work for federal, state, or local permits may be required depending final construction extents and if eligible cultural resources are identified during field exploration.
	NEPA	WSDOT ECS and	Assumes NEPA finding is Documented Categorical

		required discipline reports/technical memos	Exclusion. Assume need for discipline reports or tech memos for 1) wetlands, 2) fish, wildlife, and vegetation, 3) visual impact analysis, 4) environmental justice, 5) cultural resources (by ESA) and 6) transportation, 7) geotechnical, and 8) contaminated materials (by others)
WDFW	Hydraulic Project Approval	JARPA	Will be required if work below the OHWM of a Water of the State. Not anticipated at this time.
WA Dept of Ecology	CZM Consistency Determination	CZM Form/Checklist	To be included as part of the Section 404/401/10 permit application.
	Section 401 Water Quality Certification	JARPA	To be included as part of the Section 404/401/10 permit application.
	National Pollution Discharge Elimination System (NPDES) General Construction Permit	Notice of Intent	Need will depend on design and extent of disturbance.
Local Permits City of Bainbridge Island	State Environmental Species Act	Environmental Checklist	This scope assumes that the project will receive a Determination of Non Significance or Mitigated Determination of Non Significance. An EIS is not included.
	Critical Areas Review	Critical Areas Study	
	Shoreline Conditional Use Permit or Substantial Development Permit	JARPA with Shoreline Supplement	Not anticipated at this time.
	Design Review	Design Review Application	Final Design Required
	Flood Hazard Area Development Permit	Flood Hazard Permit Application	If land-based facilities in floodplain or floodway are required. Not anticipated at this time.
	Road Use-ROW permit	Varies	Depends upon trail routing.

10.1 Wetland and Stream Delineation

Consultant shall conduct field work to identify and delineate critical areas (wetland and streams) within the project area. The delineation shall be completed for the purposes of documenting the presence and boundaries of any wetlands and streams present, and to assist in the consideration of environmental permit and mitigation requirements during the alternatives evaluation process. Wetland delineations shall be conducted within the study area using methods described in the 1997 Washington State Wetland Identification and Delineation Manual (Ecology). The ordinary high water mark of streams will also be flagged.

Consultant shall rate wetlands and streams delineated within the study area for the purposes of comparing mitigation requirements between the alternatives. Wetland ratings will follow the Ecology Wetland Rating method, which also forms the basis for ratings and buffers under the City of Bainbridge Island Critical Areas requirements. Streams will be rated according to the applicable City and State criteria. The delineation shall be along, and within 150 feet of the selected trail alignment, where rights-of-entry has been secured by the CITY and fieldwork is authorized.

Consultant shall delineate the wetland edge using flagging tied to vegetation or pin flags, as appropriate. Consultant shall establish formal data plots to document the delineation. We recommend closely sequencing survey of the flags soon after our fieldwork, to reduce the

potential for flags being removed or moved. Consultant will be provided a basemap with survey flag points. Professional survey will be conducted by others.

Deliverables: Sketch maps of the delineation to help guide the survey

10.2 SEPA Checklist

COBI will be the SEPA lead agency and they will issue a SEPA determination consistent with their SEPA rules. Although an Environmental Impact Statement (EIS) or State Environmental Review Process (SERP) may ultimately be required for this project, the preparation of an Environmental Checklist (Checklist) is currently assumed as the basis for determining a scope and cost estimate for this task. Consultant will prepare a draft SEPA Environmental checklist for internal review that is consistent with Washington State (Chapter 197-11 WAC) and City SEPA requirements. The purpose of the Checklist is to provide environmental analysis of potential impacts associated with the construction and operation of the new pipelines. Following review of the draft, Consultant will incorporate team and city comments into Checklist for finalization by the COBI and public distribution.

To the extent practicable, work necessary to complete the Environmental Checklist will be undertaken using existing environmental and land use data. These existing materials will be augmented by engineering studies, surveys, and geotechnical analysis completed by others on the project team. Consultant will materially rely on these existing data and materials prepared by others to complete the Environmental Checklist. At this time it is reasonable to assume that no additional studies would be necessary for the purpose of completing the Checklist. Should cooperating agencies be determined to be co-lead agencies for this project, additional coordination and document preparation may be required.

Deliverables: 1) Draft and Final SEPA Checklist

10.3 Endangered Species Act Coordination

Consultant shall prepare a draft and final Biological Assessment (BA) for the project based on the 30% design of the preferred alternative. The BA will be prepared to support consultation efforts under Section 7 of the Endangered Species Act of 1973 among the federal lead agency and Services. In addition to information developed by Consultant for the Environmental Checklist, we will materially rely on design information completed by COBI and other consultants to meet the requirements for the project's Section 7 consultation. Based on an initial review of species distribution within the project area and determinations from similar projects, Consultant assumes that the project can be designed and constructed in such a manner that the project will qualify for a No Effect determination. If project effects exceed the threshold for a no effect determination, additional scope and budget will be required for the preparation of a full BA. This task does not include field work or surveys for plants or animals.

Deliverables: 1) Draft and Final Letter of No Effect

10.4 Critical Areas Study and Conceptual Mitigation Plan

Consultant shall prepare a Critical Areas Study (CAS) per COBI Code, Chapter 16.20 to address potential impacts to fish and wildlife habitat (16.20.130), Frequently Flooded Areas (16.20.140), and Wetlands (16.20.160). The CAS will include a Habitat Management Plan (16.20.060) and conceptual mitigation plan (16.20.110), if necessary. The CAS will be based on 30% design information. Additional information and design, including the completion of a Final Mitigation Plan may be required to demonstrate consistency with COBI Code. This Scope of

Work does not include a final mitigation plan, which will be scoped once project impacts to streams, wetlands, and buffers have been determined.

Deliverables: 1) Draft and Final Critical Areas Study

10.5 Cultural Resource Survey

Consultant will conduct a cultural resources assessment, consisting of a field survey for cultural resources within the project area, completed in support of the National Historic Preservation Act (NHPA) Section 106. After the preferred alternative has been selected and the APE has been defined and agreed upon by WSDOT, DAHP, and Affected Tribes, Consultant will conduct a one-day field visit to survey the preferred alternative's APE and evaluate the presence of aboveground historic-age resources (buildings or features). We assume only one person will be needed and travel time is included. Additional work may be required to complete the Section 106 consultation process if WSDOT determines that cultural resources could be affected by the project. Additional field work is not included in this scope.

Consultant will prepare a technical memorandum to summarize the results of literature review and field visit. Consultant will submit a draft technical memo for COBI's review. Upon receipt of comments, Consultant will finalize the memo in .pdf format. The report will be submitted by the City to WSDOT/ the State Department of Archaeology and Historic Preservation (DAHP).

Consultant will prepare a Cultural Resources Assessment to assist the Corps of Engineers review the project pursuant to Section 106 of the National Historic Preservation Act.

Deliverables: 1) Draft and Final Cultural Resources Technical Memorandum

10.6 WSDOT Environmental Classification Summary (ECS)

Consultant shall prepare a WSDOT ECS for the project to document compliance with the NEPA. The ECS is the WSDOT-approved format for documenting projects that qualify for a NEPA Documented Categorical Exclusion (DCE). The ECS shall be completed per the guidance and requirements in the WSDOT Local Programs Environmental Classification Summary Guidebook and WSDOT's Environmental Procedures Manual at the time a notice to proceed is received by the project team. The Consultant shall complete the ECS using existing information from the technical reports completed for the project (described below), the project design plans, and other available information. COBI shall be responsible for submitting the ECS to WSDOT for review and approval. At this time, it is assumed that no additional field investigations or data acquisition is necessary to complete the ECS, although this assumption should be verified through a meeting of the Consultant, COBI, and WSDOT at earliest opportunity to determine the expected extent of any additional technical studies for NEPA compliance. In consultation with COBI and WSDOT staff, technical memoranda will be "right-sized" to address the potential impacts of this project and some reports may be combined, if appropriate.

In addition to those discipline reports or technical memorandum listed below, it is likely that WSDOT will require preparation of these reports for 1) transportation, 2) water resources, 3) geotechnical issues, and possibly 4) hazardous materials. These documents will be prepared by other team members, but the information incorporated within the reports will be incorporated into the ECS.

10.6.1 Wetlands Discipline Report

Consultant will prepare a Wetlands Discipline Report consistent with Chapter 431 of the

WSDOT Environmental Procedures Manual. The report will utilize information from the wetland reconnaissance, wetland delineation, and critical areas report tasks.

10.6.2 Cultural Resources Discipline Report

Consultant will prepare a Cultural Resources Discipline Report consistent with Chapter 456 of the WSDOT Environmental Procedures Manual. The report will utilize information from the cultural resource survey task, listed above.

10.6.3. Social and Community Effects Technical Memorandum

Consultant will prepare a Social and Community Technical Memorandum consistent with Chapter 458 of WSDOT's Environmental Procedures Manual. Materials previously prepared for Phase 1 of the Olympics to Sound Trail project will be utilized to the extent practicable. New or additional demographic and community data will be collected specific to the potentially affected area for this project. The Social and Community Effects TM will also summarize the communication plan and the completed and planned outreach efforts.

10.6.4 Fish, Wildlife, and Vegetation Technical Memorandum

The Consultant will prepare a Fish, Wildlife, and Vegetation Technical Memorandum consistent with Chapter 436 of WSDOT's Environmental Procedures Manual.

In support of the Fish, Wildlife, and Vegetation Technical Memorandum, Consultant shall review relevant and available existing documentation and data relating to the project site and surrounding area, including but not limited to: Washington Department of Natural Resources Natural Heritage Program data; WDFW Priority Habitats and Species data, sensitive species lists, and fish and wildlife distribution information; COBI critical/sensitive area information; and other technical studies/discipline reports completed for this project (e.g., wetlands report). The technical memorandum will utilize information collected in Wetland and Stream Delineation Task. The report shall describe existing conditions with respect to vegetation, wildlife, fish, and aquatic resources, and shall identify potential project impacts. Mitigation measures shall be recommended where appropriate.

10.6.5. Visual Impacts Analysis

Consultant will prepare a Visual Impacts Analysis consistent with Chapter 459 of WSDOT's Environmental Procedures Manual. This task will include documenting that no scenic resources would be affected and the project would comply with all AASHTO and WSDOT standards for sight clearance, light and glare, and other visual safety requirements.

Deliverables: 1) Draft and Final Technical Memorandum and Discipline Reports as detailed above 2) Draft and Final ECS

10.7 Final Mitigation Plan

10.8 Construction Permits

10.9 Supporting Consultation and Documentation

Assumptions:

- Submittal of the biological evaluation, archaeological review, and ECS for WSDOT is based upon the assumption that the alignment will largely be fixed at the 30% design phase. Significant changes in the project alignment would result in the need to revise documents and applications. Should this occur, additional budget would be required for the modifications and resubmittal.
- Wetlands will be delineated and flagged in the field. The flags will be professionally field

surveyed by others.

- A camera-ready SEPA checklist will be prepared and submitted to COBI. COBI will be responsible for reproduction, distribution, and public notification.
- Archaeological field work is being proposed at a level we believe to be sufficient to collect a reasonable amount of information. Depending upon site conditions and/or requests from federal regulatory agencies, additional field work beyond that proposed in this scope and budget may be necessary. If required, additional work would be conducted as part of a subsequent phase of work.
- Civil survey data and project design information will be provided to Consultant in ACAD format.
- Additional draft materials will be submitted for review electronically, either in their native file format or as PDF files.
- COBI will be the sole SEPA lead agency. COBI shall be responsible for all permit fees or third-party review fees.
- COBI will secure rights-of-entry as necessary to access the project area.
- COBI will be responsible for delivering all permit applications unless Consultant is specifically named as an Authorized Agent.
- COBI will be responsible for forwarding all permit-related correspondence to Consultant in a timely manner.
- Additional work required to address requests for additional information beyond the submittal of the specified materials are not included in this scope of work.
- COBI shall be responsible for the cost to produce and install the SEPA notice sign.
- Consultant shall submit the number of copies of applications and supporting documentation identified on the application forms, plus two additional copies for the project files. COBI shall be responsible for additional copies.
- If work cannot be designed to meet Determination of Non-significance (DNS) criteria and/or avoid significant impacts an Environmental Assessment or Environmental Impact Statement may be required. This additional work is not included herein.
- Unless specified in this scope, no other project specific discipline reports or technical memorandum are anticipated to be required, but can be completed as additional task(s), if required.
- Project impacts to the COBI Critical Areas are limited to minor wetland and/or stream buffer impacts from trail construction and minor roadway widening.
- The conceptual mitigation report will include preparation of a single plan sheet showing planting locations, planting palettes, and plant quantities, as well as notes to inform the development of bid specifications. The scope does not include grading plans, cost estimates, or bid specifications
- Appropriate mitigation activities to offset critical areas buffer impacts will consist of vegetation enhancement or creation of existing wetland or stream buffers. The priority for buffer impacts mitigation siting is as follows 1) onsite mitigation, 2) mitigation adjacent to the project site, 3) offsite mitigation within the same sub-basin as the project impacts.
- The CAS report will include preparation of up to four figures (1) existing locations of critical areas and mitigation site, 2) impact locations and quantities, 2) vicinity map of mitigation site, 3) existing conditions at the selected mitigation site (CAD base maps and delineated streams and wetlands to be provided to ESA by MacLeod Reckord).
- All buffer mitigation activities will occur on a single contiguous site and a single planting palette will suffice.

- Some grading may be required at the mitigation site, which would likely consist of wetland enhancement or creation and enhancement of wetland or stream buffer vegetation. A grading plan (single sheet) is included in this scope. Compensatory mitigation will be limited to less than 5,000 square feet of wetland, wetland buffer or stream buffer enhancement.

