SPECIAL/REGULAR BUSINESS MEETING
WEDNESDAY, NOVEMBER 13, 2013
LOCATION: BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE N., BAINBRIDGE ISLAND, WASHINGTON

AGENDA

		Action
1. EXECUTIVE SESSION		
6:30 PM	Current Litigation (RCW 42.30.110(1)(i))	
2. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE		
7:00 PM		
Mayor:	Steven Bonkowski	
Councilmembers:	Anne Blair, Debbi Lester, Sarah Blossom, Bob Scales, Kirsten Hytopoulos, David Ward	
3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE		
7:05 PM		
4. PUBLIC COMMENT		
7:10 PM		
5. ORDINANCES/2ND READING		
7:20 PM A.	Ordinance No. 2013-28, Eliminating the Automatic Annual Fee Adjustment of the City's Water Utility Rates for 2014, AB 13-126 – Finance	Consider Approval
7:25 PM B.	Ordinance No. 2013-29, Eliminating the Automatic Annual Fee Adjustment of the City's Sewer Utility Rates for 2014, AB 13-127 – Finance	Consider Approval
7:30 PM C.	Ordinance No. 2013-30, Eliminating the Automatic Annual Fee Adjustment of the City's SSWM Rates for 2014 AB 13-128 – Finance	Consider Approval
6. ORDINANCES/1ST READING		
7:35 PM A.	Ordinance No. 2013-18, Historic Preservation – Comprehensive Plan Amendment 18503, AB 13-149 – Planning	Schedule Public Hearing 11/25/13
B.	Ordinance No. 2013-17, Non-Motorized Transportation Plan – Comprehensive Plan Amendment 18420, AB 13-140 – Planning	Schedule Public Hearing 11/25/13
C.	Ordinance No. 2013-20, Business/Industrial District Name Change – Comprehensive Plan Amendment 18572, AB 13-139 – Planning	Schedule Public Hearing 11/25/13
D.	Ordinance No. 2013-19, City Land Use Map Corrections – Comprehensive Plan Amendment 18573, AB 13-138 – Planning	Schedule Public Hearing 11/25/13
E.	Ordinance No. 2013-16, McNabb/Bainbridge Marina – Comprehensive Plan Amendment/Rezone 13220B, AB 13-148 – Planning	Schedule Public Hearing 11/25/13
7:45 PM F.	Ordinance No. 2013-35, Amending the Appointment and Compensation of Police Reserve Officers, AB 13-156 – Police	Schedule 2nd Reading 12/11/13
7:50 PM G.	Ordinance No. 2013-34, Adopting the City of Bainbridge Island Shoreline Master Program Update, AB 13-143 – Planning	Schedule Public Hearing 11/20/13

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.

7. NEW BUSINESS

7:55 PM	**A.**	Confirm Appointment of Sara L. McCulloch as Municipal Court Judge and Approve Contract for Employment, AB 13-157 – Executive	Confirm Appointment
8:05 PM	**B.**	Design Review Board Appointments, AB 13-157 – Mayor Bonkowski	Consider Approval
8:10 PM	**C.**	Resolution No. 2013-20, Relating to Short-Term Borrowing from the General Fund to the Capital Construction Fund, AB 13-155 – Finance	Consider Scheduling on 11/25/13 Consent Agenda
8:20 PM	**C.**	Update on the Proposed Changes to Department of Natural Resources Lease for Eagle Harbor – Executive	Information

8. UNFINISHED BUSINESS

8:30 PM	**A.**	2014 Budget Adjustments Discussion, AB 13-150 – Finance	Information

9. CONSENT AGENDA

9:00 PM

A.	Accounts Payable Voucher and Payroll Approval	Consider Approval
B.	Special/Regular Study Session Meeting Minutes, October 16, 2013	
C.	Special/Regular Business Meeting Minutes, October 23, 2013	Consider Approval
D.	Special City Council Meeting Minutes, October 30, 2013 **(Pg.)**	Consider Approval
E.	Regional Stormwater Monitoring Program Funding Interagency Agreement, AB 13-154 – Public Works	Consider Approval
F.	Local Agency Standard Consulting Agreement(s) with HDR Inc. for the Wing Point Way Non-Motorized Improvements Project Design Information, AB 13-086 – Public Works	Consider Approval
G.	City Manager Performance Review, AB 13-160 – City Council	Consider Approval

10. CITY MANAGER'S REPORT
9:05 PM

11. COMMITTEE REPORTS
9:10 PM

12. REVIEW UPCOMING COUNCIL MEETING AGENDAS
9:15 PM

13. FOR THE GOOD OF THE ORDER
9:20 PM

14. ADJOURNMENT
9:25 PM

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: Ordinance No. 2013-28, eliminating the automatic annual fee adjustment to the City's Water Utility Rates for 2014	Date: November 13, 2013
Agenda Item: Ordinances/2nd Reading	Bill No.: 13-126
Proposed By: Finance Director Schroer	Referral(s):

BUDGET INFORMATION		
Department: Public Works	Fund: Water	Munis Contract #
Expenditure Req:	Budgeted? ☐ Yes ☒ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW		
October 16, 2013 Study Session	Recommendation: Consider approval	
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A

DESCRIPTION/SUMMARY

Action Item:

Consideration of Ordinance No. 2013-28, relating to the City Water Utility and eliminating the automatic annual fee adjustment to water utility rates for 2014.

History:

Section 13.16.060 of the Bainbridge Island Municipal Code provides for an annual automatic rate increase of equal to the annual percentage increase in the United States Consumer Price Index, All Urban Consumers (CPI-U) for November of the preceding year unless City Council determines that by December 31st of any year that adjustment shall be another amount or shall not occur for the next year.

RECOMMENDED ACTION

Motion:

I move that the City Council approve Ordinance No. 2013-28 eliminating the automatic annual fee adjustment to water utility rates for 2014.

ORDINANCE NO. 2013-28

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the City Water Utility and eliminating the automatic fee adjustment for monthly water service rates in 2014.

WHEREAS, a structure for establishing water and sewer rates, charges, and fees was established by Ordinance No. 82-20 and amended by Ordinance No. 2011-26 to provide that water utility rates shall be set forth in Section 12(B) of the city's fee schedule, as amended by ordinance passed by the City Council; and

WHEREAS, Section 13.16.060 of the Bainbridge Island Municipal Code provides for an annual rate of increase equal to the annual percentage increase in the United States Consumer Price Index, All Urban Consumers (CPI-U) for November of the preceding year as shown in the release from the Bureau of Labor Statistics plus two percent, unless City Council determines that by December 31st of any year that adjustment shall be another amount or shall not occur for the next year; and

WHEREAS, the City has determined that no annual increase is necessary for 2014; now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. There will be no automatic annual fee adjustment of the City's water utility fees under Section 13.16.060 of the Bainbridge Island Municipal Code for 2014.

Section 2. This ordinance shall take effect and be in force on January 1, 2014 after its passage, approval, and publication as required by law.

_____
Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

_____
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	October 11, 2013
PASSED BY THE CITY COUNCIL:	November __, 2013
PUBLISHED:	November __, 2013
EFFECTIVE DATE:	January 1, 2014
ORDINANCE NO.:	2013-28

CITY OF BAINBRIDGE ISLAND
CITY COUNCIL AGENDA BILL

PROCESS INFORMATION	
Subject: Ordinance No. 2013-29, eliminating the automatic annual fee adjustment of the City's Sewer Utility Rates for 2014	Date: November 13, 2013
Agenda Item: Ordinances/2nd Reading	Bill No.: 13-127
Proposed By: Finance Director Schroer	Referral(s):

BUDGET INFORMATION		
Department: Public Works	Fund: Sewer	Munis Contract #
Expenditure Req:	Budgeted? ☐ Yes ☒ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW		
October 16, 2013 Study Session	Recommendation: Consider approval	
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A

DESCRIPTION/SUMMARY

Action Item:

Consideration of Ordinance No. 2013-29, relating to the City Sewer Utility and eliminating the automatic fee adjustment for monthly sewer service rates in 2014.

History:

Section 13.16.060 of the Bainbridge Island Municipal Code provides for an annual rate increase equal to the annual percentage increase in the United States Consumer Price Index, All Urban Consumers (CPI-U) for November of the preceding year unless City Council determines that by December 31st of any year that adjustment shall be another amount or shall not occur for the next year.

RECOMMENDED ACTION

Motion:

I move that the City Council approve Ordinance No. 2013-29 relating to the City Sewer Utility, eliminating the automatic fee adjustment for monthly sewer service rates in 2014.

ORDINANCE NO. 2013-29

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the City Sewer Utility and eliminating the automatic fee adjustment for monthly sewer service rates in 2014.

WHEREAS, a structure for establishing water and sewer rates, charges, and fees was established by Ordinance No. 82-20 and amended by Ordinance No. 2011-25 to provide that sewer utility rates shall be set forth in Section 12(B) of the City's fee schedule, as amended by ordinance passed by the City Council; and

WHEREAS, Section 13.16.060 of the Bainbridge Island Municipal Code provides for an annual rate of increase equal to the annual percentage increase in the United States Consumer Price Index, All Urban Consumers (CPI-U) for November of the preceding year as shown in the release from the Bureau of Labor Statistics plus two percent, unless City Council determines that by December 31st of any year that adjustment shall be another amount or shall not occur for the next year; and

WHEREAS, the City has determined that no annual increase is necessary for 2014; now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. There will be no automatic annual fee adjustment of the City's sewer utility fees under Section 13.16.060 of the Bainbridge Island Municipal Code for 2014.

Section 2. This ordinance shall take effect and be in force on January 1, 2014 after its passage, approval, and publication as required by law.

PASSED by the City Council this __ day of November, 2013.

APPROVED by the Mayor this __ day of November, 2013.

_____
Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

_____
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	October 11, 2013
PASSED BY THE CITY COUNCIL:	November __, 2013
PUBLISHED:	November __, 2013
EFFECTIVE DATE:	January 1, 2014
ORDINANCE NO.:	2013-29

CITY OF BAINBRIDGE ISLAND
CITY COUNCIL AGENDA BILL

PROCESS INFORMATION	
Subject: Ordinance No. 2013-30, eliminating the automatic annual fee adjustment of the City's Storm and Surface Water Utility Rates for 2014	Date: November 13, 2013
Agenda Item: Ordinances/2nd Reading	Bill No.: 13-128
Proposed By: Finance Director Schroer	Referral(s):

BUDGET INFORMATION		
Department: Public Works	Fund: SSWM	Munis Contract #
Expenditure Req:	Budgeted? ☒ Yes ☐ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW		
October 16, 2013 Study Session	Recommendation: Consider approval	
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A

DESCRIPTION/SUMMARY

Action Item:

Consideration of Ordinance No. 2013-30, eliminating the automatic annual fee adjustment of the City's storm and surface water utility fees for 2014.

History:

Section 13.24.065 of the Bainbridge Island Municipal Code provides for an annual rate of increase equal to the annual rate of increase in the Seattle Area Consumer Price Index, unless City Council determines that by December 31st of any year that adjustment shall be another amount or shall not occur for the next year.

RECOMMENDED ACTION

Motion:

I move that the City Council approve Ordinance No. 2013-30 eliminating the automatic annual fee adjustment of the City's storm and surface water utility fees for 2014.

ORDINANCE NO. 2013-30

AN ORDINANCE of the City of Bainbridge Island, Washington, eliminating the automatic annual fee adjustment of the City's storm and surface water utility fees for 2014.

WHEREAS, RCW Chapter 35.67 provides that cities are authorized to establish storm water ("storm sewer") utilities; and

WHEREAS, the City of Bainbridge Island has had a Storm and Surface Water Management (formerly "Storm Drain") utility since 1987; and

WHEREAS, Section 13.24.065 of the Bainbridge Island Municipal Code provides for an annual rate of increase equal to the annual rate of increase in the Seattle Area Consumer Price Index, unless City Council determines that by December 31st of any year that adjustment shall be another amount or shall not occur for the next year; and

WHEREAS, the City has determined that no annual increase is necessary for 2014; now, therefore,

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

Section 1. There will be no automatic annual fee adjustment of the City's storm and surface water utility fees under Section 13.24.065 of the Bainbridge Island Municipal Code for 2014.

Section 2. This ordinance shall take effect and be in force on January 1, 2014 after its passage, approval, and publication as required by law.

PASSED by the City Council this __ day of November, 2013.

APPROVED by the Mayor this __ day of November, 2013.

_____
Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

_____
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	October 11, 2013
PASSED BY THE CITY COUNCIL:	November __, 2013
PUBLISHED:	November __, 2013
EFFECTIVE DATE:	January 1, 2014
ORDINANCE NO.:	2013-30

CITY OF BAINBRIDGE ISLAND
CITY COUNCIL AGENDA BILL

PROCESS INFORMATION	
Subject: Ordinance 2013-18, 2013 Comprehensive Plan Amendments (CPA): CPA18503 Historic Preservation Introduction, Goals and Policies	Date: November 13, 2013
Agenda Item: Ordinances/ 1st Reading	Bill No.: 13-149
Proposed By: Planning Director, Kathy Cook and Associate Planner, Heather Beckmann	

BUDGET INFORMATION		
Depart/Fund:		
Expenditure Req:	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW		
Study Session: October 16, 2013	Recommendation: Forward to 1st Reading November 13, 2013	
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No N/A	Finance ☐ Yes ☐ No ☒ N/A

DESCRIPTION/SUMMARY

Action Item:

Hold 1st Reading on Ordinance 2013-18/ CPA18503, and answer any questions the City Council may have on the amendment. **For additional information please see the staff report and attachments in the Comprehensive Plan Amendment binder previously provided to the Council.**

Background:

This Comprehensive Plan Amendment application has been submitted by the City's Historic Preservation Commission (HPC), and requests to replace the existing Historic Preservation introduction, goals and policies with the proposed language. In summary, the CPA application requests to:

- Maintain and support the existing historic preservation program;
- Maintain and support the City's status as a Certified Local Government;
- Identify and evaluate historic resources, including the addition of a new category of historic structures, known as "iconic";
- To preserve and enhance historic resources; and
- Strengthen the community's commitment to historic preservation by increasing public participation.

RECOMMENDED ACTION

Motion:

I move to forward CPA18503/Ordinance 2013-18 on to 2nd Reading/public hearing on November 25, 2013.

City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT

MEMORANDUM

TO: City Council

FROM: Kathy Cook, Director
Heather Beckmann, Associate Planner

DATE: November 13, 2013

RE: 1st Reading: CPA18503 Non-motorized Transportation Plan, Ordinance 2013-18

The City reviews and processes Comprehensive Plan Amendments (CPA) once every three years, and 2013 is an amendment year. The process and decision criteria for CPAs are outlined in Bainbridge Island Municipal Code Section 2.16.190. The Comprehensive Plan Amendments must be considered cumulatively, and therefore will be reviewed by the City Council together.

Comprehensive Plan Amendment (CPA) 18503 was submitted by the City's Historic Preservation Commission to replace the existing historic preservation goals and policies in the Comprehensive Plan.

The City Council held a study session on October 16th on this amendment, and had few questions. After holding 1st Reading on November 13th, staff recommends that the City Council forward this CPA/ Ordinance 2013-18 on to 2nd Reading/ public hearing. The 2nd Reading/ public hearing is currently scheduled for Monday, November 25th.

Attachments
A. Draft Ordinance 2013-18

ORDINANCE NO. 2013-18

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to historic preservation; amending and restating the Comprehensive Plan Land Use Element Introduction (Historic Preservation), repealing Historic Preservation Goals 1-3 and Policies HP 1.1-1.5, 2.1-2.7 and 3.1-3.2; and adopting Historic Preservation Goals 1-4 and Policies HP 1.1-1.4, 2.1-2.5, 3.1-3.6 and 4.1-4.4 in their place.

WHEREAS, the City Council is authorized to modify the City's Comprehensive Plan in accordance with Washington State laws; and

WHEREAS, the Historic Preservation Commission has recommended revising the Historic Preservation Element (a) to reflect the existence of the Historic Preservation Commission and the fact that the City is a Certified Local Government and (b) to add a public participation goal to promote and recognize historic resources; and

WHEREAS, the Planning Commission conducted a study session on the proposed language on May 9, 2013; and

WHEREAS, the Planning Commission conducted a public hearing on June 27, 2013, considered the decision criteria for the amendment request, and forwarded their recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing on this proposed Comprehensive Plan amendment on November 13, 2013 and considered the decision criteria; and

WHEREAS, notice was give on September 4, 2013 to the Office of Community Development in conformance with RCW 36.70A.106; and

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

Section 1. The City Council finds that this Comprehensive Plan amendment is in conformance with the Comprehensive Plan and all applicable laws in effect at the time of approval.

Section 2. The Historic Preservation introduction on page 4 of the Comprehensive Plan is hereby amended and restated to read as follows:

Historic Preservation

Historic Preservation Goals and Policies recognize the importance of archaeological, cultural and historic resources on the island. Bainbridge Island is a Certified Local Government (CLG) with a Historic Preservation Commission (HPC). Responsibilities of a CLG, and its HPC, include

establishing an historic preservation commission, surveying local historic properties, enforcing state or local preservation laws, reviewing nominations for the state and national historic registers, maintaining a Local Historic Register and providing resources and advocacy for historic preservation.

The City is committed to the preservation and enhancement of Bainbridge Island's historic character. Historic resources, including archaeological sites, cultural places, pastoral landscapes and historic structures are important community assets. The City recognizes that these places are an essential part of Bainbridge Island's character and shall be identified, evaluated, and preserved.

Section 3. The Historic Preservation Goals 1-3 and Policies HP 1.1-1.5, 2.1-2.7 and 3.1-3.2 of the Land Use Element of the Comprehensive Plan (pages 34-36) are hereby repealed and the Historic Preservation Goals and Policies set forth below are adopted in their place:

Historic Preservation

GOAL 1

Maintain and Support a Historic Preservation Program – A successful historic preservation program requires on-going support of the community, as well as the City government and its designated department.

HP 1.1
The City shall maintain its status as a Certified Local Government (CLG), thereby promoting collaboration among City departments, boards and commissions.

HP 1.2
The City and its HPC shall regularly review the local historic preservation ordinance and update where necessary to assure that it achieves the Comprehensive Plan's goals and policies.

HP 1.3
The City and the HPC shall develop the City's preferred method of project compliance review and reporting, consistent with state laws and local ordinances.

HP 1.4
The City and HPC shall coordinate with tribal communities and other interested stakeholders who have an interest in historic resources on the Island.

GOAL 2

Identification and Evaluation of Historic Resources – Historic property inventory and context statements inform planning efforts by identifying areas where resources worthy of preservation exist or are likely to occur.

HP 2.1
The City and HPC shall recognize historic resources listed on, or eligible for, the local registry as significant historic properties.

HP 2.2
The City and HPC shall continue to inventory historic resources, thereby maintaining an up-to-date site database using the latest affordable technologies available.

HP 2.3
The City and HPC shall continue to support and expand the Local Historic Register program.

HP 2.4
The City and HPC shall develop protocols for the consistent evaluation of historic resources on the Island.

HP 2.5
The City and HPC shall define and identify its "iconic" structures and sites (those intended for permanent preservation), which are deemed essential elements of the community's character, history and identify.

GOAL 3

Preservation and Enhancement of Historic Resources – An effective historic preservation program provides meaningful practical incentives and policies for property owners and developers to preserve historic resources.

HP 3.1
The City shall encourage preservation of existing historic structures and sites as an important tool in building a sustainable and unique community.

HP 3.2
The City shall encourage the preservation, rehabilitation and restoration of existing structures through the adoption and implementation of the International Existing Building Code (IEBC).

HP 3.3
The City and HPC shall collaborate with the Design Review Board to develop design guidelines for projects within or adjacent to significant historic properties and/or neighborhoods to ensure compatible development.

HP 3.4
The City and HPC shall develop guidelines to ensure review of potential direct and indirect impacts to significant historic properties when planning and/or permitting projects.

HP 3.5
The City and HPC shall identify and support practical owner/operator economic incentives and policies to encourage the rehabilitation and preservation of significant historic resources.

HP 3.6
The City shall engage in cooperative efforts with owners to encourage the preservation of historic resources.

GOAL 4

Public Participation – Establishing a broad base of support from citizens and their city government will strengthen the community's commitment to historic preservation.

HP 4.1
The City and HPC shall support an on-going education program to increase awareness of the historic resources on the Island.

HP 4.2
The City and HPC shall support efforts to publicly recognize preservation efforts within the Island community.

HP 4.3
The City and HPC shall collaborate with interested stakeholders to promote historic preservation on the Island.

HP 4.4
The City and HPC shall identify, and give public access to, an appropriate repository for curating historic preservation records and documentation.

Section 4. This ordinance shall take effect and be in force _____, 2013 after its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this _____ day of ____, 2013.

APPROVED BY THE MAYOR this ____ day of ____, 2013

_____
Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE

_____
Rosalind E. Lassoff, City Clerk

FILED WITH THE CITY CLERK: October 10, 2013
PASSED BY THE CITY COUNCIL: _____ , 2013
PUBLISHED: _____, 2013
EFFECTIVE DATE: _____, 2013
ORDINANCE NUMBER: 2013-18

CITY OF BAINBRIDGE ISLAND
CITY COUNCIL AGENDA BILL

PROCESS INFORMATION	
Subject: Ordinance 2013-17, 2013 Comprehensive Plan Amendments (CPA): CPA18420 City Non-Motorized Transportation Plan (NMTP)	Date: November 13, 2013
Agenda Item: Ordinances/ 1st Reading	Bill No.: 13-140
Proposed By: Planning Director Kathy Cook and Special Project Planner Jennifer Sutton	

BUDGET INFORMATION		
Depart/Fund:		
Expenditure Req:	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW		
Study Session: October 2, 2013	Recommendation: Forward to 1st Reading November 13, 2013	
City Manager ☐ Yes ☐ No ☒ N/A	Legal ☒ Yes ☐ No N/A	Finance ☐ Yes ☐ No ☒ N/A

DESCRIPTION/SUMMARY

Action Item:

Hold 1st Reading on Ordinance 2013-17/CPA18420, and answer any questions the City Council may have on the amendment. **For additional information please see the staff report and attachments in the Comprehensive Plan Amendment binder previously provided to the Council.**

Background:

This Comprehensive Plan Amendment application has been submitted by the City's Non-Motorized Transportation Advisory Committee (NMTAC), and requests several policy and map amendments to the Non-Motorized Transportation Plan (NMTP), a subelement of the Transportation Element. The CPA applications requests to:

- Add new policy NM 5.11 that would add the concept of "complete streets" to the plan.
- Specifies that the "Sound to Olympics Trail" refers to the planned facility along State Route 305 by modifying policy NM 1.11; modifying the legend on Maps D and E; adding a new facility type- "Shared-use Path"; and replacing "SR 305 Pathways" with "Sound to Olympics Trail" in Chapter 4 and Appendix A. The amendment also requests that the "Sound to Olympics Trail Vision", submitted by the NMTAC as part of the CPA application, be added as an appendix.
- Change the shared-use path cross-section to a diagram from the WSDOT design manual.
- Changes Maps D and E of the NMTP to modify or add existing and planned facilities.

RECOMMENDED ACTION

Motion:

I move to forward CPA18420/ Ordinance 2013-17 on to 2nd Reading/ public hearing on November 25, 2013.

City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT

MEMORANDUM

TO: City Council

FROM: Kathy Cook, Director
Jennifer Sutton, Special Project Planner

DATE: November 13, 2013

RE: 1st Reading: CPA18420 Non-motorized Transportation Plan, Ordinance 2013-17

The City reviews and processes Comprehensive Plan Amendments (CPA) once every three years, and 2013 is an amendment year. The process and decision criteria for CPAs are outlined in Bainbridge Island Municipal Code Section 2.16.190. The Comprehensive Plan Amendments must be considered cumulatively, and therefore will be reviewed by the City Council together.

Comprehensive Plan Amendment (CPA) 18420 was submitted by the City's Non-motorized Transportation Advisory Committee to amend the Non-motorized Transportation Plan to add the concepts of "complete streets" and the "Sound to Olympics Trail" and update Maps D and E to modify or add existing and planned facilities.

The City Council held a study session on October 2nd on this amendment, and had few questions. After holding 1st Reading on November 13th, staff recommends that City Council forward this CPA/ Ordinance 2013-17 on to 2nd Reading/ public hearing. The 2nd Reading/ public hearing is currently scheduled for Monday, November 25th.

Attachments
A. Draft Ordinance 2013-17

ORDINANCE NO. 2013-17

AN ORDINANCE of the City of Bainbridge Island, Washington, to amend the Non-motorized Transportation Plan, a subelement of the Transportation Element of the Comprehensive Plan.

WHEREAS, the Non-motorized Transportation Advisory Committee (NMTAC) is a City citizens advisory committee promoting non-motorized transportation on Bainbridge Island; and

WHEREAS, the NMTAC desires to integrate the concepts of "Complete Streets" and the "Sound-to-Olympics Trail", and update Maps D and E in the Non-motorized Transportation Plan (NMTP); and

WHEREAS, the NMTAC submitted a Comprehensive Plan Amendment during the 2013 Comprehensive Plan Amendment cycle to amend the NMTP, a subelement of the Transportation Element of the Comprehensive Plan; and

WHEREAS, the Planning Commission conducted a study session on these amendments to the NMTP on May 9, 2013; and

WHEREAS, the Planning Commission conducted a public hearing on June 27, 2013, considered the decision criteria for the amendment request, and forwarded their recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing on this proposed Comprehensive Plan Amendment on _____, 2013 and considered the decision criteria; and

WHEREAS, notice was given on June 28, 2013 to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106;

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

Section 1. The City Council finds that this Comprehensive Plan Amendment is in conformance with the Comprehensive Plan and all applicable state laws in effect at the time of approval.

Section 2. Policy NM 1.11 of Goal 1 of Chapter 2 of the Non-motorized Transportation Plan section of the City's Comprehensive Plan is hereby amended to read as follows:

> NM 1.11 Enhance regional connections with the phased development of <u>the Sound to Olympics (regional) Trail (STO),</u> a safe, non-motorized, multi-purpose, travel corridor <u>(built to a shared-use path standard)</u> between the Agate Pass Bridge and the Bainbridge

Attachment A

DRAFT

Island ferry terminal, on each side of the SR-305 right-of-way that generally retains a vegetation buffer between the highway and adjoining uses.

Discussion: The travel corridor should be phased, first providing for continuous connection along one side of SR 305 and then providing for a continuous connection along the other side at a later date. In some areas topography and environmental considerations may require that the facility be constructed adjacent to the highway, in which case adequate safety measures should be included in the design. As is typical in development of regional trails, existing trails and low volume roads are expected to be used as interim facilities to provide a more complete connection until a full shared-use path route can be completed.

Generally, the STO should be separated from the highway as much as terrain allows, including passing through adjacent or nearby property such as parks, to provide a greenway experience with trees and other vegetative buffer for visual and sound screening between the STO and the highway, as well as adjoining uses. Separated grade crossings of SR 305 are considered a higher priority than shared-use path on both sides of the highway, and may make a parallel trail on both sides unnecessary. Priority in phasing will be given to projects which provide greatest safety, best opportunities, and greatest numbers of users. Projects for next sections will planned in advance to be prepared for emerging funding opportunities.

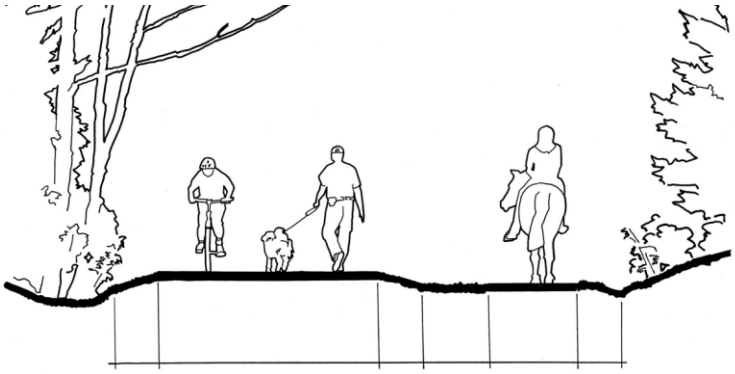
Section 3. A new Policy NM 5.11 is hereby added to Goal 5 of Chapter 2 of the Non-motorized Transportation Plan section of the City's Comprehensive Plans as follows:

NM 5.11 Adopt a Complete Streets Ordinance to ensure transportation facility users of all ages and abilities – including those traveling by motor vehicle, transit, bicycle, on foot, and using assistive devices (such as wheelchairs, walkers, or canes) are given full consideration during City reconstruction**.**

Discussion: An effective Complete Streets Ordinance includes a specific vision, applies to all users and transportation modes, captures all projects at all phases, sets forth limited exceptions, focuses on network connectivity, encourages coordination and implementation across jurisdictional and agency boundaries, fits into the community context, and focuses on implementation. Bainbridge Island's Complete Streets Ordinance shall include language that facilitates the development of the Sound to Olympics trail/shared-use path as an appropriate design standard for the SR 305 corridor. Staff and the NMTAC will work together, in consultation with other community groups, to develop such an ordinance and bring it to the City Council for consideration and adoption.

Section 4. Chapter 4 of the Non-motorized Transportation Plan section of the City's Comprehensive Plan is hereby amended to add the following definition to Facility Type Definitions:

Shared-Use Path: This design standard, is specified by WSDOT for regional trails like the Sound to Olympics Trail to provide for a wide variety of users (including bicyclists, walkers, runners, seniors, families with children, and people with disabilities who may use assistive devices such as wheelchairs, walkers, & canes--traveling both directions). The shared-use path standard calls for a paved surface 12' wide preferred, minimum 10' wide.



Shared-Use Path cross-section, 10-12 feet wide (NMTP p 4-8)

Section 5. The section "Features of the System" in the Proposed Section Plan section of Chapter 4 of the Non-motorized Transportation Plan section of the City's Comprehensive Plan is hereby amended to read as follows:

Features of the System

~~*SR 305 Pathways* -- A separated non-motorized pathway is proposed for both sides of SR-305. The pathway will be constructed within the States right of way.~~ *Sound to Olympics Trail (STO)* -- A regional trail, built to the shared-use path standard, within or along the SR 305 right of way from the WSF terminal in Winslow to the Agate Pass Bridge on Bainbridge. Subsequent design will need to include environmental and grade constraints and safe crossings at intersections with roadways along the route.

Section 6. Appendix A, History of Plan Development of the Non-motorized Transportation Plan, of the City's Comprehensive Plan is hereby amended to add the following note:

Note: As recommended by the City of Bainbridge Island's Non-Motorized Transportation Advisory Committee, the SR 305 corridor (for its full length, including between the ferry terminal & Winslow Way, i.e. Olympic Drive) is now considered "NM-1 High Use" and shall contain the Sound to Olympics (regional) Trail built to a shared-use path standard of 12' preferred, minimum 10', and have full bike lanes provided for its entire length.

Section 7. Maps D and E of the Non-motorized Transportation Plan section of the City's Comprehensive Plan are hereby amended as shown in Exhibit A (except changes #6, #15, and #28 on Map D).

DRAFT

Section 6. A new Appendix F, Sound to Olympics Trail Vision, is hereby added to the Non-motorized Transportation Plan section of the City's Comprehensive Plan as shown in Exhibit B.

Section 7. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2013.

APPROVED BY THE MAYOR this ___ day of _____, 2013.

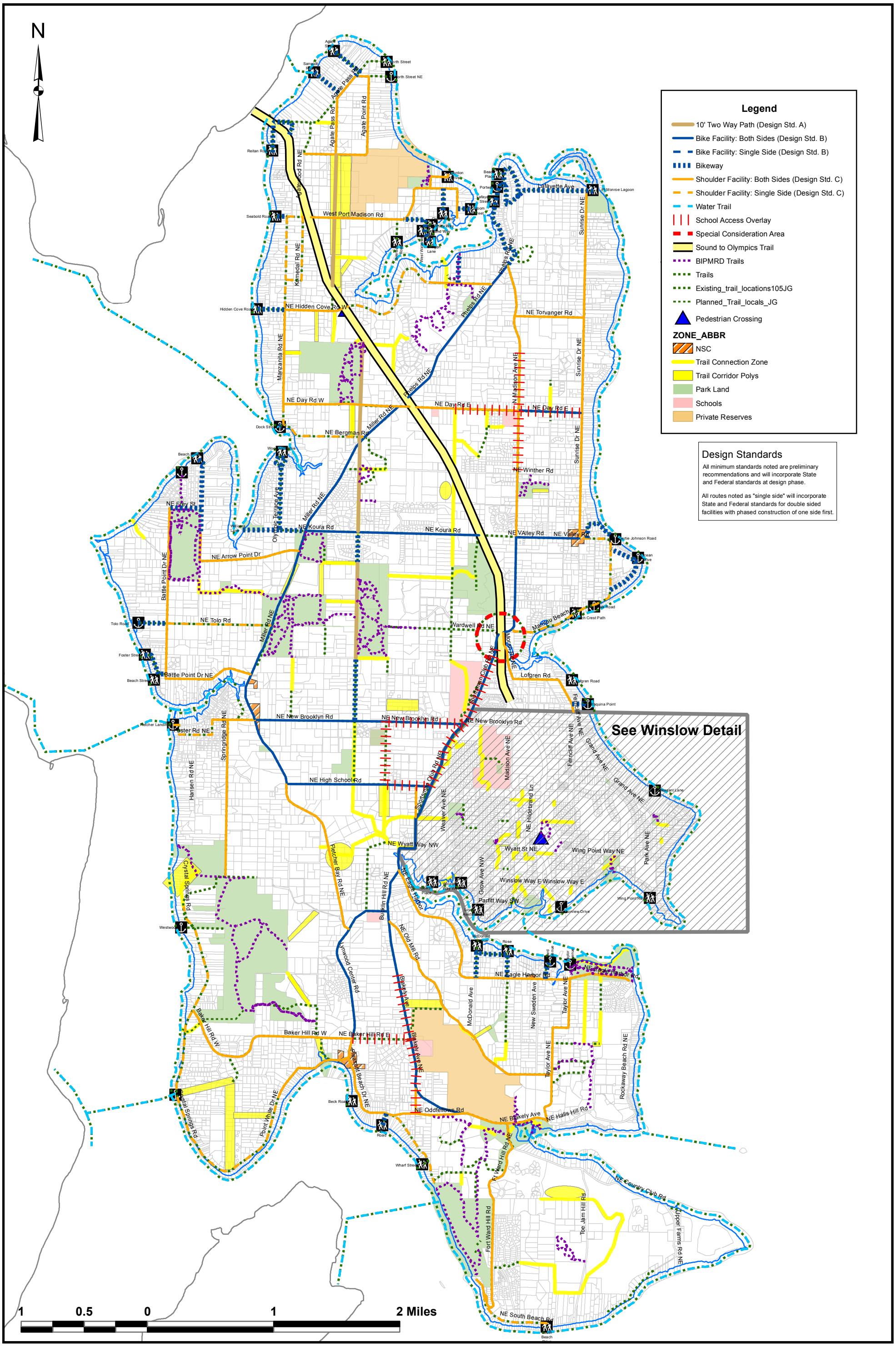
_____
Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

_____
Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK: September 26, 2013
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER: 2013-17

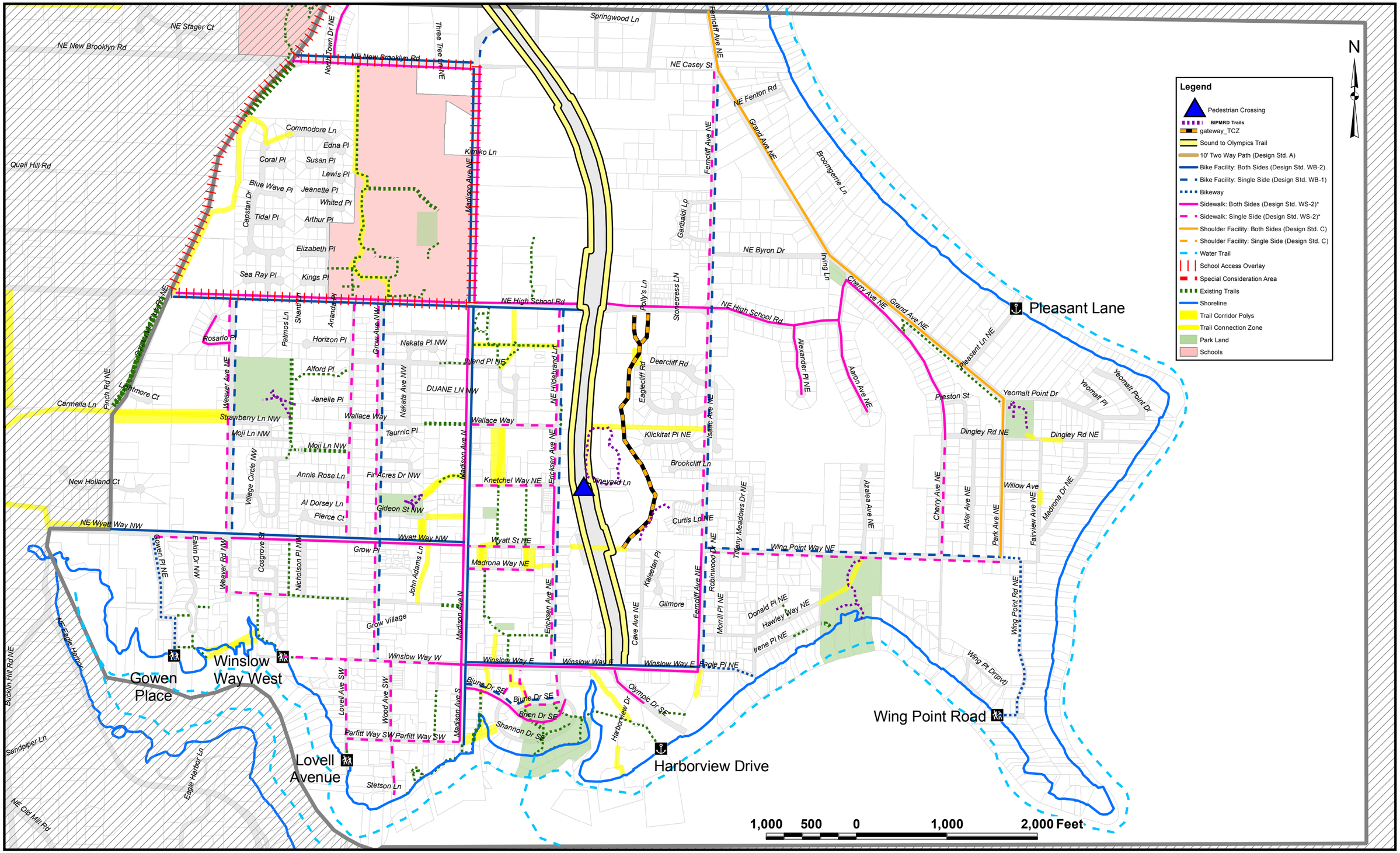
DRAFT



Non-Motorized System Plan
Map D: (Minimum Standards)

January 2003 Updated November 2013

1:43,829



Non-Motorized Transportation Plan
Map E: Winslow System Plan (Minimum Standards)

1:11,750

January 2003,
Updated November 2013

CITY OF BAINBRIDGE ISLAND

APPENDIX F

Non-Motorized Transportation Plan

Sound to Olympics Trail Vision

NOVEMBER 2013

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
280 MADISON AVENUE NORTH
BAINBRIDGE ISLAND, WA 98110-1812
PHONE: (206) 842-2552 FAX: (206) 780-0955
PCD@BAINBRIDGEWA.GOV

Exhibit B

Sound to Olympics (STO) Trail Vision

The Sound to Olympics Trail (STO) is a regional trail across Kitsap County which connects via branches to both Kingston/ Edmonds and Bainbridge Island/ Seattle's Washington State Ferry runs, with the Burke-Gilman Trail and other regional trails east of Puget Sound in the Mountains to Sound Greenway, and with the Olympic Discovery Trail beyond the Hood Canal Bridge. The STO is a key link in Washington State Parks' Cross-State Trail—connecting from the Idaho border to Washington's Pacific Coast.

As a regional trail, the STO is built to a shared-use path standard, designed to serve a wide variety of users traveling two directions. The shared-use path standard specifies a twelve foot preferred (minimum ten foot) paved surface. This standard, required by federal and state funding sources, supports use by high pressure tire road bike cyclists—the most demanding design use. However, it serves people walking, running, using roller-blades, equestrians, families with children, and people of all ages and abilities, including those using canes, walkers, manual and motorized wheelchairs, strollers, and wheeled luggage.

Design of the STO should utilize public open space and parks or other private preserved land when possible. The STO facility on Bainbridge Island also integrates with planning for open space with trails through the North Kitsap Trail Plan and the Kitsap Forest and Bay Project.

The STO is called for by the Puget Sound Regional Council's *Transportation 2040* plan, Kitsap County's *North Kitsap String of Pearls Trail Plan*, Kitsap Transit's *SR 305 Corridor Study*, the Kitsap Regional Coordinating Council's *Looking for Linkage* report, and this *Non-Motorized Transportation Plan.*

A completed 800 foot section of the STO trail has already been built along SR 305 at Vineyard Lane on Bainbridge Island, including a $750,000 steel bridge across the Winslow Ravine. More than a mile of paved trail has also been completed by the Suquamish Tribe through the Whitehorse development in Indianola.

Key elements of the STO concept include the following:

1. Located in and along SR 305 and SR 104 rights-of-way in sections, e.g. SR 305 the length of Bainbridge Island and SR 104 for 1.8 miles through Popo Resources Shoreline Block at Port Gamble targeted for acquisition by the Kitsap Forest and Bay Project;

2. Regional trail built to WSDOT shared-use path standard;

3. Interconnects with sub-regional and neighborhood trails;

Exhibit B

4. Integrated with transit;

5. Safe and efficient separated-grade crossings for trail users across major roads and highways, e.g. SR 305 on Bainbridge, and at the Bond Road/ Big Valley Road intersection in Poulsbo;

6. Integrated with open space plans (similar to the Mountains-to-Sound Greenway) in order to preserve and enhance natural viewshed, native vegetation and wildlife corridors, notably as part of the Scenic Byway designations of SR 305 and SR 104;

7. Calls for separated bicycle/ pedestrian facility in time at the Agate Pass Bridge and Hood Canal Bridge;

8. Complements (and does not substitute for) on-road facilities serving faster cyclists;

9. Provides the Washington State Park' Cross-State Trail in Kitsap;

10. Promotes economic development in Kitsap by providing additional modes of transportation to business and other destinations;

11. Developed incrementally using local low volume roads and trails as interim connections, with projects for next sections planned in advance to be prepared for emerging funding opportunities.

Exhibit B

CITY OF BAINBRIDGE ISLAND
CITY COUNCIL AGENDA BILL

PROCESS INFORMATION	
Subject: Ordinance 2013-20, 2013 Comprehensive Plan Amendments (CPA): CPA18572 Business/Industrial District Name Change	Date: November 13, 2013
Agenda Item: Ordinances/ 1st Reading	Bill No.: 13-139
Proposed By: Planning Director Kathy Cook and Special Project Planner Jennifer Sutton	

BUDGET INFORMATION		
Depart/Fund:		
Expenditure Req:	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW		
Study Session: October 10, 2013	Recommendation: Forward to 1st Reading November 13, 2013	
City Manager ☐ Yes ☐ No ☒ N/A	Legal ☒ Yes ☐ No N/A	Finance ☐ Yes ☐ No ☒ N/A

DESCRIPTION/SUMMARY

Action Item:

Hold 1st Reading on Ordinance 2013-19/ CPA18572, and answer any questions the City Council may have on the amendment. **For additional information please see the staff report and attachments in the Comprehensive Plan Amendment binder previously provided to the Council.**

Background:

This City CPA requests to change the name of the Light Manufacturing District to *Business/ Industrial.* The name change should be reflected on the Comprehensive Plan Land Use Map, and within the Introduction, Land Use, and Economic Elements of the Comprehensive Plan, as appropriate given the context. References to "light manufacturing" as a type of use would not be changed. This amendment implements the district name change to *Business/ Industrial* that was reviewed and approved through the multiyear Land Use Code Update project. The Code Update, Ordinance 2011-02, was approved by the City Council on November 9, 2011, and has been reflected in the reorganized Titles 2 *Administration, Personnel, and Land Use Procedures* and 18 *Zoning.*

RECOMMENDED ACTION

Motion:

I move to forward CPA18572/ Ordinance 2013-20 on to 2nd Reading/ public hearing on November 25, 2013.

City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT

MEMORANDUM

TO: City Council

FROM: Kathy Cook, Director
Jennifer Sutton, Special Project Planner

DATE: November 13, 2013

RE: 1st Reading: CPA18572 Business/ Industrial District Name Change, Ordinance 2013-20

The City reviews and processes Comprehensive Plan Amendments (CPA) once every three years, and 2013 is an amendment year. The process and decision criteria for CPAs are outlined in Bainbridge Island Municipal Code Section 2.16.190. The Comprehensive Plan Amendments must be considered cumulatively, and therefore will be reviewed by the City Council together.

Comprehensive Plan Amendment (CPA) 18572 is a City-initiated amendment to change the Light Manufacturing land use designation to *Business/ Industrial* in the Comprehensive Plan and on the Land Use Map of the Comprehensive Plan. The 2011 Land Use Code Update project had made the name change within the City's development regulations in the BIMC.

The City Council held a study session on October 2nd on this amendment, and had few questions. After holding 1st Reading on November 13th, staff recommends that City Council forward this CPA/ Ordinance 2013-20 on to 2nd Reading/ public hearing. The 2nd Reading/ public hearing is currently scheduled for Monday, November 25th.

Attachments
A. Draft Ordinance 2013-20

ORDINANCE NO. 2013-20

AN ORDINANCE of the City of Bainbridge Island, Washington, to amend the Introduction, Land Use and Economic Elements, and Land Use Map of the Comprehensive Plan, changing the name of the *Light Manufacturing* land use district to *Business/Industrial*.

WHEREAS, the multi-year Land Use Code Update was approved by the City Council with the passage of Ordinance No. 2011-02 on November 9, 2011; and

WHEREAS, through Ordinance No. 2011-02, the name of the *Light Manufacturing District* was changed to the *Business/Industrial District* in the Bainbridge Island Municipal Code; and

WHEREAS, the City submitted a Comprehensive Plan Amendment during the 2013 Comprehensive Plan Amendment cycle to update the Comprehensive Plan and Land Use Map to reflect the new *Business/Industrial District* name; and

WHEREAS, the Planning Commission conducted a study session on this amendment on May 23, 2013; and

WHEREAS, the Planning Commission conducted a public hearing on June 27, 2013, considered the decision criteria for the amendment request, and forwarded their recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing on this proposed Comprehensive Plan Amendment on _____, 2013 and considered the decision criteria; and

WHEREAS, notice was given on June 28, 2013 to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106;

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

Section 1. The City Council finds that this Comprehensive Plan Amendment is in conformance with the Comprehensive Plan and all applicable state laws in effect at the time of approval.

Section 2. The Land Use Map of the Comprehensive Plan shall be amended to change the name of the “Light Manufacturing” designation to “Business/ Industrial”.

Section 3. The Land Use Map paragraph in the Introduction section of the City’s Comprehensive Plan is hereby amended to read as follows:

Land Use Map
The land use map is amended changing three land use designations: 1) the St. Cecilia Parish property at the corner of High School Road and Madison Avenue is changed to Madison Avenue District (MAD) from Urban Multi-family (UMF); the Webster property located on the east side of Madison Avenue near the intersection of New Brooklyn is changed to Urban Multi-family (UMF) from Semi-urban Residential (SUR); and the property located at the southwest corner of Madison Avenue and New Brooklyn, currently occupied by a mini-storage facility, is changed from Contract Zone-Light Manufacturing (CZ-2) to ~~Light Manufacturing (LM)~~ Business/Industrial (B/I).

Section 4. The Table of Contents of the Land Use Element of the City's Comprehensive Plan below is hereby amended to read as follows:

Table of Contents

Introduction 1
Goals and Policies 5
Framework of the Plan 5
General Land Use 9
Winslow 13
Neighborhood Service Centers 23
Business/Industrial ~~Light Manufacturing~~ 26
Residential Open Space 23
Historic Preservation 34
Siting of Essential Public Facilities 36

Existing Conditions 1
The Built Environment 1
2004 Update – The Built Environment 4

Figures

Section 5. The introduction to the Goals and Policies of the Land Use Element of the City's Comprehensive Plan is hereby amended to revise the following paragraphs on page 3 to read as follows:

Business/Industrial (B/I) ~~Light Manufacturing (LM)~~
The Plan recommends expansion of the existing *Business/Industrial* ~~*Light Manufacturing*~~ *District* at Day Road by an additional 35 acres. Federal, state, and local regulations govern the handling and disposal of hazardous substances and hazardous waste and will be used to guide future business/industrial ~~light manufacturing~~ development.

Areas Outside Winslow, NSCs, and B/I ~~LM~~
The areas of the Island outside Winslow, the neighborhood centers, and the business/industrial ~~light manufacturing~~ areas are designated *Residential Open Space* and are characterized by forest lands, meadows, small-scale farms, and narrow, winding heavily-vegetated roadways. These areas also contain much of the Island's sensitive

areas. These include aquifer recharge areas and wetlands and streams, which serve a variety of important functions, and also serve as fish and wildlife habitat. The Plan attempts to encourage a pattern of development which will preserve and protect these areas.

The Plan recommends the creation of flexible lot design subdivision and short plat processes that will encourage a more creative approach than the traditional lot-by-lot development. This method addresses lot design, building placement, and circulation. Clustering of lots is encouraged, with varying lot sizes, to provide open space and protect the Island's natural systems.

Section 6. Policy FRW 1.2 of Framework of the Plan, Goal 1, of the Goals and Policies of the Land Use Element of the City's Comprehensive Plan is hereby amended to read as follows:

FRW 1.2
As a city, Bainbridge Island constitutes an urban growth area under the GMA. Although an urban growth area, future growth on Bainbridge will be accommodated in a manner which is consistent with the requirements of the GMA and yet retains the Island's character and the quality of life which its residents so highly value.

Discussion: Consistent with the Growth Management Act, all land within the City of Bainbridge Island is included in the City's urban growth area. While Bainbridge is an Island-wide City, it is not characterized by urban development with a full range of urban facilities and services, but contains a variety of development patterns that range from urban to less intense development. Winslow is the urban center of the Island. The existing Neighborhood Service Centers supplement Winslow's commercial activity, with the Business/Industrial ~~Light Manufacturing~~ District providing a location for environmentally sound manufacturing businesses.

Outside of Winslow and the Neighborhood Service Centers, the Island has a rural appearance with forested areas, meadows, farms, and winding, narrow, and heavily vegetated roadways. These characteristics represent the Island character that is so highly valued by its residents. As important as preserving Island character is to its residents, of equal importance is the protection of the Island's environmentally sensitive areas. These outlying areas contain much of the Island's sensitive areas – the major recharge areas for the Island's aquifers, wetlands, and streams which serve a variety of important functions. Much of the area serves as fish and wildlife habitat. There is strong public support to encourage a pattern of development which preserves and protects this portion of the Island.

Section 7. Policies LU 1.1 and LU 1.5 of General Land Use, Goal 1, of the Goals and Policies of the Land Use Element of the City's Comprehensive Plan are hereby amended to read as follows:

LU 1.1 Land use designations should reflect the priority of Bainbridge Island to remain primarily residential, with nonresidential development outside of the Winslow area

concentrated in the service centers and at the designated business/industrial ~~light manufacturing~~ areas.

LU 1.5 The areas at Day Road and Sportsman Club Road designated as Business/Industrial ~~Light Manufacturing~~ are intended to augment the Winslow Core and the Neighborhood Service Centers and serve an important function that allows a diverse economy with business retention, growth and innovation on the island.

Discussion: The comprehensive land use plan for Bainbridge Island strives to provide for the full range of community needs. The Business/Industrial ~~Light Manufacturing~~ District can provide economic activity that includes a variety of low-impact, nonpolluting uses that reflect and respond to changing market conditions and are compatible with the community.

Section 8. The Light Manufacturing section of the Goals and Policies of the Land Use Element of the City's Comprehensive Plan is hereby amended to read as follows:

Business/Industrial ~~Light Manufacturing~~

GOAL 1

The Business/Industrial (B/I) ~~Light Manufacturing District (LM)~~ is intended to provide opportunities for expansion of existing Island businesses, for diversity of jobs and for low-impact industrial activity that contributes to well paying jobs, where traffic congestion, visual, and other impacts on the surrounding neighborhood can be minimized.

B/I ~~LM~~ 1.1 The Business/Industrial ~~Light Manufacturing~~ District is for non-polluting, light manufacturing development as well as other uses that add to the diversity of economic activity on the island and are compatible with other uses in the Business/Industrial ~~Light Manufacturing~~ District and neighboring zones.

B/I ~~LM~~ 1.2 New manufacturing businesses that plan to utilize toxic/hazardous substances must list these substances and quantities projected for annual usage; demonstrate compliance with all Federal, State and Bremerton-Kitsap County Health District requirements for their handling; and receive a City business license. (Definitions and quantity limits of toxic/hazardous substances are set forth in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended [42 U.S.C. Section 9601] et seq. ["CERCLA"], the Superfund Amendments and Reauthorization Act of 1986, Pub. L No. 99-499 ["SARA"], the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801 et seq., the Resource Conservation and Recovery Act, 49 U.S.C. Section 6901 et seq. or other applicable State or Federal laws, rules or regulations adopted in accordance with those statutes). Uses of certain toxic/hazardous substances can disqualify the application from approval because of potential environmental impact. However, proposals that use toxic/hazardous substances defined in the above references may be approved upon review of factors such as quantity used, adequacy of storage, containment, spill management, and waste disposal plans.

B/I ~~LM~~ 1.3 The Fire Marshall shall receive copies of publicly available reports concerning hazardous substances and shall prepare a summary of those reports that can be published in order to avoid revealing confidential or sensitive information about other aspects of those businesses.

B/I ~~LM~~ 1.4 Applications for development approval within the Business/Industrial ~~Light Manufacturing~~ District must show that adequate water, wastewater, transportation, fire, and storm drainage services are available to serve the development.

B/I ~~LM~~ 1.5 The City should ensure the adequate monitoring and enforcement of hazardous material regulations.

B/I ~~LM~~ 1.6 Performance standards for the Business/Industrial ~~Light Manufacturing~~ District(s) shall address odor, lighting, noise, vibration, signage, traffic volumes, ingress and egress, parking, delivery and loading areas, and pedestrian and vehicle site circulation, to create safe, efficient, compatible conditions among a variety of on-site uses and to protect adjacent residential neighborhoods.

B/I ~~LM~~ 1.7 Business/Industrial ~~Light manufacturing~~ uses shall visually screen the development year-round from adjacent, non-industrial properties and from adjacent roadways.

Discussion: This policy establishes a performance standard – Business/Industrial ~~light manufacturing~~ uses must be visually screened from the roadway and from adjacent non-Business/Industrial ~~light manufacturing~~ development. The visual screening could be achieved through a combination of vegetation and building setback which would add depth to the buffer. A minimum 50-foot native, vegetated buffer should be considered in drafting the development regulations.

B/I ~~LM~~ 1.8 Any Business/Industrial ~~Light Manufacturing~~ District with more than one business should be encouraged to form and participate in a business park management association and neighborhood association in order to institute a self-enforcement program.

B/I ~~LM~~ 1.9 If an existing project redevelops or expands its gross floor area (GFA), compliance with current development standards shall be based on the size of the redevelopment or expansion. A range of compliance requirements shall be established to correspond with the range in levels of redevelopment or expansion.

Discussion: If an expansion comprises no more than 15%, only limited compliance with current standards would be required (i.e., landscaping, parking). An expansion of 50% or more would require that the entire project be brought into full compliance.

GOAL 2

Provide appropriate land for Business/Industrial ~~light manufacturing~~ in order to provide opportunities for small manufacturing businesses on the Island to expand, and to provide additional employment opportunities.

B/I ~~LM~~ 2.1 The 35 acres adjacent to the Business/Industrial ~~light manufacturing~~ area north of Day Road and west of SR 305 are designated as Business/Industrial ~~light manufacturing~~ on the Land Use Map, and development within this 35-acre light manufacturing area must utilize the Site Plan Review process for project review to address open space, trail connections and environmental impacts associated with proposed development.

B/I ~~LM~~ 2.2 Any additional Business/Industrial ~~light manufacturing~~ should not be designated until the City completes an Economic Development Element.

Discussion: The City will monitor achievement of this goal. Details of the monitoring program will be enumerated in an Economic Development Element.

GOAL 3

Discourage the inappropriate designation of isolated Business/Industrial ~~Light Manufacturing~~ Districts.

Discussion: While seeking to limit isolated Business/Industrial ~~light manufacturing~~ uses, this Plan also recognizes the concerns of property owners to continue existing businesses at those locations. Discussion included designation of certain businesses and nonconforming uses. However, owners were concerned about the ability to obtain financing in the future. This Plan seeks to reach a compromise.

B/I ~~LM~~ 3.1 Isolated Business/Industrial ~~light manufacturing~~ zones are designated to reflect historical use and the designation should not be expanded.

Discussion: The overall framework of the Plan is to concentrate Business/Industrial ~~light-manufacturing~~ activity at Day Road and to acknowledge the existing, isolated Business/Industrial ~~light-manufacturing~~ activity.

Section 9. The Light Manufacturing section in the Existing Conditions section of the Land Use Element of the City's Comprehensive Plan is hereby amended to read as follows:

Business/Industrial ~~Light Manufacturing~~

Business/Industrial ~~Light manufacturing~~-zoned areas are intended for low-impact, low-intensity manufacturing activities, including research, testing, warehousing of goods, and fabrication, assembly, and processing of products. Business/Industrial (B/I) ~~Light manufacturing (LM)~~ uses are mainly confined to the Day Road Industrial Park area near the intersection of Day Road and SR 305. The 40-acre Day Road area contains approximately 277,000 square feet of Business/Industrial ~~light manufacturing~~ space (approximately 7,000 square feet per acre) and houses roughly 30 businesses with a total

of over 450 employees. Businesses range from a newspaper publisher, soil analysis company, manufacturers of pottery, fishing equipment, and office furniture to a smoked salmon business. Only 5 acres currently zoned for B/I ~~LM~~ are undeveloped.

There are three other single-use, Business/Industrial ~~light manufacturing~~ sites and one four-parcel B/I ~~LM~~ site (two are developed, two are undeveloped) scattered about the Island. These sites account for another 100,000 square feet of space. However, 90,000 square feet of this is in storage space at New Brooklyn Road and Madison Avenue, a use that is also permitted in the neighborhood centers.

Business/Industrial ~~Light Manufacturing~~ Areas			
Business/Industrial ~~Light Manufacturing~~ Areas	**Total Acres Zoned B/I ~~LM~~**	**Existing Square Feet Business/Industrial ~~Light Manufacturing~~**	**Total Acres Vacant**
Day Road	40.00	277,012	5
New Brooklyn	4.35	90,440	
Sportsman Club	4.08	7,200	1.14
Fletcher Bay Road	1.14	3,894	
Eagledale Marina	2.36		
TOTAL	51.93	378,546	6.14

2004 Update – The Built Environment
Business/Industrial ~~Light Manufacturing~~
Since the Comprehensive Plan was adopted, four additional areas have been designated Business/Industrial ~~Light Manufacturing~~. A 35-acre area located to the north of the existing Day Road Business/Industrial ~~Light Manufacturing~~ area was designated Business/Industrial ~~Light Manufacturing~~ in 1997. This new area has not yet been developed and is awaiting approval of master plan development permit. Another 4.77-acre parcel located east of SR 305 on the south side of Day Road was designated and zoned Business/Industrial ~~Light Manufacturing~~ in 1999. This property has also not been developed.

Two other properties were designated and zoned Business/Industrial ~~Light Manufacturing~~ in 1999. These are located north of New Brooklyn Road, on or near Sportsman Club Road. One of these properties contains two parcels with 16 acres and is located on the north side of New Brooklyn Road and east of Sportsman Club Road. This property has not yet been developed and is currently operated as a Christmas tree farm. The other area is located on the east side of Sportsman Club Road northeast of Sakai Intermediate School. This 7.28-acre property contains two parcels and remains undeveloped.

Section 10. Policy E 1.3 of Goal 1 of the Goals and Policies of the Economic Element of the City's Comprehensive Plan is hereby amended to read as follows:

E 1.3
Protect and promote agricultural uses by:
- Implementing a proactive Transfer of Development Rights (TDR) program.

- Providing a permanent funding mechanism for the Purchase of Development Rights (PDR).
- Strongly encouraging agricultural conservation easements as part of the Flexible Lot Design process.
- Promoting and supporting existing farming activity as an appropriate use in the open space of clustered residential development or Business/Industrial ~~light manufacturing~~ development.
- Forming a farming advisory group to advise the City on strategies for preserving farmland.

Section 11. The Light Manufacturing section of Goal 1 of the Goals and Policies of the Economic Element of the City's Comprehensive Plan is hereby amended to read as follows:

Business/ Industrial ~~Light Manufacturing~~
Island based businesses provide the possibility of living and working in the community. It is the purpose of the Business/ Industrial (B/I) ~~Light Manufacturing (LM)~~ land use designations to provide opportunities for light industrial and other non-retail activities that augment and extend Winslow and the Neighborhood Service Centers (NSC). Accommodating a variety of uses expands the ability of the City to respond and contribute to changing market demands by providing locations and facilities with development standards that minimize adverse impacts to the natural environment or undesirable effects upon the nearby residential, public or commercial property, including traffic, vibration, light, noise, and odor. Expanded uses in the Business/ Industrial ~~Light Manufacturing~~ District contribute family wage jobs to the local economy in new fields such as technology or other low impact businesses.

Section 12. Goal 2 of the Goals and Policies of the Economic Element of the City's Comprehensive Plan below is hereby amended to read as follows:

GOAL 2

Support entrepreneurism by providing adequate land use designations in keeping with the character of the Island.

Discussion: In order to provide opportunities for business enterprise along a continuum, adequate space must be provided for growth that recognizes and protects the Island's valued natural amenities, its limits of land and water and the quality of its residential neighborhoods. Providing for a wide variety of non-retail activity in the Business/ Industrial ~~Light Manufacturing~~ District can help prevent the conversion of residential land and add to the vitality of the local economy.

Home-based Businesses

E 2.1
Expand the opportunities for home-based businesses.
Discussion: Nearly half of all licensed businesses on Bainbridge Island are reported as home-based. Opportunities to expand these businesses are limited.

E 2.2
Consider performance standards to minimize impacts of home-based businesses in residential neighborhoods.

Small Business Uses

E 2.3
Encourage Small Business uses in the Mixed Use Town Center (MUTC), the High School Road District and Neighborhood Service Centers (NSC) and Business/Industrial (B/I) ~~Light Manufacturing (LM)~~ District. Create affordable commercial space for small business uses by expanding the uses in Business/Industrial ~~Light Manufacturing~~ Districts and exploring other potential opportunities. Encourage live-work opportunities as a component of small business uses. Create development and performance standards for these uses within each zone.

Discussion: Because the nature of light manufacturing use is changing and declining, allowing for expanded use of the Business/Industrial ~~Light Manufacturing~~ District can provide affordable space for a variety of small businesses.

Small Business Land Use Designation

E 2.4
A new Small Business (SB) land use designation may be created to allow for non-retail business uses that have minimal impacts on the environment and surrounding uses. Permitted uses would include, but are not limited to, artists' studios, research and development, computer software development and manufacture, commercial kitchen for value-added farm product processing, duplicating services, and small-scale assembly. The purpose is to provide space for small-scale low-impact enterprises that have outgrown the home in a park-like development that is pleasingly designed and attractively landscaped. Creative ways of creating some affordable commercial space should be considered, and livework opportunities should be a component of the Small Business zone. Appropriate development and performance standards shall be developed that shall include restrictions on traffic, hours of operation and use of hazardous materials and requirements for the provision of open space.

Business/Industrial ~~Light Manufacturing~~

E 2.5
New Business/Industrial (B/I) ~~light manufacturing (LM)~~ land use designations shall be considered based on the following:

- Proximity to existing B/I ~~LM.~~
- The total amount of B/I ~~LM~~-zoned land.
- Compliance with all existing policies in the Land Use Element.
- Reasonable proximity to SR 305.
- Availability of public sewer and water, *or*
- Whether permitted uses might safely use wells and septic systems or other alternative systems that are approved by the Bremerton-Kitsap County Health District.

- Consideration of nonpoint pollution concerns identified in the Bainbridge Island Watersheds, 1995 report.
- Adjacency to non-residential land uses.
- Minimal impact to residential land uses, neighborhoods, and open space/conservancy areas.
- The potential for quality open space of agricultural use.

E 2.6
Amend the Site Plan and Design Review process to include Business/Industrial ~~Light Manufacturing~~ development applications, which shall include requirements for the following:

- Substantial quality open space.
- Perimeter buffers for maximum visual screening.
- Protection of critical areas.
- Creative site design that minimizes land alteration and provides maximum possible usable open space.
- Limited impervious surface.
- On-site re-use of stormwater runoff.

E 2.7
Business/ Industrial ~~Light manufacturing~~ development and performance standards shall include traffic impacts, noise and the use and handling of hazardous substances.

E 2.8
Business/ Industrial ~~Light manufacturing~~ development shall conform to all Business/Industrial ~~Light manufacturing~~ performance standards, the requirements of Site Plan and Design Review, and applicable design guidelines.

Section 13. Policy E 4.5 of Goal 4 of the Goals and Policies of the Economic Element of the City's Comprehensive Plan below is hereby amended to read as follows:

E 4.5
Encourage existing and new commercial and agricultural enterprises to become part of a linked cooperative whereby the by-products and waste of one enterprise become the raw materials of another.

Discussion: This "industrial ecology" model would be an appropriate application of Business/Industrial Policy 2.6, ~~Light manufacturing Master Plan Process~~.

Section 14. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this ___ day of _____, 2013.

APPROVED BY THE MAYOR this ___ day of _____, 2013.

_____
Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

_____
Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK: September 26, 2013
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER: 2013-20

CITY OF BAINBRIDGE ISLAND
CITY COUNCIL AGENDA BILL

PROCESS INFORMATION	
Subject: Ordinance 2013-19, 2013 Comprehensive Plan Amendments (CPA): CPA18572 City Comprehensive Plan Land Use Map Corrections	Date: November 13, 2013
Agenda Item: Ordinances/ 1st Reading	Bill No.: 13-138
Proposed By: Planning Director Kathy Cook and Special Project Planner Jennifer Sutton	

BUDGET INFORMATION		
Depart/Fund:		
Expenditure Req:	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW		
Study Session: October 2, 2013	Recommendation: Forward to 1st Reading, November 13, 2013	
City Manager ☐ Yes ☐ No ☒ N/A	Legal ☒ Yes ☐ No N/A	Finance ☐ Yes ☐ No ☒ N/A

DESCRIPTION/SUMMARY

Action Item:

Hold 1st Reading on Ordinance 2013-19/ CPA18573, and answer any questions the City Council may have on the amendment. **For additional information please see the staff report and attachments in the Comprehensive Plan Amendment binder previously provided to the Council.**

Background:

This City Comprehensive Plan Amendment application proposes to correct three errors that have been identified on the Comprehensive Plan Land Use Map. Property A has a split-designation, Neighborhood Service Center (NSC, southern portion)/ Open Space Residential (OSR)-2 (northern portion), but was intended to be designated entirely NSC. Property B has a split-designation NSC/ OSR-2, but less of the southern half of Property B is designated NSC than was intended. Properties A and B are adjacent, and these two proposed changes are consistent with the Lynwood Center Subarea Plan, approved in 1997 through Ordinance 97-16.

The City's Shoreline Master Program designations are shown on the Comprehensive Plan Land Use Map, and Property C is shown as having a split shoreline designation: Semi-rural (western portion) & Natural (eastern portion). It is supposed to be designated entirely Semi-rural. Please see draft Ordinance 2013-19.

Property A: 7651 NE Baker Hill Road (owned by Walter Masland)
Property B: 4565 Point White Drive NE (owned by Blue Moon Land Co. LLC)
Property C: 5842 Main Street NE (owned by Richard Burke)

RECOMMENDED ACTION

Motion:

I move to forward CPA18573/ Ordinance 2013-19 on to 2nd Reading/ public hearing on November 25, 2013.

City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT

MEMORANDUM

TO: City Council

FROM: Kathy Cook, Director
Jennifer Sutton, Special Project Planner

DATE: November 13, 2013

RE: 1st Reading: CPA18573 City Land Use Map Corrections, Ordinance 2013-19

The City reviews and processes Comprehensive Plan Amendments (CPA) once every three years, and 2013 is an amendment year. The process and decision criteria for CPAs are outlined in Bainbridge Island Municipal Code Section 2.16.190. The Comprehensive Plan Amendments must be considered cumulatively, and therefore will be reviewed by the City Council together.

Comprehensive Plan Amendment (CPA) 18573 is a City-initiated amendment to correct three errors on the Land Use Map of the Comprehensive Plan. The City Council held a study session on October 2nd on this amendment. At that study session, Councilperson Hytopoulos requested to see the sequence of City maps that show how the shoreline designation error came about on Mr. Burke's property, identified as Property C in the CPA application. A portion of three Official City maps are attached (Attachment B) - the 1996 Shoreline Master Program (SMP) Environment Map, and the 2000 and 2005 Official Zoning Map, showing Mr. Burke's property. City staff investigated the error in 2012, and discovered the mapping history outlined below, and in written communication between the City and Mr. Burke (Attachment C). The original full size maps can be viewed at City Hall.

- The September 1, 1994 Official Zoning Map shows a split designation
- The 1996 SMP Official Shoreline Environment Map shows a Semi-rural shoreline environment designation. There is some "bleed over" from the Natural designation, immediately east of Mr. Burke's property.
- After adoption of the SMP, the City included the 1996 shoreline environment designations on the Official Zoning Map.
- The March 8, 2000 Official Zoning Map shows a Semi-rural shoreline designation.
- The May 25, 2005 Official Zoning Map shows the parcel as a split shoreline designation.

Mr. Burke's property is slated to become entirely *Urban* under the updated Shoreline Master Program, which will likely take effect in January 2014.

After holding 1st Reading on November 13th, staff recommends that the City Council forward this CPA/ Ordinance 2013-18 on to 2nd Reading/ public hearing. The 2nd Reading/ public hearing is currently scheduled for Monday, November 25th.

Attachments

A. Draft Ordinance 2013-19
B. Property C (Burke): 1996 SMP Environment Map, 2000 and 2005 Official Zoning Maps
C. Written Communication between the City and Mr. Burke

ORDINANCE NO. 2013-19

AN ORDINANCE of the City of Bainbridge Island, Washington, to amend the Land Use Map of the Comprehensive Plan, changing the Land Use designation on a portion of three separate properties.

WHEREAS, City staff have identified incorrect designations on the Land Use map of the Comprehensive Plan for three properties, described below and in Exhibit A as Properties A, B, and C; and

WHEREAS, the City desires to correct the errors on the Land Use Map of the Comprehensive Plan and therefore submitted this Comprehensive Plan Amendment during the 2013 amendment cycle; and

WHEREAS, the location, tax parcel number, and ownership information for Properties A, B, and C are:

Property A: 7651 NE Baker Hill Road; 042402-1-058-2001; Walter Masland
Property B: 4565 Point White Drive NE; 042402-1-046-2006; Blue Moon Land Co. LLC
Property C: 5842 Main Street NE; 4165-002-001-0107; Richard Burke; and

WHEREAS, Property A currently has a split-designation of Neighborhood Service Center (NSC, southern portion)/ Open Space Residential-2 (OSR-2/ northern portion), but was intended to be designated entirely NSC with the adoption of the Lynwood Center Subarea Plan, Ordinance 97-16; and

WHEREAS, Property B currently has a split-designation NSC (southern portion)/ OSR-2 (northern portion), but less of the southern half of Property B is designated NSC than was intended with the adoption of the Lynwood Center Subarea Plan, Ordinance 97-16; and

WHEREAS, the City's Shoreline Master Program designations are shown on the Comprehensive Plan Land Use Map, and Property C, on the south side of Eagle Harbor, is shown as having a split shoreline designation: Semi-rural (western portion) and Natural (eastern portion); but was intended to be designated entirely Semi-rural; and

WHEREAS, the Planning Commission conducted a study session on the proposed Comprehensive Plan Land Use Map corrections on May 23, 2013, and

WHEREAS, the Planning Commission conducted a public hearing on June 27, considered the decision criteria for the amendment request, and forwarded their recommendation of approval to the City Council; and

WHEREAS, the City Council conducted a public hearing on this proposed Comprehensive Plan Amendment on _____, 2013 and considered the decision criteria; and

DRAFT

WHEREAS, notice was given on June 28, 2013 to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106;

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

Section 1. The City Council finds that the Comprehensive Plan Amendment is in conformance with the Comprehensive Plan and all applicable state laws in effect at the time of approval.

Section 2. The Land Use Map of the Comprehensive Plan shall be amended for Properties A, B, and C as described above and shown on Exhibit A.

Section 3. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2013.

APPROVED BY THE MAYOR this ____ day of _____, 2013.

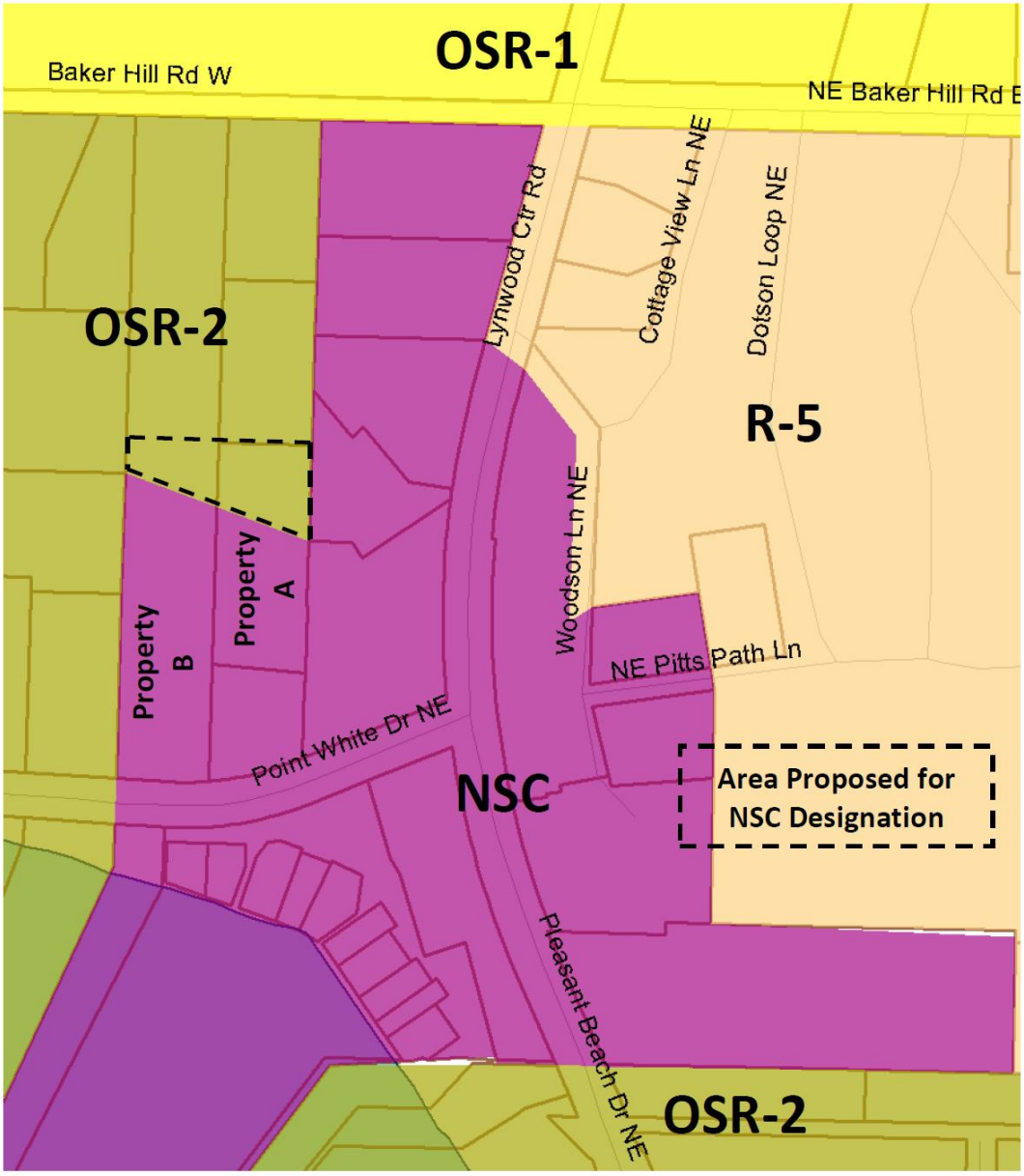
_____
Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

_____
Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK: September 26, 2013
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER: 2013-19

DRAFT



Existing Split Shoreline Designation

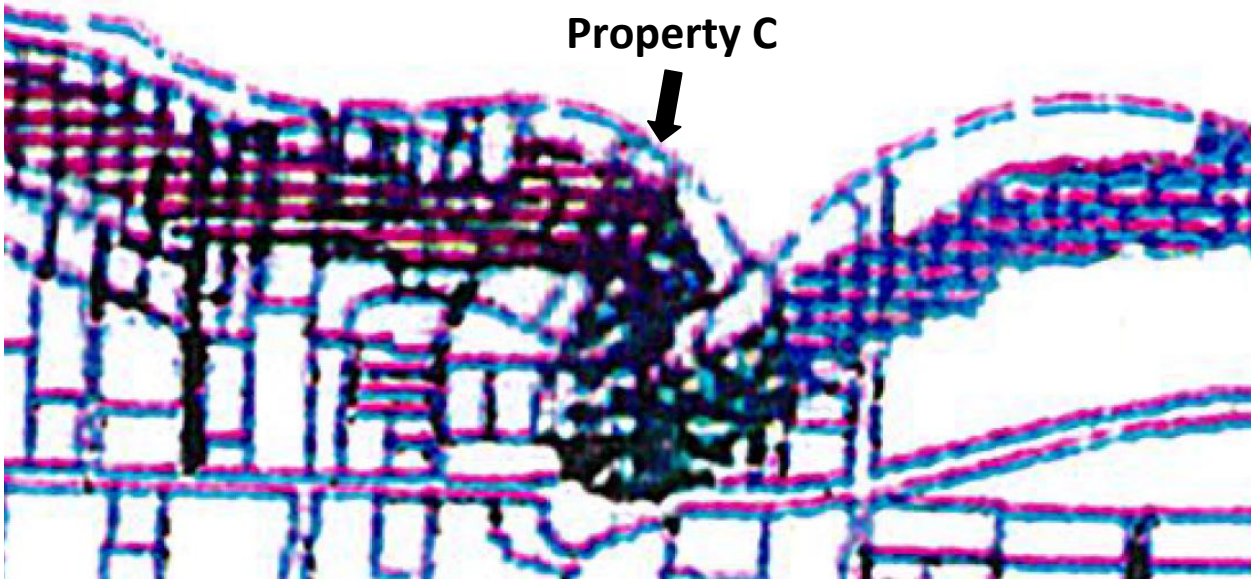
Proposed Shoreline Designation

Natural

Semi-rural

Exhibit A

Pink: Semi-rural
Green: Natural



Snapshot of City
1996 Shoreline Master Program
Shoreline Environment Map

Attachment B

Property C
Pink: Semi-rural
Green: Natural

Snapshot of City
Official Zoning Map
March 8, 2000

Snapshot of City
Official Zoning Map
May 25, 2005

CITY OF BAINBRIDGE ISLAND

January 24, 2013

CITY OF
BAINBRIDGE ISLAND

FEB 28 2013

DEPT OF PLANNING &
COMMUNITY DEVELOPMENT

Richard Burke
P.O.Box 6220
Silverdale, WA 98383

To: Mr. Richard Burke

This letter is intended to summarize the details and recommendations from our January 9, 2013 meeting, regarding the existing shoreline designation on parcel 4165-002-001-0107. The meeting was attended by Mr. Burke, Kathy Cook (Planning Director), and Ryan Ericson (Associate Planner). Prior to the meeting Mr. Burke provided the City with previously submitted letters and figures documenting the issue of a split shoreline designation on his parcel. According to the correspondence the parcel's shoreline designation is incorrectly mapped on the Official Zoning map. The Official 2005 Zoning Map shows the parcel is split between two shoreline designations (Semi-Rural and Natural). At your request the City researched this issue to determine the correct shoreline designation and provide a process to correct any required changes.

Review

The City reviewed materials submitted by Mr. Burke, the 1996 Shoreline Master Program (SMP), and Official Zoning maps from the following years: 1994, 2000, and 2005. The City compared materials provided by Mr. Burke with the City's record and found the documents to be consistent. After reviewing the zoning maps the following timeline depicts the parcel's shoreline designation:

- The September 1, 1994 Official Zoning Map shows a split designation.
- The 1996 SMP Official Shoreline Environment Map shows a Semi-Rural shoreline environment designation. There is some "bleed over" from the natural designation.
- After adoption of the SMP, the City included the 1996 shoreline environment designations on the official Comprehensive Plan Zoning Map. Subsequent zoning maps are the official shoreline environment designation map referenced in the 1996 SMP.
- The March 6, 2000 Official Zoning Map shows a Semi-Rural shoreline designation.
- The May 25, 2005 Official Zoning Map shows the parcel as a split shoreline designation.

Planning & Community Development
280 Madison Avenue North
Bainbridge Island, WA 98110-1812
Phone: (206) 842-2552 Fax: (206) 780-0955
www.ci.bainbridge-isl.wa.us

Attachment C

The official shoreline environment designation map in the approved 1996 SMP shows a small bleed over from the natural designation. A split designation causes confusion for the City in implementing the policies and regulations of the 1996 SMP. Furthermore, an owner is faced with uncertainty regarding development of their property. The 1996 SMP provides four rules on interpreting the official shoreline environment map to avoid conflict when applying shoreline environment designations in Section IV, Environmental Designations subsection A. General – Environment Boundaries. Rule 2 states "Boundaries indicated as approximately following lot, fractional section, or other subdivision lines shall be construed as following such subdivision line."