Deliverables:

11. 30% Schematic Design

- 11.1 Trail Design**
- 11.2 Roadway and Crossing Design**
- 11.3 Traffic Control Plans**
- 11.4 TESC**
- 11.5 Storm Drainage Design**
- 11.6 Lighting and Electrical**
- 11.7 Utility Coordination**
- 11.8 Structures and Barricades**
- 11.9 Planting Design**
- 11.10 Trail Amenities**
- 11.11 Cost Estimates**
- 11.12 Review/approval**

Deliverables:

12. 60% Design Development

- 12.1 Trail Design**
- 12.2 Roadway and Crossing Design**
- 12.3 Traffic Control Plans**
- 12.4 TESC/Draft SWPPP**
- 12.5 Storm System Design and Preliminary Calculations**
- 12.6 Lighting and Electrical**
- 12.7 Utility Coordination and Work Orders for PSE**
- 12.8 Structures and Barricades**
- 12.9 Planting Design**
- 12.10 Trail Amenities**
- 12.11 Cost Estimates**
- 12.12 Specification Outline**
- 12.13 Review/approval**

Deliverables:

13. 90% Construction Documents

- 13.1 Trail Design**
- 13.2 Roadway and Crossing Design**
- 13.3 Traffic Control Plans**
- 13.4 TESC/Final Documentation for SWPPP**
- 13.5 Storm System Design and Final Calculations**

- 13.6 **Lighting and Electrical**
- 13.7 **Structures and Barricades and Final Calculations**
- 13.8 **Planting Design**
- 13.9 **Trail Amenities**
- 13.10 **Cost Estimates**
- 13.11 **Specifications** (includes coordination with COBI on GSP's)
- 13.12 **Checklists and Submittals** (PS&E checklist; PIF's for sole source; WSDOT LAG Manual design checklist; pavement design memo calculations, etc.)
- 13.13 **Review/approval**

Deliverables:

14. 100% Bid Documents

- 14.1 **Final PS&E**

Deliverables:

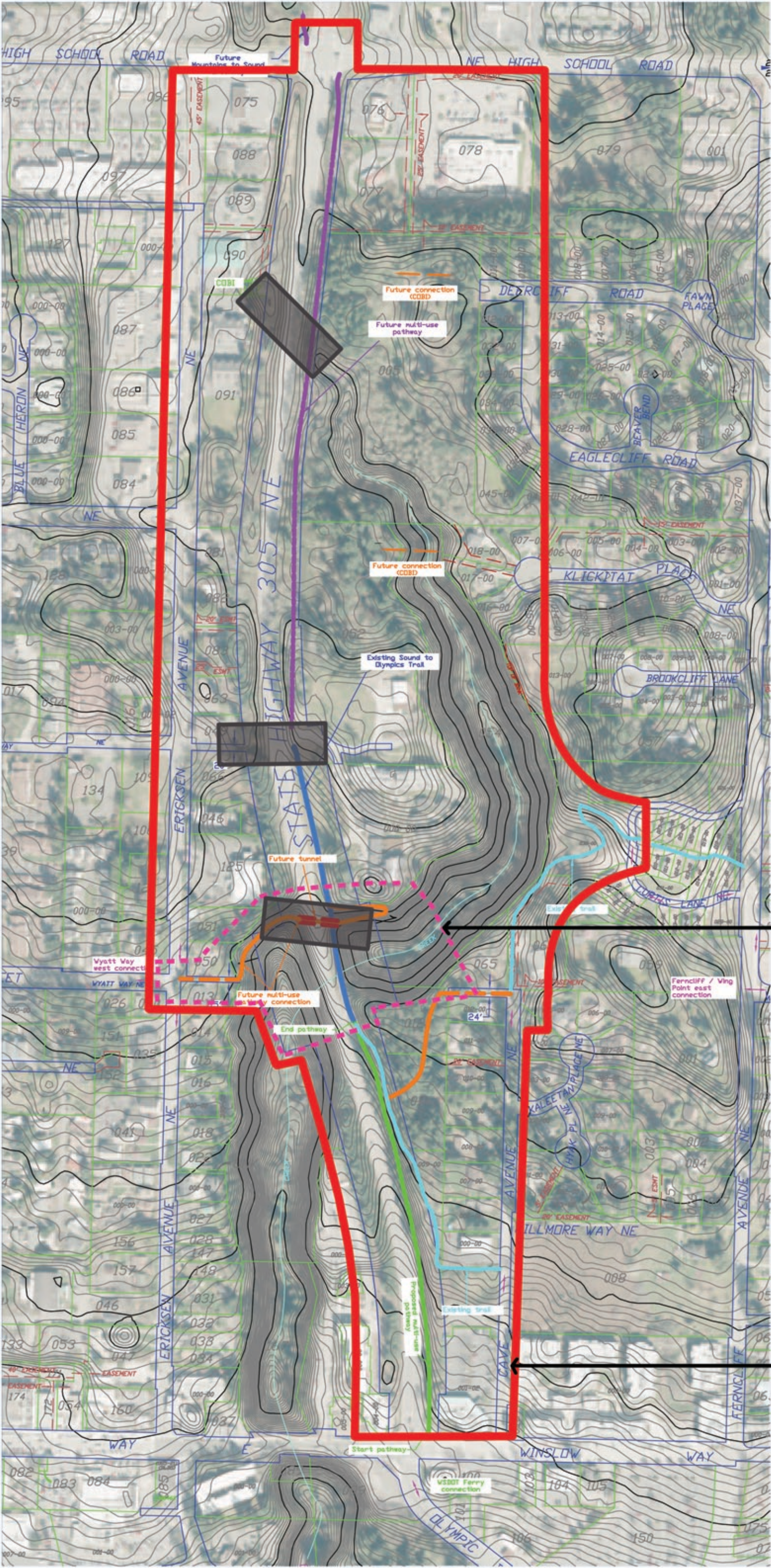
PART III – CONSTRUCTION SUPPORT SERVICES

15. Bidding & Award

Bidding and award support as requested by COBI.

16. Construction Support

Construction support to provide review of contractor submittals, responses to RFI's, and other clarifications as requested by COBI.



**PART 1
LIMIT OF
FIELD SURVEY
& MAPPING**

 **POTENTIAL
CROSSINGS**

**LIMIT OF
PROJECT
AREA**

EXHIBIT 1

EXHIBIT 2 Draft Schedule

[illegible]

MacLeod Reckord, PLLC

Landscape Architecture ■ Planning ■ Urban Design

83 Columbia Street, Suite 306

Seattle, Washington 98104

P 206-323-7919

F 206-323-9242

EXHIBIT 3

SURVEY REQUEST FORM

June 2014

Edited for Sound to Olympics Trail

The following is a summary of our request for field survey and mapping information. Note the format and drafting standards identified below. We will assume all information can be provided unless otherwise stated prior to contract signing.

Format and Standards

Delivery of computer compilation of the survey information shall be on CD/DVD, or downloadable from ftp, in AutoCAD Civil 3d .dwg version **2013 or compatible** per project standard. Use color-dependent (.ctb) plot file table unless otherwise noted in project standards. Include plot style table and font/shape files on CD/ftp.

If the client standards require using ".stb" plot style format comply with those standards.

Note the following format requirements:

- Drawing to be completed using an AutoCAD Civil 3d drawing template based on the National CAD Standard version 3.1. Do not use style "standard" or have Civil 3d objects on layer "0".
- Coordinate system to be **NAVD88 (vertical datum)**.
- All non Civil 3d blocks to be created in layer 0 and inserted on appropriate layer.
- All non Civil 3d objects drawn with "color" set to "bylayer" including data point and block components.
- All xrefs inserted at 0,0,0 full scale, no rotation, World UCS
- Drawing units set to "decimal US foot"; min. precision, **0.00**; insertion scale, feet; angle type, decimal or surveyor's; angle precision, **00D00'00"**.
- Topographic surveys to include an existing ground surface object
- Non surveyed topographic contours to be at 1 foot intervals drawn at true elevation
- Drawing linetype scale set to 1.00
- Civil 3D drawings with all data included

Datum and Control Points

- All critical survey control points shall be located outside of the proposed limit of work to avoid need to reset control after grading operations
- Datum as required by the agency contracting for design services, with conversion factors given for other datum as may be required by various permit review agencies

continued

The survey information requested and plot format is summarized below. Use a separate layer for each of the requested items:

Topographic Information

Data point elevation
Data point description
Data point shot number
Spot elevations
Benchmarks

Boundary Information

Surveyed centerline
Rights-of-way, ties to centerline

Planimetric Information

Trees, with DBH information for "significant trees" as defined by Code

Tree canopy and shrub/brush masses only

Roads/alleys/driveways

Buildings, including above ground overhangs

Structures, including pavement (pads), stairways, sidewalks, ramps, curbs, gutters

Signs

Barricades/fences (centerline of post)

Lakes/streams/wetlands

At current water level

As delineated by others

— OHW, 100-year flood, flood hazard limits, as contract requires

Drainage structures (CB's, culverts, vaults, etc, with rim and invert elevation)

Utilities (Water, Sewer, Electrical, Gas, Cable, Fiber Optic)

Horizontal Alignment only

Depth/Height as contract requires

Irrigation (including location of heads, valve boxes, controllers, etc.)

Sheet Size

Sheet size to match project standards

Exhibit C

Electronic Exchange of Engineering and Other Data

In this Exhibit the agency, as applicable, is to provide a description of the format and standards the consultant is to use in preparing electronic files for transmission to the agency. The format and standards to be provided may include, but are not limited to, the following:

I. Surveying, Roadway Design & Plans Preparation Section

A. Survey Data

B. Roadway Design Files

C. Computer Aided Drafting Files

D. Specify the Agency's Right to Review Product with the Consultant

E. Specify the Electronic Deliverables to Be Provided to the Agency

F. Specify What Agency Furnished Services and Information Is to Be Provided

II. Any Other Electronic Files to Be Provided

III. Methods to Electronically Exchange Data

A. Agency Software Suite

B. Electronic Messaging System

C. File Transfers Format

Exhibit D-2

Payment (Cost Plus a Fixed Fee)

The CONSULTANT shall be paid by the AGENCY for completed work and services rendered under this AGREEMENT as provided hereinafter. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work specified in Section II, "Scope of Work." The CONSULTANT shall conform to all applicable portions of 48 CFR Part 31.

- A. Actual Costs: Payment for all consulting services for this PROJECT shall be on the basis of the CONSULTANT'S actual cost plus a fixed fee. The actual cost shall include direct salary cost, overhead, direct non-salary costs, and fixed fee.
1. Direct Salary Costs: The Direct Salary Cost is the direct salary paid to principals, professional, technical, and clerical personnel for the time they are productively engaged in work necessary to fulfill the terms of this AGREEMENT. The CONSULTANT shall maintain support data to verify the direct salary costs billed to the AGENCY.
 2. Overhead Costs: Overhead Costs are those costs other than direct costs, which are included as such on the books of the CONSULTANT in the normal everyday keeping of its books. Progress payments shall be made at the rate shown in the heading of this AGREEMENT under "Overhead Progress Payment Rate." Total overhead payment shall be based on the method shown in the heading of the AGREEMENT. The two options are explained as follows:
 - a. Fixed Rate: If this method is indicated in the heading of the AGREEMENT the AGENCY agrees to reimburse the CONSULTANT for overhead at the percentage rate shown. This rate shall not change during the life of the AGREEMENT.
 - b. Actual Cost: If this method is indicated in the heading of the AGREEMENT the AGENCY agrees to reimburse the CONSULTANT the actual overhead costs verified by audit, up to the Maximum Total Amount Payable, authorized under this AGREEMENT, when accumulated with all other Actual Costs.

A summary of the CONSULTANTS cost estimate and the overhead computation is shown in Exhibit "E" attached hereto and by this reference made part of this AGREEMENT. When an Actual Cost method is used, the CONSULTANT (prime and all sub-consultants) will submit to the AGENCY within six (6) months after the end of each firm's fiscal year, an overhead schedule in the format required by the AGENCY (cost category, dollar expenditures, etc.) for the purpose of adjusting the overhead rate for billing purposes. It shall be used for the computation of progress payments during the following year and for retroactively adjusting the previous year's overhead cost to reflect the actual rate.

Failure to supply this information by either the prime CONSULTANT or any of their sub-consultants shall cause the AGENCY to withhold payment of the billed overhead costs until such time as the required information is received and an overhead rate for billing purposes is approved.

The AGENCY, STATE and/or the Federal Government may perform an audit of the CONSULTANT'S books and records at any time during regular business hours to determine the actual overhead rate, if they so desire.

3. Direct Non-Salary Costs: Direct Non-Salary Costs will be reimbursed at the Actual Cost to the CONSULTANT. These charges may include, but are not limited to, the following items: travel, printing, long distance telephone, supplies, computer charges and sub-consultant costs.
 - a. Air or train travel will be reimbursed only to economy class levels unless otherwise approved by the AGENCY. The CONSULTANT shall comply with the rules and regulations regarding travel costs (excluding air, train, and rental car costs) in accordance with the AGENCY'S Travel Rules and Procedures. However, air, train, and rental car costs shall be reimbursed in accordance with 48 CFR Part 31.205-46 "Travel Cost
 - b. The billing for Direct Non-Salary Costs shall include an itemized listing of the charges directly identifiable with the PROJECT.
 - c. The CONSULTANT shall maintain the original supporting documents in their office. Copies of the original supporting documents shall be supplied to the AGENCY upon request.
 - d. All above charges must be necessary for the services provided under this AGREEMENT.
4. Fixed Fee: The Fixed Fee, which represents the CONSULTANT'S profit, is shown in the heading of this AGREEMENT under Fixed Fee. This amount does not include any additional Fixed Fee, which could be authorized from the Management Reserve Fund. This fee is based on the Scope of Work defined in this AGREEMENT and the estimated person-hours required to perform the stated Scope of Work. In the event the CONSULTANT enters into a supplemental AGREEMENT for additional work, the supplemental AGREEMENT may include provisions for the added costs and an appropriate additional fee. The Fixed Fee will be prorated and paid monthly in proportion to the percentage of work completed by the CONSULTANT and reported in the Monthly Progress Reports accompanying the billings. Any portion of the Fixed Fee earned but not previously paid in the progress payments will be covered in the final payment, subject to the provisions of Section IX entitled "Termination of Agreement."
5. Management Reserve Fund: The AGENCY may desire to establish a Management Reserve Fund to provide the Agreement Administrator with the flexibility to authorize additional funds to the AGREEMENT for allowable unforeseen costs, or reimbursing the CONSULTANT for additional work beyond that already defined in this AGREEMENT. Such authorization(s) shall be in writing and shall not exceed

the lesser of \$100,000 or 10% of the Total Amount Authorized as shown in the heading of this AGREEMENT. The amount included for the Management Reserve Fund is shown in the heading of this AGREEMENT. This fund may not be replenished. Any changes requiring additional costs in excess of the Management Reserve Fund shall be made in accordance with Section XIV, "Extra Work."6. Maximum Total Amount Payable: The Maximum Total Amount Payable by the AGENCY to the CONSULTANT under this AGREEMENT shall not exceed the amount shown in the heading of this AGREEMENT. The Maximum Total Amount Payable is comprised of the Total Amount Authorized, and the Management Reserve Fund. The Maximum Total Amount Payable does not include payment for Extra Work as stipulated in Section XIV, "Extra Work." No minimum amount payable is guaranteed under this AGREEMENT.