Rule 2 establishes that the shoreline environment designation should end at a parcel boundary line. In this case the parcel has two designations which extend past a parcel boundary line. The correct environment designation is uncertain from the official map. In order to determine which environment designation is applicable the same subsection provides the following:

> Where existing physical or cultural features are at variance with those shown on the shoreline environment map and cannot be determined with certainty be applying subsection 1 through 4 above, the department shall determine the location or existence of such feature utilizing any appropriate criteria contained in the Master Program.

Criteria for shoreline environment designations are in Section IV, Environment Designations, subsection (B) through (H). The parcel's existing land use is a guest cottage with a commercial marina. This parcel best fits the following criteria in Section IV, Environment Designations, subsection (D), Semi-Rural Environment:

- 1. Areas presently developed or platted for residential use
- 2. Areas zoned residential
- 5. Areas having the physical ability to support low to medium density residential uses and associated recreational and public service facilities.

Recommendation

The City has determined the May 25, 2005 Official Zoning Map is in error as described in your correspondence. When the provisions for mapping shoreline environment designations are applied, the correct shoreline designation is Semi-Rural and should end at the parcel boundary line as shown on the 2000 Official Zoning Map. The current zoning map should be corrected to meet the intent of the 1996 Shoreline Master Program.

Process

The appropriate process to reconcile the official zoning map is through a Comprehensive Plan amendment. An SMP amendment is not required as the error is with the official zoning map and not with provisions of the SMP. The City will submit the Comprehensive Plan amendment for approval this year. The 1996 SMP governs development within the

200' shoreline jurisdiction and acts as on overlay to the City's zoning code. The City is currently updating the shoreline master program; until the updated SMP is approved, all development applications for parcel 4165-002-001-0107 should be reviewed under the Semi-Rural shoreline environment designation.

Best Regards,

Ryan Ericson
Associate Planner

Richard Burke
5846 Main Street NE
Bainbridge Is., WA 98110
11 August 2012

RRR 7011 0110 0002 2255 7055

C.O.B.I.
AUG 1 4 2012
RECEIVED PCD

COBI City Council and Planning Commission
COBI Department of Planning and Community Development
280 Madison Ave. No.
Bainbridge Island, WA 98110

Subj: 2012 Proposed Shoreline Master Program, Misplaced 'Designation' boundary

Dear COBI Council Members and DPCD:

Following are comments to be considered in the review of the proposed 2012 SMMP;

On 23 April 2012 I stopped in city hall to have a look at the cities proposed / draft shoreline designation map. When I asked to see the 'map' the counterperson summoned Ryan Erikson who went to a back room to get the map, (draft of 11/17/11), and came out with Planner Mr.Joshua Machen.

To my surprise 'ninety one feet' (the east 91' of 127') of Burke Shoreline was now depicted as having been designated 'Natural' prior to this current SMP proposal. I advised Mr. Erickson this map was in error, that I had written a letter depicting this misplaced designation boundary and that the boundary as depicted is misplaced. (Burke ltr of 6 July 95). Mr. Erickson's initial response was surprise as he commented the subject property was not natural, not within the entrance to nor in the cove proper. Mr. Erickson turned to Mr. Machen and stated, 'He says he wrote a letter'. No further comment or facial expression from either Mr. Erickson or Mr. Machen.

I assumed I would hear something further on this matter but having heard nothing this letter will document the historical data and my current concerns.

<u>Chronology -</u> Please note this is my best recollection of the matter from memory and documents in the Burke files. Seventeen years is a long time so bear with me.

- 6 July 95 Burke wrote a letter to the City Council for a Council meeting scheduled for that evening. A copy of the letter is attached and expresses Burke's concern that the environmental designation line bisects the Burke property. Attached to the letter was a environmental designation drawing. [1] (encl 1 - 4 pgs)

- The draft COBI SMMP of August 24, 1995 Shoreline Designation Environmental Map clearly depicts the Burke 'Shoreline' in its entirety designated <u>'Semi Rural'</u>. (encl 2)

- In my files is a COBI SMMP dated Nov. 26, 1996, Corrected 1/98, which includes another Shoreline Designation Environmental Map. This map was not stapled to the plan rather folded and placed between the pages. This map and the 1995 map are very similar but not quite identical i.e. The Burke environmental boundary is properly placed as in the 95 map but there is some variation, there is also an arrow pointing up with notation 'NO SCALE' on the 1995 map.

  This second map also clearly depicts the Burke 'Shoreline' in its entirety designated **'Semi Rural'**. (encl 3)

Please correct the 2011 Recommended Shoreline Designation aerial photo titled **Potential Priority Aquatic (Draft 11/17/11)** [2] (encl 4) to depict the Burke 'Shoreline' in its entirety as 'Semi Rural'. That line would be the 'dark yellow' line to be moved to the right , or East, approx 91', or to the 'right angle jog' along the shoreline. This right angle is the NE corner of the upland portion of the Burke property defined by an extension of the corner of the Burke concrete bulkhead behind the rock bulkhead. This will place the boundary line consistent with the maps referenced of 1995 and 1998.

Contact me immediately should there be a problem. These variations or differences with lines when comparing several documents causes me great concern, a very uneasy feeling. I would be interested to know how such a thing could occur.

Please advise !

Sincerely,

Richard Burke

Encl: (1) copy Burke ltr to COBI Council dtd 6 July 95, designation drawing and Council meeting agenda for 6 July 95 [1]
(2) blowup portion SMP 8-95 Shoreline Designation Map
(3) blowup portion SMP 11-96 corrected 1-98 Shoreline Designation Map
(4) copy of portion of 'Potential Priority Aquatic draft 11/17/11 depicting current and 'proposed' designations. [2]

[1] Should a copy of the Burke letter of 6 July 95 not be on file in the COBI system enclosures (2) and (3) should suffice to validate the location of the environmental boundary designation.

[2] There are numerous colors without a 'legend'. The partial legend was added by R. Burke but must be verified and confirmed by COBI DPCD as correct or 'corrected'.

CITY OF BAINBRIDGE ISLAND
CITY COUNCIL AGENDA BILL

PROCESS INFORMATION	
Subject: Ordinance No. 2013-16, 2013 Comprehensive Plan Amendments: CPA/REZ 13220B McNabb/Bainbridge Marina,	Date: November 13, 2013
Agenda Item: Ordinances/1st Reading	Bill No.: 13-148
Proposed By: Planning Director Kathy Cook	

BUDGET INFORMATION		
Depart/Fund:		
Expenditure Req:	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW		
Study Session: October 16, 2013	Recommendation: Forward to First Reading, November 13, 2013	
City Manager ☒ Yes ☐ No N/A	Legal ☒ Yes ☐ No N/A	Finance ☐ Yes ☐ No ☒ N/A

DESCRIPTION/SUMMARY

Action Item:

Hold 1st Reading on Ordinance 2013-16 (CPA/REZ 13220B) and answer any questions the City Council may have on the amendment.

For additional information, please refer to the October 16th Staff Report and attachments in the Comprehensive Plan Amendment binder previously provided to Council.

Background:

As part of the City's 2013 Comprehensive Plan amendment cycle, Mr. Darrell McNabb submitted an application to amend the Land Use Map of the Comprehensive Plan, to change the designation of two parcels from Open Space Residential (OSR-2) to Water Dependent-Industrial (WDI). Altogether, the property proposed to become WD-I is approximately 1.59 acres in size. The property is located on the south side of Eagle Harbor, at 4200 Eagle Harbor Drive, Bainbridge Island.

Mr. McNabb further requests an associated site-specific Rezone that would amend the City's Official Zoning Map to change the zoning of the same two parcels from Residential, Two Units per Acre (R-2) to Water Dependent-Industrial (WD-I).

Please refer to the attached staff memo for additional information.

RECOMMENDED ACTION

Motion: I move to forward Ordinance 2013-16 (CPA-REZ 13220B) to 2nd Reading/ Public Hearing on November 25, 2013.

City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT

MEMORANDUM

TO: City Council

FROM: Kathy Cook, Planning Director

DATE: November 13, 2013

RE: 1st Reading: CPA/REZ 13220B McNabb/Bainbridge Marina, Ordinance No. 2013-16

The City reviews and processes Comprehensive Plan Amendments (CPA) once every three years, and 2013 is an amendment year. The process and decision criteria for CPAs are outlined in Bainbridge Island Municipal Code Section 2.16.190.

Comprehensive Plan Amendment request CPA13220B was submitted by Darrell McNabb, requesting an amendment to the Land Use Map of the Comprehensive Plan, to change the designation of two parcels from Open Space Residential (OSR)-2 to Water Dependent-Industrial (WD-I).

As required by the Municipal Code, Mr. McNabb also submitted a site-specific Rezone application to amend the City's Official Zoning Map concurrently with the Comprehensive Plan Amendment request. The rezone application is being reviewed pursuant to BIMC Section 2.16.140. The rezone application requests changing the zoning of the same two parcels from Residential, Two Units per Acre (R-2) to Water Dependent-Industrial (WD-I).

The staff report prepared for the October 16 Council study session (included in the Comprehensive Plan Amendment binder previously provided to the Council) includes a summary of the property's history, an explanation of the purpose of the requested amendments to the City's Land Use Map and Zoning Map, and a discussion of the recommendations from the staff, Planning Commission and Hearing Examiner.

As discussed in the October 16 staff report, changing the land use designation for "Parcel B" is dependent on the Department of Ecology's approval of a change in shoreline designation. The City received notification on November 8 that Ecology is recommending that the shoreline designation for Parcel B be changed to the Urban designation, pursuant to a boundary line adjustment for Parcel B to an agreed upon point west of the existing marina caretaker building. (Please refer to attached email correspondence from Ecology.) More information on this issue will be presented at the November 13th meeting.

The City Council held a study session on October 16th on this amendment/rezone request. After holding 1st Reading on November 13, staff recommends that City Council should forward Ordinance 2013-16 to 2nd Reading/ Public Hearing, currently scheduled for November 25, 2013.

Attachments

A. Draft Ordinance 2013-16, with Exhibit A
B. Correspondence from Department of Ecology
C. Public Comment Letter

From: Nightingale, Barbara (ECY) [mailto:bnig461@ECY.WA.GOV]
Sent: Friday, November 08, 2013 11:53 AM
To: Kathy Cook
Cc: Darrell McNabb
Subject: McNabb marine shoreline jurisdiction

City of Bainbridge Island,

Ecology recommends that the re-designation of the shoreline for Parcel B of the McNabb property in Eagle Harbor, now proposed for the designation of Shoreline Residential Conservancy, should be changed to the Urban designation, pursuant to a boundary line adjustment for Parcel B to an agreed upon point west of the existing marina caretaker building.

Thank you for your patience.

Barbara Nightingale, Regional Shoreline Planner
Northwest Regional Office
Washington Dept. of Ecology
3190 - 160th Ave. SE
Bellevue, WA 98008
425-649-4309

Dear Honorable Members of the City Bainbridge Island City Council,

I respectfully register my strongest reservation against the Comprehensive Plan Amendment application submitted by Mr. McNabb (ref – CPA 13220B, File# - REZ 13220) and implore the council to not approve this application.

Mr. McNabb's current operations have already served to de-value my property (5650 Ward Avenue NE) and that of the surrounding neighborhood by obstructing desirable views, by creating views which are not desirable, and by the lack of care given to the parcels currently under consideration for re-zoning in the Comprehensive Plan Amendment. To that end any further development will only serve to exacerbate the problem at significant cost to myself and other property owners in the area. **(please reference attached picture)**

Mr. McNabb's boat house has, for all intents and purposes, usurped the view of Eagle Harbor that was a very valuable feature of my property and of others in the area. As well, in addition to the loss of an item of value we have been shackled with a view of a large building strewn with mechanical equipment around it and parcels of land (i.e. the parcels for which the application is being made) which are treated like a landfill. Our neighborhood is a residential one, and primary consideration should be given to that fact, which is a segue for why I am very concerned by the logic and analysis presented by the Staff Report in support of approving the application and furthermore by the recommendation of the Hearing Examiner which read like a rubber stamp for the application without giving due respect to the fundamental issues at hand.

Based on the goals stated in the Bainbridge Island Comprehensive Plan this request for a rezone should be denied, including allowing any attempt to obtain a rezone through using boundary line adjustments or similar approaches. In an effort to illustrate my concerns and arguments for not approving the McNabb CPA I have detailed for the council the questions & issues that I have raised previously via public comment during the Hearing Examiner's review of the Staff Report dated May 23, 2013.

The following are issues raised from The COBI Department of Planning & Community Development Staff Report:

1. In the second paragraph of page #4 of the Staff Report dated May 23, 2103, the Staff asserts that the ***"Expansion of the Bainbridge Marina is consistent with the overall Goal for the Water-Dependent Industrial District. It should also be noted that the current marina development is in character with the zoning and development in this section of the south shore of Eagle Harbor."***

The comment is made with no basis in fact and is followed up with an especially frail argument that since other components of the south shore are zoned similarly, then it must be logical that any expansion of the current Bainbridge Marina must follow. The Bainbridge Marina, which is actually an industrial repair facility, is surrounded by residential homes, a nationally recognized monument, a public park and other marina's which primarily serve recreational needs. To rely on purely zoning labels, such as Water-Dependent Industrial, to conclude that expansion is warranted without "peeling back the onion" as to what exactly is going on in this area is a disservice to the process and results in erroneous conclusions. Said differently, just because the zoning is similar, it cannot be concluded that the "character" of Bainbridge Marina (i.e. the McNabb operation) is consistent with this section of the south shore. Again, McNabb's

Bainbridge Marina is surrounded by residential homes, a nationally recognized monument, a public park and other marina's which primarily serve recreational needs, while McNabb's Bainbridge Marina is operating a boat repair operation on an industrial scale. Perhaps I have an overdeveloped sense of what is the character of my property and the neighborhood at large, but I welcome the chance to understand how parcels of land strewn with industrial debris and a very large industrial boathouse with industrial equipment is similar in character.

Furthermore **Goal 6 of the Land Use Element of the Comprehensive Plan** calls for the **"…. *continuation* of water-dependent industrial uses on Bainbridge Island in order to preserve elements of a working waterfront ….".** Did the Staff analyze the question of whether the lack of re-zoning Mr. McNabb's parcels is inhibiting the ***continuation*** of operations at the Bainbridge Marina and thus its contribution to a working waterfront? Is there a risk to the business if this application is not approved? Goal 6 says nothing about promoting growth of such businesses, and though Goal 6 may provide a window in support of the Bainbridge Marina's existence it definitely does not support growth for growth's sake especially at the cost of residents and the neighborhood at large. Consideration needs to be given to the shared costs that the adjacent residences are bearing in terms of property de-valuation, which in essence serves to subsidize Bainbridge Marina's existence.

2. In the third paragraph on page #4, the Staff concludes that **"Parcel A does not seem to be an appropriate or attractive location for single-family residential development, given its adjacency to an existing water-dependent industrial use. Therefore, staff is recommending that the land use designation for Parcel A be changed to Water-Dependent Industrial."** Under this line of reasoning, the staff is acknowledging the detriment that Bainbridge Marina's operations are to the attractiveness of residential property, but at the same time is using this conclusion to support further development? Was any thought given to the fact that the development of Parcel A will serve to transfer and expand the scope of Parcel A's affliction to the surrounding area? The staff is essentially making a circular, untenable argument that any land adjacent to an industrial area is not attractive and thus should be allowed to be zoned as industrial with the result being to extend "adjency costs" associated with proximity to industrial site to other properties. The Staff posits that since Parcel A is not appropriate by virtue of its location, the City should make it more unattractive?? Imagine if a doctor applied this logic in the treatment of an ailment to the human body. Land use issues are exactly like the human body, what happens in one area can have far-reaching affects to nearby areas and the entire body as a whole.

The Staff goes on to say that they considered "surrounding uses" and Comprehensive Plan policies as detailed in **Attachment D** of their report to buttress their conclusion. However, I fail to see how they can come to the conclusion to recommend approval if they actually did make such consideration of the Comprehensive Plan and did follow the letter and spirit of the Comprehensive Plan. The Bainbridge Marina is not consistent with the land-use of the area within it operates and has a negative effect on the environment and the attractiveness of near-by residences. The height of the Bainbridge Marina's main building structure exceeds BIMC code, the operation is littered with industrial equipment and the surrounding parcels are strewn with debris. In an area that is primarily residential with a national historical monument and a public park, how can one conclude that the Staff actually did consider "surrounding uses" and Comprehensive Plan policies??

Regarding attachment D referenced in the Staff Report dated May 23, 2013, I would like to understand in greater detail how the following Comprehensive Plan policies are in support of Mr. McNabb's application:

• ***How does this application foster the diversity of the residents of the island?*** I would think maintaining and increasing the supply of land available for residential development would go much farther in fostering development of diversity of residents as opposed to supporting further development of an industrial-scale boat repair business. I guess one could argue that boats are key to physically bringing diverse people to the island, but the case that the ferry system is at capacity would first have to be made and if it were I would think Bainbridge Island might be in need of a lot of other things outside of an expanded industrial boat repair facility.

• ***Regarding the policy that costs and benefits to property owners should be considered in making land use decisions, was this accomplished?*** Has any thought or analysis been given to the effect on property values in the surrounding area with the proposed re-zone? I urge the City Council to consider the fact that the largest economic engine, by far, driving the sustainable development on Bainbridge Island is residential property ownership and thus industrial development in a residential and recreational neighborhood by definition comes at significant cost to both the nearby residents and the island as a whole. This is an economic fact and its analysis should not be taken lightly.

• **How does the McNabb rezone support development that is based on the principle that the island's environmental resources are finite and must be maintained at a sustainable level?** There is no discussion of how the McNabb CPA is in support of this policy in either the Staff Report or the Hearing Examiner report, yet it is arguably one of the most important issues facing the Island. The absence of such discussion is irresponsible especially when such development is on the waterfront and will definitely consume precious, finite resources (i.e. Bainbridge's Waterfront) which are held by those other than McNabb. Furthermore, I find it troubling that the Staff and Hearing Examiner simply glossed over this point in simply saying they "considered it" but with no explanation of such consideration.

• Regarding **Goal #6** how does **NOT** approving the McNabb rezone **NOT** support the continuation and preservation of a working waterfront in Urban shoreline areas? This rezone will actually serve to change and grow the waterfront at considerable cost to the nearby community; it behooves the community to ask the question of how NOT approving such an application will NOT further this policy. Is the current business unable to perform without the expansion?

• How does the McNabb rezone retain and enhance an economy that reinforces Bainbridge Island's diverse character and capitalizes on its assets, including: history and heritage, high educational attainment, diverse skills, artistic creativity, rural quality, agricultural base, natural resources, maritime orientation, and proximity to the metropolitan area. There is absolutely no discussion for how the McNabb CPA reinforces ***Bainbridge Island's diverse character and capitalizes on its assets, including: history and heritage, high educational attainment, diverse skills, artistic creativity, rural quality, agricultural base, natural resources, maritime orientation, and proximity to the metropolitan area.*** Yet the Staff and the Hearing Examiner were able to easily ascertain that the McNabb CPA accomplishes all of these policy goals in further development of land because of its proximity to land that is undesirable??

Lastly, I raised the issue that the re-zoning of McNabb's property will invariably cause more commercial truck traffic on Eagle Harbor Drive and asked if a traffic impact analysis been performed?

Unfortunately, the Hearing Examiner's report dated 9/23/13 makes no reference to any of these concerns which I detailed in public comments in advance of the Hearing Examiner's report. Rather the Hearing Examiner simply rubber stamped the staff's flawed logic and conclusions. Furthermore the Hearing Examiner's report and conclusion seem to strike a sympathetic tone to McNabb's plight and the Hearing Examiner makes the case that there is a need to bring zoning into conformance with the land use permits and site plan approved by Kitsap County in 1981. However there is no discussion of or regard given to bringing the McNabb property into conformance with current BIMC codes such as building height and more importantly into conformance with what is the reality on the ground today in that part of Eagle Harbor and Bainbridge Island as a whole. Today that area is home to a treasured residential community, a new nationally recognized historical monument and a revitalized public park. There are lots of permits that were issued over 30 years that don't make sense today and it is for that reason that permits are fundamentally given and altered from time to time based up on sound policy making for the common good.

I sincerely appreciate the opportunity to provide public comment to the City Council and welcome the chance to address any questions or comments that council members may have of me. Please do not accept the McNabb CPA for the good of the South Eagle Harbor and the good of Bainbridge Island as a whole.

Sincerely,

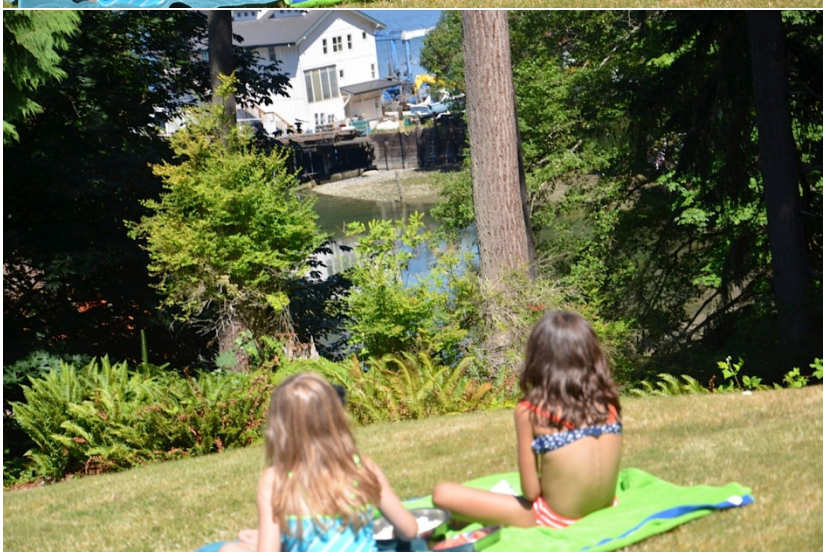
Sanjay Pal

sanjaypal@gmail.com

5650 Ward Avenue, NE

Bainbridge, Island, WA 98110

PLEASE REFERENCE PICTURES ON THE FOLLOWING PAGE



ORDINANCE NO. 2013-16

AN ORDINANCE of the City of Bainbridge Island, Washington, to amend the Land Use Map of the Comprehensive Plan to change the designation from Open Space Residential-2 (OSR-2) to Water-Dependent Industrial (WD-I) for two properties located on the south shore of Eagle Harbor.

WHEREAS, Darrell McNabb owns two properties located at 4200 Eagle Harbor Drive NE, Tax Parcel 352502-2-003-2007 (aggregated with Lots 001 and 002 under Tax Parcel No 352502-2-086-2007) and Tax Parcel No. 352502-2-004-2006 (referred to hereafter as "subject property") which are currently designated Open Space Residential-2 (OSR-2) on the Land Use Map of the Comprehensive Plan; and

WHEREAS, Darrell McNabb has applied for a Comprehensive Plan Amendment during the 2013 Comprehensive Plan Amendment cycle requesting to change the designation of the subject property from OSR-2 to WD-I on the Land Use Map of the Comprehensive Plan; and

WHEREAS, the Planning Commission conducted a study session on this proposed Comprehensive Plan Amendment on May 23, 2013; and

WHEREAS, the Planning Commission conducted a public hearing on June 27, considered the decision criteria for the amendment request, and forwarded their recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing on this proposed Comprehensive Plan Amendment on _____, 2013 and considered the decision criteria; and

WHEREAS, notice was given on June 28, 2013 to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106;

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

Section 1. The City Council finds that this Comprehensive Plan Amendment is in conformance with the Comprehensive Plan and all applicable state laws in effect at the time of approval.

Section 2. The land use designation for the subject property shall be changed from Open Space Residential-2 (OSR-2) to Water-Dependent Industrial on the Land Use Map of the Comprehensive Plan as described above and shown on Exhibit A.

Section 3. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this ____day of _____, 2013.

APPROVED BY THE MAYOR this ____day of _____, 2013.

_____
Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

_____
Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK:	October 10, 2013
PASSED BY THE CITY COUNCIL:	
PUBLISHED:	
EFFECTIVE DATE:	
ORDINANCE NUMBER:	2013-16

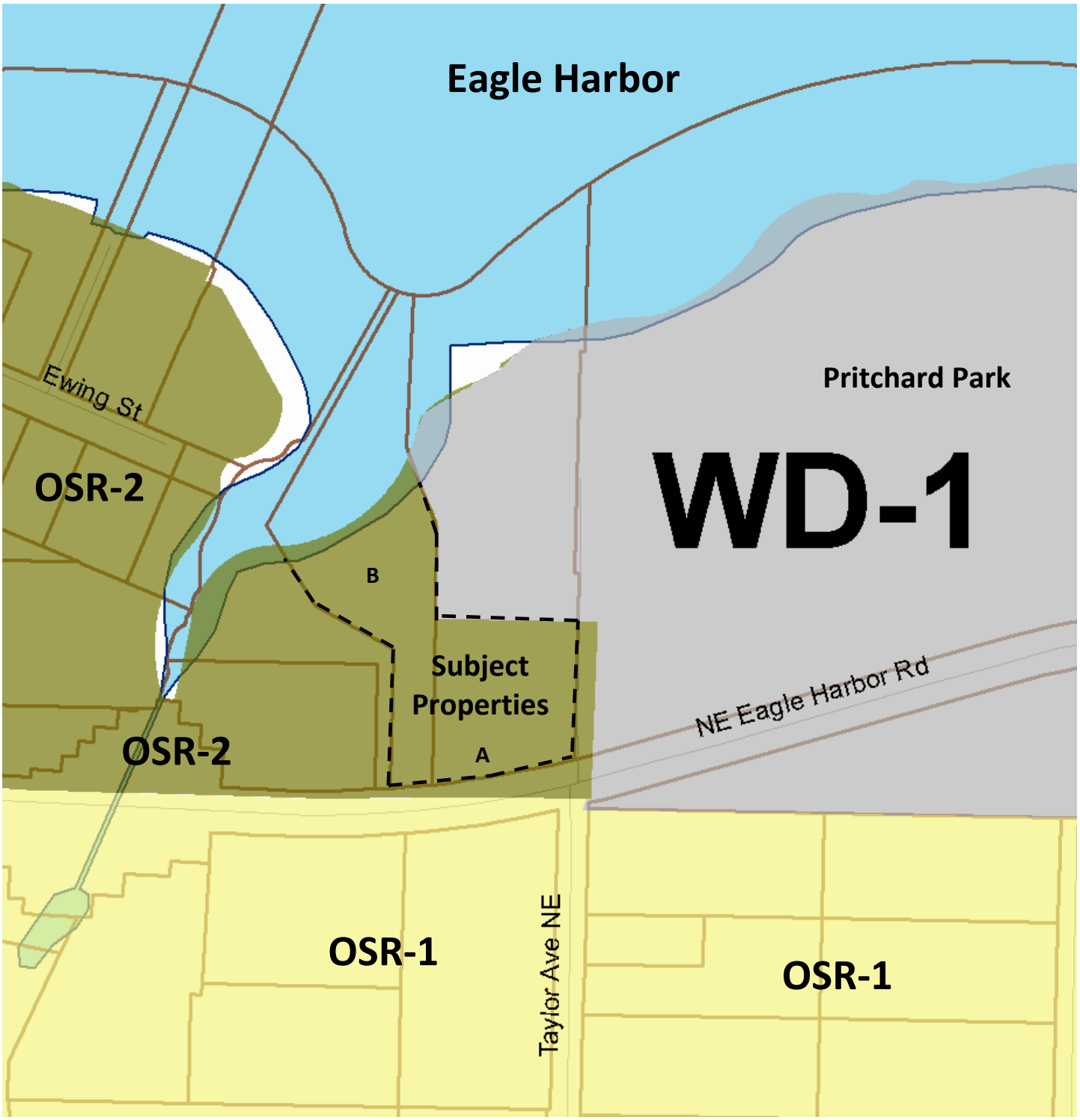

Eagle Harbor
Pritchard Park
WD-1
Ewing St
OSR-2
B
Subject
Properties
A
OSR-2
NE Eagle Harbor Rd
OSR-1
Taylor Ave NE
OSR-1

Exhibit A

CITY OF BAINBRIDGE ISLAND
CITY COUNCIL AGENDA BILL

PROCESS INFORMATION	
Subject: Ordinance 2013-35 Amending the Appointment and Compensation of Police Reserve Officers	Date: November 13, 2013
Agenda Item: Ordinances/1st Reading	Bill No.: 13-156
Proposed By: Police Chief, Mathew Hamner	Referral(s):

BUDGET INFORMATION		
Department: Police Department	Fund: General	Munis Contract #
Expenditure Req: none	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

DESCRIPTION/SUMMARY

Action Item:

The City would like to amend the appointment section to reflect the Council-Manager form of government and clarify the section relating to compensation of police reserve officers while on temporary duty.

History:

The Police Department of the City of Bainbridge Island utilizes reserve officers to supplement the full-time police force in their ordinary duties. Reserve officer duties include, but are not limited to, preserving law and order, discovering the commission of crimes, crime scene investigation, enforcing motor vehicle operation, traffic control, and general policing of large assemblies of people. Reserve officers are required to complete certain mandatory training activities prior to becoming a reserve officer. In addition, reserve officers must maintain minimum participation through volunteer hours within the department in order to retain their reserve officer status. At times the Chief of Police, with the concurrence of the City Manager, may call upon a reserve officer to work a special detail for compensation.

RECOMMENDED ACTION :

I move that the City Council forward Ordinance No. 2013-35, Amending the Appointment and Compensation of Police Reserve Officers, to the consent agenda on December 11, 2013.

ORDINANCE NO. 2013-35

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the police reserve; amending Chapter 2.24 of the Bainbridge Island Municipal Code (BIMC) relating to the appointment and compensation of police reserve officers.

WHEREAS, the City has established a police reserve force to provide additional manpower to assist the regular police force within the City in the protection of life and property; and

WHEREAS, the City would like to amend the appointment section to reflect the Council-Manager form of government and clarify the section relating to compensation of police reserve officers while on temporary duty;

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

Section 1. Section 2.24.010 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

2.24.010 Established – Appointment of members – Supervision.

The city creates and establishes a police reserve force to provide and make available additional manpower to assist the regular police force within the city in the protection of life and property. The members of the police reserve force shall be appointed by the chief of police of the city with the concurrence of the city manager ~~mayor~~. The Bainbridge Island police reserve force shall function as a unit under the supervision of the chief of police and/or his designated subordinate

Section 2. Section 2.24.080 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

2.24.080 Compensation while on temporary ~~full-time~~ duty.

In the event it is deemed necessary by the chief of police, with the concurrence of the city manager ~~mayor~~, that one or more officers of the police reserve force be requested to and agree to provide ~~not less than 20 hours per week of~~ police duty, the chief of police shall designate the officer, prescribe the hours and shifts of work and any special powers that may be necessary because of the increased time involved. Under such circumstances the police reserve officer shall be compensated by the city at the same rate per hour as is then paid beginning ~~patrolmen~~ patrol officers with the city. Such temporary ~~full-time~~ duty shall not be

extended beyond three months in any one year. A police reserve officer may only be compensated if they are current with their volunteer hours for the prior month.

Section 3. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2013.

APPROVED BY THE MAYOR this _____ day of_____, 2013.

_____
Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

_____
Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK: November 8, 2013
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER: 2013-35

CITY OF BAINBRIDGE ISLAND
CITY COUNCIL AGENDA BILL

PROCESS INFORMATION	
Subject: Ordinance 2013-34, Adopting the City of Bainbridge Island Shoreline Master Program Update	Date: November 13, 2013
Agenda Item: Ordinances/1st Reading	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		
Study Session:	Recommendation:	
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No N/A	Finance ☐ Yes ☐ No ☒ N/A

DESCRIPTION/SUMMARY

Action Item:
Conduct first reading on draft Ordinance 2013-34, Adopting the City of Bainbridge Island Shoreline Master Program Update.

Background:
Please refer to attached staff memo.

RECOMMENDED ACTION
Motion:

I move to schedule Second Reading and a Public Hearing on Ordinance 2013-34, Adopting the City of Bainbridge Island Shoreline Master Program Update, for November 20, 2013.

City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT

MEMORANDUM

TO: City Council

FROM: Kathy Cook, Planning Director
Ryan Ericson, Associate Planner

DATE: November 8, 2013

RE: Ordinance 2013-34, Shoreline Master Program Update
First Reading, November 13, 2013

Background
The City Council conducted a study session on the amended Shoreline Master Program on October 30, 2013. At the study session, the Council reviewed and discussed the Department of Ecology's required and recommended changes, staff's recommended June 2013 amendments and staff's proposed alternative language for some of Ecology's changes.

Material Prepared Subsequent to October 30 Study Session
As directed by Council at the October 30 study session, staff has prepared the following material:

- Revised draft amended SMP that includes only Ecology's required changes and the non-substantive language amendments and internal inconsistencies corrected by staff prior to the submittal to Ecology on June 10, 2013 (Attachment E). Ecology's required changes are shown in red font and staff's clarifications and corrections are shown in green font. The footer on the draft document includes the date of the most recent update and an explanation of which proposed amendments are included in the document.
- A matrix of Ecology's recommended changes. (Attachment B)
- A matrix of staff's proposed alternative language for some of Ecology's changes, with a column that indicates whether each proposal is "under review" or "approved" by Ecology. Please note that staff conducted a conference call with Ecology on November 7 and reviewed all of the proposed changes. Ecology gave verbal approval to all but one of the proposed changes and the matrix is notated accordingly. (Attachment C) Ecology will sent written confirmation of these approvals prior to the November 20 Public Hearing.
- A matrix of the additional non-substantive language amendments and internal inconsistencies corrected by staff prior to the submittal to Ecology on June 10, 2013. (Attachment D)

November 20 Council Meeting: Public Hearing/Second Reading
A Public Hearing/Second Reading on Ordinance 2013-34, on the City of Bainbridge Island's amended Shoreline Master Program, is scheduled for November 20, 2013. As directed by Council, public comment will be taken only on the changes recommended by Ecology, the Council and staff since the City's May 8 Public Hearing. Upon close of public testimony and Council's deliberations at the November 20 Public Hearing, staff recommends that the City Council discuss the public testimony, Ecology's requested and recommended amendments and staff's proposed revisions and then vote 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 Conditions of Approval
Upon review and acceptance of the City's letter, Ecology will send their "Conditional Letter of Approval" to the City. 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

A. **Department of Ecology Draft Required Amendment Matrix; October 25, 2013**
B. **Department of Ecology Draft Recommended Amendment Matrix; October 25, 2013**
C. **Alternative Language Matrix; November 8, 2013**
D. **Staff Recommended June 2013 Amendment Matrix; prepared September 26, 2013**
E. **1st Reading draft amended Shoreline Master Program; November 8, 2013**

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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 ~~are not considered dredging nor~~ subject to the regulations found in Section 6.4, Dredging and Dredge Material Disposal, depending on site specific circumstances.	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 under federal regulations.

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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 over short-term ~~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, and limited substrate modification, and that don't rely ~~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 and all state and federal regulations or 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.	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 (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.~~	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 substanital 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~~ 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 (unless as part of an approved restoration project).~~ 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 designation ~~designations~~ 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.~~	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. Appears to be inconsistent with intent of SMA and SMP Guidelines to develop policies and regulations to address inherent incompatibility of shoreline uses.

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11	**BI 5.2.5**	**Regulations Design Standards**	Floating and submerged aquaculture structures shall be located to avoid or minimize interference with navigation ~~navigable waters~~ ~~-~~and ~~-~~the normal public~~'s~~'~~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.
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 avoid or 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 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 6 feet in height, as measured from the ground ~~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 is provided. ~~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 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 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.
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.	All commercial geoduck operations require 401 water quality certifications that include requirements for maintaining nets.

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19	**BI 5.2.8**	**Aquaculture Commercial Geoduck Requirements**	5.2.8 Commercial Geoduck Requirements 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. 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).	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~~ where the mean annual flow is more than 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 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.	For consistency with RCW 90.58.030(2)(d)
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~~	For clarity of designations and intent

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			~~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.	

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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-and result in no net loss of ecological functions.	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 and uses ~~proposals~~ in areas that affect existing experimental aquaculture	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

			~~monitoring programs~~.	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 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	~~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	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. ~~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. 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	For more consistency with the intent and limitations of WAC 173-26-241(3)(b)(i)(C)

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			shoreline. c. 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~~	. Add reference to city code requiring mitigation.
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.

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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, and limited substrate modification, and that ……don't rely ~~reliance~~ on artificial feeding.	Replace "reliance" with "don't rely" to better describe intent.
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 is prohibited 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.

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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.
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 l~~Loss~~ of ecological functions or processes; b. Adverse i~~I~~mpacts to eelgrass and macro algae; c. Significant conflicts with navigation and water-dependent uses; d. The spread~~ing~~ of disease to native aquatic life; e. Establishing new ~~Introductionof~~ non-native species that cause significant ecological impacts; and/or f. Significant i~~I~~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 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 stream~~way~~ 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.

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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. All floating and submerged aquaculture structures and facilities in navigable waters shall comply with all applicable state and federal requirements.	Add to ensure navigation aids are covered, which must comply with US Coast Guard regulations.
19	**BI 5.2.5 (10)**	Aquaculture Regulations Design Standards	a. It complies with all state and federal regulations, including transfer and harvest permits required by WDFW. b. The cultivation and harvesting is limited to native species of shellfish acquired from a licensed source consistent with state law; 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 if in ~~is~~ ~~a~~ccordance with best management practices and it does not ~~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) new**	Aquaculture Regulations Operational Standards	~~a.~~ 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 .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.	Consider adding a timeframe for abandonment.
22	**BI 5.2.7**	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.

Alternative Language Consideration for Department of Ecology

Number	SMP Section	City Recommended Language	Reason	Ecology Response
1	Table 4-1	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.	**Council Inquiry** Comprehensive plan and zoning encourage mixed use development. Allowing mixed use on sites physically separated from the shoreline by another parcel is consistent with WAC guidelines.	Verbal Approval
2	4.1.3.8(3)(e)	iii. Stairways to the shoreline 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.~~	**Staff Inquiry**	Verbal Approval
		A. Larger stairway~~s~~ serving a single-family residence may only be allowed through approval of a Shoreline Variance.	**Staff Inquiry**	Verbal Approval
		~~A~~i. 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.	**Staff Inquiry**	Verbal Approval
		B. Stairway design shall meet the following minimum criteria: 1. International Codes for: a. Hand Railings; b. Stairway width; and c. Tread Depth. 2. 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.	**Staff Inquiry** Discussed regulation with the Building Official and a staircase builder, it was determined to be difficult to implement as written. The Building Official explained the applicable International Building Code sections are railings, stairway width, and tread depth. Move to 4.1.3.7.	Verbal Approval

Number	SMP Section	City Recommended Language	Reason	Ecology Response
3	4.1.3.10(4)(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~~ 2) feet on either side of the trail, and no significant trees are removed.	**Staff Inquiry** Change amount of shoulder on the trail from 4' to 2'. The intent was to allow a total of 4 feet not 4 feet on each side.	Verbal Approval
4	5.2.2(9)	Ensure aquaculture does not cause cumulative environmental, aesthetic and <u>recreational</u> impacts	**Staff Inquiry** The workgroups agreed aquaculture should not impact recreation activities such as recreational shellfish harvesting and sportfishing. Adding recreation meets Ecology's recommendation and the Planning Commission's recommendation.	Verbal Approval
5	5.2.2(6)	Replace "shall" with "should"	**Staff Inquiry** This is a policy, shall infers a regulation one goal of the amended SMP was to move regulations out of policies.	Verbal Approval
6	5.2.4(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 Aqautic B. They also are allowed in Aquatic Priority A when for the recovery of native populations, restoration, or personal use.	**Staff Inquiry** Alternative language to Ecology's required changes, provides a clear understanding of the three types of aquaculture.	Verbal Approval

Number	SMP Section	City Recommended Language	Reason	Ecology Response
7	5.2.4(3)	Aquaculture shall avoid: f. ~~Significant~~ Impacts to shoreline aesthetic qualities; and/or g. Significant modification of the substrate	**Council Inquiry** Eliminate the qualifier significant **Staff Inquiry** Add avoiding significant substrate modification implements Ecology's recommended change to the policies.	Verbal Approval Verbal Approval
8	5.2.5(11) New	The following shall be limited to the minimum size or number necessary for approved aquaculture development, uses, activities: a. Submerged or intertidal structures. b. Land-based facilities. c. Structures which modify substrate.	**Staff Inquiry** Including this new regulation implements Policy 7.	Verbal Approval
9	5.2.5(10)	~~b. The cultivation and harvesting is limited to native species of shellfish acquired from a licensed source consistent with state law;~~ and c. The area used for Individual shellfish garden cultivation is no greater than 400 square feet or the area used for community shellfish garden is no greater than 1000 square feet.	**Council Inquiry** Delete the requirement for Individual shellfish gardens to only cultivate native species. **Staff Inquiry** Planning Commission through a public process recommended Community Shellfish Gardens maximum area should be 1,000 square feet and Individual Gardens should be 400 square feet; everything else is considered intensive aquaculture. Consensus was the aquaculture area at Bloedel Reserve was about 1,000 square feet and should be considered a Community Garden and 400 square feet was enough area for an accessory residential use.	Verbal Approval Not Approved; Ecology will provided recommended alternative language before 2nd Reading/Public Hearing

Number	SMP Section	City Recommended Language	Reason	Ecology Response
10	5.2.5(4)	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.	**Staff Inquiry** Move from 5.2.5(4) to 5.2.5(1) which discusses floating structures. Ecology's recommendation was to delete. Regulation 1 covers over waters structures, moving the netting and fencing requirements to this regulation is appropriate.	Verbal Approval
11	5.3.5(4)	Live-aboard vessels, including houseboats, shall be permitted only in marinas. No more than ~~10~~25% of the surface area of a marina or ~~10~~25% 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]	**Council Inquiry** Existing SMP allows 25% live-a-boards, Council would like to reconsider the motion to use the minimum DNR criteria for percent live-a-boards.	Verbal Approval
12	5.4.4(1)(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.	**Council Inquiry** Supports foot note above and is consistent with Shoreline Residential Conservancy.	Verbal Approval

Number	SMP Section	City Recommended Language	Reason	Ecology Response
13	5.9.5(8)	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 residential structure (insert figure).	**Staff Inquiry** Staff recommends using the term residential to replace building to clarify that the side setback applies to the house and not to an accessory building which may be greater in size, therefore the primary building.	Verbal Approval
		i. 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.	**Staff Inquiry** Staff recommends adding on the side property line to clarify where fences are allowed to exceed the existing SMP requirement of 4 foot fences.	Verbal Approval
14	6.2.4(1)	Sheet pile style hard stabilization may be allowed for remedation and hybrid shoreline stabilization projects in accordance with 6.2.5	**Staff Inquiry** This will allow flexibility in stop-gap protection design. The shoreline stabilization designer will not be limited to rock; which has a larger footprint.	Verbal Approval
15	6.2.5(3)(c)	Sheet pile style hard stabilization may be used in: a. Remediation projects to contain contaminated soils or sediments when demonstrated to the satisfaction of the Administrator to be the most appropriate solution; or b. Hybrid stabilization when used as a stop-gap measure at or near extreme high water.	**Staff Inquiry** This will allow flexibility in stop-gap protection design. The shoreline stabilization designer will not be limited to rock; which has a larger footprint	Verbal Approval

Number	SMP Section	City Recommended Language	Reason	Ecology Response
16	7.2.6	Any Mitigation/Restoration Plan (Plan) required ~~by the City after~~ for a disturbance not authorized by this shoreline management program or approved by the City ~~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. 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.	**Staff Inquiry** Insert language to distinguish this is an after the fact mitigation plan for an action not approved by the City or exempt under the shoreline master program. **Staff Inquiry** Add. Move language from 7.2.9, deleted penalties as covered in new Section 7.10 General Penalty	Verbal Approval Verbal Approval
17	7.2.7	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	**Staff Inquiry** In the City's response to public comment, staff agreed to make Section 7.0 be more consistent with state law.	Verbal Approval

Number	SMP Section	City Recommended Language	Reason	Ecology Response
18	7.2.9	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 ~~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, 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.	**Staff Inquiry** In the City's response to public comment, staff agreed to make Section 7.0 be more consistent with RCW 90.58.210.	Verbal Approval
		~~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.~~	**Staff Inquiry** Move deleted to section 7.2.6	Verbal Approval

Number	SMP Section	City Recommended Language	Reason	Ecology Response
19	7.2.10	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].	**Staff Inquiry** Add **new** subsection titled General Penalty. In the City's response to public comment, staff agreed to make Section 7.0 be more consistent with RCW 90.58.220	Verbal Approval

Staff Recommended Amendments to Shoreline Master Program

	Issue	Response
1.	**Add/Delete**. Clean up use of the terms "existing development" and "nonconforming development" in response to Council Motion.	**Council motion.** Replaced the term "nonconforming" with "existing development" throughout the document. At times, sentence structure alterations were required.
2.	3.2.1.3.2 – **Revise language as follows.** ~~Assure~~ New development applications should demonstrate they will result in no net loss	**Syntax change as recommend as part of BERK Consistency Analysis**. Revised language provides internal consistency. Proposed regulations in Section 4.1.2 require applicant to demonstrate no net loss.
3.	3.3.2.7 – **Add.** Motorized Vessels should not be allowed.	**Council motion**. Added language to reflect council's decision to prohibit motorized vessels in both Priority Aquatic designations
4.	3.4 – **Add**. All publicly owned open space or park properties shall be designated Island Conservancy or Natural	**Council motion**. Added language reflects Council's motion to maintain south side of Blakely Harbor in the natural designation.
5.	4.1.1.2 – **Add**. Development, uses, and activities within the shorelines of statewide significance shall follow all provisions of this program. Proposed development, uses, and activities within the shorelines of statewide significance shall be reviewed in accordance with the preferred policies listed in 4.1.1.3. The Administrator may reduce, alter, or deny proposed development, uses, and actives to satisfy the preferred policies.	**Staff Recommendation.** Amended applicability section to provide a means to implement the state's policies for Shoreline of Statewide Significance per WAC 173-26-251. This section applies only to development, uses, activities waterward of extreme low water (-4.5 mean lower low water), which are state-owned bedlands.
6.	4.1.3.5 – **Add.** 4(c) -The use of pesticides are prohibited unless specifically allowed in Section 4.1.6, Water Quality and Stormwater Management.	**Staff Recommendation.** Provides continuity with proposed regulation 4.1.6.5(2). The regulation prohibits use of pesticides unless part of an approved Integrated Pest Management Plan or approved by Ecology for eradication of invasive species.
7.	4.1.4.4 – **Add.** Clearing or grading within shoreline jurisdiction shall require an approved clearing or grading permit in association with an existing use, a new permit, or allowed shoreline use or development.	**Berk consistency change**. Added language to be consistent with proposed Policy 1.

8.	4.1.5.4 – **Add.** 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.	**Staff Recommendation.** Added language to implement proposed Policy 7.
9.	4.1.5.8.3(b)&(c) **- Add.** – the development can meet the factor of safety in Appendix B; subsection B-9(E)(1)	**Staff Recommendation.** New development is required to meet the Geologically Hazardous section of the Critical Areas Ordinance in Appendix B.
10.	4.2.1.6.3 – **Add.** Except as allowed in 4.1.2.7.	**Staff Recommendation.** Council discussed the intent of encumbered lot provisions to allow expansion of existing encumbered development to the maximum lot coverage. Staff added language to allow encumbered lots to expand to the maximum allowable area regardless of the percentage of increase in building foot print.
11.	4.2.1.6.3 – **Add.** The expansion shall be located landward of the existing original footprint and only one such expansion may occur within the lifetime of the development.	**Council Motion.** Council asked for language to ensure the 25% expansion was allowed only once per structure lifetime.
12.	5.2.2 – **Add.** Prohibit activity which would: a. Result in the spreading of disease, the introduction of non-native species, or impacts to shoreline aesthetic qualities;	**Berk consistency change**. Language was added to policy 4 for consistency with regulation 5.2.3(2)&(4).
13.	5.8 – **Add**. Language to prohibit motorized vessels.	**Council Motion.** New language provides clarity to proposed regulation sentence structure.
14.	6.2.4(1) – **Add**. Sheet pile style hard stabilization may be allowed for remedation projects in accordance with 6.2.5.	**Staff Recommendation.** Unintended consequence of proposed regulation would have prohibited replacement of sheet pile wall around the Wyckoff Superfund site.
15.	6.2.5(3)(c) **- Add.** (Sheet pile style hard stabilization used in remediation projects to contain contaminated soils or sediments when demonstrated	**Staff Recommendation.** Unintended consequence of proposed regulation would have prohibited replacement of sheet pile wall around the Wyckoff Superfund site.

	to the satisfaction of the Administrator to be the most appropriate solution.	
16.	6.2.5(3) – **Add.** Minor Conditional Use Permit process for shoreline stabilization when the nearest adjacent shoreline stabilization is greater than 100 feet away	**Council Motion.**
17.	6.3.7.5 – **Delete** (-4.5). **Add (**4.0)	**Berk consistency change.** Internal sentence consistency for Commercial/Industrial dock length. In the provision regulating the maximum dock length outside of Eagle Harbor the spelled out number in the sentence did not match the number in parentheses. There was not motion or discussion to change from the current SMP which is four feet. The digit in parentheses was altered to match the number in the sentence.
18.	7.0 Violations, Enforcement, and Penalties	Section was included in the March 13, 2013 packet. City Council reviewed on April 10, 2013 and was included in the May 8, 2013 public hearing draft.
19.	8.0 – **Add.** Existing Development – Legally established structures which do not conform to the provisions in the 1996 Shoreline Master Program, as amended by ordinance xx on xx xx, 2013.	**Staff Recommendation.** Defined the term existing development for use in the SMP.
20.	**Add.** Appendices	**Staff Recommendation.** Appendicies were listed in the Table of Contents.
21.	Table 4-1 through 4-3 **Add/Delete.** Changed permit type to match written regulations	**Staff Recommendation.** Internal consistency.
22.	4.1.2.5(1)(a)(ii) **- Add. "**or the applicant may use the single-family residential mitigation manual."	**Staff Recommendation.** Internal continuity with allowed use of single family mitigation manual
23.	4.1.2.5(6) – **Add.** dune, sand spit; beach, barrier estuary, or barrier lagoon, including **Delete.** spit, dune grass, and	**Staff Recommendation.** Internal consistency with other Point Monroe regulation, on the use of appropriate vegetation.
24.	4.1.3.8 (2) **- Move.** To 4.1.3.7(1)(a)	**Staff Recommendation.** The regulation pertaining to

		existing vegetation applies to all uses and is not specific to Residential.
25.	4.1.3.11 - **Add/Delete.** View Setback Figures	**Staff Recommendation.** Replaced figures with revised figures.
26.	4.1.5.4 – **Delete** uses. **Add.** uses and activities	**Staff Recommendation.** Internal consistency.
27.	4.1.5.4(2) – **Add.** 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.	**Staff Recommendation.** Implements policy 4.1.5.3(5).
28.	4.1.5.8 – **Delete.** "the shoreline-specific Critical Areas Regulations under". **Add.** "Appendix B" and specific regulation reference.	**Staff Recommendation.** Simplifies regulation.
29.	4.2.1.6.3(2) - **Add/Modify.** Create a list, to add "allowable building area Point Monroe District" and "allowable building area for encumbered lots".	**Staff Recommendation/Council Request.** Consistency for existing structures to be allowed same relief as a new structure. Numbering is incorrect: formatting should be changed.
30.	4.2.1.6.5 – **Modify**. Renumber with lower case alpha.	**Staff Recommendation.** Renumber, list uses roman numerals should be lower case alpha.
31.	4.2.1.7 – **Add/Delete/Modify.** Create a list from multiple conditions of 4.2.1.7(b). Modify sentences to structure to create stand alone regulations.	**Staff Recommendation.** Modified sentence structure to match list format.
32.	4.2.2.2 – **Add.** Coordinate with the Metropolitan Park District to ensure Comprehensive Plan's consistency with cultural resource management policies.	**Staff Recommendation.** Ensures consistency with Park District and the City's Comprehensive Plan.
33.	4.2.3.3 – **Delete.** "is prohibited within the shoreline jurisdiction" in section pertaining to parking.	**Staff Recommendation.** Internal consistency. "Is prohibited" is redundant as the regulation is in the prohibited section.
34.	4.2.3.3(2) – **Move.** Parking shall be prohibited over water except at the publicly-owned ferry terminal in	**Staff Recommendation.** Created a separate regulation from number 4.2.3.3(1) to number to simplify sentence.

	the Urban designation.	
35.	4.2.3.3(3) – **Delete.** "Parking as a principal use" in order to reduce redundancy.	**Staff Recommendation.** Regulation same as regulation 4.2.3.3(1).
36.	4.2.4.6(3)(a)(iii) – **Add.** "or elevated structures" to section pertaining to trail construction.	**Staff Recommendation.** Consistency with management options for trail construction in sensitive areas such as wetlands.
37.	4.2.7.7(1)(d) – **Add.** 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.	**Staff Recommendation.** Implements policies 4.2.7.2(3)&(6) and 4.2.7.3(1)(a).
38.	5.4.3(2) - **Delete. "**Commercial uses shall be prohibited in shoreline designations except as allowed in Section 5.4.4, below".	**Staff Recommendation.** Redundant with regulation 5.4.3(1)
39.	5.8.5(6) **- Delete.** Reference to [WAC 173-16-060-21(k) or its successor]. **Add.** Reference to (Title 248 WAC)	**Berk Consistency/Staff Recommendation.** WAC citation has been repealed by WAC 173-27, health regulations are in Title 248 WAC.
40.	6.3.1 **- Add.** Refence to Section 4.4.1 Shorelines of Statewide Significance in Applicability Section,	**Staff Recommendation.** Section 4.4.1 should be reviewed when reviewing overwater structure permits which extend into shorelines of State-wide Significance (beyond extreme low water).
41.	6.3.7.5(2)(d). - **Add.** 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 review and approval.	**Staff Recommendation.** Consistency with Residential Docks.
42.	**Formatting, syntax, and grammar throughout document**	**Staff Recommendation.** Renumbered for consistency, corrected footer text, font, spelling, sentence clarity and grammar.

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.

Comment [re1]: Staff Recommend Change, September 26, 2013 Matrix #18

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

Comment [re2]: Staff Recommened Change; September 26, 2013 Matirx #1

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.

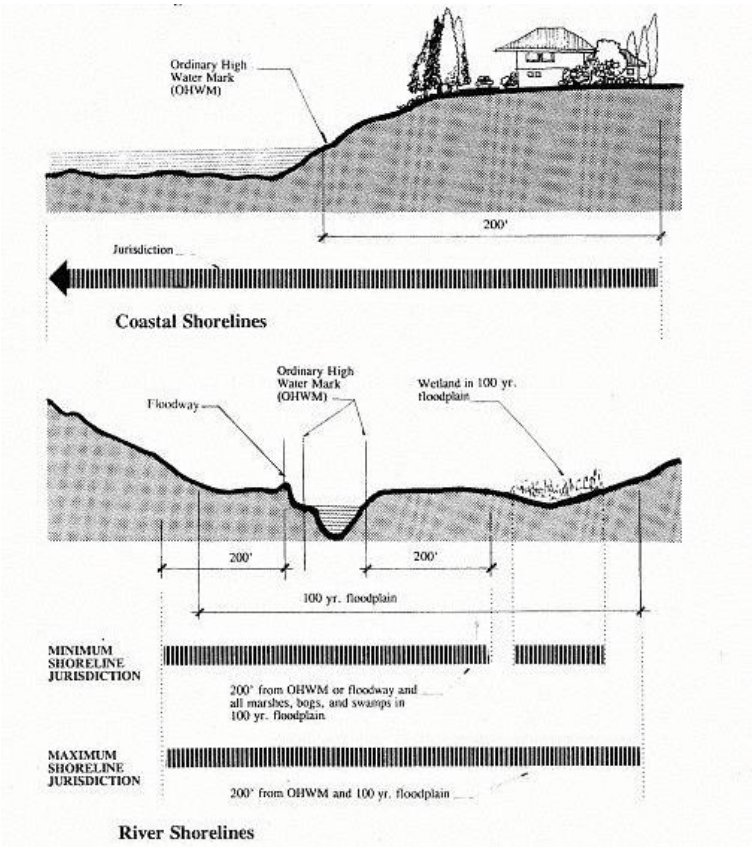

Figure 1-1 Shoreline Jurisdiction

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. ~~Wetlands (a specific Shoreline Management Act term which includes related upland, shoreland, and wetland areas) associated with all of the above;~~ 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.

Comment [R3]: Ecology Required change

Comment [R4]: Ecology Required change

Comment [re5]: Ecology Required change

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

Comment [re6]: Staff Recommened Change; September 26, 2013 Matirx #42

Comment [re7]: Staff Recommened Change; September 26, 2013 Matirx #42

Comment [re8]: Staff Recommened Change; September 26, 2013 Matirx #42

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 public hearing on the draft, the Department of Ecology approved the amended program on TBD.

Comment [re9]: Staff Recommened Change; September 26, 2013 Matirx #42

Comment [re10]: Staff Recommened Change; September 26, 2013 Matirx #42

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.

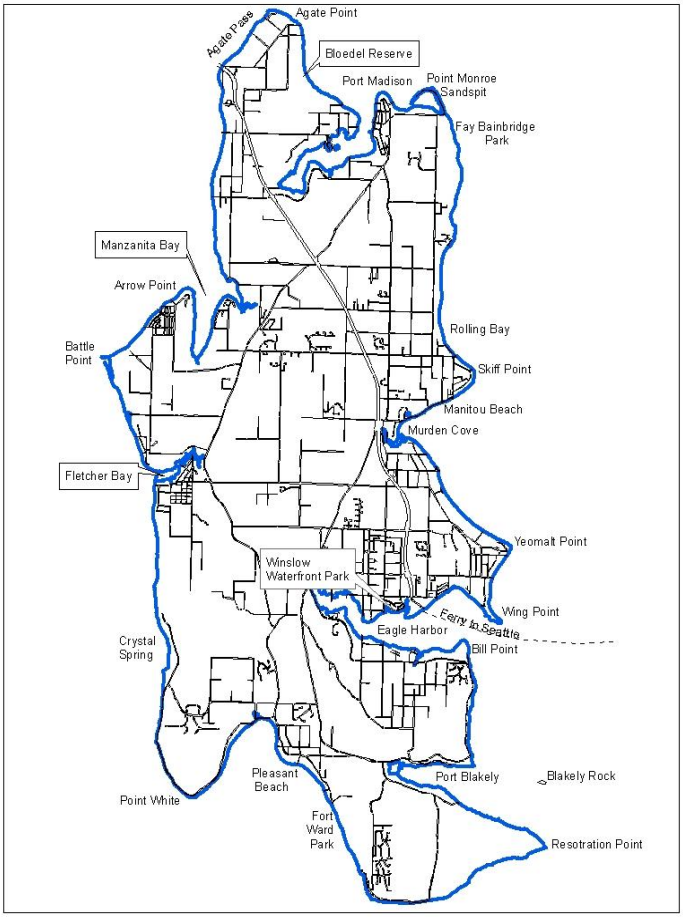

Figure 1-2 Map of Bainbridge Island

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.

Comment [R11]: Ecology Required change

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 **TBD**, 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.

Comment [re12]: Staff Recommened Change; September 26, 2013 Matirx #42

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 Activity Matrix, 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)

Comment [re13]: Staff Recommended Change; September 26, 2013 Matrix #1

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.

Comment [re14]: Staff Recommended Change; September 26, 2013 Matrix #2

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. Intensive shellfish aquaculture is prohibited.
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. ~~Those areas previously designated Aquatic Conservancy as the adoption date XXX XX, 2013 of this SMP, shall be designated Priority Aquatic Category A~~. 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 ~~will be~~ 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".

Comment [R15]: Ecology Required change

Comment [re16]: Staff Recommended Change; September 26, 2013 Matrix #42

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 of enhancement of aquatic resources and adjacent uplands is encouraged.

Comment [re17]: Staff Recommended Change; September 26, 2013 Matrix #3

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.

Comment [re18]: Staff Recommended Change; September 26, 2013 Matrix #4

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 3) for essential public facilities shall be reviewed through a Shoreline Conditional Use. Submittal requirements are in Section 4.1.2.9(2).

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.

Master Program Summary Matrices

Table 4-1. Shoreline Use and Modification Activity Matrix

Table 4-1 Shoreline Use and Modification Activity Matrix

"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	Priority Aquatic 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	#	~~#X~~[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	X	C[17]	X	X	X	
Water-Dependent	X	X	X	C	P	#	X	X	
Water-Related or Enjoyment	X	X	X	C	P	X	X	X	

Comment [re19]: Staff Consistency Recommendation; Council Motion 5/15/2013

Comment [re20]: Staff Consistency Recommendation Matrix #21; Council Motion 5/15/2013

Comment [re21]: Staff Consistency Recommendation Matrix #21; Council Motion 5/15/2013

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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	Priority Aquatic B	
Educational and Community Facilities									
Educational Facility	X	C	C	C	P	X	X	X	
~~**Educational and Community Facilities – continued**~~									
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	#	

Comment [re22]: Staff Recommended Change; September 26, 2013 Matrix #42

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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	Priority Aquatic B	
Marine Railway	X	X	P	P	P	#	X	X	
Marine Railway, Retractable [12]	X	P	P	P	P	#	X	~~#~~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 ~~[19]~~	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 ~~[19]~~	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	
Shoreline/Aquatic Modification [5] [7]									
Beach Nourishment (Mitigation)	C	P	P	P	P	#	#	#	

Comment [re23]: Staff Consistency Recommendation; Council Motion 5/15/2013

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Comment [re24]: Staff Consistency Recommendation Matrix #21; Council Motion 5/15/2013

Comment [re25]: Staff Consistency Recommendation Matrix #21; Council Motion 5/15/2013

Comment [re26]: Staff Consistency Recommendation; Council Motion 5/15/2013

Comment [re27]: Staff Consistency Recommendation; Council Motion 5/15/2013

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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	Priority Aquatic B	
Beach Enhancement (non-restoration) [6]	C[12]	C[12]	C[12]	C[12]	C[12]	#	X#	X#	
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[19]	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	
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	

Comment [re28]: Staff Consistency Recommendation; Council Motion 5/15/2013

Comment [re29]: Staff Consistency Recommendation; Council Motion 5/15/2013

Comment [re30]: Staff Consistency Recommendation Matrix #21; Council Motion 5/15/2013

Comment [re31]: Staff Consistency Recommendation; Council Motion 5/15/2013

Comment [re32]: Staff Consistency Recommendation Matrix #21; Council Motion 5/15/2013

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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	Priority Aquatic B	
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									
~~**Roads and Other Facilities**~~									
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 ~~Roads~~ Arterials	X	X	X	X	X	X	X	X	
~~Trails~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~#~~	~~#~~	~~#~~	
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	
Parking (primary)	X	X	X	X	X	X	X	X	
Public Access Facilities									

Comment [re33]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re34]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re35]: Staff Recommended Change; September 26, 2013 Matrix #42

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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	Priority Aquatic B	
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	~~C~~A[21]	~~C~~A[21]	~~C~~A[21]	~~C~~A[21]	#	X	X	
Residential									
Upland appurtenant Structures	X	CA	A	A	A	X~~#~~	X	X	
Commercial									

Comment [re36]: Staff Consistency Recommendation Matrix #21; Council Motion 5/15/2013

Comment [re37]: Staff Consistency Recommendation Matrix #21; Council Motion 5/15/2013

Comment [re38]: Staff Consistency Recommendation Matrix #21; Council Motion 5/15/2013

Comment [re39]: Staff Consistency Recommendation Matrix #21; Council Motion 5/15/2013

Comment [re40]: Staff Consistency Recommendation Matrix #21; Council Motion 5/15/2013

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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	Priority Aquatic B	
Upland appurtenant structures that support a water-dependent use [13]	X	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	
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	#	#	#	

Comment [re41]: Staff Consistency Recommendation Matrix #21; Council Motion 5/15/2013

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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	
Public Stairway	A	A	A	A	A	#	#	#	
Access Roads	X	A	A	A	A	X	X	X	
Upland appurtenant structures that support ~~a~~ 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	

Comment [re42]: Staff Consistency Recommendation Matrix #21; Council Motion 5/15/2013

Comment [re43]: Staff Consistency Recommendation Matrix #21; Council Motion 5/15/2013

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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	

[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.

Comment [re44]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re45]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re46]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re47]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re48]: Staff Recommended Change; September 26, 2013 Matrix #42

Table 4-2 16.xx.xxx 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			

Comment [re49]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re50]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re51]: Staff Recommended Change; September 26, 2013 Matrix #42

Table 4-2 16.xx.xxx 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	
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 UPLAND DEVELOPMENT~~					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'				

Comment [re49]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re52]: Staff Recommended Change; September 26, 2013 Matrix #42

Table 4-2 16.xx.xxx 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’ ~~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’				
Water-Related and Enjoyment									

Comment [re49]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re53]: Staff Recommended Change; September 26, 2013 Matrix #42

Table 4-2 16.xx.xxx Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

Comment [re49]: Staff Recommended Change; September 26, 2013 Matrix #42

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
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'				
Governmental Facility									
Setbacks									
Water-dependent	X	X	0'	0'	0'				
Water-related	X	X	50'[1]	30'[1]	30'[1]				

Table 4-2 16.xx.xxx Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

Comment [re49]: Staff Recommended Change; September 26, 2013 Matrix #42

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
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									
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’				

Table 4-2 16.xx.xxx Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

Comment [re49]: Staff Recommended Change; September 26, 2013 Matrix #42

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									
Upland	30’	30’	30’	30’	30’				
Commercial Amusement									
Setbacks									
Water-dependent	X	X	0’	0’	0’				
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’				

Table 4-2 16.xx.xxx Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

Comment [re49]: Staff Recommended Change; September 26, 2013 Matrix #42

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Entertainment Facility									
Setbacks									
Water-dependent	X	0’	0’	0’	0’				
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									

Table 4-2 16.xx.xxx Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

Comment [re49]: Staff Recommended Change; September 26, 2013 Matrix #42

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Setbacks									
	X	X	X	X	100’				
Height Limit									
Upland	X	X	X	X	30’				
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’							

Table 4-2 16.xx.xxx Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

Comment [re49]: Staff Recommended Change; September 26, 2013 Matrix #42

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Mooring Buoys									
Setbacks									
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 16.xx.xxx Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

Comment [re49]: Staff Recommended Change; September 26, 2013 Matrix #42

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]				
Kayak/Hiking and Related Camp Site	X	50’[1]	50’[1]	50’[1]	30’[1]				

Table 4-2 16.xx.xxx Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

Comment [re49]: Staff Recommended Change; September 26, 2013 Matrix #42

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
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'				
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'				

Table 4-2 16.xx.xxx Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

Comment [re49]: Staff Recommended Change; September 26, 2013 Matrix #42

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Multi-family									
Setbacks									
UBJECT 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									
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									

Table 4-2 16.xx.xxx Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

Comment [re49]: Staff Recommended Change; September 26, 2013 Matrix #42

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
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]				
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									

Table 4-2 16.xx.xxx Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

Comment [re49]: Staff Recommended Change; September 26, 2013 Matrix #42

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 SPECIFIC USE SETBACK AND ZONING REQUIREMENTS					SAME AS SPECIFIC USE SETBACK	X	#	
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									

Table 4-2 16.xx.xxx 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	
Primary appurtenant structures that either support public access or are necessary to support a water-dependent recreational									
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)

Comment [re49]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re54]: Staff Recommended Change; September 26, 2013 Matrix #42

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. *Geomorphic Class (i.e. low bank, High Bluff) shall be determined by Battelle 2004 Nearshore Characterization and Inventory.*					
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.					

Comment [re55]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re56]: Staff Recommended Change; September 26, 2013 Matrix #42

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.

Comment [re57]: Staff Recommended Change; September 26, 2013 Matrix #5

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,

Comment [re58]: Staff Recommended Change; September 26, 2013 Matrix #22

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 ~~spit, dune grass, and~~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(~~8~~9), thirty (30) foot setback between the OHWM and the primary structure, or where area is available on the site.

Comment [re59]: Staff Recommended Change; September 26, 2013 Matrix #23

Comment [re60]: Staff Recommended Change; September 26, 2013 Matrix #42

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.

4.1.2.9 Submittal Requirements – Site-Specific Impact Analysis and Mitigation Plan

The Administrator may waive some or all of the following based on specific project requirements.

1. In addition to the general submittal requirements for all applications specified in BIMC Section 2.16.020(H), and the requirements for critical areas reports contained in the shoreline-specific Critical Areas Regulations found in Appendix B, the site-specific impact analysis and mitigation plan shall demonstrate how the standards of Section 4.1.2.6, Regulations – Mitigation, are met, and shall include the following, unless otherwise waived by the Administrator:

    a. An inventory of the existing shoreline environment including the physical, chemical and biological elements and an assessment of their condition;

    b. An analysis by a qualified professional documenting the project's impacts and their effect on the ecological functions and processes, (including lost time when functions are not being performed) necessary to support existing and future shoreline resources and demonstrating how the identified impacts are mitigated as required by the provisions of Section 4.1.2.6;

        i. For single-family residential proposals utilizing the alternative to a site-specific analysis as provided in Section 4.1.2.4(4), proposed development impacts and required compensatory mitigation measures must be identified, as specified in the Single Family Residential Mitigation Manual, Appendix D of this program;

    c. An assessment and description of any federal, state, or local special management recommendations which have been developed for wetlands, streams, nearshore species, or habitats located on the site and their applicability to the proposal;

    d. A description of measures to preserve existing habitats and opportunities to restore habitats that were degraded prior to the proposed land use activity;

    e. Planting and soil specifications;

    f. A description and evaluation of anticipated effectiveness of proposed measures, which mitigate the impacts of the project to ensure no net loss of shoreline ecological functions, values, and proposed success criteria.

    g. When a mitigation plan is required, the following shall be included:

        i. A description of proposed management practices which will protect fish and wildlife habitat both during construction and after the project site has been fully developed, including proposed monitoring and maintenance programs;

ii. A contingency plan or adaptive management plan if the mitigation fails to meet established success criteria; and

h. Any additional information is necessary to determine the impacts of a proposal and mitigation of the impacts.

2. If proposed essential public facilities will exceed the building height limitations of the shoreline jurisdiction, the applicant shall submit a view analysis that demonstrates the following:

   a. Plan view and elevation drawings that clearly demonstrate that the proposed increased structure height will not obstruct views of the water for a substantial number of residences.

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) and173-26-201(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.

Comment [re61]: Staff Recommended Change; September 26, 2013 Matrix #6

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.

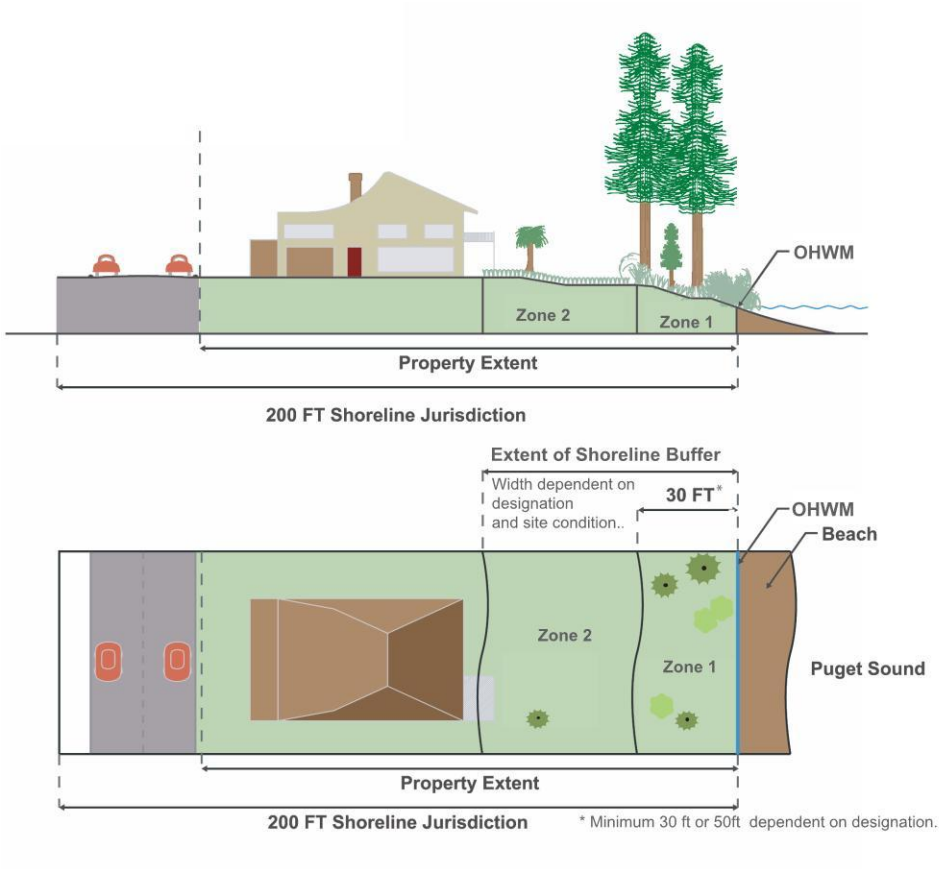

Figure 4-1 Dual Shoreline Buffer

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.

Comment [re62]: Staff Recommended Change; September 26, 2013 Matrix #42

Moved (insertion) [1]

Comment [re63]: Staff Recommended Change; September 26, 2013 Matrix #24

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.

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.

Comment [re64]: Staff Recommended Change; September 26, 2013 Matrix #24

Moved up [1]: 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 process¶

iii. 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.

iv. 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 my 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 (4) 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).

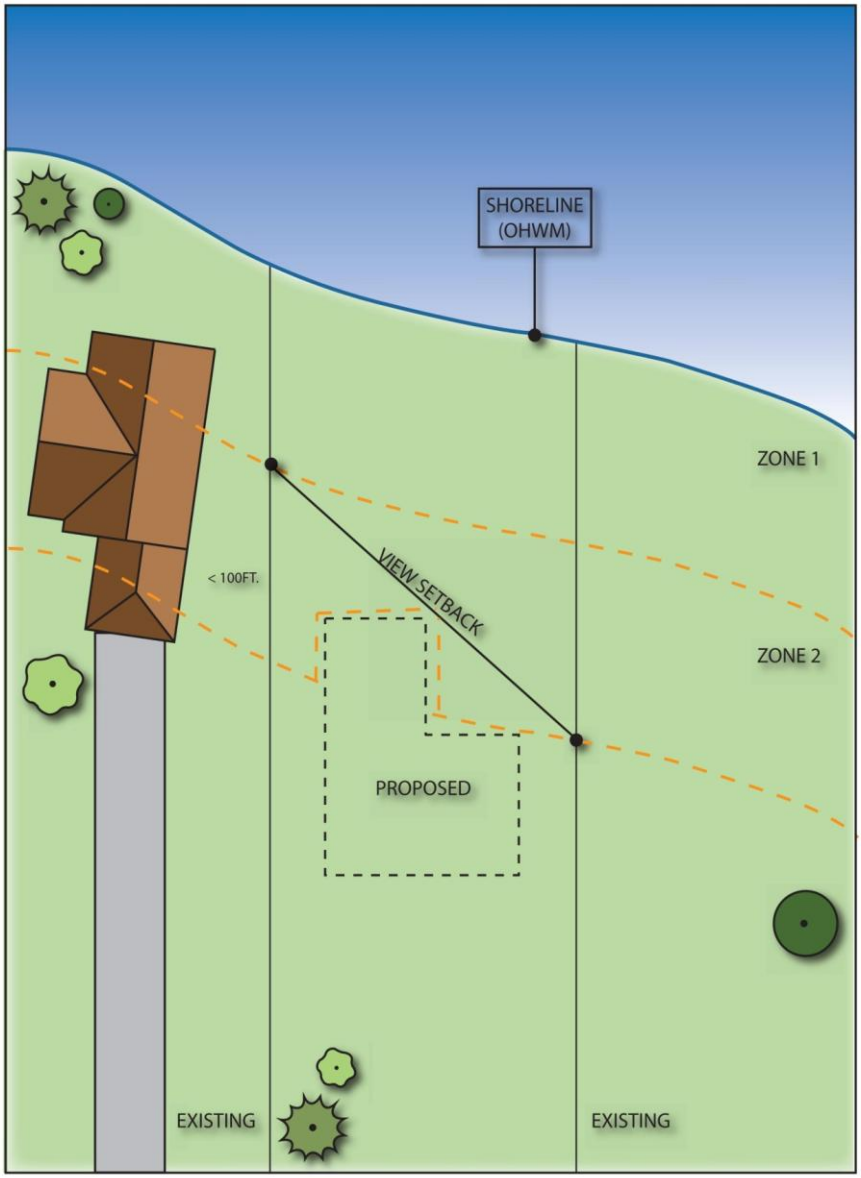

FIGURE 4-1(A) I

Comment [re65]: Staff Recommended Change; September 26, 2013 Matrix #25

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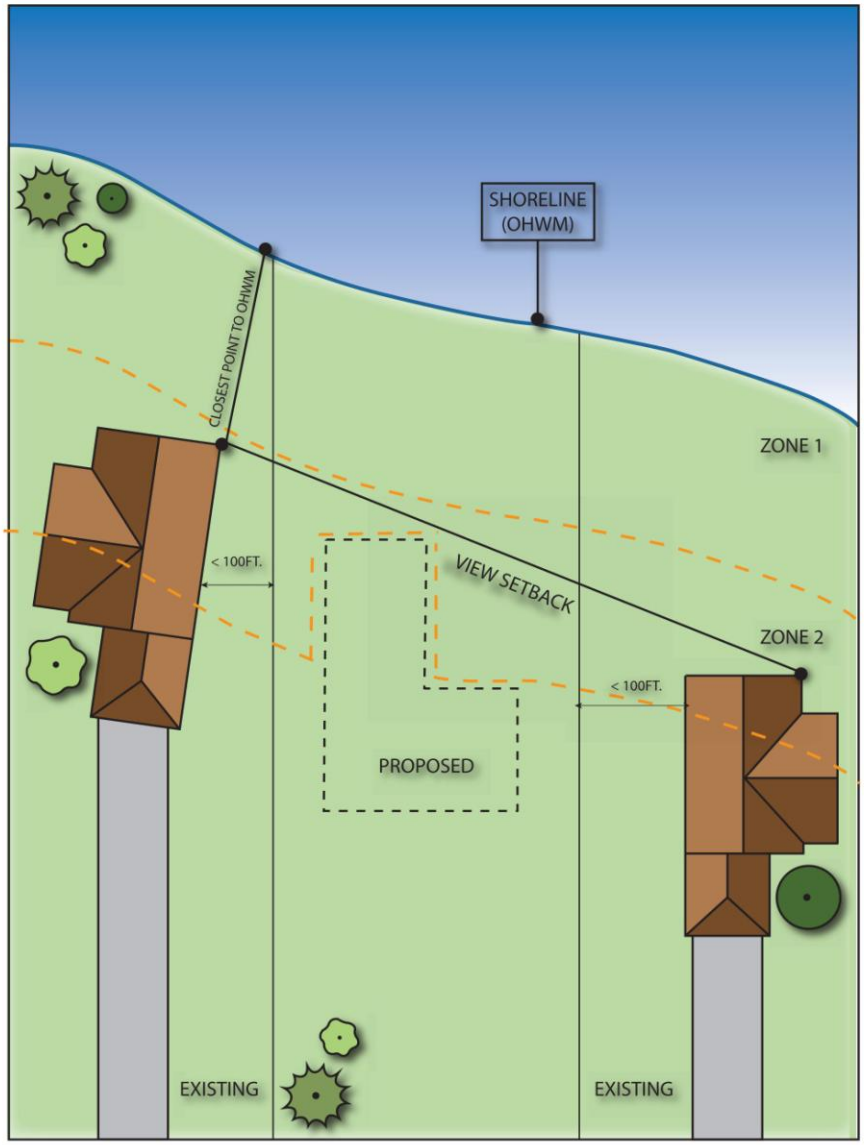

FIGURE 4-1(B) I

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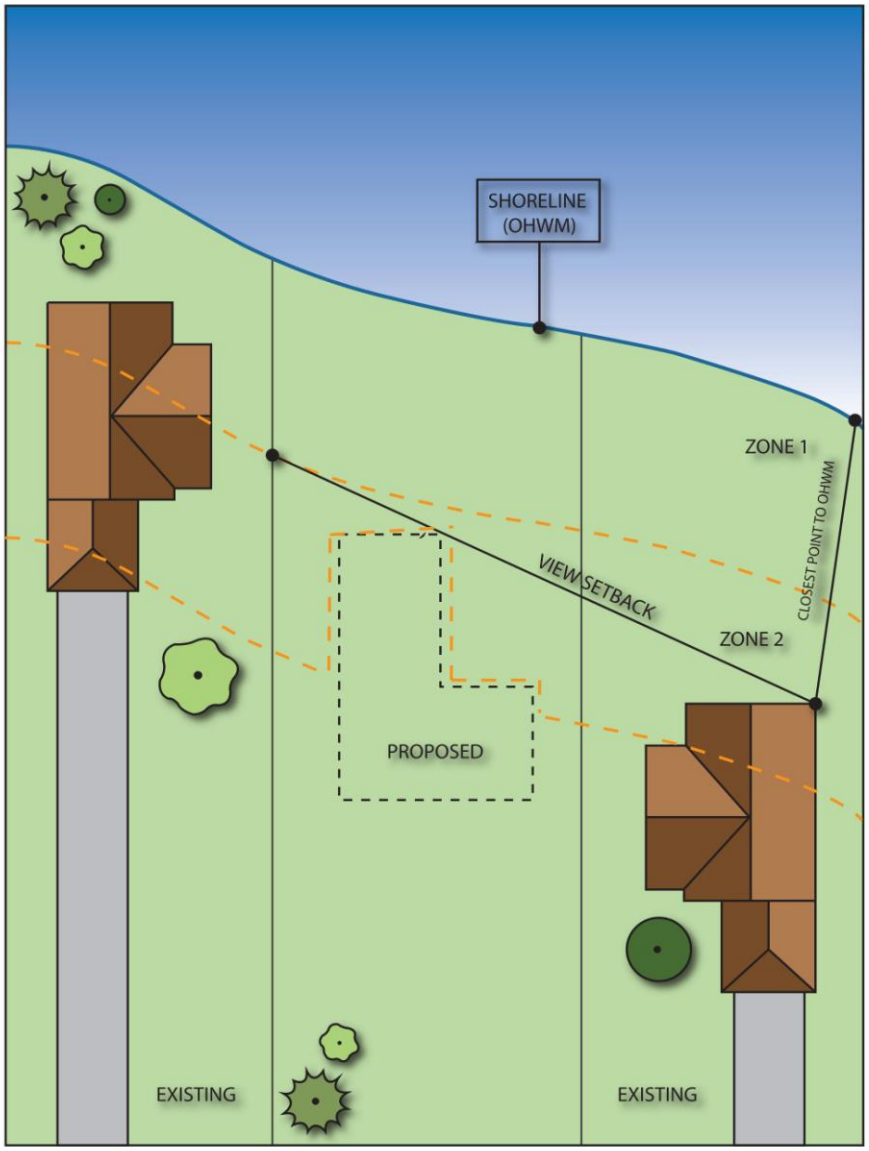