- B. Monthly Progress Payments: The CONSULTANT may submit billings to the AGENCY for reimbursement of Actual Costs plus the calculated overhead and fee on a monthly basis during the progress of the work. Such billings shall be in a format approved by the AGENCY and accompanied by the monthly progress reports required under Section III, "General Requirements" of this AGREEMENT. The billings will be supported by an itemized listing for each item including Direct Salary, Direct Non-Salary, and allowable Overhead Costs to which will be added the prorated Fixed Fee. To provide a means of verifying the billed salary costs for CONSULTANT employees, the AGENCY may conduct employee interviews. These interviews may consist of recording the names, titles, salary rates, and present duties of those employees performing work on the PROJECT at the time of the interview.
- C. Final Payment: Final Payment of any balance due the CONSULTANT of the gross amount earned will be made promptly upon its verification by the AGENCY after the completion of the work under this AGREEMENT, contingent upon receipt of all PS&E, plans, maps, notes, reports, electronic data and other related documents which are required to be furnished under this AGREEMENT. Acceptance of such Final Payment by the CONSULTANT shall constitute a release of all claims for payment, which the CONSULTANT may have against the AGENCY unless such claims are specifically reserved in writing and transmitted to the AGENCY by the CONSULTANT prior to its acceptance. Said Final Payment shall not, however, be a bar to any claims that the AGENCY may have against the CONSULTANT or to any remedies the AGENCY may pursue with respect to such claims.

The payment of any billing will not constitute agreement as to the appropriateness of any item and at the time of final audit, all required adjustments will be made and reflected in a final payment. In the event that such final audit reveals an overpayment to the CONSULTANT, the CONSULTANT will refund such overpayment to the AGENCY within thirty (30) days of notice of the overpayment. Such refund shall not constitute a waiver by the CONSULTANT for any claims relating to the validity of a finding by the AGENCY of overpayment. The CONSULTANT has twenty (20) days after receipt of the final POST AUDIT to begin the appeal process to the AGENCY for audit findings.

- D. Inspection of Cost Records: The CONSULTANT and their sub-consultants shall keep available for inspection by representatives of the AGENCY, STATE and the United States, for a period of three (3) years after receipt of final payment, the cost records and accounts pertaining to this AGREEMENT and all items related to or bearing upon these records with the following exception: if any litigation, claim or audit arising out of, in connection with, or related to this contract is initiated before the expiration of the three (3) year period, the cost records and accounts shall be retained until such litigation, claim, or audit involving the records is completed.

Exhibit E-1
Consultant Fee Determination - Summary Sheet
6/19/2014

Sound to Olympics Trail Phase 2
MacLeod Reckord

Direct Salary Cost

Item	Classification	Hours	Rate	Cost	
1. Task 1	Project Management				
	Principal in Charge	7	45.00	315.00	
	Project Manager	30	41.00	1,230.00	
	Project Designer	12	32.00	384.00	
	Designer	-	24.00	0.00	
	Drafter	10	27.00	270.00	
	Graphics	-	26.00	0.00	
	Admin	5	30.00	150.00	Subtotal: 2,349.00
2. Task 2	Survey and Mapping				
	Principal in Charge	1	45.00	45.00	
	Project Manager	8	41.00	328.00	
	Project Designer	-	32.00	0.00	
	Designer	-	24.00	0.00	
	Drafter	12	27.00	324.00	
	Graphics	10	26.00	260.00	
	Admin	-	30.00	0.00	Subtotal: 957.00
3. Task 3	Public Outreach Support				
	Principal in Charge	-	45.00	0.00	
	Project Manager	30	41.00	1,230.00	
	Project Designer	12	32.00	384.00	
	Designer	-	24.00	0.00	
	Drafter	-	27.00	0.00	
	Graphics	-	26.00	0.00	
	Admin	-	30.00	0.00	Subtotal: 1,614.00
4. Task 4	Conceptual Design Alternatives				
	Principal in Charge	3	45.00	135.00	
	Project Manager	86	41.00	3,526.00	
	Project Designer	94	32.00	3,008.00	
	Designer	-	24.00	0.00	
	Drafter	66	27.00	1,782.00	
	Graphics	28	26.00	728.00	
	Admin	-	30.00	0.00	Subtotal: 9,179.00
5. Task 5	Preferred Alignment				
	Principal in Charge	1	45.00	45.00	
	Project Manager	18	41.00	738.00	
	Project Designer	10	32.00	320.00	
	Designer	-	24.00	0.00	
	Drafter	20	27.00	540.00	
	Graphics	16	26.00	416.00	
	Admin	-	30.00	0.00	Subtotal: 2,059.00
				TOTAL DSC:	16,158.00

Overhead (OH cost - including salary additives):

OH Rate X DSC of 208.91% X 16,158.00 33,755.68

Fixed Fee (FF):

FF Rate X DSC of 30% X 16,158.00 4,847.40

Subtotal MacLeod Reckord

54,761.08

Reimbursables (mileage, courier, copies)

500.00

Subconsultant Costs (Exhibit G)

89,106.92

GRAND TOTAL:

\$144,368.00

Prepared by: Connie Reckord

6/19/2014

Sound To Olympics Trail Phase 2
Fee Estimate

June 19, 2014		MacLeod Reckord							SUBTOTAL	comments
		Principal in Charge	Project Manager	Project Designer	Designer	Drafter/ ACAD	Graphics	Admin.		
Task	SCOPE OF WORK	\$45.00	\$41.00	\$32.00	\$24.00	\$27.00	\$26.00	\$30.00		3,3891
1.0	PROJECT MANAGEMENT									
1.1	Coordination and Review	2	4	4		2		2	\$496	4 months duration
1.2	Coordination Meetings		8	4					\$456	2/mo. City & may be phone; general & in addition to below
1.3	Document Management		2	4		8		1	\$456	4 months
1.4	Project Schedule	1	2						\$127	2 updates
1.5	Subconsultant Management		8						\$328	4 months
1.6	Quality Assurance/Quality Control	4	4						\$344	3 reviews
1.7	Invoicing		2					2	\$142	5 cycles
	Subtotal:	7	30	12	0	10	0	5	\$2,349	\$ 7,961
2.0	SURVEY AND MAPPING									
2.1	Data Research and Assembly	1	4			8	8		\$633	1 week research; assemble base prior to avail. of survey
2.2	Field Survey		2						\$82	respond to questions
2.3	Survey Mapping		2			4	2		\$242	review draft & final; format
	Subtotal:	1	8	0	0	12	10	0	\$957	\$ 3,243
3.0	PUBLIC OUTREACH SUPPORT									
3.1	Public Outreach Meetings								\$0	
	a. NMTAC sponsored public meeting - Assess community desires		8	6					\$520	prep, attend, reporting
	b. NMTAC sponsored focus group (open to public) - Alts. develop.		4						\$164	prep, attend, reporting
	c. NMTAC sponsored focus group (open to public) - Alts. Selection		4						\$164	prep, attend, reporting
	d. Public Meeting - Present Alternatives		6	6					\$438	prep, attend, reporting
	e. NMTAC sponsored focus group (open to public) - Elaborate on Alts.		4						\$164	prep, attend, reporting
	f. Council study session - Preferred Alts. Presentation		4						\$164	prep, attend, reporting
	Subtotal:	0	30	12	0	0	0	0	\$1,614	\$ 5,470
4.0	CONCEPTUAL DESIGN ALTERNATIVES									
4.1	Site Reconnaissance/Evaluation		12	12					\$876	2 site visits
4.2	Review Base information with COBI		4	4					\$292	1 mtg
4.3	Trail Concept Alternatives								\$0	
	draft alignments		8	8					\$584	study graphics
	refine concepts	1	8	8		8	4		\$949	computer graphics generated
	cross sections; draft into illustrative		8	16		16	8		\$1,480	avg 2 xsections per alternative
	eval. crossing/connections		4	8		6			\$582	ensure all connectors; check ADA
	coord w/channelization options & structural options	1	8	4		4			\$609	adj alignment & grading accordingly
	final draft plan graphics		4	4		16	8		\$932	finalize graphics for COBI review
4.4	Structural Concept Alternatives; includes Channelization		4	2					\$228	coord and review
4.5	Storm Drainage System and Utility Impacts Evaluation		4	2					\$228	coord and review
4.6	Geotechnical Evaluation		2	2					\$146	coord and review
4.7	Environmental Review and Permit Evaluation		4	4					\$292	coord and review
4.8	Planning Level Cost Estimates	1	4	16		8			\$937	trail; amenities; incorp civil & structural
4.9	Review / Approval		12	4		8	8		\$1,044	1 mtg; finalize graphics for public meeting
	Subtotal:	3	86	94	0	66	28	0	\$9,179	\$ 31,109
5.0	PREFERRED ALIGNMENT									
5.1	Refine Preferred Alignment		6	6		16	8		\$1,078	refine plan, xsections, illustrative
5.2	Review	1	12	4		4	8		\$981	1 mtg; finalize graphics for Council study session
	Subtotal:	1	18	10	0	20	16	0	\$2,059	\$ 6,978
	Subtotal	12	172	128	0	108	54	5	\$16,158	\$ 54,761
Reimbursables:										
SUBTOTAL:									\$16,158	

Exhibit F

MACLEOD RECKORD, pllc Overhead Schedule Fiscal Year Ended December 31, 2012

Description	Accepted Amount	%
Direct Labor		
Direct Labor-Owners	\$75,249	31.06%
Direct Labor-Employees	\$167,050	68.94%
Total Direct Labor	\$242,298	100.00%
Fringe Benefits:		
Vacation, Sick, & Holiday-Employees	\$21,317	8.80%
Payroll Taxes (SS-Med)	\$24,615	10.16%
Medical/Dental/Life Insurance	\$43,376	17.90%
Workers' Comp. Insurance	\$2,011	0.83%
Employee Transportation allotment	\$2,910	1.20%
IRA Company Contributions	\$3,817	1.58%
Total Fringe Benefits	\$98,045	40.46%
General Overhead:		
Indirect Labor - Employees	\$124,227	51.27%
Indirect Labor & Deferrals-Owners	\$44,292	18.28%
Incentive Bonus	\$0	0.00%
Severance Pay	\$6,264	2.59%
Rent	\$75,011	30.96%
Maintenance & Repairs	\$8,603	3.55%
Auto and Parking Expense-Owners	\$0	0.00%
Meals / Parking /Travel	\$4,073	1.68%
Meals Holiday Employee Party	\$175	0.07%
Insurance	\$28,283	11.67%
Telephone / Utilities	\$8,975	3.70%
Equipment Leases	\$19,755	8.15%
Taxes / B&O / Futa / EmpSec / SalesUse /Other / Property	\$51,675	21.33%
Permits/Fees/Licences	\$5,372	2.22%
Legal	\$7,500	3.10%
Bank fees / Credit Card interest	\$0	0.00%
Dues & Subscriptions	\$3,110	1.28%
Donations	\$496	0.20%
Employee Train and Education	\$634	0.26%
Computers / Small Equipment/Software	\$11,766	4.86%
Office/Printing/Delivery/meetings	\$7,917	3.27%
Total General Overhead	\$408,128	168.44%
Total Overhead Costs	\$506,174	208.91%
Overhead Rate	208.91%	

Exhibit G

Subcontracted Work

The AGENCY permits subcontracts for the following portions of the work of this AGREEMENT:

KPFF Consulting Engineers - Civil and Stormwater Engineering, ROW documentation

ESA - Environmental Sciences and Permitting

GeoEngineers, Inc. - Geotechnical Engineering

Exhibit G-1
Subconsultant Fee Determination - Summary Sheet

14-Jun-14

Sound To Olympics Trail Phase 2
KPFF -Survey

Direct Salary Cost

Item	Classification	Hours	Rate	Cost	
2. Task 2	Survey and Mapping				
	Land Survey Manager	32	41.00	1,312.00	
	Project Surveyor	32	32.00	1,024.00	
	Survey Drafter	16	20.00	320.00	
	Field Crew	32	50.00	1,600.00	
				Subtotal:	4,256.00
				TOTAL DSC:	4,256.00

Overhead (OH cost - including salary additives):

OH Rate X DSC of 136.59% X 4,256.00 5,813.27

Fixed Fee (FF):

FF Rate X DSC of 30% X 4,256.00 1,276.80

Subtotal KPFF 11,346.07

Reimbursables (mileage, courier, copies, utility locator) 800.00

GRAND TOTAL: \$12,146.07

Prepared by: Jereme Chapman

6/14/2014

Sound To Olympics Trail Phase 2
Fee Estimate

June 19, 2014		KPFF Survey							
		Land Survey Manager	Project Surveyor	Survey Drafter	Field Crew	Utility locator	Job Title	Job Title	SUBTOTAL
Task	SCOPE OF WORK	\$41.00	\$32.00	\$20.00	\$50.00	\$85.00	\$0.00	\$0.00	
2.0	SURVEY AND MAPPING								
2.1	Data Research and Assembly	8	8						\$584
2.2	Field Survey	8	8		32				\$2,184
2.3	Survey and Mapping	16	16	16					\$1,488
2.4									\$0
2.5									\$0
2.6									\$0
	Subtotal:	32	32	16	32	0	0	0	\$4,256
	Subtotal	32	32	16	32	0	0	0	\$4,256
Reimbursables:									
SUBTOTAL:									\$4,256

Exhibit G-1
Subconsultant Fee Determination - Summary Sheet
16-Jun-14
Sound To Olympics Trail Phase 2
KPFF Civil

Direct Salary Cost

Item	Classification	Hours	Rate	Cost	
3. Task 3	Public Outreach Support				
	PIC	-	64.00	0.00	
	Sr. Civil Engineer	12	50.00	600.00	
	Civil Engineer	-	37.00	0.00	
	Civil CAD	-	35.00	0.00	
				Subtotal:	600.00
4. Task 4	Conceptual Design Alternatives				
	PIC	3	64.00	192.00	
	Sr. Civil Engineer	62	50.00	3,100.00	
	Civil Engineer	112	37.00	4,144.00	
	Civil CAD	24	35.00	840.00	
				Subtotal:	8,276.00
5. Task 5	Preferred Alignment				
	PIC	-	64.00	0.00	
	Sr. Civil Engineer	12	50.00	600.00	
	Civil Engineer	24	37.00	888.00	
	Civil CAD	12	35.00	420.00	
				Subtotal:	1,908.00
				TOTAL DSC:	10,784.00

Overhead (OH cost - including salary additives):

OH Rate X DSC of 136.59% X 10,784.00 14,729.87

Fixed Fee (FF):

FF Rate X DSC of 30% X 10,784.00 3,235.20

Subtotal KPFF

28,749.07

Reimbursables (mileage, courier, copies)