FIGURE 4-1(B) II

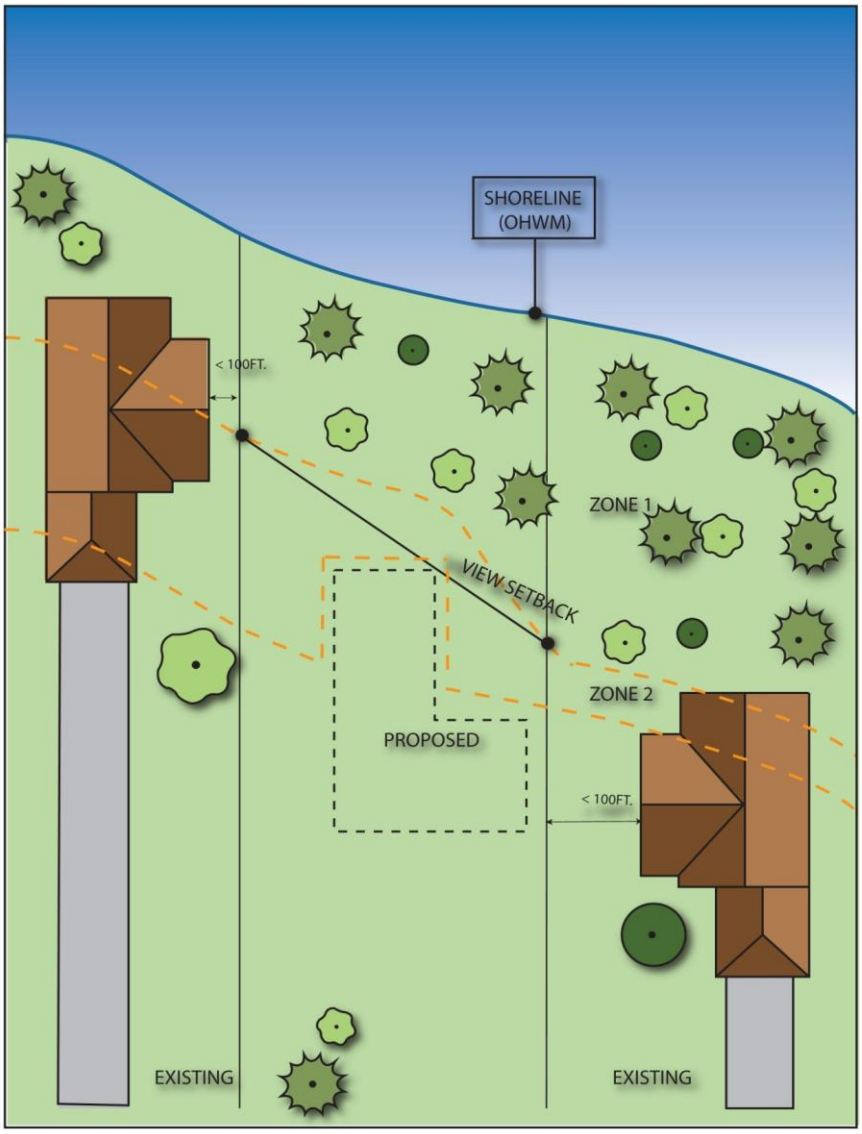

FIGURE 4-1(B) III

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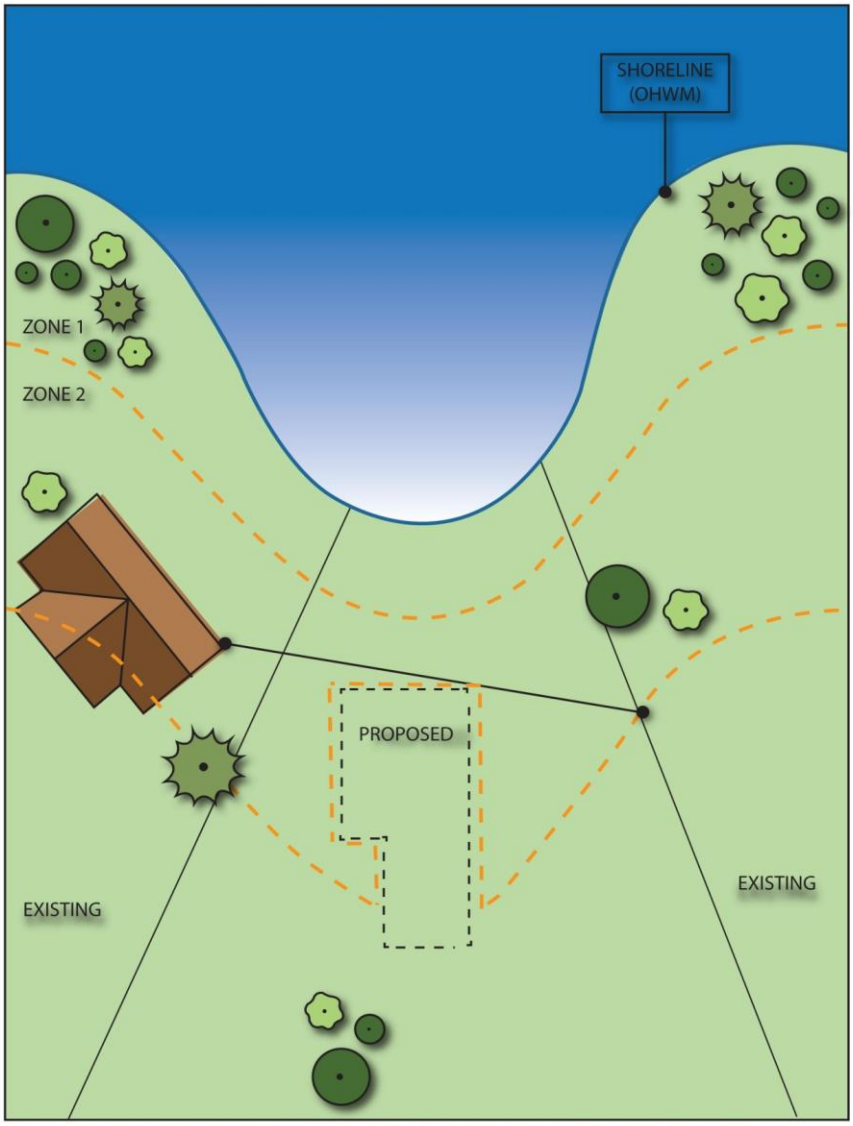

FIGURE 4-1(C) I

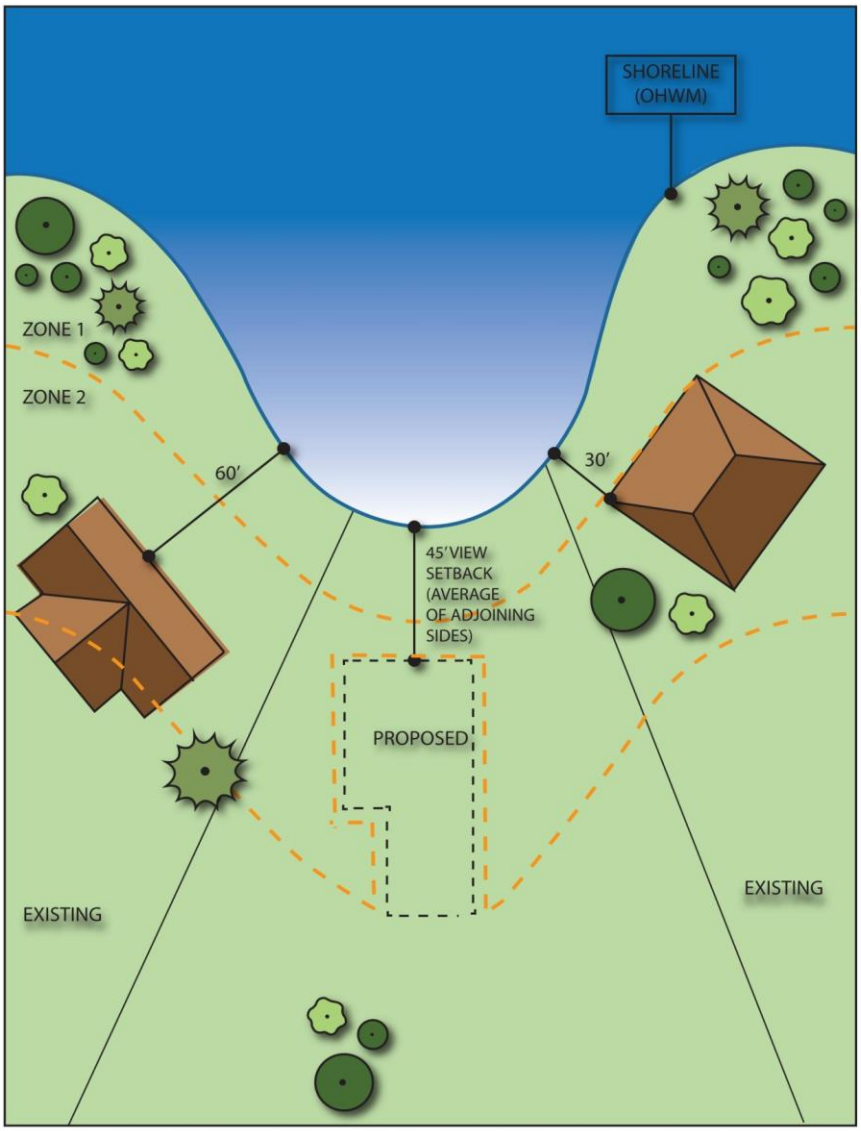

FIGURE 4-1(C) II

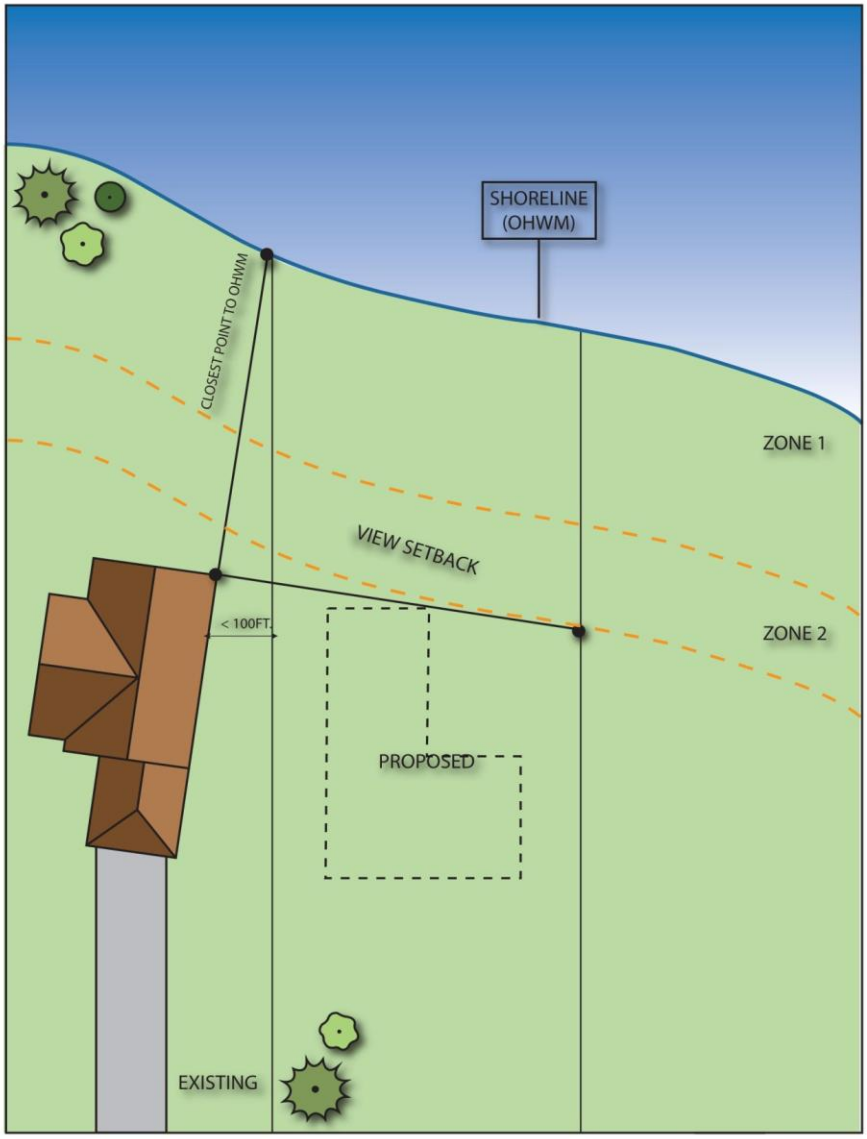
SHORELINE
(OHWM)
CLOSEST POINT TO OHWM
ZONE 1
VIEW SETBACK
< 100FT.
ZONE 2
PROPOSED
EXISTING

FIGURE 5-1(A)

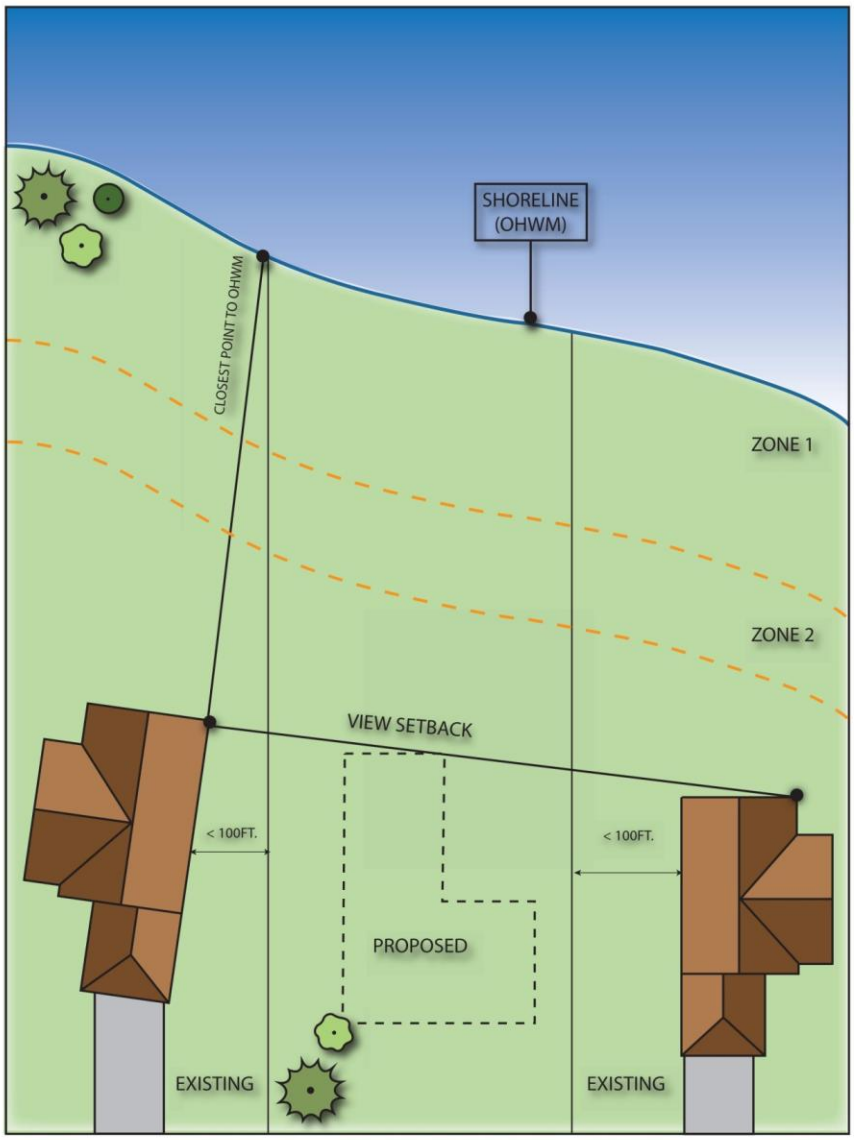
SHORELINE
(OHWM)
CLOSEST POINT TO OHWM
ZONE 1
ZONE 2
VIEW SETBACK
< 100FT.
< 100FT.
PROPOSED
EXISTING
EXISTING

FIGURE 5-1 B

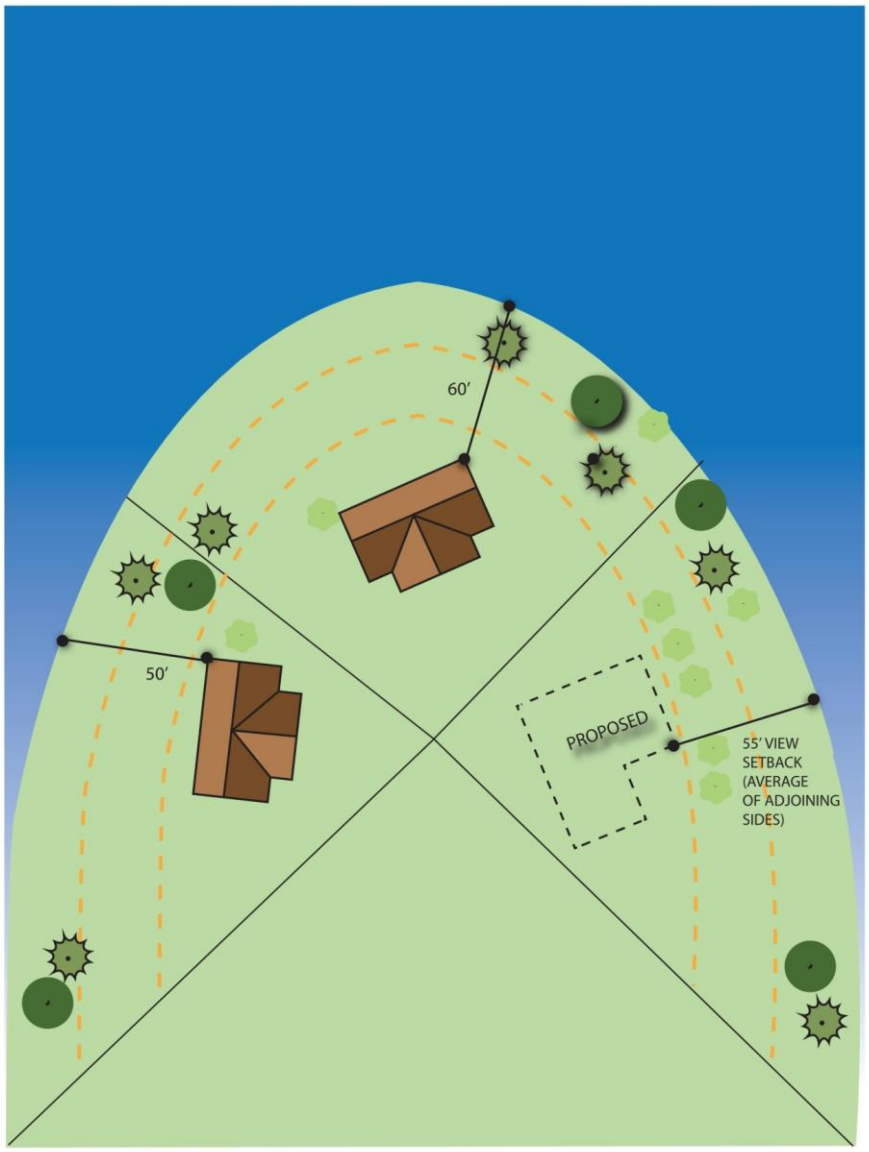

FIGURE 5-1 C

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

Comment [re66]: Staff Recommended Change; September 26, 2013 Matrix #7

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~~2~~. 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.

Comment [re67]: Staff Recommended Change; September 26, 2013 Matrix #26

Comment [re68]: Staff Recommended Change; September 26, 2013 Matrix #8, 27

Comment [re69]: Staff Recommended Change; September 26, 2013 Matrix #42

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.

Comment [re70]: Staff Recommended Change; September 26, 2013 Matrix #42

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 ~~be shown to be safe;~~meet the factor of safety in Appendix B; subsection-B-9(E)(1); and

Comment [re71]: Staff Recommended Change; September 26, 2013 Matrix #28

Comment [re72]: Staff Recommended Change; September 26, 2013 Matrix #28

Comment [re73]: Staff Recommended Change; September 26, 2013 Matrix #9

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).

Comment [re74]: Staff Recommended Change; September 26, 2013 Matrix #9

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.

Comment [re75]: Staff Recommended Change; September 26, 2013 Matrix #42

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.

Comment [re76]: Staff Recommended Change; September 26, 2013 Matrix #42

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 15.2~~6~~2.

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.

Comment [re77]: Staff Recommended Change; September 26, 2013 Matrix #42

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 15.2~~62~~ 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.

Comment [re78]: Staff Recommended Change; September 26, 2013 Matrix #42

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. Detrimentally 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 accidently 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 Nonconforming 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 in no case exceed 25% of the original building footprint;~~ ~~the expansion~~ 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).

Comment [re79]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re80]: Staff Recommended Change; September 26, 2013 Matrix #29

Comment [re81]: Staff Recommended Change; September 26, 2013 Matrix #11

Comment [re82]: Staff Recommended Change; September 26, 2013 Matrix #11, 29

Comment [re83]: Staff Recommended Change; September 26, 2013 Matrix #11

Comment [re84]: Staff Recommended Change; September 26, 2013 Matrix #29

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.

Comment [re85]: Staff Recommended Change; September 26, 2013 Matrix #10, 29

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.

Comment [re86]: Staff Recommended Change; September 26, 2013 Matrix #30

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

Comment [re87]: Staff Recommended Change; September 26, 2013 Matrix #31

of the lot ~~farthest from the required~~ 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 an ~~administrative~~ 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.

Comment [re88]: Staff Recommended Change; September 26, 2013 Matrix #42

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 Cehapter 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.

Comment [re89]: Staff Recommended Change; September 26, 2013 Matrix #42

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.

Comment [re90]: Staff Recommended Change; September 26, 2013 Matrix #32

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 ~~waived~~ 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:

Comment [re91]: Staff Recommended Change; September 26, 2013 Matrix #42

   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.

4.2.2.5 Submittal Requirements

1. When Cultural Resource Site Assessments or CRMPs are required pursuant to this section, the following shall be submitted prior to issuance of building or other development permits, or statements of exemptions:

   a. A Cultural Resource Site Assessment that assesses the presence or absence of significant historic or archaeological resources; and

   b. A CRMP.

2. Cultural Resource Site Assessments and CRMP's shall be prepared by a qualified professional archaeologist or historic preservation professional, as applicable. The landowner or project applicant shall be responsible for any professional service fees.

3. The Administrator may reject or request revision to the conclusions reached in a CRMP when she/he can demonstrate that the assessment is inaccurate or which does not address the management concerns involved.

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 ~~is prohibited within the shoreline jurisdiction.~~ (i.e., not accessory to an authorized use) ~~is prohibited,~~ 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.
3. ~~Parking as a principal use (i.e., not accessory to an authorized use) is prohibited, except when provided as part of a public road end or scenic vista.~~

Comment [re92]: Staff Recommended Change; September 26, 2013 Matrix #33

Comment [re93]: Staff Recommended Change; September 26, 2013 Matrix #35

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 relive 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.

      Comment [re94]: Staff Recommended Change; September 26, 2013 Matrix #36

   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 road~~s~~ 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.

Comment [re95]: Staff Recommended Change; September 26, 2013 Matrix #37

4.2.7.8 Submittal Requirements – Primary Utility

1. In addition to the general submittal requirements for all applications specified in BIMC Section 2.16.020(H), all applications for new or expanded utilities shall be accompanied by adequate documentation that the proposal meets the policies and regulations of this Program, including the following submittal requirements. The Administrator may waive some or all of the following based on specific project requirements:

a. Description of the proposed facilities;

b. Plans for traffic and noise control during construction and operation;

c. Documentation that the facility cannot be feasibly located outside of shoreline jurisdiction due to the uses served or the need to cross shorelands to connect specific end points. New or expanded public or private utilities should be located inland from the land/water interface, preferably out of shoreline jurisdiction;

d. An analysis of alternatives shall require alternative locations considered and reasons for their elimination, locating the proposed facility at another existing utility site or within an existing utility right-of-way;

e. Documentation that the proposed facilities comply with critical area regulations in Appendix B;

f. Documentation of how the location, design, and use achieves no net loss of shoreline ecological functions and processes, and incorporates appropriate mitigation in accordance with Section 4.1.2, Environmental Impacts. In addition a restoration plan for disturbed areas both during construction and following decommissioning and/or completion of the primary utility's useful life shall be required;

g. Documentation that facilities will avoid public recreation areas and significant natural, archaeological, historic or cultural sites, and that all feasible measures to minimize adverse impacts to such resources have been incorporated into the proposal. This documentation in itself may not satisfy Cultural Site Assessment requirements of Cultural Resource Management Plan; See Section 4.2.2, Cultural Resources, for specific thresholds and requirements for documentation; and

h. Applications must demonstrate adequate provisions for preventing spills or leaks, as well as procedures for mitigating damages from spills or other malfunctions and shall demonstrate that periodic maintenance will not disrupt shoreline ecological functions and processes.

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, but 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. ~~w~~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 site specific standards. 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 [R96]: Ecology Required change

Comment [R97]: Ecology Required change

Comment [re98]: Ecology Required change

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. 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.

Comment [re99]: Ecology Required change

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 proposals in areas that affect existing experimental 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 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 [re100]: Ecology Required change

4. 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

   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.

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.

6. Ensure Shellfish Gardens consider aesthetic impacts as part of the site design process.

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

Comment [re101]: Ecology Required change

8. Ensure installation of net-pens, raft cultures or surface embedded structures do not cause cumulative environmental impacts and aesthetic impacts, or interfere with navigation.

5.2.3 Regulations - Prohibited

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

2. 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.

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

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

~~c~~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 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.

5. 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.~~

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~~ 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 (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 Uraban designations, and in adjacent Aquatic designations Priority B. They area also allowed in Aquatic Priority A when for recovery of native populations, restoration,

Comment [re102]: Ecology Required change

Comment [re103]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re104]: Ecology Required change

Comment [re105]: Ecology Required change

Comment [re106]: Ecology Required change

Comment [re107]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re108]: Ecology Required change

or personal use as defined in Aquaculutre 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. Loss of ecological functions or processes;
   b. Impacts to eelgrass and macro algae;
   c. Significant conflict with navigation and water-dependent uses;
   d. The spreading of disease;
   e. Introduction of non-native species; or
   f. Impacts 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).
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 use would result in damage to, or destruction of, a legally established aquacultural enterprise shall be grounds for modification or denial of that use.~~

Comment [re109]: Ecology Required change

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.

Comment [re110]: Ecology Required change

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.

Comment [re111]: Ecology Required change

3. Hatchery and other aquaculture operations shall be required to maintain a vegetated buffer zone along the affected streamway as prescribed 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 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 6 feet in height, as measured from water surface.

Comment [re112]: Ecology Required change

5. ~~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.~~

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.

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.

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.~~

10. Shellfish Gardens for personal consumption are allowed ~~as an accessory use to a primary residential use~~ provided the following can be met:

    ~~a. The cultivation and harvesting is limited to native species of shellfish; and~~

    b. The operation may utilize bottom culture or off-bottom culture bags is accordance with best management practices and shall not significantly alter the tidal bed; and

    ~~c. The area used for cultivation is no greater than 400 square feet in area.~~

Comment [re113]: Ecology Required change

Comment [re114]: Ecology Required change

Comment [re115]: Ecology Required change

Comment [re116]: Ecology Required change

Comment [re117]: Ecology Required change

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.
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 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 to these provisions, 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. ~~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.~~

Comment [re118]: Ecology Required change

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;

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 [re119]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [R120]: Ecology Required change

5.2.8 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, 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 (~~Section 404~~ 33 USC § 404), and state and federal standards for the storage of fuels and toxic materials.

Comment [re121]: Staff Consistency Recommendation; Council Motion 5/15/2013

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.

Comment [re122]: Staff Recommended Change; September 26, 2013 Matrix #42

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 homes. Allow houseboats and 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 ~~slope~~ 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.

Comment [re123]: Staff Recommended Change; September 26, 2013 Matrix #42

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.

5.3.11 Submittal Requirements

1. In addition to the general submittal requirements specified in BIMC Section 2.16.020(H), Land Use Review Procedures; General Provisions; Application, the Administrator shall require the following information in its review of Boating Facility proposals. The Administrator may waive some or all of the following based on specific project requirements:

a. Existing natural shoreline and backshore features and uses and bathymetric contours (One (1) foot increments);

b. Geo-hydraulic processes and flushing characteristics, volume, rates, and frequencies;

c. Biological resources and habitat areas located within and adjacent to the project area;

d. Area of surface waters appropriated, and leased areas;

e. Site orientation; exposure to wind, waves, flooding or tidal/storm surges; and type and extent of shore defense works or shoreline stabilization and flood protection necessary;

f. Impact upon existing and created demand for shoreline and water uses including physical access, recreation, and views;

g. The regional need for additional facilities;

h. The design of the facilities including sewage disposal, restrooms, solid waste disposal, proposed signage, proposed exterior lighting, a proposed landscaping plan, and proposed use of noise-generating equipment, and

i. Documentation of meeting noise and light regulations;

j. Management and operations including accommodation of live-aboard vessels, provisions for the prevention and control of fuel spillage, and restrictions related to disposal of wastes and toxic materials.

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.

~~2. Commercial uses shall be prohibited in shoreline designations except as allowed in Section 5.4.4, below.~~

Comment [re124]: Staff Recommended Change; September 26, 2013 Matrix #38

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 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.
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.

5.4.6 Submittal Requirements

1. In addition to the general submittal requirements for all applications specified in BIMC Section 2.16.020(H), the following submittal items are required. The Administrator may waive some or all of the following based on specific project requirements.

   a. Nature of the commercial activity (water-dependent, water-related, water-enjoyment, nonwater-oriented, mixed-use), including a breakdown of specific components;

   b. Need for shoreline location;

   c. Special consideration for enhancing the relationship of the activity to the shoreline;

   d. Provisions for public visual and physical access to the shoreline;

   e. When required, a mitigation plan as specified in Section 4.1.2, Environmental Impacts, addressing provisions to ensure that the development will minimize adverse impacts to shoreline resources and mitigation measures that ensure no net loss of shoreline ecological functions and processes;

   f. For mixed-use proposals, the mix of water-oriented and nonwater-oriented uses and activities, including an analysis of public versus private spaces; and

   g. Site design, structure locations, height and bulk considerations.

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 ~~applying to~~ 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.

Comment [re125]: Staff Recommended Change; September 26, 2013 Matrix #42

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.)

Comment [re126]: Staff Recommended Change; September 26, 2013 Matrix #42

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.

Comment [re127]: Staff Recommended Change; September 26 2013 Matrix #42

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, ~~when applicable. BIMC~~ Chapter 16.16 Noise Impacts and BIMC Section 18.15.040 Lighting Impacts, when applicable. Other portions of this Program may also apply.

Comment [re128]: Staff Recommended Change; September 26, 2013 Matrix #42

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 ~~and prohibited in the Priority Aquatic Category A designation; however, vessels shall be allowed Category B when operated at 5 knots or less, or such that a wake is not created and operated at a noise decibel that does not cause adverse impact to wildlife~~;

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.

Comment [re129]: Staff Recommended Language Change; Matrix #42

Comment [re130]: Staff Recommended Change; September 26, 2013 Matrix #13

Comment [re131]: Staff Recommended Change; September 26, 2013 Matrix #13

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 ~~173-16-060-21(k)~~ or its successor).

Comment [re132]: Staff Recommended Change; September 26, 2013 Matrix #39

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 ~~yards~~ 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 ~~is~~ 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.

Comment [re133]: Staff Recommended Change; September 26, 2013 Matrix #42

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

Comment [re134]: Staff Recommended Change; September 26, 2013 Matrix #42

Island Conservancy designations; and shall be prohibited in the Natural, Aquatic, and Priority Aquatic designations.

Comment [re135]: Staff Recommended Change; September 26, 2013 Matrix #42

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 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 building (insert figure).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.
    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 ~~A~~accessory structures, except approved docks or shoreline stabilization, shall be located a minimum of fifteen feet (15') from the OHWM.

Comment [re136]: Staff Recommended Change; September 26, 2013 Matrix #42

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 ~~expanded~~ 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.

Comment [re137]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re138]: Staff Recommended Change; September 26, 2013 Matrix #1

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 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.

Comment [re139]: Staff Recommended Change; September 26, 2013 Matrix #42

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 projects in accordance with Section 6.2.5.

Comment [re140]: Staff Recommended Change; September 26, 2013 Matrix #14

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

Comment [re141]: Staff Recommended Change; September 26, 2013 Matrix #42

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 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 used in remediation projects to contain contaminated soils or sediments when demonstrated to the satisfaction of the Administrator to be the most appropriate solution.

Comment [re142]: Staff Recommended Change; September 26, 2013 Matrix #16

Comment [re143]: Staff Recommended Change; September 26, 2013 Matrix #15

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 OWHM 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.

Comment [re144]: Staff Recommended Change; September 26, 2013 Matrix #42

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.

Comment [re145]: Staff Recommended Change; September 26, 2013 Matrix #42

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.

Comment [re146]: Staff Recommended Change; September 26, 2013 Matrix #42

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. An minor ~~administrative~~ 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.

Comment [re147]: Staff Recommended Change; September 26, 2013 Matrix #16

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 ~~looking at~~ ecosystem-wide processes occurring both waterward and landward of the OHWM and an analysis of on-site and/or adjacent upland drainage.

Comment [re148]: Staff Recommended Change; September 26, 2013 Matrix #42

Comment [re149]: Staff Recommended Change; September 26, 2013 Matrix #42

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.

Comment [re150]: Staff Recommended Change; September 26, 2013 Matrix #40

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 ~~europeae~~ 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.

Comment [re151]: Staff Recommended Change; September 26,2013 Matrix #42

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 fo~~u~~rty feet (40') apart.

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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 (4.05') 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.

Comment [re153]: Staff Recommended Change; September 26, 2013 Matrix #17

Comment [re154]: Staff Recommended Change; September 26,2013 Matrix #42

Comment [re155]: Staff Recommended Change; September 26, 2013 Matrix #41

Comment [re156]: Staff Recommended Change; September 26, 2013 Matrix #42

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.

Comment [re157]: Staff Recommended Change; September 26, 2013 Matrix #42

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.

6.3.8 Submittal Requirements Piers, Docks, Floats and Buoys

In addition to the general submittal requirements for all applications specified in BIMC Section 2.16.020(H), proposals for piers or docks floats and buoys shall include, at a minimum, the following information. The Administrator may waive some or all of the following based on specific project requirements.

1. Description of the proposed structure, including its location, dimensions, materials, design, and any shoreline stabilization or other modification required by the project;
2. Mitigation plan as required, and shall comply with provisions in the Section 4.1.2, Environmental Impact and Section 4.1.3, Vegetation Management.
3. Eelgrass and Macro Algae survey, including an analysis of upper intertidal obligate vegetation, completed within two years of project construction and conducted as described in the Washington Department of Fish and Wildlife guidelines for Eelgrass and Macro Algae surveys;

4. 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;
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.

6.4.8 Submittal Requirements

1. In addition to the general submittal requirements for all applications specified in BIMC Section 2.16.020(H), applications for dredging operations shall include the following information. The Administrator may waive some or all of the following based on specific project requirements.

   a. Location, depth, width, and total volume of material to be dredged;

   b. Projected frequency and quantity of maintenance dredging;

c. Information on stability of bedlands adjacent to the proposed dredge area;

d. Timing and method of dredging and dredged material disposal;

e. Dredged material disposal area (non-PSDDA site): location, size, capacity; methods of stabilization; hydrology of site;

f. For PSDDA disposal sites, applicant to provide all applicable data and analysis required by PSDDA agency;

g. Dredged materials; existing biological communities or resources in areas to be dredged, and the physical, chemical, and biological makeup of the dredged materials.

h. Hydraulic analysis, including tidal flows and potential impacts on ecological functions and processes; and

i. Description of conformance with no net loss standard for ecological functions and processes, including impact avoidance and minimization measures consistent with mitigation sequencing principals, and a description of any necessary mitigation.

2. Yearly status reports shall be prepared and submitted by the dredge disposal permittee to the Administrator as requested. The reports shall state the quantity of material dumped, characterize the quality of the material, and review any factors necessary to verify continued compliance with the shoreline permit.

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.

6.5.6 Submittal Requirements

1. In addition to the general submittal requirements for all applications specified in BIMC Section 2.16.020(H), applications for fill permits shall include the following. The Administrator may waive some or all of the following based on specific project requirements.
    a. Proposed use of the fill area;
    b. Physical and biological characteristics of the fill site;
    c. Impacts to wetlands and streams, aquatic habitats, flooding, sediment transport, navigation, and public access;
    d. Source of the fill material and physical, chemical, and biological characteristics of the fill material as required by the Administrator;
    e. Method of placement and compaction;
    f. Location of fill relative to natural and/or existing drainage patterns;
    g. A description and map of fill location, perimeter and depth relative to the OHWM;
    h Perimeter erosion control or stabilization means; and
    i. Type of surfacing and runoff control devices.
    j. Surface and stormwater management plans as required by BIMC Chapter 15.20
    k. Traffic Route

7.0 VIOLATIONS, ENFORCEMENT, AND PENALTIES

Comment [re158]: Staff Recommended Change; September 26, 2013 Matrix #18

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.

Comment [re159]: Staff Recommended Change; September 26, 2013 Matrix #18

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 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.

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

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 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.

7.2.10 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.

7.2.11 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.

7.2.12 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 include~~s~~ shoreline features such as barrier beaches, accretion beaches, points, sand spits, hooks, and tombolos.

Comment [re160]: Staff Recommended Change; September 26, 2013 Matrix #42

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 (individual and community), but excludes fish farms that are completly contained in upland areas.

Comment [re161]: Staff Recommended Change; September 26, 2013 Matrix #42

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 or 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, Community Shellfish Garden – The cultivation, harvesting, and incidental preparation of shellfish for human use and consumption for a community-based shellfish farm. ~~The area of the shellfish farm is one thousand (1000) square feet or less~~. To qualify as a community Shellfish Garden, the operation must include residents of Bainbridge Island, and may consist of volunteers or paid membership.

Comment [re162]: Ecology Required change

Aquaculture, Individual Shellfish Garden – The cultivation, harvesting, and incidental preparation of shellfish for personal human use and consumption as an accessory use to a primary residential use.

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 scrap 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 berg at slightly different levels, separated by a scarp. A berg 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 place 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.

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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.

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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 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.

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 222-16-010or its successor.

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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 or 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 or 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.

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."

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.

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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 flowing 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 fo~~u~~rty 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.

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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 locate. 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 of 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 form 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)

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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 or 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 place 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.

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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.

Appendix A

Comment [R170]: Ecology Required change, update map with correct colors in Legend

Comment [re171]: Staff Recommended Change, September 26, 2013 Matrix #20

Shoreline Designation Map

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 habitatconservation 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 geoengineer 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 that 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 sucessor.)
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 meet. 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

Activity	Statute – Regulation – Guidance
	Ecology WQ-R-95-56)
Below Ground Storage Tanks	Chapter 173-360 WAC
Chemical Treatment Storage and Disposal Facilities	Chapter 173-303-182 WAC
Hazardous Waste Generator (*Boat Repair Shops, Biological Research Facility, Dry Cleaners, Furniture Stripping, Motor Vehicle Service Garages, Photographic Processing, Printing and Publishing Shops, etc.)*	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

Activity	Statute – Regulation – Guidance
	Department of Ecology Land 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 enchance 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 Moderate High	50 ft 75 ft 100 ft	75 ft 115 ft 150 ft	125 ft 190 ft 250 ft	No additional discharge of surface water. No septic systems within 300 ft. Restore degraded parts of the buffer
Bogs	Low Moderate High	50 ft 75 ft 100 ft	75 ft 115 ft 150 ft	125 ft 190 ft 250 ft	No additional surface discharges. Restore degraded parts of the buffer.

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
Forested	Low Moderate High	50 ft 75 ft 100 ft	75 ft 115 ft 150 ft	125 ft 190 ft 250 ft	If forested wetland scores 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 Obstuction	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 B) New Facilities	S X	S X	S S	S S	S S	S S	P S	P 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 enchance 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, rehabititate, 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 rehabitiation 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.			

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:
[1]Only 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

Comment [re172]: Staff Recommended Change, September 26, 2013 Matrix #20

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 Recommend*ations 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 Zo*ne (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.

Figure 1. Example of Riparian Management Zone.

8.5 X 11 Color

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 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.

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 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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ATTACHMENT A

Current Marine Shoreline Buffer Requirements and Allowed Buffer Uses in the City of Bainbridge Island

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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

	Upland Environments				
Development Standards	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					

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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

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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

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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

Comment [re173]: Staff Recommended Change; September 26,2013 Matrix #20

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Single Family Residence Shoreline Mitigation Manual

City of Bainbridge Island

Planning & Community Development

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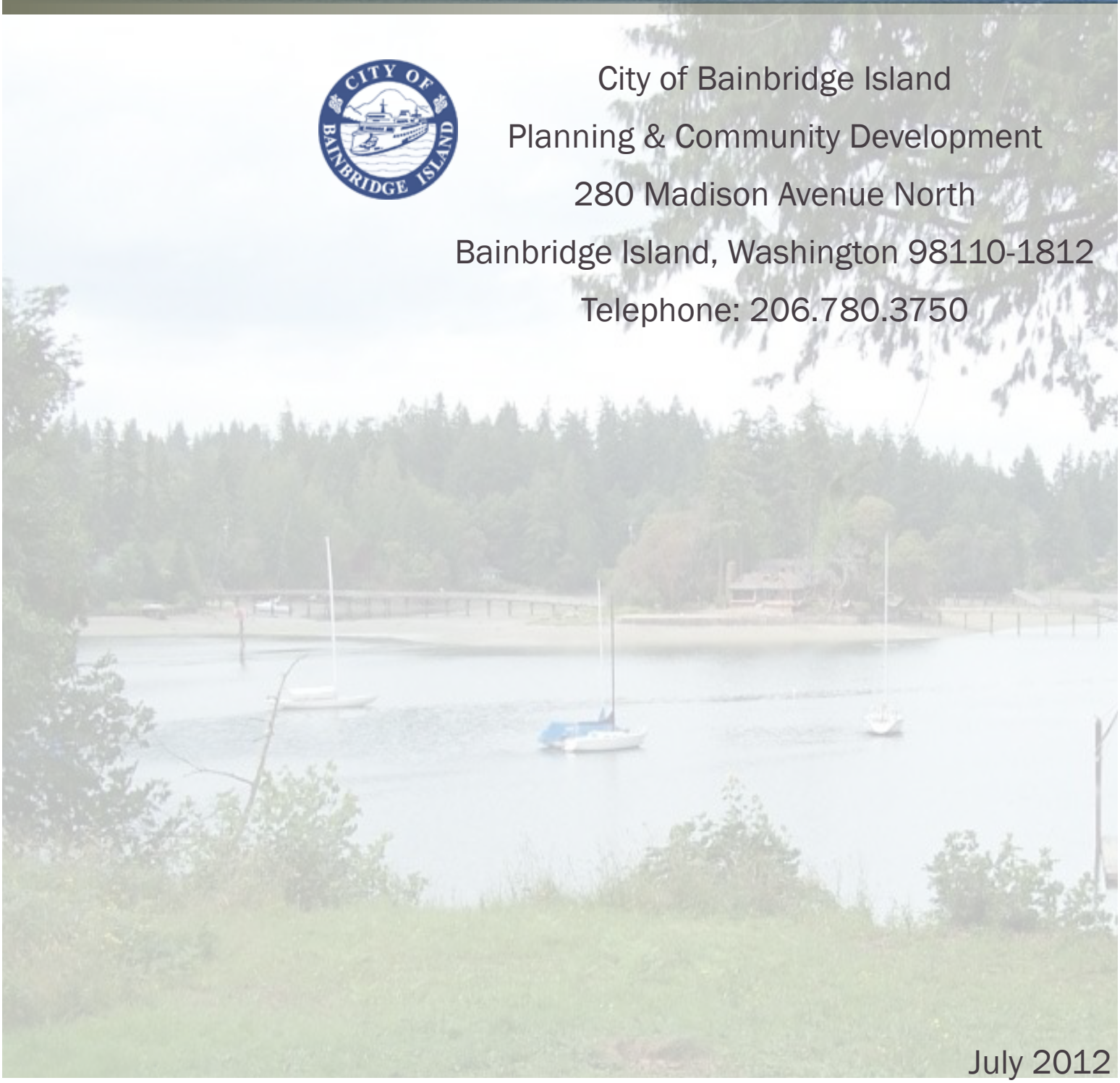

July 2012

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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 quality 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 ft^2; an accessory structure to an existing home, such as a detached garage no larger than 580 ft^2, a patio no larger than 120 ft^2; stairs to the beach between 50 ft^2 and 120 ft^2 (mitigation is not required for stairs less than 50 ft^2) ; 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 120 ft^2	♦	♦[d]		

Table 1. Qualified SFR developments and associated impacts requiring mitigation (CONTINUED).

			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**
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 120 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 250 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 ft^2.

[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.

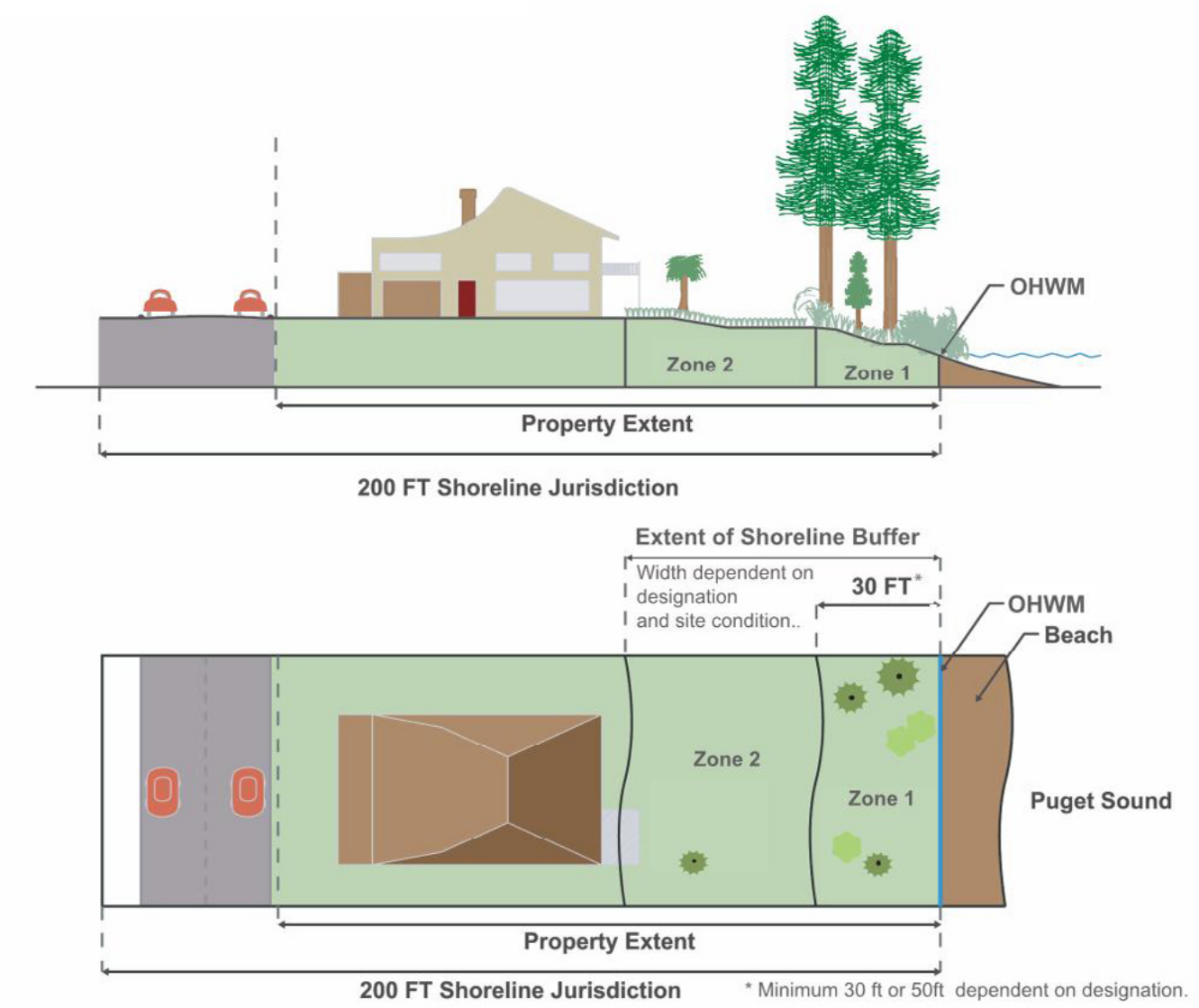


Figure 1. Zones related to the shoreline buffer area.

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.

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.

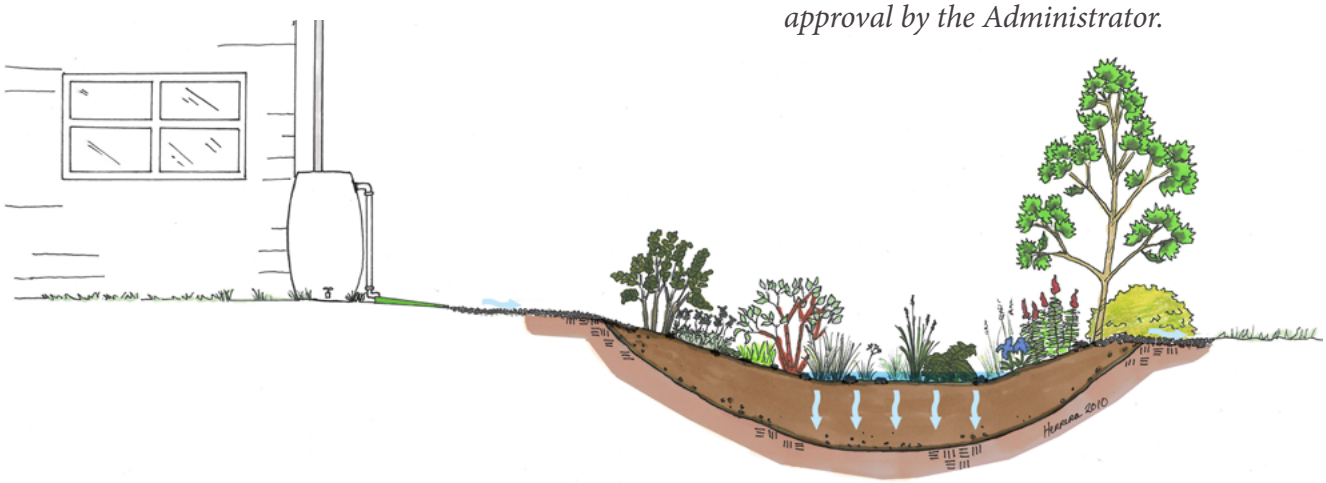


Figure 3. Rain gardens can help mitigate stormwater runoff from new impervious surfaces.

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 on 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 that 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.

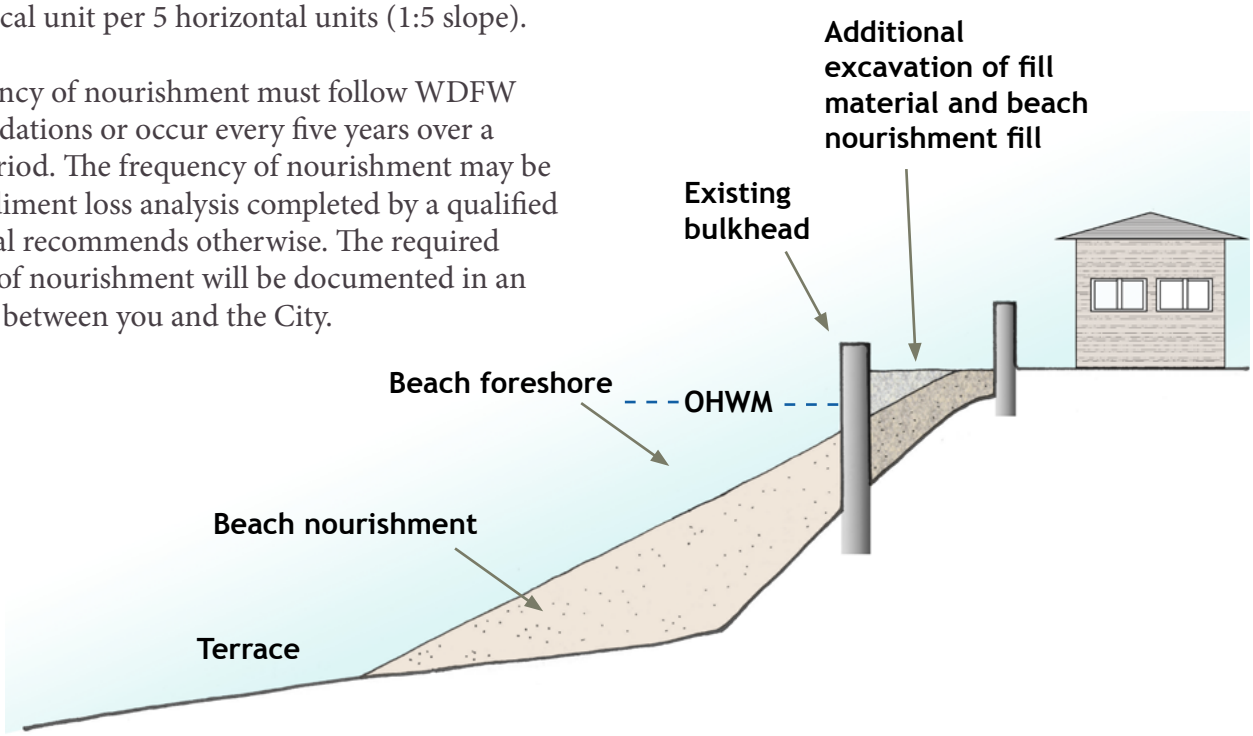


Figure 4. Beach nourishment illustration.

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.

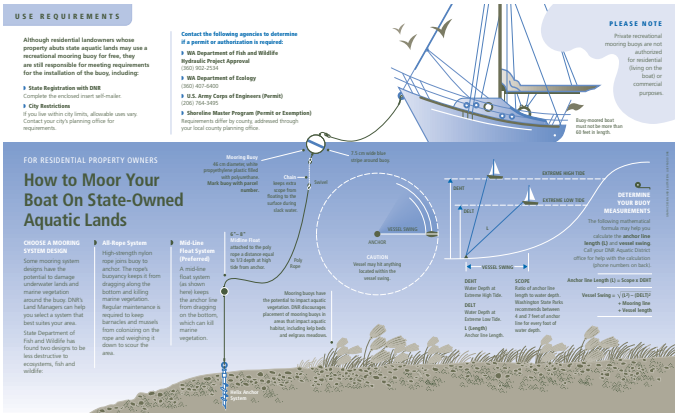
Mitigation Exemption for Repair or Replacement of Overwater Structures

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:

% Grating Open Area * % Dock Area = > 30%

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.

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.

    OR
  - ☐ If constructing a RAIN GARDEN
    - ☐ Drainage area calculation
    - ☐ Location and size of rain garden using methods from *Rain Garden Handbook for Western Washington Homeowners* 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

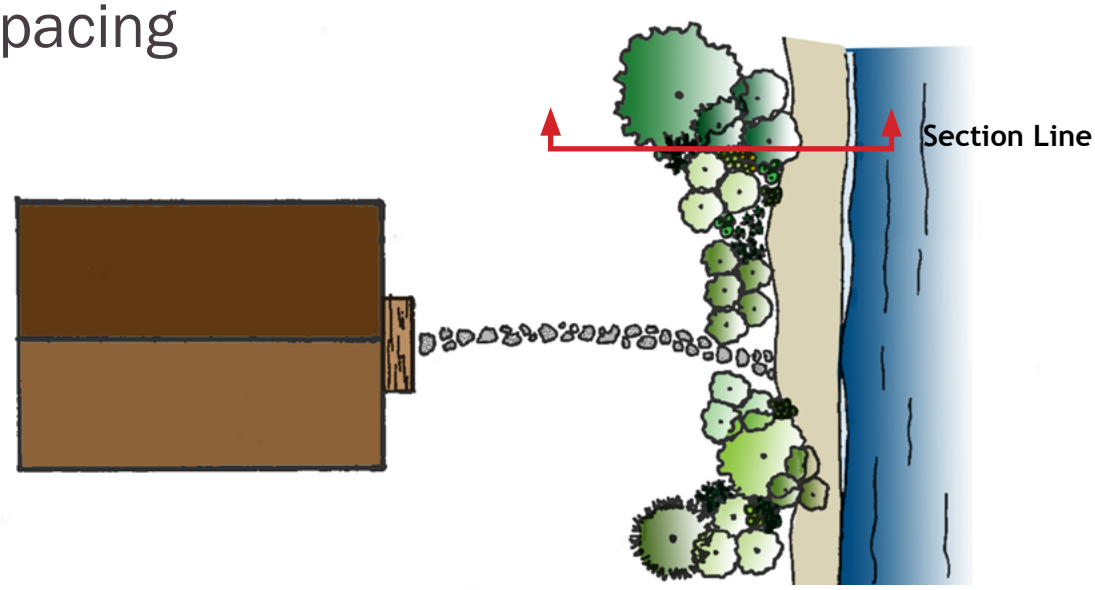
The following tables provide a list of native trees, shrubs, groundcovers, and seed mixes for different site conditions along with their recommended on-center spacing, maintenance notes, and aesthetic qualities.

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.

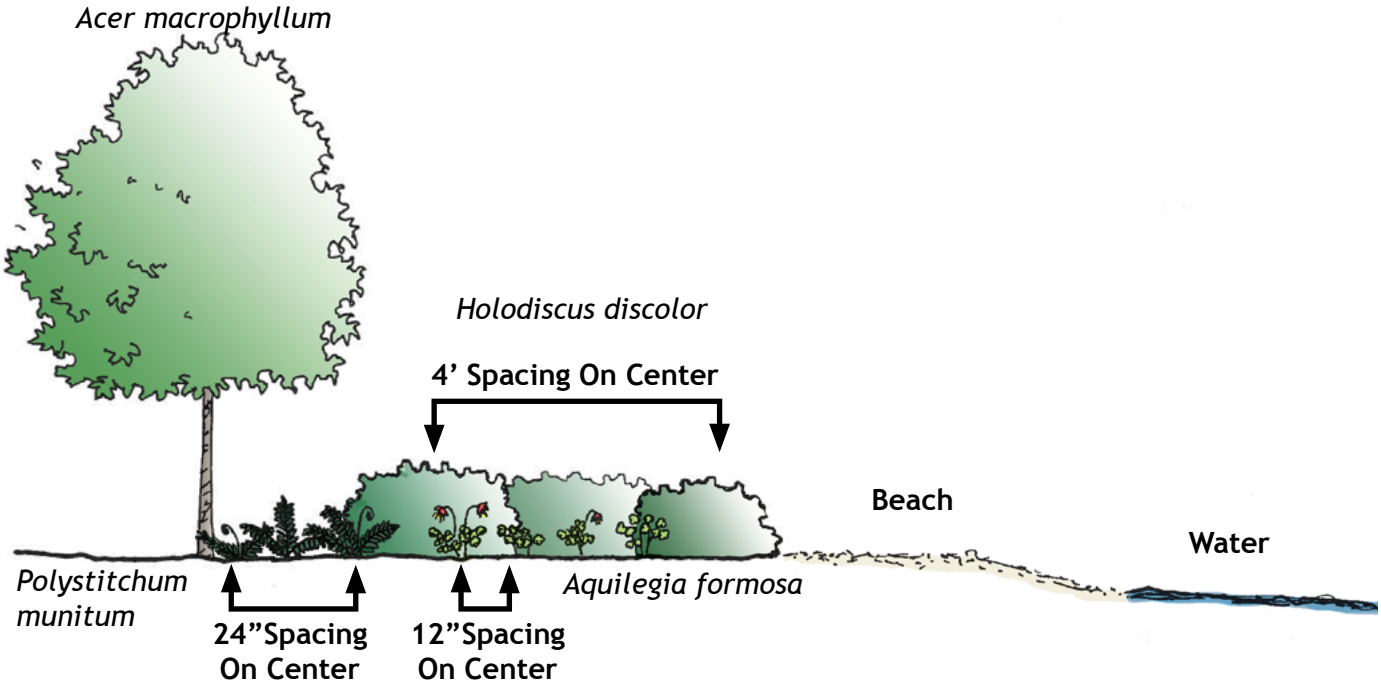


Illustration of on-center native plant spacing.

Appendix E

Special Area Maps

Comment [re174]: Staff Recommended Change; September 26,2013 Matrix #20

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Port Madison
Harbor Structure Line

N

200 100 0 200 Feet

Eagle Harbor
Harbor Structure Line
N
200 100 0 200 Feet

III
II
IV
I
Area I
Area II
Area III
Area IV
Point Monroe Distirct
Shoreline Stabiliztion
Areas
N
200 100 0 200 Feet

ORDINANCE NO. 2013-34
(formerly Ordinance No. 2012-04)

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, 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

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(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

WHEREAS, on May 15, 2013, the City Council, 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, 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, Resolution No. 2013-10 was approved 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

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WHEREAS, on June 07, 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, on [date] the City received the Shoreline Master Program Preliminary Approval letter from Department of Ecology; and

WHEREAS, on [date] the City Council held a duly noticed public hearing and on [date] approved Washington Department of Ecology amendments to the Shoreline Master Program submitted on June 7, 2013;

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, as a new Chapter 16.12 of the Bainbridge Island Municipal Code.

Section 4. The City of Bainbridge Island Comprehensive Plan is hereby amended to read as set forth in Exhibit 2 attached to this ordinance and incorporated herein by this reference.

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, 2013.

APPROVED by the Mayor this xxth day of xx, 2013.

_____
Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

_____
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK: October 25, 2013
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER: 2013-34

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ORDINANCE NO. 2013-34

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. 2013-34)**
>
> **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 shoreline maintain 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 polices of the City of Bainbridge Island Shoreline Master Program adopted by Ordinance No. 2013-34 are herby 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 by promoting appropriate development consistent with the Shoreline Master Program. Civic and public uses should be provided along the waterfront.

ORDINANCE NO. 2013-34

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 173-19 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 & 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
Minor Shoreline Variance [1]		(R)	D	A		A[2]
Public Works Administrative Decisions			D			A
SEPA Determinations			D	A		
Minor Shoreline Conditional Use [1]		(R)	D	A		A[2]
Minor Shoreline Variance [1]		(R)	D	A		A[2]
Shoreline Substantial Development Exemption[1]			D	A		
Shoreline Substantial Development Permit [1]		(R)	D	A		A[2]
Short Subdivisions (Prelim)			D	A		
(Final)			D	A		A
Sign Permits			D			A
Minor Site Plan & Design Review	(R)	(R)	D	A		
Major Site Plan & 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 director.						
			D	A		

Table 2.16.010-1: Summary Table of Land Use Procedures R=Review & Recommendation, (R) = Optional Review , D=Decision, A=Appeal, P=Public Hearing, (P) = Optional Public Hearing	DRB	Planning Comm.	Director	Hearing Examiner	City Council	Courts
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 section 16.20.080)		(R)	R	D /P		A
Major Shoreline Variances ~~(See BIMC 16.12)~~ [1]		(R)	R	D /P		A[2~~3~~]
Major Shoreline Conditional Use Permits [1]			R	D/P		A[2~~3~~]
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 section 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
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 BIMC 16.12)

Section 3. A new Section 2.16.165 is added to Chapter 2.16 to read as follows:

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 dollars ($5,718) 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 ~~Director~~ shall ~~consider~~ 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

Comment [re1]: Staff added to be consistent with existing variance applicability in Title 2

i. 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.

ii. 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.

iii. 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.

iv. This procedure is not available to allow the siting for an accessory dwelling unit where it would not otherwise be permitted.

v. A variance shall not be granted solely because of the presence of nonconformities in the vicinity of the subject site.

vi. The project involves only one project.

vii. The project has not generated a significant public input.

2. Procedure

a. Minor Shoreline Variance

i. The Administrator shall review a minor shoreline variance application following procedures in 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.

Comment [re2]: Ecology Required change to ensure all major and minor variances go to ecology

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.

3. 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:

Comment [re3]: Ecology Required change to ensure decision criteria is from the WAC

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%) 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 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 and Applicability

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.

Applicability

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.

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

2. 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:

Comment [re4]: Staff recommendation for consistency with Ecology required change to include minor condition use per council motion and for consistency within Title 2

Comment [re5]: Ecology Required change to make Administrative section and SMP match with councils motion for a minor conditional use.

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.

Comment [re6]: Ecology Required change to ensure all major and minor conditional uses go to ecology

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.

3. 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;

Comment [re7]: Ecology Required change to ensure decision criteria is from the WAC

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%) 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 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 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 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.(b) or its successor.

<u>Section 4.</u> 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. 2013-34

EXHIBIT 4

Zoning Code Amendments to Title 18 of the Bainbridge Island Municipal Code

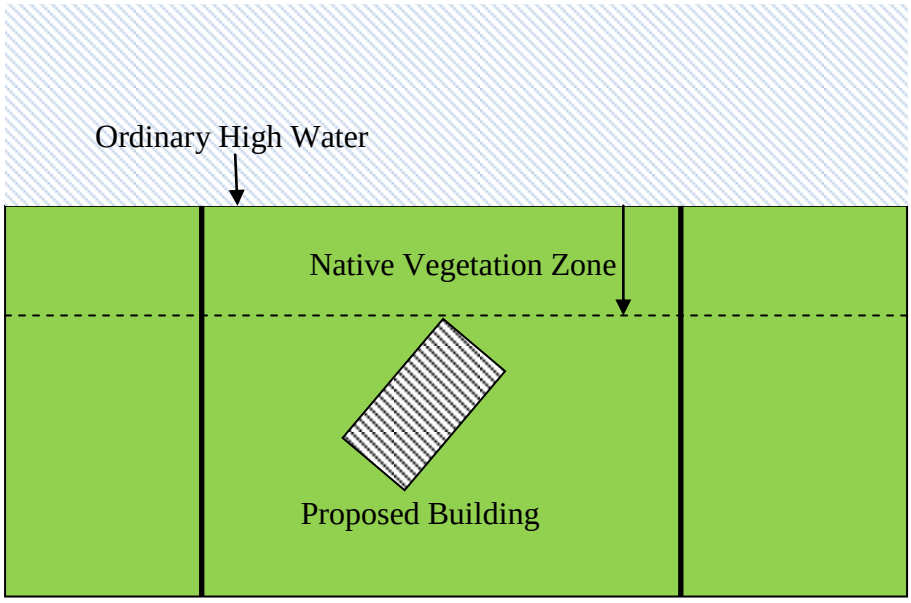
Section 1. Section 18.12.030 of the Bainbridge Island Municipal Code is amended to delete section F, Shoreline Structure Setbacks, in its entirety.

F. ~~Shoreline Structure Setbacks~~

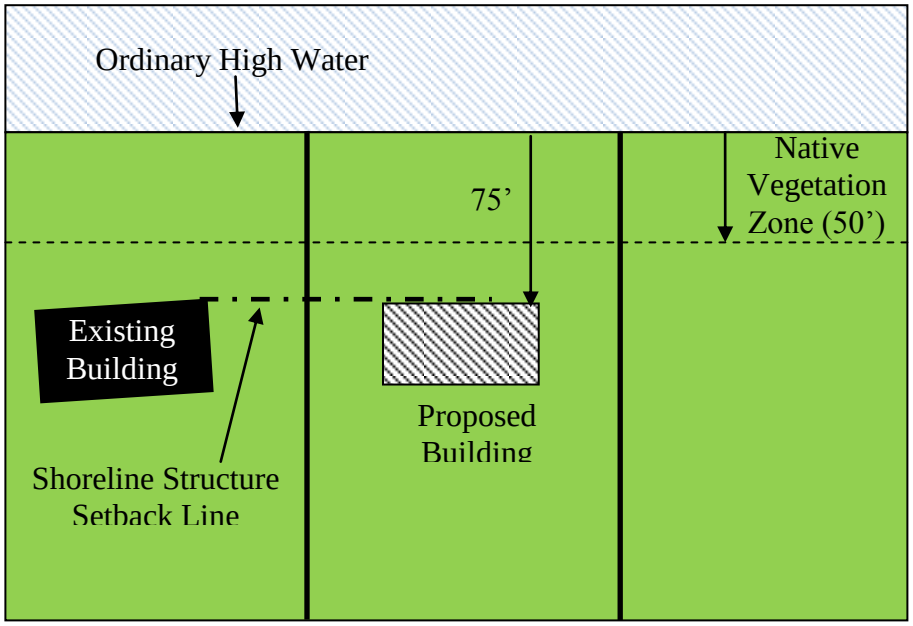
~~The intent of this section is to protect shoreline views of principal buildings on adjacent properties. This section applies only to principal buildings abutting the water within the shoreline jurisdiction where there is no road or right-of-way intervening between the water and the building. The Native Vegetation Zone requirements of BIMC 16.12 still apply, and may be more stringent than the shoreline structure setback.~~

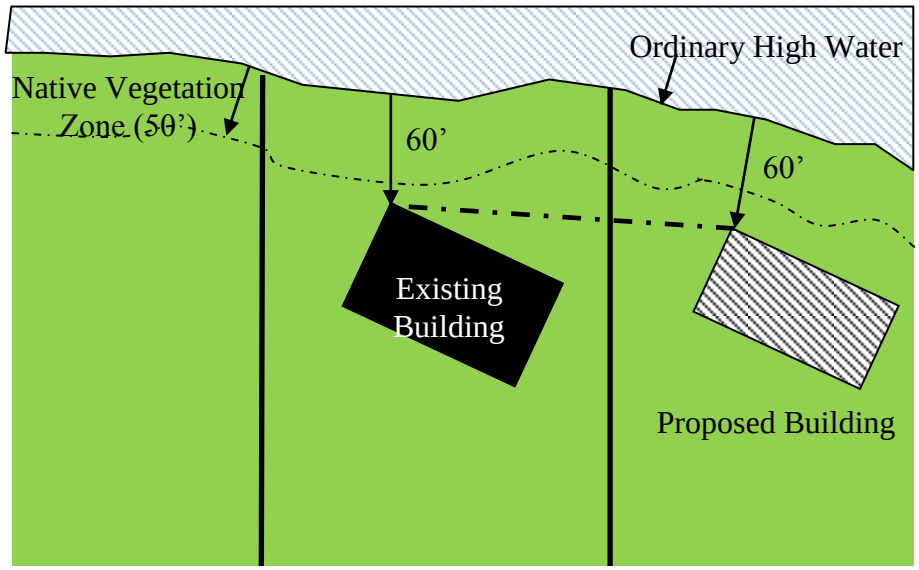
~~1. All proposed principal buildings and additions shall be so located as to meet the minimum shoreline structure setback lines. The shoreline structure setback line shall be based on the location of the adjacent principal building(s) and shall be determined as follows:~~

~~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)~~

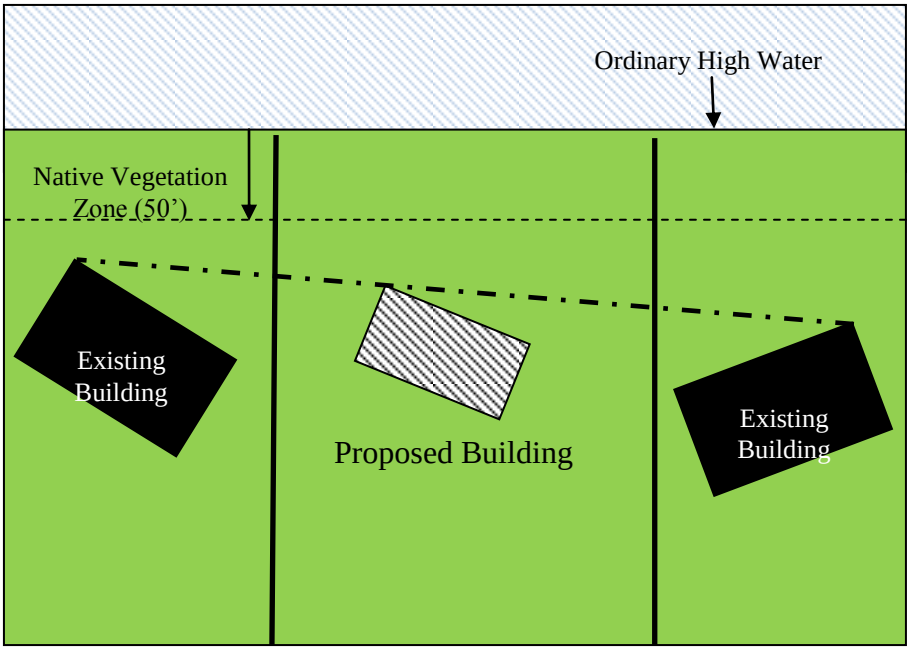


b. ~~**Existing Principal Building Located on One Side.** Where a principal building is located on an abutting property to one side, the shoreline structure setback line shall be a distance no less than that of the point closest to the shoreline of the adjacent principal building. (See drawing below)~~



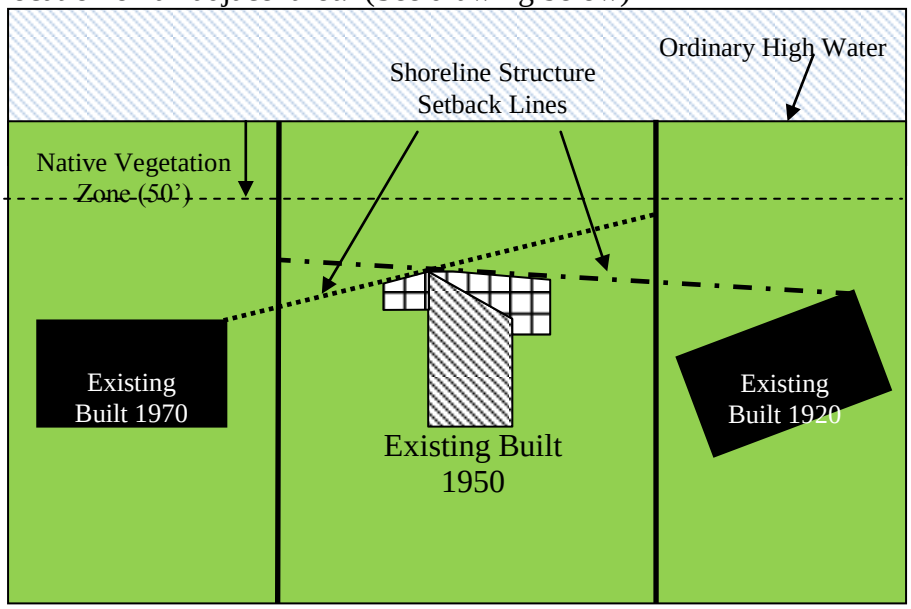


c. ~~**Existing Principal Buildings on Both Sides.** Where existing principal buildings are abutting both sides of the proposed building on a regular shoreline, the shoreline structure setback line shall be determined by a line drawn between the points closest to the shoreline of each abutting principal 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~~



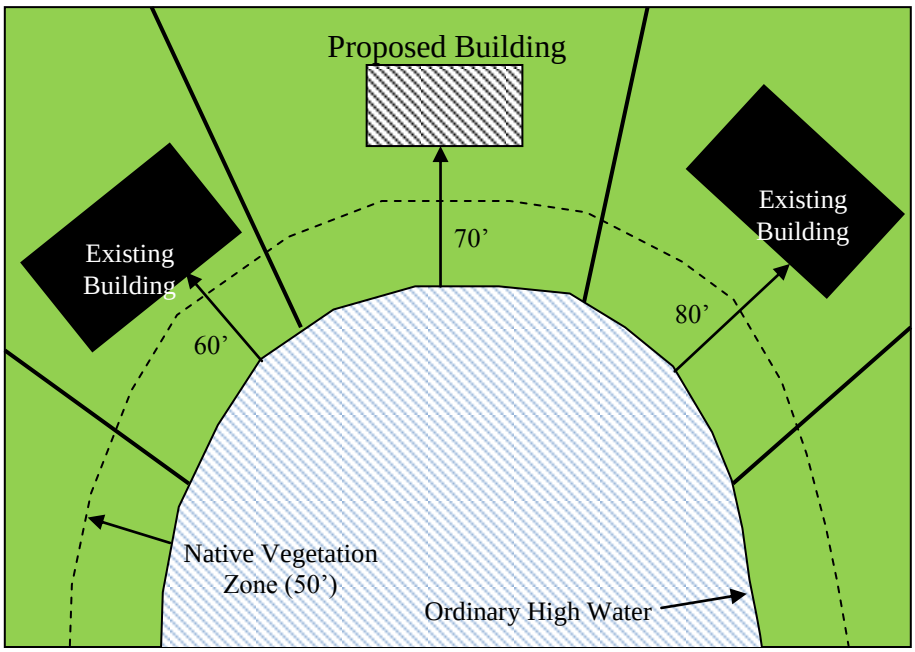
~~the later construction or replacement of a principal building in a different~~

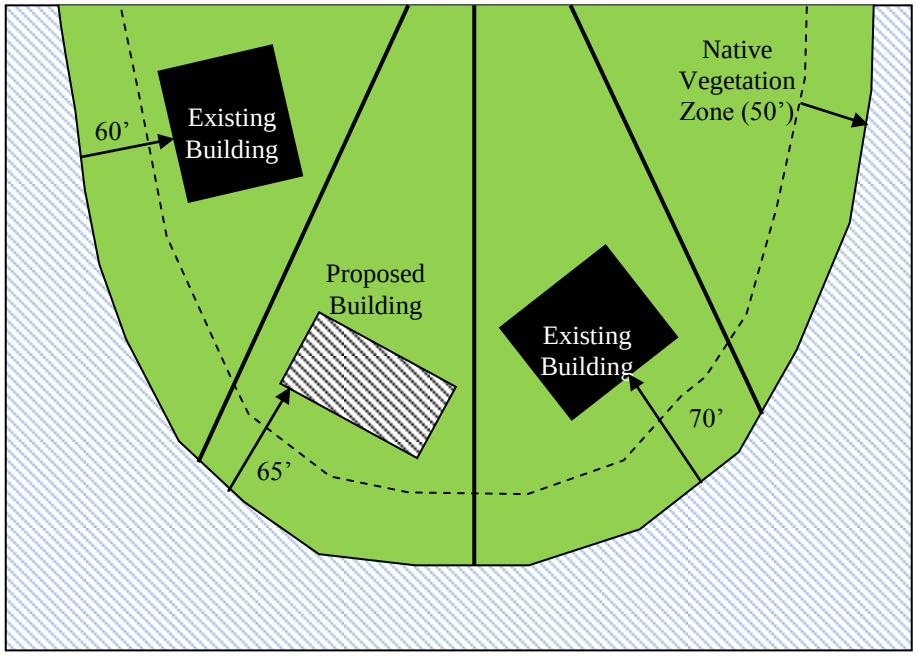
~~location on an adjacent lot. (See drawing below)~~



= 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

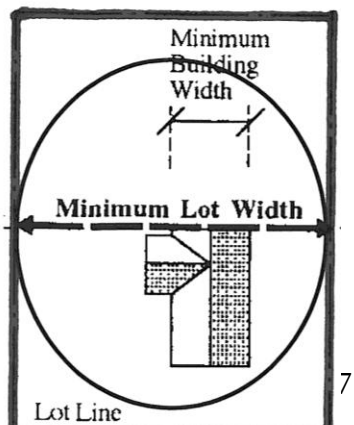
"Grade" (adjacent ground elevation) is the computed average of the lowest and the highest points of elevation of the original surface of the ground, or existing paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, 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



The width of a lot is measured as the diameter of the largest circle that can be placed entirely within the lot

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
CITY COUNCIL AGENDA BILL

PROCESS INFORMATION	
Subject: Confirm Appointment of Sara L. McCulloch as Municipal Court Judge and Approve Contract for Employment	Date: November 13, 2013
Agenda Item: New Business	Bill No.: 13-157
Proposed By: Doug Schulze, City Manager	Referral(s):

BUDGET INFORMATION		
Department/Fund: Municipal Court		Munis Contract #
Expenditure Req:	Budgeted? ☒ Yes ☐ No	Budget Amend. Req? ☐ Yes ☒ No

DESCRIPTION/SUMMARY

Municipal Court Judge Kathryn Carruthers' term expires December 31, 2013 and Judge Carruthers has decided to not seek another term. In August, an advertisement was published soliciting interested candidates for the Municipal Court Judge position. Twelve qualified individuals submitted applications for the position.