0.00

GRAND TOTAL: \$28,749.07

Prepared by: Zach Gray, edit by CR

6/16/2014

Sound To Olympics Trail Phase 2

Fee Estimate

June 16, 2014		KPFF - Civil							
		PIC Civil	Sr. Civil Engineer	Civil Engineer	Civil CAD	Job Title	Job Title	Job Title	SUBTOTAL
Task	SCOPE OF WORK	\$64.00	\$50.00	\$37.00	\$35.00	\$0.00	\$0.00	\$0.00	
3.0	PUBLIC OUTREACH SUPPORT								
3.1	Public Outreach Meetings								\$0
	a. NMTAC sponsored public meeting - Assess community desires		4						\$200
	b. NMTAC sponsored focus group (open to public) - Alts. develop.		4						\$200
	c. NMTAC sponsored focus group (open to public) - Alts. selection								\$0
	d. Public Meeting - Present Alternatives								\$0
	e. NMTAC sponsored focus group (open to public) - Elaborate on Alts.		4						\$200
	f. Council study session - Preferred Alts. Presentation								\$0
	Subtotal:	0	12	0	0	0	0	0	\$600
4.0	CONCEPTUAL DESIGN ALTERNATIVES								
4.1	Site Reconnaissance/Evaluation		8	8					\$696
4.2	Review Base information with COBI		4	4					\$348
4.3	Trail Concept Alternatives								\$0
4.4	Channelization Analysis	1	16	32	8				\$2,328
4.5	Storm Drainage System and Utility Impacts Evaluation	1	20	40					\$2,544
4.6	Geotechnical Evaluation		2						\$100
4.7	Environmental Review and Permit Evaluation								\$0
4.8	Planning Level Cost Estimates	1	4	8					\$560
4.9	Review / Approval		8	20	16				\$1,700
	Subtotal:	3	62	112	24	0	0	0	\$8,276
5.0	PREFERRED ALIGNMENT								
5.1	Refine Preferred Alignment		8	16	8				\$1,272
5.2	Review		4	8	4				\$636
	Subtotal:	0	12	24	12	0	0	0	\$1,908
Subtotal		3	86	136	36	0	0	0	\$10,784
			Reimbursables:						
			SUBTOTAL:						\$10,784

Exhibit G-1
Subconsultant Fee Determination - Summary Sheet

16-Jun-14

Sound To Olympics Trail Phase 2
KPFF - Structural

Direct Salary Cost

Item	Classification	Hours	Rate	Cost	
3. Task 3	Public Outreach Support				
	Sr. Structural Eng.	4	64.19	256.76	
	Structural Eng.	-	41.22	0.00	
	Structural QC	-	51.82	0.00	
	Structural CAD	-	40.05	0.00	
				Subtotal:	256.76
4. Task 4	Conceptual Design Alternatives				
	Sr. Structural Eng.	56	64.19	3,594.64	
	Structural Eng.	72	41.22	2,967.84	
	Structural QC	3	51.82	155.46	
	Structural CAD	30	40.05	1,201.50	
				Subtotal:	7,919.44
5. Task 5	Preferred Alignment				
	Sr. Structural Eng.	22	64.19	1,412.18	
	Structural Eng.	12	41.22	494.64	
	Structural QC	1	51.82	51.82	
	Structural CAD	12	40.05	480.60	
				Subtotal:	2,439.24
				TOTAL DSC:	10,615.44

Overhead (OH cost - including salary additives):

OH Rate X DSC of 136.59% X 10,615.44 14,499.63

Fixed Fee (FF):

FF Rate X DSC of 30% X 10,615.44 3,184.63

Subtotal KPFF

28,299.70

Reimbursables (mileage, courier, copies)

0.00

GRAND TOTAL: \$28,299.70

Prepared by: Bruce Erickson, edit by CR

6/16/2014

Sound To Olympics Trail Phase 2

Fee Estimate

June 16, 2014		KPFF - Structures							
		Senior Structural	Structural Egr	Structural QC	Structural CAD	Job Title	Job Title	Job Title	SUBTOTAL
Task	SCOPE OF WORK	\$64.19	\$41.22	\$51.82	\$40.05	\$0.00	\$0.00	\$0.00	
3.0	PUBLIC OUTREACH SUPPORT								
3.1	Public Outreach Meetings								\$0
	a. NMTAC sponsored public meeting - Assess community desires								\$0
	b. NMTAC sponsored focus group (open to public) - Alts. develop.	2							\$128
	c. NMTAC sponsored focus group (open to public) - Alts. selection								\$0
	d. Public Meeting - Present Alternatives								\$0
	e. NMTAC sponsored focus group (open to public) - Elaborate on Alts.	2							\$128
	f. Council study session - Preferred Alts. Presentation								\$0
	Subtotal:	4	0	0	0	0	0	0	\$257
4.0	CONCEPTUAL DESIGN ALTERNATIVES								
4.1	Site Reconnaissance/Evaluation	8	8						\$843
4.2	Review Base information with COBI	4	4						\$422
4.3	Trail Concept Alternatives								\$0
4.4	Structural Concept Alternatives	30	40	2	24				\$4,639
4.5	Storm Drainage System and Utility Impacts Evaluation								\$0
4.6	Geotechnical Evaluation								\$0
4.7	Environmental Review and Permit Evaluation								\$0
4.8	Planning Level Cost Estimates	6	8						\$715
4.9	Review / Approval	8	12	1	6				\$1,300
	Subtotal:	56	72	3	30	0	0	0	\$7,919
5.0	PREFERRED ALIGNMENT								
5.1	Refine Preferred Alignment	16	6		6				\$1,515
5.2	Review	6	6	1	6				\$925
	Subtotal:	22	12	1	12	0	0	0	\$2,439
	Subtotal	82	84	4	42	0	0	0	\$10,615
Reimbursables:									
SUBTOTAL:									\$10,615

Exhibit G-1
Subconsultant Fee Determination - Summary Sheet
4-Jun-14

Sound To Olympics Trail Phase 2
ESA

Direct Salary Cost

PART 1

Item	Classification	Hours	Rate	Cost	
1. Task 1	Project Management				
	Senior Scientist	7	42.62	298.34	
	Senior Project Manager	-	45.45	0.00	
	Project Scientist	-	27.15	0.00	
	Landscape Architect	-	30.60	0.00	
	Archaeologist	-	32.97	0.00	
	Sr. Environmental Field T	-	22.00	0.00	
	CAD Operator	-	25.82	0.00	
	Sr. Project Admin I	8	25.66	205.28	
	Graphics	-	26.44	0.00	
				Subtotal:	503.62
3. Task 3	Public Outreach Support				
	Senior Scientist	12	42.62	511.44	
	Senior Project Manager	-	45.45	0.00	
	Project Scientist	-	27.15	0.00	
	Landscape Architect	-	30.60	0.00	
	Archaeologist	-	32.97	0.00	
	Sr. Environmental Field T	-	22.00	0.00	
	CAD Operator	-	25.82	0.00	
	Sr. Project Admin I	2	25.66	51.32	
	Graphics	-	26.44	0.00	
				Subtotal:	562.76
4. Task 4	Conceptual Design Alternatives				
	Senior Scientist	26	42.62	1,108.12	
	Senior Project Manager	2	45.45	90.90	
	Project Scientist	52	27.15	1,411.80	
	Landscape Architect	4	30.60	122.40	
	Archaeologist	14	32.97	461.58	
	Sr. Environmental Field T	4	22.00	88.00	
	CAD Operator	4	25.82	103.28	
	Sr. Project Admin I	4	25.66	102.64	
	Graphics	2	26.44	52.88	
				Subtotal:	3,541.60
5. Task 5	Preferred Alignment				
	Senior Scientist	8	42.62	340.96	
	Senior Project Manager	-	45.45	0.00	
	Project Scientist	-	27.15	0.00	
	Landscape Architect	-	30.60	0.00	
	Archaeologist	-	32.97	0.00	
	Sr. Environmental Field T	-	22.00	0.00	
	CAD Operator	-	25.82	0.00	
	Sr. Project Admin I	-	25.66	0.00	
	Graphics	-	26.44	0.00	
				Subtotal:	340.96
PART 1 - TOTAL DSC:					4,948.94

Overhead (OH cost - including salary additives):

OH Rate X DSC of 206.48% X 4,948.94 10,218.57

Fixed Fee (FF):

FF Rate X DSC of 30% X 4,948.94 1,484.68

Labor Subtotal: ESA

11,703.25

Reimbursables (mileage, courier, copies)

316.50

GRAND TOTAL: \$12,019.75

Exhibit G-1
Subconsultant Fee Determination - Summary Sheet
6-Jun-14
Sound To Olympics Trail Phase 2
GeoEngineers, Inc.

Direct Salary Cost

Item	Classification	Hours	Rate	Cost	
4. Task 4	Conceptual Design Alternatives				
	Principal	4	68.99	275.96	
	Senior Engineer	14	51.49	720.86	
	Project Engineer	8	37.94	303.52	
	Staff Engineer	16	31.00	496.00	
	Analyst / CAD	4	29.76	119.04	
	Admin 2	4	32.22	128.88	
	Admin 1	2	75.00	150.00	
				Subtotal:	2,194.26
				TOTAL DSC:	2,194.26

Overhead (OH cost - including salary additives):

OH Rate X DSC of 213.73% X 2,194.26 4,689.79

Fixed Fee (FF):

FF Rate X DSC of 30% X 2,194.26 658.28

Subtotal GeoEngineers, Inc.

7,542.33

Reimbursables (mileage, courier, copies, lab testing)

350.00

GRAND TOTAL: \$7,892.33

Prepared by: Debra Overbay

Date 6-Jun-14



Washington State
Department of Transportation
Paula J. Hammond, P.E.
 Secretary of Transportation

Transportation Building
 310 Maple Park Avenue S.E.
 P.O. Box 47300
 Olympia, WA 98504-7300

360-705-7000
 TTY: 1-800-833-6388
www.wsdot.wa.gov

February 21, 2012

Molly Wilcox, VP Finance
 KPFF Inc.
 1601 Fifth Avenue, Suite 1600
 Seattle, WA 98101-3665

RE: KPFF Inc. Overhead Schedules
 Fiscal Year End April 30, 2010



Dear Ms. Wilcox:

We have completed a desk review of your overhead schedule for the above referenced fiscal year. Our review included the documentation provided by KPFF.

The schedule was audited by the CPA firm Clark Nuber for compliance with Part 31 of the Federal Acquisition Regulations. Clark Nuber accepted an overhead rate for the year ended April 30, 2010, at 145.16% of direct labor.

The reviewed data included, but was not limited to; the schedule of the indirect cost rate, a description of the company, basis of accounting and description of KPFF's accounting system and the basis of indirect costs.

Based on our work, we are issuing this letter of review establishing KPFF's Company Wide overhead rate for the fiscal year ending April 30, 2010, at 145.16% of direct labor. Within the company wide rate of 145.16% is the Field rate of 110.67% and the Home rate of 145.49% of direct labor. Costs billed to actual agreements will still be subject to audit of actual costs.

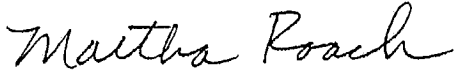
Please check with the WSDOT Consultant Services Office (HQ) and/or the WSDOT Area Consultant Liaison to determine when this reviewed rate will be applicable to your WSDOT agreement(s).

Also, remember that when you provide next year's overhead schedule to our office, you will also need to submit your *Compensation Analysis* for review. This analysis must be in compliance with the steps listed in the AASHTO Audit Guide, Chapter 7. We will need your *Compensation Analysis* in order to complete our review of your overhead schedule.

Ms. Wilcox
February 21, 2012
Page 2

If you, or any representatives of KPFF, have any questions, please contact Martha Roach, Jeri Sivertson, or Steve McKerney at (360) 705-7003.

Sincerely,

A handwritten signature in cursive script that reads "Martha Roach".

Martha S. Roach
Agreement Compliance Audit Manager

MR:ds
Enclosure

cc: Steve McKerney, Director of Internal Audit
Jeri Sivertson, Assistant Director of Internal Audit
Larry Schofield, MS 47323
Phil Segami, MS NB82-121
File

KPFF, INC. AND SUBSIDIARY**Consolidated Statement of Direct Labor, Fringe Benefits and General Overhead
For the Fiscal Year Ended April 30, 2010**

Classification	Financial Statements for the Year Ended April 30, 2010	Adjustments	Ref	Total Proposed	Allocations (A & B)	
					Home Office Costs	Field Office Costs
1 Direct Labor Base	\$ 34,925,361	\$ 57,032	C.	\$ 34,982,393	\$ 34,656,410	\$ 325,983
Fringe Benefits						
2 Payroll taxes	4,818,743	(64,882)	D.	4,753,861	4,709,562	44,299
3 Group insurance	4,374,297			4,374,297	4,333,535	40,762
4 Vacation, holiday and sick pay	5,712,882			5,712,882	5,659,647	53,235
Total Fringe Benefits	14,905,922	(64,882)		14,841,040	14,702,744	138,296
General Overhead						
5 Indirect labor	12,529,532	(557,841)	C., E.	11,971,691	11,860,133	111,558
6 Bonuses and severance pay	11,550,232	(3,000,000)	F.	8,550,232	8,470,557	79,675
7 Ops - nonchargeable	624,327	(373,359)	E.	250,968	248,629	2,339
8 Blueprinting and duplicating	256,466	(119,601)	G.	136,865	136,538	327
9 Rent	8,153,951	(208,251)	H.	7,945,700	7,945,700	
10 Repairs and maintenance	196,694			196,694	196,694	
11 City and state business tax	868,238	(44,700)	I.	823,538	815,864	7,674
12 Depreciation	1,239,287			1,239,287	1,239,287	
13 Other taxes and licenses	179,188	3,563	I.	182,751	182,314	437
14 Insurance, other than life	785,993	(31,716)	I.	754,277	747,248	7,029
15 Clerical supplies	448,518	(83,358)	J., K.	365,160	364,286	874
16 Drafting supplies and postage	359,342	(68,936)	J.	290,406	289,711	695
17 Telephone	505,689	(2,009)	J.	503,680	502,475	1,205
18 Professional dues, fees books and conferences	589,574	(195,816)	J., L.	393,758	390,089	3,669
19 Car	772,257	(214,805)	J., M.	557,452	556,118	1,334
20 Travel - Promotional	664,204	(664,204)	J., N.			
21 Travel - Other	139,195			139,195	138,862	333
22 Legal	1,097,438	(993,723)	O.	103,715	103,467	248
23 Accounting	211,966	(126,060)	P.	85,906	85,105	801
24 Employee morale and meals	582,783	(517,945)	Q.	64,838	64,234	604
25 Moving	39,091	(27,400)	J.	11,691	11,663	28
26 School	50,388			50,388	49,918	470
27 Personnel procurement	57,990	(26,622)	Q.	31,368	31,293	75
28 Miscellaneous job fixes	116,577	(116,577)	G.			
29 Contributions	180,723	(180,723)	R.			
30 Computer	1,128,368	(1,200)	G.	1,127,168	1,124,471	2,697
31 Promotional and other entertainment	160,593	(160,593)	Q.			
Total General Overhead	43,488,604	(7,711,876)		35,776,728	35,554,656	222,072
Total Fringe Benefits and General Overhead	58,394,526	(7,776,758)		50,617,768	50,257,400	360,368
32 Facilities Cost of Money (FCCM)		163,585	S.	163,585	163,194	391
Total Overhead with FCCM	\$ 58,394,526	\$ (7,613,173)		\$ 50,781,353	\$ 50,420,594	\$ 360,759
Overhead Rate	167.20%	-22.04%		145.16%	145.49%	110.67%

See accompanying notes.