The selection process involved screening of the applicants by a group of judges and court administrators from Edmonds, Kirkland, Issaquah and Port Orchard. The candidates were also ranked by the Kitsap County Bar Association through a membership poll. Four finalists were selected for interviews based on the screening process and, review of application materials by the City Manager's Office. An interview panel consisting of Judge Douglas Fair (Edmonds), Judge Michael Lambo (Kirkland) and City Manager Schulze met with the four finalists.

Sara L. McCulloch has been selected for appointment to the position of Bainbridge Island Municipal Court Judge. Ms. McCulloch is a resident of Bainbridge Island and has worked in criminal law for the last 13 years as a Senior Deputy Prosecuting Attorney for the King County Prosecutor's Office. During the time she has worked in the Prosecutor's Office, Ms. McCulloch has handled thousands of criminal cases. She has a long history of public service as a prosecutor, domestic violence advocate, and volunteer. Ms. McCulloch's current résumé is attached.

Pursuant to RCW 35A.13.080 and BIMC 2.20.030, the City Manager, as the chief administrative official of the City, appoints the Municipal Court Judge, and the City Council confirms the appointment. City Manager Schulze has appointed Ms. McCulloch to a four-year term as Municipal Court Judge for the City of Bainbridge Island. The City Council is asked to confirm the appointment of Sara L. McCulloch as the Municipal Court Judge for a four-year term beginning January 1, 2014.

Also attached is the Municipal Court Judge Employment Agreement as required by BIMC 2.08.030 for City Council's review and consideration. The Municipal Court Judge is a part-time position (0.50 FTE), which has been determined sufficient to handle the number of Municipal Court cases. The salary is a percentage (50%) of 95% of the salary of a Washington State District Court Judge set by the Washington Citizen's Commission on Salaries for Elected Officials. It is respectfully requested that City Council approve the Employment Agreement and authorize the City Manager to sign it.

RECOMMENDED ACTION

I move that the City Council confirm the appointment of Sara L. McCulloch as Municipal Court Judge, approve the Municipal Court Judge Employment Agreement, and authorize the City Manager to sign the Employment Agreement.

SARA L. MCCULLOCH
[redacted]

SUMMARY OF QUALIFICATIONS

Experienced attorney well-versed in all phases of criminal trial work. Highly skilled at handling heavy criminal caseloads and managing time effectively. Excellent understanding of cases involving domestic violence, sexual assault and mental illness. Deep commitment to the Bainbridge Island community.

WORK EXPERIENCE

BREMERTON MUNICIPAL COURT AND PORT ORCHARD MUNICIPAL COURT 2013 to present
Judge Pro Tempore
Hear and decide misdemeanor criminal and traffic infraction proceedings.

KING COUNTY PROSECUTING ATTORNEY'S OFFICE, Seattle, WA 1999 to present
Deputy Prosecuting Attorney, Senior Specialist- Sex Offender Registration

- Experienced in all aspects of criminal prosecution: filing of charges, arraignments, bail hearings, plea negotiations, review of search warrants, witness interviews, plea paperwork and hearings, jury trials for felony and misdemeanor cases, sentencing hearings, appeals, probation hearings, criminal motions, and mental illness competency proceedings.
- Worked in the Special Assault, Domestic Violence, Juvenile Court, Felony Filing, Drug, and Appellate Units handling high-volume caseloads.
- Tried serious felony cases such as Rape, Felony Assault, Felony Violation of a No Contact Order, Robbery, Residential Burglary, and Possession of Child Pornography.
- Supervise, train, and provide feedback to junior prosecuting attorneys.
- Conduct training for law enforcement and other prosecutors around the state at programs sponsored by the Washington Association of Prosecuting Attorneys, Washington Sheriffs and Police Chiefs and the Washington Sex Offender Policy Board.
- Draft sex offender related legislation and pattern jury instructions for the Washington Pattern Jury Instructions Subcommittee.
- Served on the Washington Sex Offender Policy Board as an advisor on registration issues.

THE HONORABLE JUDGE ROBERT BOHN, Boston, MA 1999
Superior Court Law Clerk Intern
Drafted legal memoranda, conducted legal research, observed felony criminal trials.

THE DEFENDER ASSOCIATION, Seattle, WA 1998
Legal Intern, Dependency Division
Selected as a Child Welfare Fellow for a national Child Welfare Program and placed at The Defender Association. Observed court proceedings in dependency cases and at-risk youth petitions, conducted legal research, drafted briefs and legal memorandum.

WEST GROUP, Boston, MA 1998 to 2000
Westlaw Representative
Assisted students with online legal research and technical problems.

EASTSIDE DOMESTIC VIOLENCE PROGRAM, Bellevue, WA 1995 to 1997
Children's Program Coordinator and Crisis Line Advocate
Staffed the 24-hour domestic violence crisis line, coordinated children's support groups, developed children's domestic violence curriculum, presented community education.

WOMENCARE SHELTER, Bellingham, WA 1993 to 1995
Shelter Staff and Volunteer
Staffed emergency shelter for victims of domestic violence, provided immediate crisis intervention and support, staffed the 24-hour crisis line, volunteered over 700 hours.

VOLUNTEER WORK

WILKES ELEMENTARY MULTIAGE PROGRAM PARENT ADVISORY GROUP 2012 to present
Chair, 2012-2013, 2013-2014
Lead parent advisory group for newly created multiage program, create bylaws, plan service and social events, and provide feedback to principal and staff.

WILKES ELEMENTARY SCHOOL PARENT TEACHER ORGANIZATION 2010 to 2012
Auction Chair, 2010-2011, 2011-2012
Led a team of volunteers to put on a highly successful dinner auction fundraiser for two years, raising over $100,000 for the Wilkes PTO.

KING COUNTY BAR ASSOCIATION, Seattle, WA 2007 to 2009
Volunteer with Volunteer Legal Services and VAPWA programs
Prepared wills, powers of attorney and health care directives for low income individuals and clients with HIV and AIDS.

BAINBRIDGE COOPERATIVE NURSERY SCHOOL 2006 to 2009
Board Member and Property Maintenance Chair
Attended monthly board meetings and coordinated property maintenance work parties.

EDUCATION

BOSTON COLLEGE LAW SCHOOL, Newton, MA 2000
Juris Doctor
Activities: National Mock Trial Team- Regional Semi-Finalist
Gibbons Criminal Procedure Moot Court Team- Quarter Finalist
Boston College Public Interest Law Foundation
Boston Medical Center Domestic Violence Research and Advocacy Project

WESTERN WASHINGTON UNIVERSITY, Bellingham, WA 1995
Bachelor of Arts in Political Science, magna cum laude
Honors: Award of Excellence, National Chapter of Phi Kappa Phi Honor Society
Departmental Honors in Political Science
Honors Thesis- "Domestic Violence: Problems and Solutions"
- Discussing victimless prosecution in domestic violence cases

MUNICIPAL COURT JUDGE EMPLOYMENT AGREEMENT

THIS MUNICIPAL COURT JUDGE EMPLOYMENT AGREEMENT (this "Agreement") is made and entered into this ____ day of November, 2013, by and between the City of Bainbridge Island, Washington, a municipal corporation of the State of Washington (the "City" or "City"), and Sara McCulloch (the "Municipal Court Judge").

RECITALS

A. The City is a municipality organized under the laws of the State of Washington. The City Manager, as the chief administrative official of the City, appoints the Municipal Court Judge, and the City Council confirms the Municipal Court Judge.

B. The City Manager has appointed Sara McCulloch as Municipal Court Judge for a term of four years in accordance with and under Bainbridge Island Municipal Code (BIMC) Chapter 2.20, subject to confirmation by City Council.

D. The City desires to provide certain benefits, establish certain conditions of employment and set the general working conditions for the Municipal Court Judge.

E. Sara McCulloch desires to accept employment as Municipal Court Judge for the City in accordance with the terms and conditions of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants herein contained the parties agree as follows:

SECTION 1. DUTIES

A. The City agrees to employ the services of Municipal Court Judge to preside over the Municipal Court in accordance with BIMC Chapter 2.20 and Chapter 3.50 of the Revised Code of Washington.

B. The Municipal Court Judge agrees to accept employment and act as Municipal Court Judge for the City and to perform her duties to the best of her ability in accordance with the highest professional and ethical standards of the profession and shall comply with all general rules and regulations established by the State of Washington and the City.

C. The Municipal Court Judge declares that she is qualified to serve as a Municipal Court Judge in that she is a citizen of the United States and of the State of

Washington, and an attorney admitted to practice law before the courts of record of the State of Washington.

D. The Municipal Court Judge shall not engage in any activity that is, or may become, a conflict of interest, as defined by Washington law, or would be incompatible with the position of Municipal Court Judge, or enter into a prohibited contract, as defined by Washington law.

SECTION 2. STATUS AND TERM

A. Municipal Court Judge shall be appointed for a four-year term, commencing January 1, 2014 and terminating December 31, 2017, unless otherwise amended by the parties.

B. The position of Municipal Court Judge is a fifty percent of full-time equivalent (part-time) appointed position.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of Municipal Court Judge to resign and terminate this Agreement at any time, subject only to the provisions set forth in Section 6 of this Agreement.

SECTION 3. SALARY

Reflecting the fact that the position of Municipal Court Judge is part-time, the City agrees to pay the Municipal Court Judge a salary of fifty percent (50%) of 95% of a Washington State District Court Judge's salary, as adjusted on September 1st each year by the Washington Citizen's Commission on Salaries for Elected Officials, payable in equal installments at the same time as other employees of the City. For 2014, the Municipal Court Judge shall receive a monthly salary of Five Thousand Seven Hundred Twenty-One Dollars and Fifty Cents ($5721.50).

SECTION 4. BENEFITS

A. The Municipal Court Judge shall not have a car allowance; however, a City vehicle will be available for trips over fifty (50) miles in total distance. In the event that the Municipal Court Judge uses her own vehicle for City-business related trips, the City shall reimburse the Municipal Court Judge for such use in accordance with the then–current IRS approved mileage rate.

B. The City shall provide the Municipal Court Judge with a cell phone. The Municipal Court Judge shall use said cell phone in accordance with City policies regarding such use.

C. The City shall pay fifty percent (50%) of the medical insurance premiums for the Municipal Court Judge. The City shall pay fifty percent (50%) of the medical insurance premiums for the Municipal Court Judge's spouse and dependents.

D. The City shall make available to Municipal Court Judge, her spouse and dependents the same dental insurance and vision plan that is provided to non-represented employees of the City. The City shall pay fifty percent (50%) of the premiums for said dental insurance and vision plan for Municipal Court Judge, her spouse and dependents.

E. The City shall make available to the Municipal Court Judge, her spouse and dependents the same Employee Assistance Plan that is made available to non-represented employees of City, provided the Municipal Court Judge is covered by a City-sponsored medical insurance program. The City shall pay fifty percent (50%) of the premiums for said Employee Assistance Plan for Municipal Court Judge, her spouse and dependents.

F. The City shall pay one hundred percent (100%) of the premium for term life insurance in the amount of Forty Thousand Dollars ($40,000.00). The Municipal Court Judge shall name the beneficiary(ies) of said term life insurance.

G. City shall pay one hundred percent (100%) of the premium for long-term disability insurance for Municipal Court Judge with no more than a 90-day elimination period.

SECTION 5. RETIREMENT

The Municipal Court Judge is enrolled in the Public Employee Retirement System of Washington ("PERS") and the City shall make all legally required City contributions for Municipal Court Judge's participation in said system. Municipal Court Judge shall be responsible for paying all legally required employee contributions for Municipal Court Judge's participation in said retirement system.

SECTION 6. RESIGNATION AND TERMINATION

A. The Municipal Court Judge may resign at any time, with or without cause, and shall give City at least thirty (30) days' advance written notice of the effective date of her resignation.

B. In accordance with BIMC 2.20.150 and RCW 3.50.095, the Municipal Court Judge shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering the Municipal Court Judge incapable of performing the duties of the office.

C. It is understood that after notice of termination or resignation in any form, Municipal Court Judge and the City will cooperate to provide for an orderly transition.

SECTION 7. HOURS OF WORK

The Municipal Court Judge shall be available as needed to provide the Municipal Court services in accordance with BIMC Chapter 2.20 and RCW Chapter 3.50. The parties recognize that Municipal Court Judge will be exempt from the provisions relating to overtime payment and compensatory time under the Fair Labor Standards Act.

SECTION 8. PROFESSIONAL DEVELOPMENT

The City shall budget and pay for the professional dues and subscriptions of Municipal Court Judge and associated costs (including travel, lodging and meal expenses) reasonably necessary for her continuation and full participation in regional, state and local associations and organizations that are necessary and desirable for her continued professional participation, growth and advancement to better serve the interests of the City.

SECTION 9. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

The City Manager may fix in writing any such other terms and conditions of employment, as they may determine from time to time, relating to the performance of the Municipal Court Judge, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement or applicable federal, state and/or local law. All provisions of Bainbridge Island Municipal Code, City ordinances, City regulations, City rules and the Employee Manual as they now exist or hereafter may be amended, shall also apply to the Municipal Court Judge as they would to other employees of the City, except as may be specifically agreed upon herein.

SECTION 10. INDEMNIFICATION AND BOND

Beyond that required under federal, state or local law, the City shall defend, save harmless and indemnify the Municipal Court Judge against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Municipal Court Judge's duties or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities, unless the act or omission involved willful or wanton conduct. The Municipal Court Judge may request, and the City shall not unreasonably refuse to provide, independent legal representation at City's expense, and City may not unreasonably withhold approval. Legal representation, provided by the City for the Municipal Court Judge, shall extend until a final determination of the legal action, including any appeals brought by either party. The City shall indemnify the Municipal Court Judge against any and all losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings including reasonable attorneys' fees, and any other liabilities incurred by, imposed on, or suffered by Municipal Court Judge in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of her duties. Any settlement of any claim must be made with prior

approval of the City in order for indemnification, as provided in this section, to be available. The Municipal Court Judge recognizes that the City shall have the right to compromise and settle any claim or suit arising out of or in connection with the performance of Municipal Court Judge's duties.

SECTION 11. MISCELLANEOUS PROVISIONS

A. Paragraph Headings. The headings in this Agreement are inserted for convenience and identification only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this Agreement or any of the provisions of the Agreement.

B. Provisions Severable. Every provision of this Agreement is intended to be severable. If any term or provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall no affect the validity of the remainder of the Agreement.

C. Rights and Remedies. The rights and remedies provided in this Agreement are cumulative, and the use of any one right or remedy by any party shall not preclude nor waive its rights to use any or all other remedies. Any rights provided to the parties under this Agreement are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

D. Entire Agreement. This Agreement contains the entire agreement between the parties respecting the matters herein set forth and supersedes all prior agreements between the parties hereto respecting such matters.

E. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Washington.

F. Preparation of Agreement. No presumption shall exist in favor of or against any party to this Agreement as a result of the drafting and preparation of this document.

G. No Waiver. No waiver of any breach by either party of the terms of this Agreement shall be deemed a waiver of any subsequent breach of the Agreement.

H. Counterparts. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

I. Amendment. No amendment of this Agreement shall be effective unless the amendment is in writing, signed by each of the parties.

J. Notices. All notices and demands of any kind which either party hereto may be required or desires to serve upon the other party under the terms of this

Agreement shall be in writing and shall be served upon such other party by personal service, or by leaving a copy of such notice or demand at the address hereinafter set forth, whereupon service shall be deemed complete, or by mailing a copy thereof by certified or registered mail, airmail if the address is outside the state in which the same is mailed, postage prepaid, with return receipt requested, addressed as follows:

CITY:

City of Bainbridge Island
c/o City Clerk
280 Madison Avenue North
Bainbridge Island, WA 98110

MUNICIPAL COURT JUDGE:

Honorable Sara McCulloch
PO Box 151
Rolling Bay, WA 98061

In case of service by mail, it shall be deemed complete on the day of actual delivery as shown on the addressee's registry of certification receipt or at the expiration of the third day after the date of mailing, whichever first occurs. The addresses to which notices and demands shall be delivered or sent may be changed from time to time by notice served as hereinabove provided by either party upon the other party.

K. Appropriations. No commitment of public funds will be made prior to the approval of this Agreement. The terms of this Agreement are contingent upon sufficient appropriations being made by the City Council for the performance of this Agreement. If sufficient appropriations are not made, this Agreement shall terminate. Termination pursuant to the terms of this Agreement shall not result in any claim for payment or damages by Municipal Court Judge or the City. The City's decision as to whether sufficient appropriations are available shall be accepted by Municipal Court Judge and shall be final.

IN WITNESS WHEREOF, the City has caused this Agreement to be signed and executed on its behalf by the City Manager, and Municipal Court Judge has signed and executed this Agreement, both in duplicate, the day and year first above written.

CITY OF BAINBRIDGE ISLAND	**MUNICIPAL COURT JUDGE**
By: _____	By: _____
Douglas Schulze, City Manager	Sara McCulloch
Date:_____	Date:_____

CITY OF BAINBRIDGE ISLAND
CITY COUNCIL AGENDA BILL

PROCESS INFORMATION	
Subject: Design Review Board Reappointment and Appointment	Date: November 13, 2013
Agenda Item: New Business	Bill No.: 13-157
Proposed By: Mayor Bonkowski	Referral(s):

BUDGET INFORMATION		
Department: Legislative	Fund:	Munis Contract #
Expenditure Req: none	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:

Mayor Bonkowski is recommending the reappointment of Alan Grainger and the appointment of Mark Epstein to the Design Review Board.

History:

A call for participation was advertised in the Bainbridge Review and the Islander, posted on the City's website, and distributed via email in February and again in September 2013. Five applications were received for two positions available; one applicant later withdrew. The applications are attached for information.

RECOMMENDED ACTION

Motion:

I move that the City Council confirm the reappointment of Alan Grainger to Position 5 expiring June 30, 2016 and the appointment of Mark Epstein to Position 4 expiring June 30, 2015 to the Design Review Board.

From:	Mark Epstein
To:	CityAdmin
Subject:	Citizen Advisory Group Application
Date:	Wednesday, May 29, 2013 1:26:45 PM
Attachments:	HELA - Epstein resume.pdf

Name*:	Mark Epstein
Email*:	[redacted]
Daytime phone:*:	[redacted]
Address:*:	[redacted]
Current employer*:	Hafs Epstein Landscape Architecture
Current position*:	Principal
I am interested in serving on one of the following advisory groups (select all that apply)::	Design Review Board
Have you served on any city advisory groups in the past?*:	Yes
If so, please indicate which groups::	Non-motorized Transportation Advisory Committee
Please share your qualifications for this appointment (skills, activities, training, education) if any::	Twenty-one years as a practicing landscape architect in the Pacific Northwest. Master's degree in landscape architecture with additional education in architecture and urban planning. Bachelor's degree in Natural Resources with an emphasis in environmental design. Instructor of healthcare design courses at the University of Washington and the Chicago Botanic Garden.
Please share	

your community interests (groups, committees, organizations) if any::	Chair, BI Non-motorized Transportation Advisory Committee 2003-2005. Coach, BI Parks and Rec Soccer 2000-2010 Manager, BI Little League 2007-2010
Feel free to attach your resume (optional).:	HELA - Epstein resume.pdf

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HAFS
EPSTEIN

MARK EPSTEIN, ASLA

Principal

Mark Epstein is a registered landscape architect and has served as project manager or project landscape architect on hundreds of professional projects over the past 20 years. Mark is trained in natural resources, architecture, and planning as well as landscape architecture. He is experienced in producing site feasibility studies, detailed site design and construction documentation, cost estimates, and project schedules. Mark is recognized as a national expert in healthcare and senior living site design, and for eight years served as Co-chair of the Healthcare Garden Design Professional Practice Network for the American Society of Landscape Architects. He is licensed to practice in Washington and Oregon.

Education

M.L.A., Landscape Architecture, University of Washington, 1992

B.S.N.R, Natural Resources, Environmental Design, University of Michigan, 1983

Professional Registration

Registered Landscape Architect, Washington and Oregon

Affiliations/Activities

Chair, Non-motorized Transportation Advisory Committee, City of Bainbridge Island, 2003-2005

Co-Chair, ASLA Therapeutic Garden Design Professional Interest Group, 1999-2007

Advisory Board Member, Chicago Botanic Garden, Healthcare Garden Design Certificate Program, 2001-present

Instructor, Therapeutic Gardens Certificate Program, UW Extension, 2006-2011

20 Years of Experience

Relevant Project Experience:

Health Care Facilities:

Harrison Hospital Roof Garden; Bremerton, Washington
St. Aidan's Place Alzheimer's Care Facility; Gresham, Oregon
Emanuel Hospital Campus Landscape Plan; Portland, Oregon
Good Samaritan Hospital Entrance; Portland, Oregon
Kaiser Skyline Medical Offices; Salem, Oregon
St. Johns Medical Center; Longview, Washington
Oregon Health Sciences University Parking Facilities; Portland, Oregon
Woodland Park Medical Center; Gresham, Oregon
Oregon Veterans' Home; The Dalles, Oregon
Kaiser Campus Renovation; Portland, Oregon
Portland Clinic; Portland, Oregon
Metropolitan Clinic; Portland, Oregon

Campus, Schools, and Churches:

Dearborn Elementary School Wetland Mitigation, Seattle, Washington
School District Playground Improvements, Federal Way, Washington
Portland Community College; Cascade Campus, Portland, Oregon
Century High School, Hillsboro, Oregon
Findley Elementary School; Beaverton, Oregon
Wood Middle School; Wilsonville, Oregon
Gladstone Schools; West Linn, Oregon
Sunset Presbyterian Church; Beaverton, Oregon
St. Mary's Home for Boys; Beaverton, Oregon
Holy Rosary Parish Retired Priest's Complex; Beaverton, Oregon
Oregon State Capitol Roof Garden Renovation; Salem, Oregon

Relevant Project Experience (cont.):

Restoration and Environmental Planning:
Canyon Creek Mitigation Design; Pierce County Water, Washington
East Lake Sammamish Trail Visual Quality Analysis, King County, Washington
Ronald Bog Flood Barrier Design; Shoreline, Washington
SR 520 Community Workshops, Eastside Communities
Seawall Replacement and Park Restoration, City of Poulsbo, Washington
Big Gulch Sewer Replacement Impact Restoration; Mukilteo, Washington
Trans-Lake (SR 520) Visual Quality Analysis, Washington State DOT
I-405 Visual Quality Analysis; Washington State DOT
Weed Control Best Management Practices; City of Seattle, Washington
Integrated Pest Management Plan; City of Bellevue, Washington
Progress Quarry Re-use Master Plan; Beaverton, Oregon
Portland International Raceway Natural Resources Management Plan; City of Portland, Oregon
Force Lake Mitigation Plan; City of Portland, Oregon
Jantzen Beach Marina/Lotus Isle Park; Portland, Oregon

Parks and Recreation:
Discovery Park Capehart Restoration; Seattle, Washington
Water Conservation Demonstration Garden, Redmond, Washington
Poulsbo Waterfront Park and Marina Improvements, Poulsbo, Washington
Camano Island State Park Boat Launch, Camano Island, Washington
Lewis Creek Park, City of Bellevue, Washington
Cottage Lake Park; King County, Washington
SR 520 Bikeway Extension, Redmond, Washington
The Oregon Garden – Sensory Garden; Silverton, Oregon
Delta Park Natural Resources Management Plan; City of Portland, Oregon
Crosswater Golf Course Clubhouse; Bend, Oregon
Quail Valley Golf Course; Hillsboro, Oregon
Willows Run Golf Course; Redmond, Washington

Urban Design and Transportation:
Issaquah Transit Center Stream Mitigation; Issaquah, Washington
West Thomas Street Pedestrian Overpass, Seattle, Washington
I-405 Nickel Project Wetland Mitigation, Kirkland, Washington
North Everett Transit Center, Everett, Washington
Sequim Downtown Revitalization, Sequim, Washington
Poulsbo Municipal Campus, Poulsbo, Washington
Civic Neighborhood Transit-Oriented Development (TOD); Gresham, Oregon
Lovejoy Street Pedestrian Improvements; Portland, Oregon
Seattle Times Landscape Master Plan; Seattle, Washington
SR 520 Bikeway Extension, Redmond, Washington
124th Avenue Streetscape; Bellevue, Washington

Relevant Project Experience (cont.):

Industrial and Commercial:
Brightwater Conveyance Tunnel Mitigation; King County, Washington
Employee Parking Slope Stabilization; SeaTac Airport, Washington
Underwriters Laboratories Master Landscape Plan; Camas, Washington
Hyundai Computer Chip Manufacturing Plant; Eugene, Oregon
Bow Lake Transfer Station; Tukwila, Washington
Yoshida Corporate Headquarters; Portland, Oregon
United States Post Office; Hillsboro, Oregon
Greenwood Lodge; Beaverton, Oregon
The Lodge at Depoe Bay; Depoe Bay, Oregon
Oregon Humane Society Master Plan; Portland, Oregon
ITT Hartford, Cornell Oaks Master Plan Rendering; Hillsboro, Oregon
Portland General Electric Hayden Island Development, Portland, Oregon

Presentations/Publications/Awards

American Horticultural Therapy Association National Conference, September 2009, presenter of educational session, "Therapeutic Gardens of the Pacific Northwest," Pasadena, California.

University of Washington Professional and Continuing Education, 2006-2011, Instructor for Therapeutic Gardens Certificate Program (LARCH 498).

Seattle Daily Journal of Commerce, Health Care Design & Construction, November 16, 2006, author, "Hospital Gardens Help Patients Heal."

The School of The Chicago Botanic Garden, 2002-present, lead instructor, Healthcare Garden Design Certificate Program, Glencoe, Illinois.

University of Washington, 2001-present, guest reviewer for landscape architecture studio classes.

Landscape Architecture Technical Information Series (LATIS), Fall 2005 (reprinted 2011), author, "Therapeutic Gardens in the Acute Care Setting," American Society of Landscape Architects.

*Collaboration in the Garden: Clinicians+Researchers+*Designers, June 2004, co-presenter of educational session, "Design Supports the Psychosocial Benefits of Therapeutic Gardens," and moderator for "Gardens in Healthcare" panel discussion, Legacy Health System Seventh Annual Therapeutic Garden & Horticultural Therapy Conference, Portland, Oregon.

Presentations/Publications/Awards (cont.):

ASLA Annual Meeting, October 2004, facilitator for Therapeutic Garden Design Forum, American Society of Landscape Architects, Salt Lake City, Utah.

Turf, Tree & Landscape Conference, January 2003, presenter of educational session, "Building the Therapeutic Garden," Washington State University, Coeur d'Alene, Idaho.

ASLA Annual Meeting, October 2003, facilitator for Therapeutic Garden Design Forum, American Society of Landscape Architects, Boston, Massachusetts.

Gerontological Society of America, November 2003, co-presenter of educational session, "Therapeutic Landscapes for the Elderly: Connecting Research and Practice," 56th Annual Scientific Meeting, San Diego, California.

Interaction By Design, author of Chapter 10, "Building an Alzheimer's Garden in a Public Park," Iowa State Press, 2002.

Children in the Garden: Rehabilitation, Education, Play and Restoration, May 2002, speaker, "Designing the Therapeutic Garden: Teaming with a Landscape Architect," Legacy Health System Sixth Annual Therapeutic Garden & Horticultural Therapy Conference, Portland, Oregon.

American Horticultural Therapy Association National Conference, September 2002, presenter of educational session, "Working with a Landscape Architect," Norfolk, Virginia.

ASLA Continuing Education Audio Conference, July 2001, co-presenter of session, "Developing Therapeutic Gardens in Various Communities," American Society of Landscape Architects.

International People Plant Symposium, July 2000, presenter of educational session, "Building an Alzheimer's Garden in a Public Park," American Horticultural Therapy Association Annual Meeting, Chicago, Illinois.

National Home & Community-Based Services Conference, September 2000, presenter of educational session, "Garden Therapy". Portland, Oregon.

ASLA Annual Meeting, September 1999, speaker and facilitator of educational session, "The Therapeutic Landscape: History, Design, and Application," American Society of Landscape Architects, Boston, Massachusetts.

Presentations/Publications/Awards (cont.):

ASLA Continuing Education Audio Conference, August 1999, co-presenter of session, "Therapeutic Gardens: Design and Construction," American Society of Landscape Architects.

Designing Healing Environments: A Nature-Based Approach to Wellness, June 1999, facilitator of session, "With People in Mind: Design and Management of Everyday Nature," Legacy Health System Fourth Annual Therapeutic Garden & Horticultural Therapy Conference, Portland, Oregon.

Seattle Daily Journal of Commerce, March 26, 1998, author, "The Garden as Healer."

The Psychosocial Benefits of Horticultural Therapy and Therapeutic Gardens, faculty and conference planning committee, facilitator of session, "Designing Therapeutic Gardens: A Multidisciplinary Approach," Legacy Health System Second Annual Therapeutic Garden & Horticultural Therapy Conference, Portland, Oregon.

Oregon Land, Winter 1997, "What is a Therapeutic Garden?" published by the Oregon Chapter of the American Society of Landscape Architects.

Oregon's Journal on Aging, Winter 1997, co-author of "Therapeutic Gardens," published by the Oregon Alliance of Senior and Health Services.

University of Oregon Career Day, panel member, "Resource Management and the Public Interest," School of Architecture and Allied Arts, University of Oregon. 1996

Adaptations for Accessibility Conference, keynote presentation, "Realm of the Senses: Designing the Healing Garden," Legacy Health System First Annual Therapeutic Garden & Horticultural Therapy Conference, Portland, Oregon. 1995

American Society of Landscape Architects, Washington Chapter Scholarship, Department of Landscape Architecture, University of Washington. Recipient of first scholarship awarded by the Chapter. 1991

Pio Prize Scholarship, Italian Studies Program, Department of Architecture, University of Washington. 1991

Merit Award, American Society of Landscape Architects, Washington Chapter. 1990

From:	Alan Grainger
To:	CityAdmin
Subject:	Citizen Advisory Group Application
Date:	Wednesday, May 29, 2013 10:54:42 AM

Name*:	Alan Grainger
Email*:	[redacted]
Daytime phone:*:	[redacted]
Address:*:	[redacted]
Current employer*:	GGLO Architects
Current position*:	Founding Principal
I am interested in serving on one of the following advisory groups (select all that apply)::	Design Review Board
Have you served on any city advisory groups in the past?*:	Yes
If so, please indicate which groups::	Design Review Board
Please share your qualifications for this appointment (skills, activities, training, education) if	I am an architect with 40 years experience, including founding our firm in 1986, which has grown to our current 110 +/- employees, including architects, interior designers, landscape architects and urban designers. Our firm has established a strong approach to integrated design, drawing on the broad range of experienced staff working in a collaborative team. I have been involved in many aspects of professional practice with a keen interest in urban design and neighborhood scale planning, and have been focused in recent years on affordable housing for the low income including seniors and disabled. With many leadership roles in my past I am able to quickly absorb material being presented and am able to succinctly voice praise or concerns related to stated goals.

any::	As current vice chair of DRB, I play an active role engaging the whole group and staff, in order to serve effectively within our limited time frame. I will be happy to continue with my role if my term is extended. (My professional resume is available upon request.)
Please share your community interests (groups, committees, organizations) if any::	As residents of Bainbridge Island since 1988, our family has been actively involved with many aspects of island life. These include support for environmental, social, educational, and charitable causes that we see as integral to our island community.
Feel free to attach your resume (optional).:	

Powered by EmailMeForm

From:	John Green
To:	CityAdmin
Subject:	Citizen Advisory Group Application
Date:	Friday, October 04, 2013 10:56:19 AM
Attachments:	GREEN_John_Resume10.doc

Name*:	John Green
Email*:	[redacted]
Daytime phone:*:	[redacted]
Address:*:	[redacted]
Current employer*:	Self: John Green Land Development and Construction LLC
Current position*:	Owner
I am interested in serving on one of the following advisory groups (select all that apply)::	Design Review Board, Utility Advisory Committee
Have you served on any city advisory groups in the past?*:	Yes
If so, please indicate which groups::	DRB and several smaller groups

John Green.
[redacted]

[redacted]

Objective:

To work as a Senior Executive in the Consumer Products, or the Apparel Industry.

To expand a company into new markets by developing new product, new channels of distribution

To establish a company overseas, further expansion into foreign markets, reduce cost of operation.

Project Manage Real Estate Development and Construction.

Additional areas of expertise. Solid background in all aspects of international and domestic corporate and product line development, from start-up endeavors to market leadership. Proven ability to establish, develop and manage diverse design, manufacturing and sales forces.

Product Development.

Trademark Licensing.

Sales, Marketing, Distribution.

Account and Vendor Management.

Private Label Programs.

National and International Trade Shows.

Operations, Subcontractor and Personnel Management.

P&L Responsibility.

Hands on participation in local City Government advisory committees, workshops, code update recommendations, Council member support, City Design Review Board.

Excellent writing, articulation and public speaking skills.

John Green Land Development and Const, LLC Bainbridge, WA 98110
Manager. 1996-to-Present

Purchase of environmentally sensitive land for development into large and small lot subdivisions, resulting in residential construction of single-family homes.

Work with City Planners, Public Works, City Council to follow City guidelines and ordinances.

Manage Surveyors, Engineers and Wetland Biologists to design roads, stormwater mechanicals and utilities, for Final Plat approval and construction.

Consult and work with Department of Fish and Wildlife, Department of Natural Resources and Health Department, to ensure responsible environmental
procedures are put in place and monitored.

Supervise Contractors in construction of roads, utilities and stormwater mechanicals, for final Plat Approval.

Heavy equipment operating experience in road construction; utilities; stormwater detention; logging and landscaping.

Responsible for infrastructure financing with lending institute; profitable
Budgeting; forming of Homeowners Associations.

Design and Construction of single family homes.

CEO and PRESIDENT (1991 to 1995) Paradise Garage, Bainbridge Island, WA.

Responsibilities include development and supervision of artwork; printing and knitting programs; daily operations management; full P&L responsibility; management of diverse, commission only sales force; coordination with knitting plant; quality control and analysis of market trends.

Major accomplishments:

Obtained licenses from General Motors for Chevrolet and Corvette, Triumph motorcycles (England) and Coors Brewery.

Managed team of 35 sales representatives selling products to such stores as Sears, Mervyns and Target.

PRESIDENT (1976 to 1991) The Village Mews, Clothes for Heroes, Los Angeles, CA

Please share your qualifications for this appointment (skills, activities, training, education) if any::

Retail store specialized in sale of imported English clothing. Started small cut and sew operation to support further sales; opened second store in Sherman Oaks Galleria 1980 and a small warehouse in 1982. The warehouse operation expanded into 80,000 square feet and the responsibilities grew to include daily operations management; management of 200 staff and 120 commissioned sales force; P&L responsibility; sales and marketing management; product development and design; national trade show participation.

Major accomplishments:

Directly responsible for increasing annual sales volume over 9 year period from $0 to $65 million

Created and developed private label programs for J. C. Penny, Sears, Mervyns and Millers Outpost.

Developed sales of licensed products in Japan, England, Italy and Germany.

Developed a product line for Champion (Hanes) for distribution to their college accounts nationally.

Negotiated over 30 licenses with Walt Disney, Warner Brothers, Budweiser Beer, Jose Quervo (National Beach Volley Ball), Coors Beer, Jack Daniels, Coca Cola, Indian Motorcycles, Chevrolet Motors, The Olympic Jamaican Bobsled Team, European Universities and Philip Morris Marlboro motor racing, etc.

Consulted with computer Software Company to produce software to handle screen-printing, sales and distribution.

Directly responsible for purchase and further development/design of multi color garment printing equipment.

Sponsored two professional surfers, Bud Llamas and John Parmenter for the Surf and Street Mechanix line of apparel, developed by myself.

DIRECTOR (1974 to 1978) John Doe Sportswear. London. England.

Responsibilities included buying American recycled clothing for resale to boutique market in the UK, Holland and Germany. Sourced baseball jackets; bowling, western, Hawaiian and Boy Scout shirts; varsity athlete sweaters; college sweatshirts and T-shirts.

Major accomplishments:

Directly responsible for developing Capitol Record license for printed shirts. This was a first in the licensing of product, to prevent counterfeiting and earn royalties.

Expanded sales by developing manufacturing contracts in Korea.

Developed trade shows for the UK and Germany.

Opened 20 concessions within Burtons and TopMan Menswear (national store group in UK).

Sourced manufacturing of men's shirts in Bombay. Travelled to, and worked with, Indian factory.

Successfully closed business and moved to the United States.

OFFICE MANAGER (1973 to 1974) KIS UK Ltd. Wimbledon, London
Company was a start up operation selling French manufactured electric key cutting machines.
Responsibilities included assisting the company Director; hiring office staff and sales force; leasing vehicles; supervision of equipment and machine deliveries; set up product demonstrations.
Major accomplishments:

Offered job with parent company in Grenoble, France when English operation was closed.

Peninsular and Orient Steamship Company, P & O Lines, London, England.
Cadet to Officer; 1968 to 1973.
Attended University of Southampton, School of Navigation, England.
Four-year Merchant Marine Officer training course.

During this period, promoted from Cadet to Senior Fourth Officer, serving on Cruise ships.

Responsibilities at sea; stand watch with Senior Officer on bridge; navigation; instructing crew; cargo handling; safety of passengers; correctness and company reputation.

1973 left company to pursue career ashore.

ADDITIONAL INFORMATION
International Living Experience in England, Africa, Australia and USA.
Dr. Riniker Memorial Award - University of Southampton School of Navigation, England.
Victorludoram in Track and Field, Prior Park College. England.
Finalist in England Rugby Football Tournament. Prior Park College. England.
Recommended by Los Angeles law firm, to try out for James Bond screen character.

I am a charismatic leader with a great sense of humor and physical presence.

Please share your community interests (groups, committees, organizations) if any::	I have included two resumes. Very interested in helping City and Community with the many challenges they face in local Government.
Feel free to attach your resume (optional).:	GREEN_John_Resume10.doc

JOHN GREEN

[redacted] Bainbridge Island, Washington 98110

PROGRAM & DEVELOPMENT MANAGER

Dynamic project / operations manager with 20+ years of experience. History of generating new business and surpassing all delivery objectives while spearheading eco-friendly residential development projects. Strategic thinker with record of enhancing P&L and increasing quality while reducing costs. Diligent team leader with proven ability to cultivate strong business relationships and leverage a blend of managerial, client / governmental relations, and public speaking expertise.

Property Conservation / Development • Operations • P&L Management • Construction Management
Strategic Planning • Project Management • Relationship Management • Public Speaking • Sales
New Business Development • Cost Control • Regulatory Compliance • Market Analysis
Team Leadership • Program Management • Presentations • Government Relations

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PROFESSIONAL EXPERIENCE

JOHN GREEN LAND DEVELOPMENT & CONSTRUCTION, LLC,
Bainbridge, Washington • 1994 to present
Premier environmentally-friendly real estate development and construction firm focusing on single-family properties.

President & General Manager
Direct operations / projects and business development for the purchase, construction / development, and sale of residential properties. Manage land clearing, road building, utilities installation, logging, grading, etc. Provide landscaping and ensure compliance with city / homeowners' association guidelines prior to final delivery. Develop and implement strategies to minimize job costs while maximizing quality, safety, revenues, customer satisfaction, and alignment with sustainability / environmental best practices. Contribute "hands on" expertise across numerous project phases. Negotiate favorable contracts and land purchase / sale agreements. Obtain financing, permits, approvals, and environmental clearances; cooperate with State and Local governments. Appear at public hearings to minimize community disruption to projects. Cultivate strong relationships with clients, subcontractors, real estate agents, engineers (environmental, water, etc.), and vendors.

Major Contributions:

- Outperformed quality, customer, schedule, and cost objectives while overseeing projects from land acquisition to final delivery; achieved average project margins of ~ 25%.
- Reduced materials costs 10-15% by soliciting competitive bids and by employing a Just-in-Time product delivery system.
- Positioned the firm to enhance P&L by securing financing for all projects and spearheading major initiatives such as development of a 64-acre, 25-home project (Completed 2013).
- Cut fuel costs through strategic buying (in bulk) and resale of trees cleared from properties.
- Generated ~ $10M in revenues after establishing the business.
- Prevented possible losses and interruption / cancellation of projects by leveraging public speaking and relationship management skills to argue successfully against anti-development groups at public hearings, coordinate with government officials, and facilitate cooperation between union / nonunion workers.
- Captured referral business by building strong relationships with clients and realtors.

PARADISE GARAGE, Bainbridge Island, Washington • 1991 to 1995
Renowned product artwork, printing, and knitting solutions provider.

CEO & President
Oversaw P&L, operations, new business development, all team members, and a 35-person independent sales force. Directed artwork, printing, and knitting. Devised and deployed strategies to improve sales / revenues, product quality, and the productivity of artistic and sales personnel. Performed market analyses to identify and capitalize on emerging opportunities. Managed the quality assurance (QA) function; conducted inspections.