CLARK NUBER

10900 NE 4th Street
Suite 1700
Bellevue WA 98004
tel 425 454 4919
fax 425 454 4620
800 504 8747
clarknuber.com

Independent Auditors' Report

*To the Board of Directors
KPFF, Inc.
Seattle, Washington*

Certified Public
Accountants
and Consultants

We have audited the accompanying Consolidated Statement of Direct Labor, Fringe Benefits and General Overhead (hereafter referred to as "overhead schedule" or "the Schedule") of KPFF, Inc. and Subsidiary (collectively, the Company) for the fiscal year ended April 30, 2010. The Schedule is the responsibility of the Company's management. Our responsibility is to express an opinion on the Schedule based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the Schedule is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the Schedule. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall presentation of the Schedule. We believe that our audit provides a reasonable basis for our opinion.

The accompanying overhead schedule was prepared on a basis of accounting practices prescribed by Part 31 of the *Federal Acquisition Regulation (FAR)* and certain other Federal and State regulations as discussed in Note 2, and is not intended to be a presentation in conformity with generally accepted accounting principles.

In our opinion, the overhead schedule referred to above presents fairly, in all material respects, the direct labor, fringe benefits and general overhead of the Company for the fiscal year ended April 30, 2010, on the basis of accounting described in Note 2.

In accordance with *Government Auditing Standards*, we have also issued our report dated July 20, 2011, on our consideration of the Company's internal control over financial reporting and on our tests of its compliance with certain provisions of laws and regulations. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

This report is intended solely for the information and use of the Company's Board of Directors, management, others within the entity, and government agencies or other customers related to contracts employing cost principles of the Federal Acquisition Regulation and is not intended to be and should not be used by anyone other than these specified parties.

Clark Nuber PS

Certified Public Accountants
July 20, 2011

KPFF, INC. AND SUBSIDIARY**Consolidated Statement of Direct Labor, Fringe Benefits and General Overhead
For the Fiscal Year Ended April 30, 2010**

Classification	Financial Statements for the Year Ended April 30, 2010	Adjustments	Ref	Total Proposed	Allocations (A & B)	
					Home Office Costs	Field Office Costs
1 Direct Labor Base	\$ 34,925,361	\$ 57,032	C.	\$ 34,982,393	\$ 34,656,410	\$ 325,983
Fringe Benefits						
2 Payroll taxes	4,818,743	(64,882)	D.	4,753,861	4,709,562	44,299
3 Group insurance	4,374,297			4,374,297	4,333,535	40,762
4 Vacation, holiday and sick pay	5,712,882			5,712,882	5,659,647	53,235
Total Fringe Benefits	14,905,922	(64,882)		14,841,040	14,702,744	138,296
General Overhead						
5 Indirect labor	12,529,532	(557,841)	C., E.	11,971,691	11,860,133	111,558
6 Bonuses and severance pay	11,550,232	(3,000,000)	F.	8,550,232	8,470,557	79,675
7 Ops - nonchargeable	624,327	(373,359)	E.	250,968	248,629	2,339
8 Blueprinting and duplicating	256,466	(119,601)	G.	136,865	136,538	327
9 Rent	8,153,951	(208,251)	H.	7,945,700	7,945,700	
10 Repairs and maintenance	196,694			196,694	196,694	
11 City and state business tax	868,238	(44,700)	I.	823,538	815,864	7,674
12 Depreciation	1,239,287			1,239,287	1,239,287	
13 Other taxes and licenses	179,188	3,563	I.	182,751	182,314	437
14 Insurance, other than life	785,993	(31,716)	I.	754,277	747,248	7,029
15 Clerical supplies	448,518	(83,358)	J., K.	365,160	364,286	874
16 Drafting supplies and postage	359,342	(68,936)	J.	290,406	289,711	695
17 Telephone	505,689	(2,009)	J.	503,680	502,475	1,205
18 Professional dues, fees books and conferences	589,574	(195,816)	J., L.	393,758	390,089	3,669
19 Car	772,257	(214,805)	J., M.	557,452	556,118	1,334
20 Travel - Promotional	664,204	(664,204)	J., N.			
21 Travel - Other	139,195			139,195	138,862	333
22 Legal	1,097,438	(993,723)	O.	103,715	103,467	248
23 Accounting	211,966	(126,060)	P.	85,906	85,105	801
24 Employee morale and meals	582,783	(517,945)	Q.	64,838	64,234	604
25 Moving	39,091	(27,400)	J.	11,691	11,663	28
26 School	50,388			50,388	49,918	470
27 Personnel procurement	57,990	(26,622)	Q.	31,368	31,293	75
28 Miscellaneous job fixes	116,577	(116,577)	G.			
29 Contributions	180,723	(180,723)	R.			
30 Computer	1,128,368	(1,200)	G.	1,127,168	1,124,471	2,697
31 Promotional and other entertainment	160,593	(160,593)	Q.			
Total General Overhead	43,488,604	(7,711,876)		35,776,728	35,554,656	222,072
Total Fringe Benefits and General Overhead	58,394,526	(7,776,758)		50,617,768	50,257,400	360,368
32 Facilities Cost of Money (FCCM)		163,585	S.	163,585	163,194	391
Total Overhead with FCCM	\$ 58,394,526	\$ (7,613,173)		\$ 50,781,353	\$ 50,420,594	\$ 360,759
Overhead Rate	167.20%	-22.04%		145.16%	145.49%	110.67%

See accompanying notes.

KPFF, INC. AND SUBSIDIARY**Consolidated Statement of Direct Labor, Fringe Benefits and General Overhead (Continued)
For the Fiscal Year Ended April 30, 2010****References**

- A. Allocation A = Direct Field Labor / Total Direct Labor = \$325,983 / \$34,982,393 = 0.9318%.
 - B. Allocation B = (Indirect Labor x Allocation A) / (Home Office Direct Labor + Indirect Labor) = (\$11,971,691 x 0.9318%) / (\$34,656,410 + \$11,971,691) = 0.2393%.
 - C. Adjustment for uncompensated overtime for principals per 48 CFR 31.202. Total uncompensated overtime was \$130,247, with \$57,032 allocated to direct labor based on utilization percentages for individuals incurring overtime hours. AASHTO Audit and Accounting Guide, Chapter 5.
 - D. Fringe benefits directly associated with indirect labor deemed unallowable per 48 CFR 31.201-6(e)(2).
 - E. Unallowable marketing activities per 48 CFR 31.205-1, 14, 38 and 41; unallowable executive compensation per 48 CFR 31.205-6(a)(i)(A)(B).
 - F. Unallowable bonuses per 48 CFR 31.205-6(f).
 - G. Unallowable directly associated project costs per 48 CFR 31.201-6.
 - H. Allocable rent credit per 48 CFR 31.201-1.
 - I. Expenses not allocable to current accounting period per 48 CFR 31.201-2 (c).
 - J. Unallowable expenses due to lack of sufficient supporting documentation per 48 CFR 31.201-4.
 - K. Unallowable marketing activities per 48 CFR 31.205-1.
 - L. Unallowable sponsorships and trade show costs per 48 CFR 31.205-1(f).
 - M. Unallowable personal use of company vehicles per 48 CFR 31.205-6(m)(2); unallowable mileage per 48 CFR 31.201-4.
 - N. Unallowable expenses due to promotional nature of cost per 48 CFR 31.201-3, and additional unallowable costs due to insufficient supporting documentation per 48 CFR 31.201-2(d).
 - O. Legal settlements unallowable per 48 CFR 31.205-47; Direct project costs unallowable per 48 CFR 31.202(a); legal costs incurred with lawsuit defense related to contract performance issues per 48 CFR 31.205-47 (f)(5)(A).
 - P. Disallowed costs for accounting services pertaining to federal income taxes and for audit of Company-sponsored retirement benefit plan.
 - Q. Unallowable local meals and entertainment per 48 CFR 31.205-14; unallowable alcohol per 48 CFR 31.205-51.
 - R. Unallowable donations per 48 CFR 31.205-8; allowed cost of participation in community service under 31.205-1(e)(3).
 - S. Cost of money adjustment per 48 CFR 31.205-10(a).
- See accompanying notes.*

Exhibit G-3



**Washington State
Department of Transportation**
Paula J. Hammond, P.E.
Secretary of Transportation

Transportation Building
310 Maple Park Avenue S.E.
P.O. Box 47300
Olympia, WA 98504-7300

360-705-7000
TTY: 1-800-833-6388
www.wsdot.wa.gov

November 14, 2012

Jean Chen, Controller
Environmental Science Associates
550 Kearny St., #800
San Francisco, CA 94108-2512



Re: Environmental Science Associates Overhead Schedule
Fiscal Year End December 31, 2011

Dear Ms. Chen:

We have completed a desk review of your overhead schedule for the above referenced fiscal year. Our review included the documentation provided by Environmental Science Associates. The schedule was audited by Gusman and Associates for compliance with Part 31 of the Federal Acquisition Regulations.

The reviewed data included, but was not limited to; the schedule of the indirect cost rate, a description of the company, basis of accounting and description of Environmental Science Associates accounting system and the basis of indirect costs.

Based on our work, we are issuing this letter of review establishing Environmental Science Associates overhead rate for the fiscal year ending December 31, 2011, at 206.48% of direct labor. Costs billed to actual agreements will still be subject to audit of actual costs.

Please check with the WSDOT Consultant Services Office (HQ) and/or the WSDOT Area Consultant Liaison to determine when this reviewed rate will be applicable to your WSDOT agreement(s).

Also, when you provide next year's overhead schedule to our office or to your CPA firm, please submit either your internally prepared *Compensation Analysis*, or the *National Compensation Matrix* (NCM) worksheet.

Ms. Chen
November 14, 2012
Page 2

If you, or any representatives of Environmental Science Associates, have any questions, please contact Martha Roach, Jeri Sivertson, or Steve McKerney at (360)705-7003.

Sincerely,



Martha S. Roach
Agreement Compliance Audit Manager

MR:ds
Enclosures

cc: Steve McKerney, Director of Internal Audit
Jeri Sivertson, Assistant Director of Internal Audit
Larry Schofield, MS 47323
File

ENVIRONMENTAL SCIENCE ASSOCIATES

Overhead Schedule
For the Year Ended December 31, 2011

Description	Financial Statement Amount	ESA Adj.	WSDOT Adj.	Ref.	Accepted Amount	%
Direct Labor	<u>\$ 11,748,695</u>				<u>\$ 11,748,695</u>	100.00%
Fringe Benefits:						
Indirect - Other compensation	\$ 5,437				\$5,437	0.05%
Stock Options Compensation	171,137				171,137	1.46%
Employee Bonus	252,796		(110,500)	AD	142,296	1.21%
Vacation Expense	1,472,599				1,472,599	12.53%
Sick Leave	557,897				557,897	4.75%
Holiday	695,864				695,864	5.92%
Personal	16,316				16,316	0.14%
Jury Duty	13,914				13,914	0.12%
Severance/Retro	49,358		(23,068)	AE	26,290	3.78%
Commuter Checks	32,480				32,480	0.28%
Bereavement Leave	17,204				17,204	0.15%
Fringe Benefits - In Lieu of Ins	41,805				41,805	0.36%
Health Insurance	1,681,662				1,681,662	14.31%
Vision insurance	19,935				19,935	0.17%
Dental Insurance	182,204				182,204	1.55%
Life Insurance	98,931				98,931	0.84%
Workers Comp Insurance	222,441				222,441	1.89%
Misc Employee Benefits	79,706				79,706	0.68%
Social Security Tax	1,715,178				1,715,178	14.60%
Unemployment Tax (UCI) - NM	159,779				159,779	1.36%
FED Unemployment Tax	19,173				19,173	0.16%
City Tax	1,800				1,800	0.02%
401(K) Company Match	315,266				315,266	2.68%
PBP Program/Incentive Compensation	1,426,406				1,426,406	12.14%
ESOP Contribution	757,578				757,578	6.45%
Fringe Benefit adjustment		(113,977)		AC	(113,977)	-0.97%
Total Fringe Benefits	<u>\$ 10,006,866</u>	<u>\$ (113,977)</u>	<u>\$ (133,568)</u>		<u>\$ 9,759,321</u>	<u>83.07%</u>
General Overhead:						
Indirect Labor Expense	\$ 8,886,585	\$ (235,034)		B, R, Z	\$ 8,651,551	73.64%
Rent	2,632,548				2,632,548	22.41%
Office Supplies	213,779	(964)		B	212,815	1.81%
Materials	15,864	(15,864)		B	0	0.00%
Computer Supplies / Equipment	74,749				74,749	0.64%
Office Equipment	30,115				30,115	0.26%
Equipment Maintenance	242,778				242,778	2.07%
Software Maintenance	186,154				186,154	1.58%
Equipment Rental	88,708				88,708	0.76%
Telephone	603,746				603,746	5.14%
Postage	127,034	(948)		B	126,086	1.07%
Marketing Supplies & Services	45,394	(45,394)		B	0	0.00%
Advertising & Promotions	20,443	(20,443)		A	0	0.00%
Education/Training	145,872				145,872	1.24%
Conference / Meetings	134,332	(84,891)		B	49,441	0.42%
Dues / Subscriptions	116,847				116,847	0.99%
Recruiting & Relocation	80,334	(55,400)		C	24,934	0.21%
Airfare	156,317	(20,802)		B	135,515	1.15%
Other Travel & Subsistence	692,285	(295,075)		B, D, E, F,N,Y	397,210	3.38%
Unallowable Entertainment/Alcoholic	27,327	(27,327)		B, D,F,Y	0	0.00%
Employee Relations	97,260	(97,260)		B, D, F,Y,Q,A	0	0.00%

ENVIRONMENTAL SCIENCE ASSOCIATES

Overhead Schedule For the Year Ended December 31, 2011

Description	Financial Statement Amount	ESA Adj.	WSDOT Adj.	Ref.	Accepted Amount	%
Legal & Accounting Fees	220,723	(32,745)	(250)	U, V, AG	187,728	1.60%
Insurance	326,937				326,937	2.78%
Outside Consultants	224,212	(30,629)		B	193,583	1.65%
Business taxes and Licenses	257,188				257,188	2.19%
Charitable Contributions	16,681	(16,681)		G	0	0.00%
Bad Debt Expense	193,968	(193,968)		H	0	0.00%
ESOP Expenses	49,036				49,036	0.42%
Miscellaneous	18,860	(18,860)		I	0	0.00%
Cost Recovery	(634,726)				(634,726)	-5.40%
Communication Cost Recovery	(517,617)				(517,617)	-4.41%
Depreciation/Amortization	1,030,164	(144,762)		T	885,402	7.54%
Printing and Reproduction	59,503	(1,562)		B	57,941	0.49%
Other Income/Expenses	(25,610)				(25,610)	-0.22%
Interest Income-	(9,329)	9,329		K	0	0.00%
Interest Expense	119,547	(119,547)		K	0	0.00%
VEI Expenses	155,287	(155,287)		AB	0	0.00%
Tax Expense	7,676	(7,676)		AB	0	0.00%
Total General Overhead	\$ 16,110,969	\$ (1,611,788)	\$ (250)		\$ 14,498,931	123.41%
Total Overhead Costs	\$26,117,835	\$ (1,725,765)	\$ (133,818)		\$24,258,252	206.48%
Indirect rate	222.30%	207.62%			206.48%	

*Environmental Services Associates, Inc. - Reviewed and Accepted 11/14/12 SO
"Overhead Rate still subject to WSDOT Audit"*

References

Environmental Services Associates Adjustments:

Environmental Services Associates Overhead Audited by Gusman and Associates

- A Advertising unallowable per 48 CFR 31.205-1(b)
- B Marketing unallowable per 48 CFR 31.205-1(f)
- C Recruiting and Relocation unallowable per 48 CFR 31.205-35
- D Gifts unallowable per 48 CFR 31.205-13(b)
- E Excess Lodging and per diem unallowable per 48 CFR 31.205-14, 31.205-46 & WSDOT policy
- F Alcohol unallowable per 48 CFR 31.205-51
- G Contributions unallowable per 48 CFR 31.205-8
- H Bad Debts unallowable per 48 CFR 31.205-3
- I Miscellaneous account unallowable per 48 CFR 31.201-2
- K Interest unallowable per 48 CFR 31.205-20
- N Allowances for officers unallowable per 48 CFR 31.201-4 and 31.205-13(b)
- Q Holiday Party Expenses in excess of \$25 per person unallowable per 48 CFR 31.205-14 & WSDOT policy
- R Overtime Premium Unallowable per WSDOT policy
- T Amortization unallowable per 48 CFR 31.205-49
- U Federal and State Income Tax Preparation are unallowable per 48 CFR 31.205-41 (b) (1), 48 CFR 31.201-6 and WSDOT Policy
- V Income Tax Preparation in excess of \$250.00
- Y Per 48 CFR 31.205-14 and WSDOT M 13-82
- Z Reorganization and Restructuring Unallowable FAR 31.205-27
- AB Volunteer Deletion
- AC Fringe Benefit adjustment

WSDOT Adjustments:

- AD We are unable to verify that sign-on bonus (\$110,500) is based on individual employee performance, and that individual performance goals are communicated to the employees prior to work being performed, per 48 CFR 31.205-6(f) and Chapter 7.12 of the AASHTO Audit Guide.
WSDOT allowed the Recruitment bonus (\$31,767) with the understanding that the recruitment bonus policy will be updated to reflect AASHTO and FARs requirements.
- AE Severance pay unallowable per 48 CFR 31.205-6(I)(I).
- AG Income Tax preparation for S-Corporation unallowable in full per 48 CFR 205-41(b).

Certification of Final Indirect Costs

Firm Name: Environmental Science Associates

Indirect Cost Rate Proposal: 207.62%

Date of Proposal Preparation (mm/dd/yyyy): 8/8/2012

Fiscal Period Covered (mm/dd/yyyy to mm/dd/yyyy): 1/1/2011 to 12/31/2011

I, the undersigned, certify that I have reviewed the proposal to establish final indirect cost rates for the fiscal period as specified above and to the best of my knowledge and belief:

1.) All costs included in this proposal to establish final indirect cost rates are allowable in accordance with the cost principles of the Federal Acquisition Regulations (FAR) of title 48, Code of Federal Regulations (CFR), part 31.

2.) This proposal does not include any costs which are expressly unallowable under the cost principles of the FAR of 48 CFR 31.

All known material transactions or events that have occurred affecting the firm's ownership, organization and indirect cost rates have been disclosed.

Signature: 

Name of Certifying Official* (Print): Jean Chen

Title: VP/Controller

Date of Certification (mm/dd/yyyy): 8/8/2012

*The "Certifying Official" must be an individual executive or financial officer of the firm at a level no lower than a Vice President or Chief Financial Officer, or equivalent, who has the authority to represent the financial information utilized to establish the indirect cost rate for use under Agency contracts.

Ref. FHWA Directive 4470.1A available on line at:
<http://www.fhwa.dot.gov/legregs/directives/orders/44701a.htm>

Exhibit G-3 GeoEngineers, Inc.
Breakdown of Subconsultants Overhead Cost

Account Title	\$ Beginning Total	% of Direct Labor
Direct Labor	11,267,437	100%
Overhead Expenses:		
FICA	1,713,039	15.20%
Unemployment	128,740	1.15%
Health/Accident Insurance	131,219	1.16%
Medical Aid & Industrial Insurance	2,079,869	18.46%
Holiday/Vacation/Sick Leave	2,608,466	23.15%
Commission/Bonus/Pension	2,218,090	19.69%
Total Fringe Benefits	8,879,423	78.81%
General Overhead:		
State B&O Taxes	640,433	5.68%
Insurance	702,782	6.24%
Administration & Time Not Assignable	7,437,513	66.01%
Printing, Stationery & Supplies	254,952	2.26%
Professional Services	562,130	4.99%
Travel Not Assignable	372,684	3.31%
Telephone & Telegraph Not Assignable	424,986	3.77%
Fees, Dues & Professional Meetings	326,896	2.90%
Utilities & Maintenance	290,309	2.57%
Professional Development	334,002	2.96%
Rent	1,956,224	17.37
Equipment Support	1,863,830	16.55%
Office, Miscellaneous & Postage	35,706	.00%
Total General Overhead	15,202,447	134.61%
Total Overhead (General + Fringe)	24,081,870	
Overhead Rate (Total Overhead / Direct Labor)		213.73%

Exhibit H

Title VI Assurances

During the performance of this AGREEMENT, the CONSULTANT, for itself, its assignees, and successors in interest agrees as follows:

1. **Compliance with Regulations:** The CONSULTANT shall comply with the Regulations relative to non-discrimination in federally assisted programs of the AGENCY, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the “REGULATIONS”), which are herein incorporated by reference and made a part of this AGREEMENT.
2. **Non-discrimination:** The CONSULTANT, with regard to the work performed during the AGREEMENT, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-consultants, including procurement of materials and leases of equipment. The CONSULTANT shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the REGULATIONS, including employment practices when the AGREEMENT covers a program set forth in Appendix B of the REGULATIONS.
3. **Solicitations for Sub-consultants, Including Procurement of Materials and Equipment:** In all solicitations either by competitive bidding or negotiations made by the CONSULTANT for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-consultant or supplier shall be notified by the CONSULTANT of the CONSULTANT’S obligations under this AGREEMENT and the REGULATIONS relative to non-discrimination on the grounds of race, color, sex, or national origin.
4. **Information and Reports:** The CONSULTANT shall provide all information and reports required by the REGULATIONS or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by AGENCY, STATE or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with such REGULATIONS, orders and instructions. Where any information required of a CONSULTANT is in the exclusive possession of another who fails or refuses to furnish this information, the CONSULTANT shall so certify to the AGENCY, STATE or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Non-compliance:** In the event of the CONSULTANT’S non-compliance with the non-discrimination provisions of this AGREEMENT, the AGENCY shall impose such AGREEMENT sanctions as it, the STATE or the FHWA may determine to be appropriate, including, but not limited to:
 - Withholding of payments to the CONSULTANT under the AGREEMENT until the CONSULTANT complies, and/or;
 - Cancellation, termination, or suspension of the AGREEMENT, in whole or in part

6. Incorporation of Provisions: The CONSULTANT shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the REGULATIONS, or directives issued pursuant thereto. The CONSULTANT shall take such action with respect to any sub-consultant or procurement as the AGENCY, STATE or FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in the event a CONSULTANT becomes involved in, or is threatened with, litigation with a sub-consultant or supplier as a result of such direction, the CONSULTANT may request the AGENCY and the STATE enter into such litigation to protect the interests of the AGENCY and the STATE and, in addition, the CONSULTANT may request the United States enter into such litigation to protect the interests of the United States.

Exhibit I
Payment Upon Termination of Agreement
By the Agency Other Than for
Fault of the Consultant

(Refer to Agreement, Section IX)

Lump Sum Contracts

A final payment shall be made to the CONSULTANT which when added to any payments previously made shall total the same percentage of the Lump Sum Amount as the work completed at the time of termination is to the total work required for the PROJECT. In addition, the CONSULTANT shall be paid for any authorized extra work completed.

Cost Plus Fixed Fee Contracts

A final payment shall be made to the CONSULTANT which when added to any payments previously made, shall total the actual costs plus the same percentage of the fixed fee as the work completed at the time of termination is to the total work required for the Project. In addition, the CONSULTANT shall be paid for any authorized extra work completed.

Specific Rates of Pay Contracts

A final payment shall be made to the CONSULTANT for actual hours charged at the time of termination of this AGREEMENT plus any direct nonsalary costs incurred at the time of termination of this AGREEMENT.

Cost Per Unit of Work Contracts

A final payment shall be made to the CONSULTANT for actual units of work completed at the time of termination of this AGREEMENT.

Exhibit J

Alleged Consultant Design Error Procedures

The purpose of this exhibit is to establish a procedure to determine if a consultant's alleged design error is of a nature that exceeds the accepted standard of care. In addition, it will establish a uniform method for the resolution and/or cost recovery procedures in those instances where the agency believes it has suffered some material damage due to the alleged error by the consultant.

Step 1 – Potential Consultant Design Error(s) is Identified by Agency's Project Manager

At the first indication of potential consultant design error(s), the first step in the process is for the Agency's project manager to notify the Director of Public Works or Agency Engineer regarding the potential design error(s). For federally funded projects, the Region Highways and Local Programs Engineer should be informed and involved in these procedures. (Note: The Director of Public Works or Agency Engineer may appoint an agency staff person other than the project manager, who has not been as directly involved in the project, to be responsible for the remaining steps in these procedures.)

Step 2 - Project Manager Documents the Alleged Consultant Design Error(s)

After discussion of the alleged design error(s) and the magnitude of the alleged error(s), and with the Director of Public Works or Agency Engineer's concurrence, the project manager obtains more detailed documentation than is normally required on the project. Examples include: all decisions and descriptions of work; photographs, records of labor, materials and equipment.

Step 3 – Contact the Consultant Regarding the Alleged Design Error(s)

If it is determined that there is a need to proceed further, the next step in the process is for the project manager to contact the consultant regarding the alleged design error(s) and the magnitude of the alleged error(s). The project manager and other appropriate agency staff should represent the agency and the consultant should be represented by their project manager and any personnel (including sub-consultants) deemed appropriate for the alleged design error(s) issue.

Step 4 – Attempt to Resolve Alleged Design Error with Consultant

After the meeting(s) with the consultant have been completed regarding the consultant's alleged design error(s), there are three possible scenarios:

- It is determined via mutual agreement that there is not a consultant design error(s). If this is the case, then the process will not proceed beyond this point.
- It is determined via mutual agreement that a consultant design error(s) occurred. If this is the case, then the Director of Public Works or Agency Engineer, or their representatives, negotiate a settlement with the consultant. The settlement would be paid to the agency or the amount would be reduced from the consultant's agreement with the agency for the services on the project in which the design error took place. The agency is to provide H&LP, through the Region

Local Programs Engineer, a summary of the settlement for review and to make adjustments, if any, as to how the settlement affects federal reimbursements. No further action is required.

- There is not a mutual agreement regarding the alleged consultant design error(s). The consultant may request that the alleged design error(s) issue be forwarded to the Director of Public Works or Agency Engineer for review. If the Director of Public Works or Agency Engineer, after review with their legal counsel, is not able to reach mutual agreement with the consultant, proceed to Step 5.

Step 5 – Forward Documents to Highways and Local Programs

For federally funded projects all available information, including costs, should be forwarded through the Region Highways and Local Programs Engineer to H&LP for their review and consultation with the FHWA. H&LP will meet with representatives of the agency and the consultant to review the alleged design error(s), and attempt to find a resolution to the issue. If necessary, H&LP will request assistance from the Attorney General's Office for legal interpretation. H&LP will also identify how the alleged error(s) affects eligibility of project costs for federal reimbursement.

- If mutual agreement is reached, the agency and consultant adjust the scope of work and costs to reflect the agreed upon resolution. H&LP, in consultation with FHWA, will identify the amount of federal participation in the agreed upon resolution of the issue.
- If mutual agreement is not reached, the agency and consultant may seek settlement by arbitration or by litigation.

Exhibit K

Consultant Claim Procedures

The purpose of this exhibit is to describe a procedure regarding claim(s) on a consultant agreement. The following procedures should only be utilized on consultant claims greater than \$1,000. If the consultant's claim(s) are a total of \$1,000 or less, it would not be cost effective to proceed through the outlined steps. It is suggested that the Director of Public Works or Agency Engineer negotiate a fair and reasonable price for the consultant's claim(s) that total \$1,000 or less.

This exhibit will outline the procedures to be followed by the consultant and the agency to consider a potential claim by the consultant.

Step 1 – Consultant Files a Claim with the Agency Project Manager

If the consultant determines that they were requested to perform additional services that were outside of the agreement's scope of work, they may be entitled to a claim. The first step that must be completed is the request for consideration of the claim to the Agency's project manager.

The consultant's claim must outline the following:

- Summation of hours by classification for each firm that is included in the claim;
- Any correspondence that directed the consultant to perform the additional work;
- Timeframe of the additional work that was outside of the project scope;
- Summary of direct labor dollars, overhead costs, profit and reimbursable costs associated with the additional work; and
- Explanation as to why the consultant believes the additional work was outside of the agreement scope of work.

Step 2 – Review by Agency Personnel Regarding the Consultant's Claim for Additional Compensation

After the consultant has completed step 1, the next step in the process is to forward the request to the Agency's project manager. The project manager will review the consultant's claim and will met with the Director of Public Works or Agency Engineer to determine if the Agency agrees with the claim. If the FHWA is participating in the project's funding, forward a copy of the consultant's claim and the Agency's recommendation for federal participation in the claim to the WSDOT Highways and Local Programs through the Region Local Programs Engineer. If the claim is not eligible for federal participation, payment will need to be from agency funds.

If the Agency project manager, Director of Public Works or Agency Engineer, WSDOT Highways and Local Programs (if applicable), and FHWA (if applicable) agree with the consultant's claim, send a request memo, including backup documentation to the consultant to either supplement the agreement, or create a new agreement for the claim. After the request has been approved, the Agency shall write the supplement and/or new agreement and pay the consultant the amount of the claim. Inform the consultant that the final payment for the agreement is subject to audit. No further action is needed regarding the claim procedures.

If the Agency does not agree with the consultant's claim, proceed to step 3 of the procedures.

Step 3 – Preparation of Support Documentation Regarding Consultant's Claim(s)

If the Agency does not agree with the consultant's claim, the project manager shall prepare a summary for the Director of Public Works or Agency Engineer that included the following:

- Copy of information supplied by the consultant regarding the claim;
- Agency's summation of hours by classification for each firm that should be included in the claim;
- Any correspondence that directed the consultant to perform the additional work;
- Agency's summary of direct labor dollars, overhead costs, profit and reimbursable costs associated with the additional work;
- Explanation regarding those areas in which the Agency does/does not agree with the consultant's claim(s);
- Explanation to describe what has been instituted to preclude future consultant claim(s); and
- Recommendations to resolve the claim.

Step 4 – Director of Public Works or Agency Engineer Reviews Consultant Claim and Agency Documentation

The Director of Public Works or Agency Engineer shall review and administratively approve or disapprove the claim, or portions thereof, which may include getting Agency Council or Commission approval (as appropriate to agency dispute resolution procedures). If the project involves federal participation, obtain concurrence from WSDOT Highways and Local Programs and FHWA regarding final settlement of the claim. If the claim is not eligible for federal participation, payment will need to be from agency funds.

Step 5 – Informing Consultant of Decision Regarding the Claim

The Director of Public Works or Agency Engineer shall notify (in writing) the consultant of their final decision regarding the consultant's claim(s). Include the final dollar amount of the accepted claim(s) and rationale utilized for the decision.

Step 6 – Preparation of Supplement or New Agreement for the Consultant's Claim(s)

The agency shall write the supplement and/or new agreement and pay the consultant the amount of the claim. Inform the consultant that the final payment for the agreement is subject to audit.

Exhibit M-1(a)
Certification Of Consultant

Project No. _____
Local Agency COBI

I hereby certify that I am Connie Reckord and duly authorized representative of the firm of MacLeod Reckord PLLC whose address is 83 Columbia Street, Suite 306, Seattle, WA 98104 and that neither I nor the above firm I here represent has:

- (a) Employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above CONSULTANT) to solicit or secure the AGREEMENT;
- (b) Agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out this AGREEMENT; or
- (c) Paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above CONSULTANT) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out this AGREEMENT; except as hereby expressly stated (if any);

I acknowledge that this certificate is to be available to the Washington State Department of Transportation and the Federal Highway Administration, U.S. Department of Transportation in connection with this AGREEMENT involving participation of Federal-aid highway funds, and is subject to applicable State and Federal laws, both criminal and civil.

6/16/2014

Date

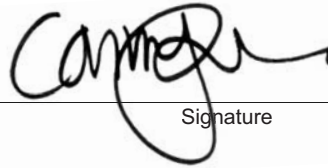

Signature

Exhibit M-1(b)
Certification Of Agency Official

I hereby certify that I am the AGENCY Official of the Local Agency of City of Bainbridge Island, Washington, and that the consulting firm or its representative has not been required, directly or indirectly as an express or implied condition in connection with obtaining or carrying out this AGREEMENT to:

- (a) Employ or retain, or agree to employ to retain, any firm or person; or
- (b) Pay, or agree to pay, to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind; except as hereby expressly stated (if any):

I acknowledge that this certificate is to be available to the Washington State Department of Transportation and the Federal Highway Administration, U.S. Department of Transportation, in connection with this AGREEMENT involving participation of Federal-aid highway funds, and is subject to applicable State and Federal laws, both criminal and civil.

Date

Signature

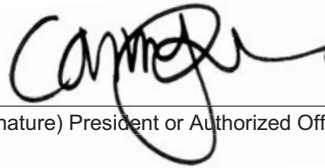
Exhibit M-2
Certification Regarding Debarment, Suspension, and Other Responsibility
Matters-Primary Covered Transactions

- I. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - B. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission or fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - C. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (I) (B). of this certification; and
 - D. Have not within a three (3) year period preceding this application/proposal had one or more public transactions (federal, state, or local) terminated for cause or default.
- II. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Consultant (Firm): MacLeod Reckord PLLC

6/16/2014

(Date)



(Signature) President or Authorized Official of Consultant

Exhibit M-3
Certification Regarding The Restrictions
of The use of Federal Funds for Lobbying

The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

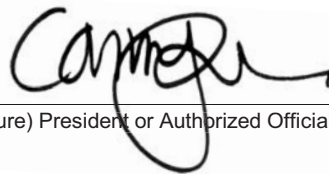
This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

Consultant (Firm): MacLeod Reckord PLLC

6/16/2014

(Date)



(Signature) President or Authorized Official of Consultant

Exhibit M-4
Certificate of Current Cost or Pricing Data

This is to certify that, to the best of my knowledge and belief, the cost or pricing data (as defined in section 15.401 of the Federal Acquisition Regulation (FAR) and required under FAR subsection 15.403-4) submitted, either actually or by specific identification in writing, to the contracting officer or to the contracting officer's representative in support of Sound to Olympics Trail Phase 2 * are accurate, complete, and current as of June 16, 2014 **. This certification includes the cost or pricing data supporting any advance agreements and forward pricing rate agreements between the offeror and the Government that are part of the proposal.

Firm MacLeod Reckord PLLC

Name Connie Reckord

Title Managing Member

Date of Execution*** June 16, 2014

* Identify the proposal, quotation, request for price adjustment, or other submission involved, giving the appropriate identifying number (e.g., RFP No.).

** Insert the day, month, and year when price negotiations were concluded and price agreement was reached.

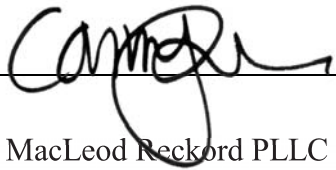
*** Insert the day, month, and year of signing, which should be as close as practicable to the date when the price negotiations were concluded and the contract price was agreed to.

Supplemental Signature Page for Standard Consultant Agreement	Consultant/Address/Telephone MacLeod Reckord PLLC 83 Columbia Street, Suite 306 Seattle, WA 98104
Agreement Number	Project Title And Work Description Sound to Olympics Trail Phase 2
Federal Aid Number	Planning and Design
Local Agency City of Bainbridge Island	

THIS AGREEMENT, made and entered into this _____ day of _____, 2014, between the Local Agency of City of Bainbridge Island, Washington, hereinafter called the "AGENCY", and the above organization hereinafter called the "CONSULTANT".

In witness whereof, the parties hereto have executed this AGREEMENT as of the day and year first above written.

CONSULTANT

By 
Consultant MacLeod Reckord PLLC

By _____

Consultant _____

LOCAL AGENCY

By _____

Agency _____

By _____

Agency _____

By _____

Agency _____

By _____

Agency _____

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Resolution No. 2014-17 Financial and Budget Policies	Date: July 14, 2014
Agenda Item: Consent Agenda	Bill No.: AB 14-106
Proposed By: Finance Director Schroer	Referral(s):

BUDGET INFORMATION

Department: Finance	Fund:	Munis Contract #
Expenditure Req: n/a	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW

Study Session: 7/7/14	Recommendation: Forward to 7/14/14 Consent Agenda
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A Finance ☒ Yes ☐ No ☐ N/A

DESCRIPTION/SUMMARY

Action Item:

Consider approval of Resolution No. 2014-17, Financial and Budget Policies.

History:

The City last updated its consolidated budget policies in 2009, formalized in the adoption of Resolution 2009-34. As part of the 2015-16 biennial budget process, staff would like to review this resolution, and obtain Council's confirmation of these policies, or obtain direction about changes that are pertinent at this time.

Staff has made selected changes to the attached draft resolution:

1. Updated to remove references to the Finance Committee
2. Updated to remove references to actions to be taken in past years
3. Updated to reflect current practices related to financial reporting and budgeting
4. Updated to reflect provisions of Resolution 2010-35, which set policy reserve targets for the General Fund
5. Removed specific references to FTE levels and hiring practices

Staff has not made any changes to suggest adjusting reserve target levels.

In order to facilitate review, the packet includes a copy of the resolution with a copy that shows all changes, and a version that strikes out all any text that was removed and underlines any new text.

RECOMMENDED ACTION

Motion:

I move that Council approve Resolution No. 2014-17.

RESOLUTION NO. 2014-17

A RESOLUTION of the City of Bainbridge Island, Washington, establishing a consolidated set of updated financial and budget policies, supplementing, superseding, amending and/or re-affirming certain policies adopted by the City during or prior to 2014.

WHEREAS, the City Council (the “Council”) is responsible for setting financial policy for the City of Bainbridge Island (the “City”); and

WHEREAS, the City Administration (“Administration”) requests that, as part of the 2015-16 biennial budget process, Council update, rescind, amend and/or re-affirm several financial and budgetary policies that were initially adopted by the City during or prior to 2014; and

WHEREAS, the Council and Administration wish to establish an ongoing consolidated set of Financial and Budget Policies (the “Budget Policies”) to be administered by the Administration and to guide Council action on an ongoing basis.

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND DOES RESOLVE AS FOLLOWS:

SECTION 1. BUDGET POLICIES

1.1 Adoption

There is hereby established a consolidated set of Budget Policies, in accordance with this Resolution. Such Budget Policies shall be documented in a consolidated manner for ease of reference by City Council, Administration and the public. Once adopted, the Budget Policies replace and supersede all budget, finance and debt policies previously adopted by the Council.

1.2 Review and Amendment

The Council shall, with the support of the Administration, review the Budget Policies as part of the biennial budget process, and shall recommend any necessary or appropriate amendments to the Council, for approval by simple majority. Promptly after Council approval of any amendment of the Budget Policies, the Administration shall publish restated pages of the Budget Policies incorporating any such amendments.

SECTION 2. APPLICABLE LAW, CITY CODE AND COMPREHENSIVE PLAN

2.1 RCW Chapter 35A.33

Chapter 35A.33 of the Revised Code of Washington (“RCW”), pertaining to budgets for Code Cities, is hereby incorporated by reference, as it may be amended from time to time.

2.2. **City Budget Process**

(a) City Budget Process. Pursuant to Chapter 35A.34 RCW, the Council established, beginning January 1, 2009, a two-year biennium budget for the City. The 2009-2010 biennial budget and all subsequent budgets shall be prepared, considered, and adopted under the provisions of the Bainbridge Island Municipal Code (BIMC) Chapter 2.82 and Chapter 35A.34 RCW.

(b) Budget Calendars. As part of the city budget process, the Council, with the advice and assistance of the City Manager, shall review an annual calendar or schedule for the process of preparing and adopting any Capital Facilities Plan update, and the two-year budget, or mid-biennium modifications (whichever is applicable under the biennial cycle).

2.3. **Applicable Provisions of BIMC Incorporated by Reference**

These Budget Policies incorporate by reference the provisions of the City's Municipal Code (BIMC) that are applicable to the budgetary and financial policies and practices of the City.

2.4. **Comprehensive Plan – Capital Facilities Goals and Policies**

The Capital Facilities Goals and Policies that are stated in the City's Comprehensive Plan, as amended from time to time are hereby included in full in the Budget Policies.

SECTION 3: MONITORING, ANALYZING AND PROJECTING

3.1 **Monthly, Quarterly and Mid-Year Budget Reports**

On a monthly basis, the Administration shall make available a report of the year-to-date revenues and expenditures through month-end of the reported month, against budget, and shall report any material trends and unexpected developments. On a quarterly basis, the reports shall be more detailed and shall include a report on the City's larger capital projects. The mid-year report through June 30 shall provide comprehensive details and summaries.

3.2 **Financial Capacity Analysis**

(a) In General. Based on the schedule stated in the annual budget calendar reviewed by Council, the Administration shall deliver to Council a ten-year Financial Capacity Analysis, depicting (i) detailed revenue and expenditure forecasts for the current year and also including (ii) the three prior years, and (iii) projections for the ensuing six future years. The purposes of the Financial Capacity Analysis shall be (i) to enable Council to utilize this data to analyze and evaluate the long-term fiscal impacts of up to date cash forecasts and current budget choices, decisions and policy options, and (ii) to meet the requirements of Growth Management Act for a Financial Capacity Analysis to accompany the Capital Facilities Plan.

(b) Conservative Forecasts. For each Financial Capacity Analysis, the Administration shall prepare each such analysis as follows: (i) underlying economic and

financial assumptions shall be reasonable and shall take into account an appropriately chosen set of inflation factors and an appropriate set of economic projections from recognized governmental or professional bodies, and (ii) all projections of revenues for future years, and all adjusted estimates for the current year, will be conservatively forecasted. The Administration's chosen assumptions for revenues, expenditure inflation factors and economic measures shall be disclosed to the Council. The City's revenue estimates will be realistically forecasted and will employ revenue policies which rely on recent revenue performance, in combination with current data.

SECTION 4. RESERVES

4.1 Emergency Reserve

Resolution No. 2010-35, establishing an Emergency Reserve within the City's General Fund, and providing for the budgetary target amount for such a reserve, is hereby included in the Budget Policies. Effective January 1, 2011, it is the Council's policy that the Emergency Reserve shall be treated as a Restricted Reserve, which shall ideally be funded as and when resources, such as from the sale of surplus property, become available.

4.2 Contingency Reserve

Section 2 of Resolution No. 2008-01, establishing a Contingency Reserve within the City's General Fund is hereby included in the Budget Policies. Resolution No. 2010-35 set a year-end policy target of \$800,000 for this reserve.

4.3 Reserves – Generally

(a) Restricted Reserves. Each restricted reserve shall be accounted for on the City's books, and may not be obligated or expended by the Administration in the absence of a vote of Council. The City's General Fund restricted reserves (as of 2014) are:

- General Fund: Emergency Reserve
- General Fund: Contingency Reserve

(b) Designated Reserves. Each designated reserve shall be a budgetary allocation that is accounted for on the City's books, and may be expended by the Administration solely for the designated purpose for which the reserve is established. The City's General Fund Designated Reserves (as of 2014) are:

- General Fund: Police Investigations Reserve
- General Fund: Police Marine Reserve
- General Fund: Public Arts
- General Fund: PEG Capital
- General Fund: Capital Improvement Opportunity Reserve

4.4 General Fund Minimum Fund Balance Policy

Resolution No. 2010-35, establishing a General Fund Stability Reserve within the City's General Fund, and providing for the budgetary target amount for such a reserve, is hereby included in the Budget Policies. This reserve shall serve as the General Fund minimum fund balance amount. The General Fund minimum fund balance shall mean the dollar amount of unencumbered fund balance, excluding:

- a) Amounts held in restricted reserves, and
- b) Amounts held in designated reserves.

The target for end-of-year General Fund Minimum Fund Balance for each year from 2012 onward, shall be \$3,000,000.

SECTION 5. REVENUES AND EXPENSES

5.1 Funds and Subfunds

For purposes of GASB reporting, the City's funds shall be those enumerated from 001 to 901, as shown on the City's general ledger. However, for purposes of the Administration's financial management and cash management reporting to Council, the Administration will report revenues, expenditures, and balances, under the following fund categories:

- Tax-Supported Funds: The funds of which shall be the following:
 - General Fund
 - Street Fund
 - REET Fund
 - Affordable Housing Fund
 - Civic Improvement Fund (LTAC)
 - FAR-Public Amenities
 - FAR-Farmland/Agriculture
 - General Obligation Bond Fund
 - Capital Construction Fund
 - LID Capital Construction Fund
 - Building and Development Services Fund
- Enterprise Funds: The funds of which shall be the following:
 - Water Utility Fund
 - Sewer Utility Fund
 - SSWM Utility Fund
- Other Funds: The funds of which shall be the following:
 - Equipment Reserve and Replacement Fund
 - Transportation Benefit District

5.2 In General

Resolution Nos. 2006-35, 2006-41, 2009-34 are hereby rescinded and are replaced by this Section 5. Statements in this subsection 5.2 apply to both the tax-supported and utility funds of the City:

- (a) The City shall use major one-time revenue to fund capital improvements, debt reductions, or reserves. The use of one-time revenues to fund operating expenditures is discouraged.
- (b) The City shall maintain a structure for all fees and charges where the beneficiary of the service pays the cost of that service except to the extent that the Council has determined that provision of the specific service in question provides a general public benefit. The Council shall review, at least biennially, the Administration's recommended policy for the allocation of City costs to various funds.
- (c) The City is authorized to allocate up to three percent (3%) of unrestricted revenues of the tax-supported and respective utility funds for replacement of capital equipment as deemed appropriate by the Administration.
- (d) As a general rule, when an expenditure is incurred for which both restricted and unrestricted fund balance is available, the City will consider the more restricted amounts to have been spent first.

5.3 **For Utility Funds**

- (a) In 2010 and thereafter the City shall maintain separate reserves for each utility fund, as follows:
 - (i) Capital Contingency Reserve. This designated reserve shall have a targeted level (by December 2011 and thereafter) of at least one percent (1%) of the utility system's fixed assets (at book value). The primary purpose of the reserve is to provide a ready source of cash in case of an emergency, should a major piece of equipment or a portion of the utility's infrastructure fail unexpectedly. This reserve holds debt proceeds, system participation fee revenues, system reinvestment funding from rates, and any transfers of surplus cash reserves from the operating account.
 - (ii) Operating Reserve. This designated reserve shall have a targeted level as of each year-end of at least forty-five (45) days' operating expenses in the cases of the sewer and stormwater funds, and at least sixty (60) days in the case of the water fund. The primary purpose of the Reserve is to provide cash for operations in case of seasonal variations in revenue or expenses, or to support operations in a year in which revenues are abnormally low. Because water usage for irrigation, and therefore water revenues, are particularly sensitive to a year's weather patterns, the reserve requirements for the water fund are set higher than for the other two utilities.
 - (iii) Restricted Debt Reserve. To the extent that the City issues a form of debt (e.g. Revenue Bonds) that requires the municipality to maintain a restricted cash

reserve during the term of the debt repayment period, the utility shall maintain a restricted reserve for such purpose. This reserve is to safeguard the purchasers of the utility's debt, and may be used to fund the final installment or last year's debt service.

(b) The City will maintain water, sewer and stormwater utility rates adequate to ensure that each of the three utility funds is fully self-supporting.

5.4 **For Tax-Supported Funds**

(a) Departmental revenues of the tax-supported funds shall be considered unrestricted revenue of the City – subject to any applicable legal restriction, and subject to any applicable provision of the Budget Policies, that may apply to a particular revenue source.

(b) Revenues from the Commercial Parking Tax shall be treated as revenues of the Streets Fund.

(c) REET revenues shall be first applied to current capital debt service and then, to the extent available, to current capital projects.

(d) On a periodic basis, Building and Development Services (B&DS) revenues shall be reviewed, with a goal of revenues contributing approximately seventy-five percent (75%) of expenditures on a planning basis for the B&DS Fund.

(e) Organizations that are not part of the City, but which receive funding from the City for contractual services, shall not have their appropriation carried forward from year to year unless expressly authorized under the terms of a contract approved by Council. Contractual documents may include inter-local agreements, memorandums of agreement, contracts or other forms of agreement. Except as expressly stated contractually to the contrary, annual review and reauthorization by the Council of any such funding shall be required.

SECTION 6. EXPENSES PERTAINING TO PERSONNEL

6.1 **City Staffing Levels**

(a) Monitoring. The Administration shall include a report of the number of FTEs, by Department, in the mid-year financial report

(c) City Manager's Discretion to Approve Part-time Service. Nothing in the assumptions that underlie the Administration's estimates of full-time equivalent employees for a budget year shall eliminate the City Manager's discretion to encourage and/or agree to one or more employees performing on a part-time basis (e.g. 80% or other percentage) rather than a full-time basis during part or all of a budget year.

6.2 **Compensation and Benefits**

(a) **Comparison of Compensation and Benefits.** On a periodic basis, the City Administration shall compare the cash compensation, and the value of benefits, for City employee positions to the compensation and benefit levels to a set of comparable employers, to provide data for potential compensation and benefit policies which may be adopted by the Council from time to time.

(b) **Training and Staff Development Expenses.** The City is authorized to allocate up to 0.5% of unrestricted revenues of the tax-supported and respective utility funds to professional training and development for staff as deemed appropriate by the Administration.

SECTION 7. DEBT

7.1 **Debt Policy**

The City's Debt Policy, as it may be amended from time to time, is hereby included in the Budget Policies.

SECTION 8. STRATEGIC PRIORITIES

The budget shall be built on an understanding of community priorities and organizational goals, and a commitment by the Council and Administration to an ongoing process of identifying and implementing strategic priorities of government.

SECTION 9. INVESTMENT

The provisions of Chapter 3.12 BIMC (Investments) are incorporated by reference.

SECTION 10. BANKING AND MONEY MANAGEMENT

10.1 **Safety**

The City shall engage in relationships, and conduct its business, with one or more banks, repositories of public pooled funds, and financial institutions in a manner that avoids concentrating City balances in a way that may expose the City to material losses in the event of an adverse development affecting any bank or financial institution in which City assets are held.

10.2 **Money Management**

The City Administration shall seek to form relationships with banking and financial institutions that offer the City efficient and effective tools and technologies to manage and track transactions and balances.

PASSED by the City Council this ____ day of ____ 2014.

APPROVED by the Mayor this ____ day of ____ 2014.

Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	July 1, 2014
PASSED BY THE CITY COUNCIL:	
RESOLUTION NO.:	2014-17



REGULAR STUDY SESSION
MONDAY, JULY 21, 2014
LOCATION: BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE N., BAINBRIDGE ISLAND, WASHINGTON

AGENDA

1. CALL TO ORDER / ROLL CALL

7:00 PM

Mayor: Anne Blair

Deputy Mayor: Wayne Roth

Councilmembers: Sarah Blossom
Steven Bonkowski
Val Tollefson

Roger Townsend
David Ward

2. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

7:05 PM

3. CITY MANAGER'S REPORT

7:10 PM

4. STAFF INTENSIVE

7:15 PM

A. Subject: Police Facilities Planning, AB 14-____ – 15 min. **(Pg.)**

Discussion Leader: Executive

Discussion Goal: Next steps.

B. Subject: City-Owned Trail Inventory, AB 14-____ – 10 min. **(Pg.)**

Discussion Leader: Public Works

Discussion Goal: Information.

C. Subject: City Maintenance of Road Ends, AB 14-____ – 10 min. **(Pg.)**

Discussion Leader: Public Works

Discussion Goal: Information.

D. Subject: Transportation Improvement Board Grant Opportunity, Wyatt Way Non-Motorized Project, AB 14-____ – 10 min. **(Pg.)**

Discussion Leader: Public Works

Discussion Goal: Consider approval.

E. Subject: Ordinance No. 2014-24, Related to Right-of-Way Use, AB 14-098 – 10 min. **(Pg.)**

Discussion Leader: Public Works

Discussion Goal: Consider scheduling on July 28, 2014 Consent Agenda.

F. Subject: Resolution No. 2014-15, Amending the Fee Schedule Related to Right-of-Way Use Fees, AB 14-098 – 5 min. **(Pg.)**

Discussion Leader: Public Works

Discussion Goal: Consider scheduling on July 28, 2014 Consent Agenda.

G. Subject: Municipal Court Lease Renewal, AB 14-____ – 10 min. **(Pg.)**

Discussion Leader: Executive

Discussion Goal: Consider scheduling on July 28, 2014 Consent Agenda.

Times listed on this agenda are approximate. Public Comment may be limited to allow time for Council to deliberate.



Americans with Disabilities Act (ADA) accommodations provided upon request. Those requiring special accommodations, please contact the City Clerk at 206-842-2545 (cityclerk@bainbridgewa.gov) by noon on the day preceding the Meeting.

- H. Subject:** 2015 Lodging Tax Advisory Committee Funding Priorities Discussion , AB 14-____ – 15 min. **(Pg.)**
Discussion Leader: Executive
Discussion Goal: Information.
- I. Subject:** Ordinance No. 2014-30, Changing the City Council Meeting Date and Amending BIMC 2.04.010, AB 14-____ – 10 min. **(Pg.)**
Discussion Leader: Executive
Discussion Goal: Consider scheduling on July 28, 2014 Consent Agenda.

5. **COUNCIL DISCUSSION**
8:50 PM
6. **COMMITTEE REPORTS**
8:55 PM
7. **REVIEW UPCOMING COUNCIL MEETING AGENDAS**
9:00 PM
8. **FOR THE GOOD OF THE ORDER**
9:05 PM
9. **ADJOURNMENT**
9:10 PM

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2014 PROPOSED COUNCIL CALENDAR ITEMS

Study Session 7 pm					Business Meeting 7 pm				
Absences	Clerk	Department	Timing (min)		Absences	Clerk	Department	Timing (min)	
Val	Kelly		25	21-Jul		Roz			22-Jul
									Comp Plan 101 Public Meeting (BIHS/Special Meeting)-BKAT confirmed - need agenda
					Roger Kelly	Roz		25	28-Jul
									Executive Session - Review Applications for City Employment - Tentative
							PW	30	Review of 2015-2020 Capital Improvement Plan (as needed)
							EXEC	20	Police Oversight Recommendation
							PCD	15	Cave Landing Final Plat
							PW	CA	Ordinance No. 2014-25, Related to ROW Uses
							PW	CA	Resolution No. 2014-15, Amending Fee Schedule Related to ROW Uses
							EXEC	CA	Municipal Court Lease Renewal (Info)
							EXEC	CA	Ordinance No. 2014-30, Amending the Council Meeting Date
							PCD	10	Ordinance No. 2014-14, Temporary Commercial Parking (1st Reading)
								100	
Kelly		Roz	25	4-Aug		Kelly		25	11-Aug
		FIN	20	Community Services Funding (Discussion)			PW	10	Ordinance No. 2014-29, Regarding Pleasant Beach Tracts Partial ROW Vacation Public Hearing/2nd Reading
		EXEC	20	Consider Surplus of Suzuki Property			EXEC	10	Consider Surplus of Suzuki Property (Unfinished Business)
		FIN	15	2014 Midyear Financial Report (Info)			FIN	CA	Ordinance Regarding Q2 2014 Budget Adjustments (2nd Reading)
		FIN	10	Ordinance Regarding Q2 2014 Budget Adjustments (1st Reading)			PW	CA	Lynwood Center Outfall Improvement Contract Award
		PW	10	Islandwide Asphalt Repair (Info)			PW	CA	City Hall Paint and Wood Restoration Contract Award
		PW	10	Lynwood Center Outfall Improvement (Info)			PW	CA	Islandwide Asphalt Repair Contract Award
		PW	10	Ordinance No. 2014-29, Regarding Pleasant Beach Tracts Partial ROW Vacation (1st Reading)				45	
		PW	10	City Hall Paint and Wood Restoration (Info)					
		EXEC	10	2015 LTAC Appointments					
			140						

2014 PROPOSED COUNCIL CALENDAR ITEMS

Absences	Clerk	Department	Timing (min)	Study Session 7 pm		Absences	Clerk	Department	Timing (min)	Business Meeting 7 pm	
	Roz		25	18-Aug		Val	Kelly Roz		25	25-Aug	
		FIN	45	Priority-Based Budgeting Model Presentation (consultants/1st up)				PW	10	Ordinance Regarding ROW Vacation (3rd Reading)	
		EXEC	15	2015 LTAC Awards: Approve Award Criteria and RFP				PW	CA	Head of the Bay Emergency Generator Contract Award	
		PW	10	Generator Emergency Connections Contract (Info)				PW	CA	Generator Emergency Connections Contract Award	
		PW	10	Head of the Bay Emergency Generator (Info)					35		
			105								
			25	2-Sep					25	9-Sep	
		PW	30	Olympic Drive Non-Motorized Improvements Preferred Design and PSA (Info)				PW	CA	Olympic Drive Non-Motorized Improvements Preferred Design and PSA Award	
			55						25		
			25	16-Sep					25	23-Sep	
		EXEC	15	Kitsap Economic Development Alliance (J. Powers)				FIN	?	2015-16 Proposed Budget (Info)	
			10	Biosolids Services Agreement (Info)				PW	CA	Biosolids Services Agreement Award	
			50						25		
5th week			25	30-Sep							
			25	7-Oct					25	14-Oct	
		FIN	30	Budget Deliberations				PW	CA	Water System Plan Policy PSA Award	
		PW	15	Water System Plan Policy PSA (Info)					25		
		FIN	10	Ordinance Regarding 2015-2016 Budget (1st Reading)							
		FIN	10	Ordinance Regarding Property Tax (1st Reading)							
		FIN	10	Ordinances Regarding Water, Sewer, SSWM Rates (1st Reading)							
			100								

2014 PROPOSED COUNCIL CALENDAR ITEMS

Absences	Clerk	Department	Timing (min)	Study Session 7 pm		Absences	Clerk	Department	Timing (min)	Business Meeting 7 pm	
			25	21-Oct					25	28-Oct	
		FIN	10	Ordinance Regarding Q3 2014 Budget Adjustments (1st Reading)				FIN	30	Budget Deliberations	
			35					FIN	10	Ordinance Regarding 2015-2016 Budget (Public Hearing)	
								FIN	10	Ordinance Regarding Property Tax (Public Hearing/Consider Approval)	
								FIN	10	Ordinance Regarding Water Rates (Public Hearing/Consider Approval)	
								FIN	10	Ordinance Regarding Sewer Rates (Public Hearing/Consider Approval)	
								FIN	10	Ordinance Regarding SSWM Rates (Public Hearing/Consider Approval)	
								FIN	CA	Ordinance Regarding Q3 2014 Budget Adjustments (Approve)	
									105		
			25	4-Nov					25	11-Nov	
		EXEC	15	Kitsap Economic Development Alliance (J. Powers)							
		FIN	30	Budget Deliberations							
			70								
			25	18-Nov					25	25-Nov	
								FIN	20	Ordinance Regarding 2015-2016 Budget (Consider Adoption)	
								EXEC	10	2015 LTAC Awards: Consider Award Recommendations	
									55		
			25	2-Dec					25	9-Dec	
		FIN	10	Ordinance Regarding Q4 2014 Budget Amendments (1st Reading/Info)				FIN	CA	Ordinance Regarding Q4 2014 Budget Amendments	
			35						25		
			25	16-Dec					25	23-Dec	