Major Contributions:

- Provided framework for long-term growth by negotiating product licenses from General Motors (for Chevrolet make and Corvette model), Triumph Motorcycles (United Kingdom), and the Coors Brewery.
- Led the outside sales group in building markets for company products by establishing and maintaining strong relationships with major accounts such as Target, Sears, and Mervyns.

ADDITIONAL CAREER HIGHLIGHTS

THE VILLAGE MEWS. Los Angeles, California

President

- Drove all operations of a retail apparel store and manufacturing wholesaler focusing on English clothing.
- Formed the business, managed all operations / team members, and drove annual sales from zero at inception to $65M.
- Grew the business from 2 initial retail locations and later successfully transitioned to the U.S.-based manufacture of licensed apparel for global market.
- Obtained seed financing and efficiently managed funds during early stages.
- Earned reputation in the western U.S. as an industry leader.
- Established relationships with numerous global brands, including Coca-Cola, GM, Disney, beer companies, Sears, Mervyns, etc.; negotiated favorable licensing agreements (company retained 90%+) and produced private label apparel for customers.

EDUCATION

4-Year Merchant Marine Officer Training Course
Served as 3rd Officer on Cruise, Freighter, and Container Ships

University of Southampton, School of Navigation, Southampton, United Kingdom.

From: Carina Langstraat
To: CityAdmin
Subject: Citizen Advisory Group Application
Date: Wednesday, October 16, 2013 2:48:24 PM

Name*:	Carina Langstraat
Email*:	[redacted]
Daytime phone:*:	[redacted]
Address:*:	[redacted]
Current employer*:	Langstraat Wood Inc.
Current position*:	Co-Owner
I am interested in serving on one of the following advisory groups (select all that apply)::	Design Review Board
Have you served on any city advisory groups in the past?*:	No
If so, please indicate which groups::	
Please share your qualifications for this appointment (skills, activities, training, education) if any::	I have 20 plus years experience designing and building residential gardens. I regularly interface with clients, interior designers, and architects during the course our projects and am well versed in the landscape side of the construction world.
Please share your	

community interests (groups, committees, organizations) if any::	No groups, committees, or organizations. Our biggest community interest is public school education.
Feel free to attach your resume (optional).:	

CITY OF BAINBRIDGE ISLAND
CITY COUNCIL AGENDA BILL

PROCESS INFORMATION	
Subject: Resolution No. 2013-20 relating to short-term borrowing from the General Fund to the Capital Construction Fund	Date: November 13, 2013
Agenda Item: New Business	Bill No.: AB 13-155
Proposed By: Finance Director Ellen Schroer	Referral(s):

BUDGET INFORMATION		
Department: Finance	Fund: General Fund and Construction Fund	Munis Contract #
Expenditure Req:	Budgeted? ☒ Yes ☐ No	Budget Amend. Req? ☒ Yes ☐ No

REFERRALS/REVIEW		
	Recommendation:	
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A

DESCRIPTION/SUMMARY

Action Item:

Consideration of Resolution No. 2013-20 providing for a short-term interfund loan from the General Fund to the Capital Construction Fund, with a scheduled repayment no later than by December 31, 2014.

History:

The City of Bainbridge Island uses the Capital Construction Fund to record non-utility capital projects. Revenues to this fund in the past have included bond proceeds, reimbursable grants, and budgeted General Fund transfers. Due in large part to the transfers, this fund has in the past had cash balances sufficient to pay all expenses. However, the financial structure of the City's capital projects has changed in important ways and current non-utility capital project funding includes a significant amount of support from reimbursable grants.

The City has monitored the Capital Construction Fund balance in 2013. The City has already submitted and will continue to submit claims on reimbursable grants for projects, but the timing of the payment by granting agencies is not definite. The ability to make a short-term loan from the General Fund to the Capital Construction Fund will allow the City to cover cash needs while awaiting reimbursements. Reimbursements can come in as little as one week or as long as four months depending on the granting agency and the phase of the project.

RECOMMENDED ACTION

Motion:

I move that the City Council forward Resolution No. 2013-20, providing for short-term borrowing from the General Fund by the Capital Construction Fund in an amount not to exceed $500,000 commencing November 25, 2013 with a repayment date no later than December 31, 2014 to the November 25, 2013 consent agenda.

RESOLUTION NO. 2013-20

A RESOLUTION of the City Council of the City of Bainbridge Island, Washington, providing for short-term borrowing from the General Fund by the Capital Construction Fund.

WHEREAS, the City's approved Capital Improvement Plan includes non-utility projects funded in whole or in part with reimbursable grants; and

WHEREAS, the City uses the Capital Construction Fund to record such non-utility capital projects; and

WHEREAS, the City must expend funds on these non-utility capital projects before the City may apply for reimbursement under the grants; and

WHEREAS, the City has by Resolution No. 2008-14 pertaining to "Purposes and Uses of Debt" established **Policy 15 - Short-term Borrowing** which states: "Except for LIDs and similar situations, the use of short-term borrowing, such as bond anticipation notes (BANs) and tax-exempt commercial paper will be undertaken only if the transaction costs plus interest of the debt are less than the cost of an interfund loan, or available cash is insufficient to meet working capital requirements"; and

WHEREAS, the City has reviewed the current financial position and cash flow analysis for the fiscal years 2013 and 2014 for the General Fund and the Capital Construction Fund and has determined that it would be prudent for the Capital Construction Fund to engage in short-term borrowing in an amount not to exceed Five Hundred Thousand Dollars ($500,000) to cover expenses associated with projects funded in whole or in part by reimbursable grants; and

WHEREAS, the 2013 GAAP BARS Manual, Interfund Transactions and Loans section, states that "the legislative body of a municipality must, by ordinance or resolution, approve all interfund loans, indicate the lending fund, and provide in the authorization a planned schedule of repayment"; and

WHEREAS, the City has determined that the combination of transaction costs plus interest for the City to issue commercial paper or a note to a third party will exceed the costs to the Capital Construction Fund of an interfund loan, primarily because an interfund loan entails no third-party transaction costs and may exclude interest; and

WHEREAS, the use of an interfund loan allows considerably greater flexibility and timeliness than commercial paper or a note to a third-party lender, and thereby permits the City to control the draws and repayments from month to month to ensure that the balance is not in excess of that month's requirements; and

WHEREAS, the City Council recognizes that this type of interfund borrowing may be required in the future when non-utility capital projects are funded with reimbursable grants; and

WHEREAS, the City Council finds that it has exercised due regard for the maintenance and operation expense of the activities supported by the General Fund and finds that the General

Fund revenues and cash balances are expected to be more than sufficient to meet all of the needs of the General Fund through the loan period and has funds available to make the interfund loan authorized herein, now therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Authorization of Loan. The City's Director of Finance is authorized and directed, on and after November 25, 2013, to cause the City's Capital Construction Fund to borrow cash from the General Fund in one or more draws, where the outstanding principal amount of the loan shall at no time exceed Five Hundred Thousand Dollars ($500,000), and which may vary as determined by the Director of Finance based on the Director's analysis of the cash needs of the Capital Construction Fund from time to time during such time period.

Section 2. Scheduled Repayment. The Director of Finance shall cause any and all outstanding balance of the interfund loan to be repaid to the General Fund by the Capital Construction Fund on (and in no event later than) December 31, 2014, and this interfund lending authorization shall terminate on that date, except that this interfund loan may be extended, at Council's discretion, if there continues to be non-utility reimbursable grant-funded projects in the Capital Construction Fund.

Section 3. Interest. There shall be no interest charged for this loan as the expenses could be legally and properly paid from the General Fund.

Section 4. No Fees or Prepayment Penalties. Prepayments shall be permissible at the discretion of the Director of Finance, and there shall be no fees or prepayment penalties on inter-fund loans and, subject to the Five Hundred Thousand Dollars ($500,000) overall principal limit on outstanding balance as stated in Section 1, there shall be no advance notice required for any additional interfund draw or prepayment.

Section 5. Reporting to City Council. The Director of Finance shall provide reports to City Council, as requested.

Section 6. Effective Date. This resolution shall be in full force and effect from and after its approval by the City Council until the date stated in Section 2.

PASSED by the City Council this ____ day of _____, 2013.

APPROVED by the Mayor this ____ day of _____, 2013.

_____
Steven Bonkowski, Mayor

ATTEST:

_____

Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	November 6, 2013
PASSED BY THE CITY COUNCIL:	_____ , 2013
RESOLUTION NO.	2013-20

CITY OF BAINBRIDGE ISLAND
CITY COUNCIL AGENDA BILL

PROCESS INFORMATION	
Subject: Consent Agenda Items	Date: December 11, 2013
Agenda Item: Consent Agenda	Bill No.: 13-172
Proposed By: Executive	Referral(s):

BUDGET INFORMATION		
Department:	Fund:	Munis Contract #
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:

Consideration of Consent Agenda items A through N: item A**.** Accounts Payable Voucher and Payroll Approval; item B. Special/Regular Business Meeting Minutes, November 13, 2013; item C. Resolution No. 2013-22, Kitsap Regional Coordinating Council County-Wide Planning Policies; item D. Rockaway Beach Road Stabilization Project, Construction Supplement Amendment No. 4; item E. Wardwell Road Drainage Design, Professional Services Agreement; item F. Yeomalt Area Drainage Phase I Design Professional Services Agreement; item G.Road Rating General Services Contract Award; item H. Contract for Prosecution Services with the Kitsap Country Prosecutor's Office; item I. Biosolids Disposal Contract Amendment No.1; item J. Street and Storm Drainage Spoils Disposal Services Contract Amendment No.1; item K. Janitorial Non-Professional Services Agreement; item L. Re-appointment and Contract Renewal for Hearing Examiner, Item M. Ordinance No. 2013-36, 2013 Final Budget Adjustments and item N. Ordinance No. 2013-35, Amending the Appointment and Compensation of Police Reserve Officers.

RECOMMENDED ACTION

Motion: I move that the City Council approve Consent Agenda items A through N: item A**.** Accounts Payable Voucher and Payroll Approval; item B. Special/Regular Business Meeting Minutes, November 13, 2013; item C. Resolution No. 2013-22, Kitsap Regional Coordinating Council County-Wide Planning Policies; item D. Rockaway Beach Road Stabilization Project, Construction Supplement Amendment No. 4; item E. Wardwell Road Drainage Design, Professional Services Agreement; item F. Yeomalt Area Drainage Phase I Design Professional Services Agreement; item G. Road Rating General Services Contract Award; item H. Contract for Prosecution Services with the Kitsap Country Prosecutor's Office; item I. Biosolids Disposal Contract Amendment No.1; item J. Street and Storm Drainage Spoils Disposal Services Contract Amendment No.1; item K. Janitorial Non-Professional Services Agreement; item L. Re-appointment and Contract Renewal for Hearing Examiner, Item M. Ordinance No. 2013-36, 2013 Final Budget Adjustments and item N. Ordinance No. 2013-35, Amending the Appointment and Compensation of Police Reserve Officers.

CITY OF BAINBRIDGE ISLAND
ACCOUNTS PAYABLE REPORT TO CITY COUNCIL OF CASH DISBURSEMENTS

CHECK RUN: October 21, 2013 - November 11, 2013
CITY COUNCIL: October 23, 2013 - November 13, 2013

Last check from previous run: 334198 dated 10/24/13 issued to Zee Medical Service Co. in the amount of 275.74

Payment Type	Check Date	Check Number	Department/Vendor/Description	Amount
ACH	10/28/13	138	COBI Utilities October Billing	9,664.10
EFT	10/28/13	139	WA ST Department of Revenue/September Excise Taxes	13,303.31
Manual	10/16/13	334140	Void	Void
Manual	10/21/13	334105	Void	Void
Manual	10/22/13	334149	Void	Void
Manual	10/23/13	333915	Void	Void
Manual	10/18/13	334199	ENG/COBI Retainage Account/Sportsman Club NM Retainage	484.81
Manual	10/18/13	334200	ENG/Lakeside Industries, Inc/Sportsman Club NM Improvement	9,211.44
Manual	10/21/13	334201	POL/Comcast./Xfinity Converter Box	11.26
Manual	10/21/13	334202	ENG/Redside Construction, LLC/Rockaway Beach Repair	188,891.00
Manual	10/21/13	334203	POL/Rotary Club of B.I./Initiation Fee/Dues/Meals-Hamner	380.00
Manual	10/21/13	334204	POL/PCD/WA St Dept of L&I/Volunteer Hours-3 Qtr	81.42
Manual	10/23/13	334205	FIN/Estate of Leonard Bonifaci/UB Refund 465 Wallace Way	340.14
Manual	10/23/13	334206	POL/Chevron/Fuel	44.38
Manual	10/23/13	334207	ENG/Redside Construction, LLC/Rockaway Beach Repair	143,763.14
Manual	10/23/13	334208	PW/Staples/Cannon Cartridge x 2	238.90
Manual	10/25/13	334209	PW/COBI/Heat Pump Replacement Permit	95.75
Manual	10/25/13	334210	FIN/Wa State Dept of Revenue-Unclaimed Property/6/11-Constan	58.50
Manual	11/5/13	334211	PCD/Ridolfi, Inc./Shoreline Restoration Monitoring	4,948.05
Manual	11/5/13	334212	EX/Rotary Club of B.I./Initiation Fee/Member dues-Schulze	200.00
			Manual Checks, Electronic Disbursements	**371,716.20**
Regular Run	11/14/13	334213 - 334350	**Regular Check Run**	**518,574.09**

Total Disbursements **890,290.29**

Retainage Release	10/22/13	109	Patriot Fire Protection-Sprinkler Repair	2,515.08
Retainage Release	10/22/13	110	Puget Paving, Inc-2013 Island Wide Asphalt Repair	5,809.03
Retainage Release	10/25/13	111	Norwest Marine-Linear Moorage Buoy System Repair	853.89
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 11-7-2013

Karl R. Shaw, Accounting Manager Date

ACH 413

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
138	10/28/2013	MANL	103 CITY OF BAINBRIDGE I	186968	10573OCT13	10/08/2013		ACHOCT13	68.41
Invoice: 10573OCT13						ERICKSEN AVE EXT IRRIGATION			
				68.41	91011768 547500	GG-C/E-PARKS-WTR/SWR			
				186969	10717OCT13	10/08/2013		ACHOCT13	115.47
Invoice: 10717OCT13						LIBRARY IRRIGATION			
				115.47	91011722 547500	GG-C/E-LIBRARY-COBI WTR/SWR			
				186970	10727OCT13	10/08/2013		ACHOCT13	1,775.09
Invoice: 10727OCT13						LIBRARY			
				1,775.09	91011722 547500	GG-C/E-LIBRARY-COBI WTR/SWR			
				186971	11015OCT13	10/08/2013		ACHOCT13	2,488.01
Invoice: 11015OCT13						WWTP			
				2,488.01	91425358 547500	GG-WWTP-WATER/SEWER			
				186972	11122OCT13	10/08/2013		ACHOCT13	352.28
Invoice: 11122OCT13						POLICE STATION			
				352.28	91011215 547500	GG-C/E-PD-COBI WTR/SWR			
				186973	11678OCT13	10/08/2013		ACHOCT13	130.00
Invoice: 11678OCT13						BACKFLOW/STRAWBERRY PLT PRK			
				130.00	91011768 547500	GG-C/E-PARKS-WTR/SWR			
				186974	11762OCT13	10/08/2013		ACHOCT13	256.73
Invoice: 11762OCT13						WW DRINKING FOUNTAIN			
				256.73	91011768 547500	GG-C/E-PARKS-WTR/SWR			
				186975	11805OCT13	10/08/2013		ACHOCT13	74.00
Invoice: 11805OCT13						HS/MADISON RAINBRINGER			
				74.00	91011768 547500	GG-C/E-PARKS-WTR/SWR			
				186976	11806OCT13	10/08/2013		ACHOCT13	65.67
Invoice: 11806OCT13						MADISON/HS RAINBRINGER			
				65.67	91011768 547500	GG-C/E-PARKS-WTR/SWR			
				186977	11982OCT13	10/08/2013		ACHOCT13	943.01
Invoice: 11982OCT13						CITY HALL			
				943.01	91011189 547500	GG-C/E-CITY HALL-COBI WTR/SWR			
				186978	11983OCT13	10/08/2013		ACHOCT13	1,334.63
Invoice: 11983OCT13						CITY HALL IRRIGATION			
				1,334.63	91011189 547500	GG-C/E-CITY HALL-COBI WTR/SWR			
				186979	12723OCT13	10/08/2013		ACHOCT13	85.00
Invoice: 12723OCT13						COMMODORE WELL HOUSE			
				85.00	91411345 547500	GG-WTR-WATER/SEWER			
				186980	12733OCT13	10/08/2013		ACHOCT13	160.00
Invoice: 12733OCT13						7305 HIDDEN COVE RD			
				160.00	91011897 547500	GG-C/E-O&M YARD FAC-BACKFLOW			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
				186981	12734OCT13	10/08/2013		ACHOCT13	80.00
Invoice: 12734OCT13						BACKFLOW/SANDS AVE WELL FLD			
				80.00	91411345 547500	GG-WTR-WATER/SEWER			
				186982	12736OCT13	10/08/2013		ACHOCT13	40.00
Invoice: 12736OCT13						BACKFLOW/FLETCHER BAY WELL			
				40.00	91411345 547500	GG-WTR-WATER/SEWER			
				186983	12738OCT13	10/08/2013		ACHOCT13	40.00
Invoice: 12738OCT13						BACKFLOW/LID 17 RESERVOIR			
				40.00	91415345 547500	GG-ROCKAWAY BCH-WTR/SWR			
				186984	12739OCT13	10/08/2013		ACHOCT13	40.00
Invoice: 12739OCT13						BACKFLOW/HOB WELL BOOSTER			
				40.00	91411345 547500	GG-WTR-WATER/SEWER			
				186985	12740OCT13	10/08/2013		ACHOCT13	40.00
Invoice: 12740OCT13						BACKFLOW/DECANT			
				40.00	91435838 547500	GG-DECANT-WATER/SEWER			
				186986	12754OCT13	10/08/2013		ACHOCT13	1,575.80
Invoice: 12754OCT13						WW PLANTINGS IRRIGATION			
				1,575.80	91011768 547500	GG-C/E-PARKS-WTR/SWR			
							CHECK	138 TOTAL:	9,664.10

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 9,664.10

	COUNT	AMOUNT
TOTAL MANUAL CHECKS	1	9,664.10

*** GRAND TOTAL *** 9,664.10

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
2013 10 351								
APP 001-213000					GENERAL - ACCOUNTS PAYABLE		6,851.09	
10/28/2013	ACHOCT13	ACHUB			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100					CASH			9,664.10
10/28/2013	ACHOCT13	ACHUB			AP CASH DISBURSEMENTS JOURNAL			
APP 402-213000					ACCOUNTS PAYABLE		2,488.01	
10/28/2013	ACHOCT13	ACHUB			AP CASH DISBURSEMENTS JOURNAL			
APP 401-213000					ACCOUNTS PAYABLE		285.00	
10/28/2013	ACHOCT13	ACHUB			AP CASH DISBURSEMENTS JOURNAL			
APP 403-213000					ACCOUNTS PAYABLE		40.00	
10/28/2013	ACHOCT13	ACHUB			AP CASH DISBURSEMENTS JOURNAL			
					GENERAL LEDGER TOTAL		9,664.10	9,664.10
APP 631-130000					DUE TO/FROM CLEARING		9,664.10	
10/28/2013	ACHOCT13	ACHUB						
APP 001-130000					GENERAL - DUE TO/FROM CLEARING			6,851.09
10/28/2013	ACHOCT13	ACHUB						
APP 402-130000					DUE TO/FROM CLEARING			2,488.01
10/28/2013	ACHOCT13	ACHUB						
APP 401-130000					DUE TO/FROM CLEARING			285.00
10/28/2013	ACHOCT13	ACHUB						
APP 403-130000					DUE TO/FROM CLEARING			40.00
10/28/2013	ACHOCT13	ACHUB						
					SYSTEM GENERATED ENTRIES TOTAL		9,664.10	9,664.10
					JOURNAL 2013/10/351 TOTAL		19,328.20	19,328.20

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2013 10	351	10/28/2013			
001-130000				GENERAL - DUE TO/FROM CLEARING		6,851.09
001-213000				GENERAL - ACCOUNTS PAYABLE	6,851.09	
				FUND TOTAL	6,851.09	6,851.09
401 WATER OPERATING FUND	2013 10	351	10/28/2013			
401-130000				DUE TO/FROM CLEARING		285.00
401-213000				ACCOUNTS PAYABLE	285.00	
				FUND TOTAL	285.00	285.00
402 SEWER OPERATING FUND	2013 10	351	10/28/2013			
402-130000				DUE TO/FROM CLEARING		2,488.01
402-213000				ACCOUNTS PAYABLE	2,488.01	
				FUND TOTAL	2,488.01	2,488.01
403 STORM & SURFACE WATER FUND	2013 10	351	10/28/2013			
403-130000				DUE TO/FROM CLEARING		40.00
403-213000				ACCOUNTS PAYABLE	40.00	
				FUND TOTAL	40.00	40.00
631 CLEARING FUND	2013 10	351	10/28/2013			
631-130000				DUE TO/FROM CLEARING	9,664.10	
635-111100				CASH		9,664.10
				FUND TOTAL	9,664.10	9,664.10

JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
631 CLEARING FUND	9,664.10	
001 GENERAL FUND		6,851.09
402 SEWER OPERATING FUND		2,488.01
401 WATER OPERATING FUND		285.00
403 STORM & SURFACE WATER FUND		40.00
TOTAL	9,664.10	9,664.10

** END OF REPORT - Generated by Linda Steinberg **

EFT exe 14

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
139	10/28/2013	MANL	124 WA ST DEPT OF REVENU	186987	2013-10	10/28/2013		EFTOCT13	13,303.31
Invoice: 2013-10						SEPTEMBER 2013 EXCISE TAXES			
				134.18	91411341 553000	FINANCE - WATER EXTRNL TAXES			
				96.03	91421351 553000	FINANCE - SEWER - EXTRNL TAXES			
				5,326.13	91421351 553000	FINANCE - SEWER - EXTRNL TAXES			
				33.54	91421351 553000	FINANCE - SEWER - EXTRNL TAXES			
				16.12	91411341 553000	FINANCE - WATER EXTRNL TAXES			
				9.08	91411341 553000	FINANCE - WATER EXTRNL TAXES			
				846.12	91431383 553000	FINANCE - SSWM - EXTRNL TAXES			
				6,032.30	91411341 553000	FINANCE - WATER EXTRNL TAXES			
				637.00	91421351 553000	FINANCE - SEWER - EXTRNL TAXES			
				2.23	51011211 520000	PD-C/E ADMIN-BENEFITS			
				21.92	53011212 531100	PD-C/E-PATROL SUPPLIES			
				3.74	41011141 531100	FIN - C/E ADMIN SUPPLIES			
				28.98	61011581 531100	PCD - C/E ADMIN SUPPLIES			
				72.15	61011581 531100	PCD - C/E ADMIN SUPPLIES			
				39.19	73425358 531100	O&M-WWTP-SUPPLIES			
				4.60	73637891 531100	OFFICE SUPPLIES			
								CHECK 139 TOTAL:	13,303.31

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 13,303.31

	COUNT	AMOUNT
TOTAL MANUAL CHECKS	1	13,303.31

*** GRAND TOTAL *** 13,303.31

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
2013 10 353									
APP 401-213000						ACCOUNTS PAYABLE		6,191.68	
	10/28/2013	EFTOCT13	EXCTAX			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH			13,303.31
	10/28/2013	EFTOCT13	EXCTAX			AP CASH DISBURSEMENTS JOURNAL			
APP 402-213000						ACCOUNTS PAYABLE		6,131.89	
	10/28/2013	EFTOCT13	EXCTAX			AP CASH DISBURSEMENTS JOURNAL			
APP 403-213000						ACCOUNTS PAYABLE		846.12	
	10/28/2013	EFTOCT13	EXCTAX			AP CASH DISBURSEMENTS JOURNAL			
APP 001-213000						GENERAL - ACCOUNTS PAYABLE		129.02	
	10/28/2013	EFTOCT13	EXCTAX			AP CASH DISBURSEMENTS JOURNAL			
APP 631-213000						ACCOUNTS PAYABLE		4.60	
	10/28/2013	EFTOCT13	EXCTAX			AP CASH DISBURSEMENTS JOURNAL			
						GENERAL LEDGER TOTAL		13,303.31	13,303.31
APP 631-130000						DUE TO/FROM CLEARING		13,298.71	
	10/28/2013	EFTOCT13	EXCTAX						
APP 401-130000						DUE TO/FROM CLEARING			6,191.68
	10/28/2013	EFTOCT13	EXCTAX						
APP 402-130000						DUE TO/FROM CLEARING			6,131.89
	10/28/2013	EFTOCT13	EXCTAX						
APP 403-130000						DUE TO/FROM CLEARING			846.12
	10/28/2013	EFTOCT13	EXCTAX						
APP 001-130000						GENERAL - DUE TO/FROM CLEARING			129.02
	10/28/2013	EFTOCT13	EXCTAX						
						SYSTEM GENERATED ENTRIES TOTAL		13,298.71	13,298.71
						JOURNAL 2013/10/353 TOTAL		26,602.02	26,602.02

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2013 10	353	10/28/2013			
001-130000				GENERAL - DUE TO/FROM CLEARING		129.02
001-213000				GENERAL - ACCOUNTS PAYABLE	129.02	
				FUND TOTAL	129.02	129.02
401 WATER OPERATING FUND	2013 10	353	10/28/2013			
401-130000				DUE TO/FROM CLEARING		6,191.68
401-213000				ACCOUNTS PAYABLE	6,191.68	
				FUND TOTAL	6,191.68	6,191.68
402 SEWER OPERATING FUND	2013 10	353	10/28/2013			
402-130000				DUE TO/FROM CLEARING		6,131.89
402-213000				ACCOUNTS PAYABLE	6,131.89	
				FUND TOTAL	6,131.89	6,131.89
403 STORM & SURFACE WATER FUND	2013 10	353	10/28/2013			
403-130000				DUE TO/FROM CLEARING		846.12
403-213000				ACCOUNTS PAYABLE	846.12	
				FUND TOTAL	846.12	846.12
631 CLEARING FUND	2013 10	353	10/28/2013			
631-130000				DUE TO/FROM CLEARING	13,298.71	
631-213000				ACCOUNTS PAYABLE	4.60	
635-111100				CASH		13,303.31
				FUND TOTAL	13,303.31	13,303.31

JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
631 CLEARING FUND	13,298.71	
401 WATER OPERATING FUND		6,191.68
402 SEWER OPERATING FUND		6,131.89
403 STORM & SURFACE WATER FUND		846.12
001 GENERAL FUND		129.02
TOTAL	13,298.71	13,298.71

** END OF REPORT - Generated by Linda Steinberg **

VOID

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
334149	10/24/2013	VOID	2468 OLYMPIC RADIO LLC	186798	3208738320	08/31/2013			-238.90
Invoice: 3208738320						PW/CARTRIDGE/BATTERY			
				-119.45	73425358 531100	O&M-WWTP-SUPPLIES			
				-119.45	73637891 531100	OFFICE SUPPLIES			

CHECK 334149 TOTAL: -238.90

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** -238.90

	COUNT	AMOUNT
TOTAL VOIDED CHECKS	1	238.90

*** GRAND TOTAL *** -238.90

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
2013 10 246								
APP 402-213000					ACCOUNTS PAYABLE			119.45
10/24/2013	334149	VOID			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100					CASH		119.45	
10/24/2013	334149	VOID			AP CASH DISBURSEMENTS JOURNAL			
APP 631-213000					ACCOUNTS PAYABLE			119.45
10/24/2013	334149	VOID			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100					CASH		119.45	
10/24/2013	334149	VOID			AP CASH DISBURSEMENTS JOURNAL			
					GENERAL LEDGER TOTAL		238.90	238.90
APP 631-130000					DUE TO/FROM CLEARING			119.45
10/24/2013	10/20/13	VOID						
APP 402-130000					DUE TO/FROM CLEARING		119.45	
10/24/2013	10/20/13	VOID						
					SYSTEM GENERATED ENTRIES TOTAL		119.45	119.45
					JOURNAL 2013/10/246 TOTAL		358.35	358.35

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
402 SEWER OPERATING FUND	2013 10	246	10/24/2013			
402-130000				DUE TO/FROM CLEARING	119.45	
402-213000				ACCOUNTS PAYABLE		119.45
				FUND TOTAL	119.45	119.45
631 CLEARING FUND	2013 10	246	10/24/2013			
631-130000				DUE TO/FROM CLEARING		119.45
631-213000				ACCOUNTS PAYABLE		119.45
635-111100				CASH	238.90	
				FUND TOTAL	238.90	238.90

JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
631 CLEARING FUND	119.45	
402 SEWER OPERATING FUND		119.45
TOTAL	119.45	119.45

** END OF REPORT - Generated by Linda Steinberg **

VOID

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
334140	10/24/2013	VOID	6577 LAKESIDE INDUSTRIES	186950	PAYREQ2-626	09/19/2013	21300092		-9,211.44
Invoice: PAYREQ2-626					SPRTSMN CLB NM IMP				
				-9,211.44	72334561 66300000626	SPORTSMAN NM IMPR-CONSTR			
				186951	RETREQ2-626	09/19/2013	21300093		-484.81
Invoice: RETREQ2-626					SPRTSMN CLB NM RET				
				-484.81	72334561 66300000626	SPORTSMAN NM IMPR-CONSTR			
								CHECK 334140 TOTAL:	-9,696.25

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** -9,696.25

	COUNT	AMOUNT
TOTAL VOIDED CHECKS	1	9,696.25

*** GRAND TOTAL *** -9,696.25

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
2013 10 190									
APP 301-213000						ACCOUNTS PAYABLE			9,696.25
	10/24/2013	334140	VOID			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH		9,696.25	
	10/24/2013	334140	VOID			AP CASH DISBURSEMENTS JOURNAL			
						GENERAL LEDGER TOTAL		9,696.25	9,696.25
APP 631-130000						DUE TO/FROM CLEARING			9,696.25
	10/24/2013	10/20/13	VOID						
APP 301-130000						DUE TO/FROM CLEARING		9,696.25	
	10/24/2013	10/20/13	VOID						
						SYSTEM GENERATED ENTRIES TOTAL		9,696.25	9,696.25
						JOURNAL 2013/10/190 TOTAL		19,392.50	19,392.50

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
301 CAPITAL CONSTRUCTION FUND	2013 10	190	10/24/2013			
301-130000				DUE TO/FROM CLEARING	9,696.25	
301-213000				ACCOUNTS PAYABLE		9,696.25
				FUND TOTAL	9,696.25	9,696.25
631 CLEARING FUND	2013 10	190	10/24/2013			
631-130000				DUE TO/FROM CLEARING		9,696.25
635-111100				CASH	9,696.25	
				FUND TOTAL	9,696.25	9,696.25

JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
631 CLEARING FUND	9,696.25	
301 CAPITAL CONSTRUCTION FUND		9,696.25
TOTAL	9,696.25	9,696.25

** END OF REPORT - Generated by Linda Steinberg **

VOID

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
333915	09/26/2013	VOID	7827 BONIFACI, LEONARD	186160	33709	09/12/2013			-340.14
Invoice: 33709				-340.14	411 122100	WATER ACCOUNTS RECEIVABLE			
							CHECK 333915 TOTAL:		-340.14

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** -340.14

	COUNT	AMOUNT
TOTAL VOIDED CHECKS	1	340.14

*** GRAND TOTAL *** -340.14

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
2013 9 382								
APP 401-213000					ACCOUNTS PAYABLE			340.14
09/26/2013	333915	VOID			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100					CASH		340.14	
09/26/2013	333915	VOID			AP CASH DISBURSEMENTS JOURNAL			
					GENERAL LEDGER TOTAL		340.14	340.14
APP 631-130000					DUE TO/FROM CLEARING			340.14
09/26/2013	09/22/13	VOID						
APP 401-130000					DUE TO/FROM CLEARING		340.14	
09/26/2013	09/22/13	VOID						
					SYSTEM GENERATED ENTRIES TOTAL		340.14	340.14
					JOURNAL 2013/09/382 TOTAL		680.28	680.28

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
401 WATER OPERATING FUND	2013	9	382	09/26/2013			
401-130000					DUE TO/FROM CLEARING	340.14	
401-213000					ACCOUNTS PAYABLE		340.14
					FUND TOTAL	340.14	340.14
631 CLEARING FUND	2013	9	382	09/26/2013			
631-130000					DUE TO/FROM CLEARING		340.14
635-111100					CASH	340.14	
					FUND TOTAL	340.14	340.14

JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
631 CLEARING FUND	340.14	
401 WATER OPERATING FUND		340.14
TOTAL	340.14	340.14

** END OF REPORT - Generated by Linda Steinberg **

VOID

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
334105	10/24/2013	VOID	6920 COMCAST	186832	72993SEP13	09/20/2013			-11.26
Invoice: 72993SEP13						POL/XFINITY CONVERTER BOX			
				-11.26	51011211 545000	PD-C/E-ADMIN RENTS/LEASE			

CHECK 334105 TOTAL: -11.26

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** -11.26

	COUNT	AMOUNT
TOTAL VOIDED CHECKS	1	11.26

*** GRAND TOTAL *** -11.26

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
2013 10 233									
APP 001-213000						GENERAL - ACCOUNTS PAYABLE			11.26
	10/24/2013	334105	VOID			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH		11.26	
	10/24/2013	334105	VOID			AP CASH DISBURSEMENTS JOURNAL			
						GENERAL LEDGER TOTAL		11.26	11.26
APP 631-130000						DUE TO/FROM CLEARING			11.26
	10/24/2013	10/20/13	VOID						
APP 001-130000						GENERAL - DUE TO/FROM CLEARING		11.26	
	10/24/2013	10/20/13	VOID						
						SYSTEM GENERATED ENTRIES TOTAL		11.26	11.26
						JOURNAL 2013/10/233 TOTAL		22.52	22.52

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2013 10	233	10/24/2013			
001-130000				GENERAL - DUE TO/FROM CLEARING	11.26	
001-213000				GENERAL - ACCOUNTS PAYABLE		11.26
				FUND TOTAL	11.26	11.26
631 CLEARING FUND	2013 10	233	10/24/2013			
631-130000				DUE TO/FROM CLEARING		11.26
635-111100				CASH	11.26	
				FUND TOTAL	11.26	11.26

JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
631 CLEARING FUND	11.26	
001 GENERAL FUND		11.26
TOTAL	11.26	11.26

** END OF REPORT - Generated by Linda Steinberg **

Manual

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
334199	10/18/2013	PRTD	102 CITY OF BAINBRIDGE I	186954	RETREQ-626	09/19/2013	21300093	M101813	484.81
Invoice: RETREQ-626					SPORTSMAN CLUB NM RET				
				484.81	72334561 66300000626	SPORTSMAN NM IMPR-CONSTR			
						CHECK	334199	TOTAL:	484.81
334200	10/18/2013	PRTD	6577 LAKESIDE INDUSTRIES	186953	PAYREQ2-0626	09/19/2013	21300092	M101813	9,211.44
Invoice: PAYREQ2-0626					SPORTSMAN CLUB NM IMP				
				9,211.44	72334561 66300000626	SPORTSMAN NM IMPR-CONSTR			
						CHECK	334200	TOTAL:	9,211.44

NUMBER OF CHECKS 2 *** CASH ACCOUNT TOTAL *** 9,696.25

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	2	9,696.25

*** GRAND TOTAL *** 9,696.25

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
2013 10 230								
APP 301-213000					ACCOUNTS PAYABLE		9,696.25	
10/18/2013 M101813		101813			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100					CASH			9,696.25
10/18/2013 M101813		101813			AP CASH DISBURSEMENTS JOURNAL			
					GENERAL LEDGER TOTAL		9,696.25	9,696.25
APP 631-130000					DUE TO/FROM CLEARING		9,696.25	
10/18/2013 M101813		101813						
APP 301-130000					DUE TO/FROM CLEARING			9,696.25
10/18/2013 M101813		101813						
					SYSTEM GENERATED ENTRIES TOTAL		9,696.25	9,696.25
					JOURNAL 2013/10/230 TOTAL		19,392.50	19,392.50

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
301 CAPITAL CONSTRUCTION FUND	2013 10	230	10/18/2013			
301-130000				DUE TO/FROM CLEARING		9,696.25
301-213000				ACCOUNTS PAYABLE	9,696.25	
				FUND TOTAL	9,696.25	9,696.25
631 CLEARING FUND	2013 10	230	10/18/2013			
631-130000				DUE TO/FROM CLEARING	9,696.25	
635-111100				CASH		9,696.25
				FUND TOTAL	9,696.25	9,696.25

JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
631 CLEARING FUND	9,696.25	
301 CAPITAL CONSTRUCTION FUND		9,696.25
TOTAL	9,696.25	9,696.25

** END OF REPORT - Generated by Linda Steinberg **

manual

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
334201	10/21/2013	PRTD	6920 COMCAST	186955	72993SEPT13	09/20/2013		M102113	11.26
Invoice: 72993SEPT13					POL/XFINITY CONVERTER BOX				
				11.26	51011211 545000	PD-C/E-ADMIN RENTS/LEASE			
						CHECK	334201 TOTAL:		11.26
334202	10/21/2013	PRTD	7801 REDSIDE CONSTRUCTION	186956	PAYREQ2-534	10/02/2013	21300132	M102113	188,891.00
Invoice: PAYREQ2-534					ENG/ ROCKAWAY BEACH REPAIR				
				188,891.00	72321953 66300000534	ROCKAWAY BEACH-CONSTR			
						CHECK	334202 TOTAL:		188,891.00
334203	10/21/2013	PRTD	5251 ROTARY CLUB OF BAINB	186957	10/17/13	10/17/2013		M102113	380.00
Invoice: 10/17/13					POL/INIT FEE/DUES/MEALS-QTR				
				380.00	51011211 549100	PD-C/E-ADM-DUES/SUBCR/MEMBRSHP			
						CHECK	334203 TOTAL:		380.00
334204	10/21/2013	PRTD	176 WA ST DEPT OF LABOR	186958	10/20/13	10/20/2013		M102113	81.42
Invoice: 10/20/13					POL/PCD/VOLUNTEER HRS-3 QTR				
				8.85	55011757 520000	PD-HARBORMASTER-BENEFITS			
				4.04	61011316 520000	WEED CONTROL-VOLUNTEER L&I			
				68.53	51011211 520000	PD-C/E ADMIN-BENEFITS			
						CHECK	334204 TOTAL:		81.42

NUMBER OF CHECKS 4 *** CASH ACCOUNT TOTAL *** 189,363.68

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	4	189,363.68

*** GRAND TOTAL *** 189,363.68

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
2013 10 240									
APP 001-213000						GENERAL - ACCOUNTS PAYABLE		472.68	
	10/21/2013	M102113	102113			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH			189,363.68
	10/21/2013	M102113	102113			AP CASH DISBURSEMENTS JOURNAL			
APP 301-213000						ACCOUNTS PAYABLE		188,891.00	
	10/21/2013	M102113	102113			AP CASH DISBURSEMENTS JOURNAL			
						GENERAL LEDGER TOTAL		189,363.68	189,363.68
APP 631-130000						DUE TO/FROM CLEARING		189,363.68	
	10/21/2013	M102113	102113						
APP 001-130000						GENERAL - DUE TO/FROM CLEARING			472.68
	10/21/2013	M102113	102113						
APP 301-130000						DUE TO/FROM CLEARING			188,891.00
	10/21/2013	M102113	102113						
						SYSTEM GENERATED ENTRIES TOTAL		189,363.68	189,363.68
						JOURNAL 2013/10/240 TOTAL		378,727.36	378,727.36

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2013 10	240	10/21/2013			
001-130000				GENERAL - DUE TO/FROM CLEARING		472.68
001-213000				GENERAL - ACCOUNTS PAYABLE	472.68	
				FUND TOTAL	472.68	472.68
301 CAPITAL CONSTRUCTION FUND	2013 10	240	10/21/2013			
301-130000				DUE TO/FROM CLEARING		188,891.00
301-213000				ACCOUNTS PAYABLE	188,891.00	
				FUND TOTAL	188,891.00	188,891.00
631 CLEARING FUND	2013 10	240	10/21/2013			
631-130000				DUE TO/FROM CLEARING	189,363.68	
635-111100				CASH		189,363.68
				FUND TOTAL	189,363.68	189,363.68

JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
631 CLEARING FUND	189,363.68	
001 GENERAL FUND		472.68
301 CAPITAL CONSTRUCTION FUND		188,891.00
TOTAL	189,363.68	189,363.68

** END OF REPORT - Generated by Linda Steinberg **

Manual

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
334205	10/23/2013	PRTD	7827 ESTATE OF LEONARD BO	186961	33709A	10/23/2013		M102313	340.14
Invoice: 33709A						UB REFUND 465 WALLACE WAY			
				340.14 411	122100	WATER ACCOUNTS RECEIVABLE			
						CHECK	334205 TOTAL:		340.14
334206	10/23/2013	PRTD	96 CHEVRON PRODUCTS COM	186962	3944010	10/22/2013		M102313	44.38
Invoice: 3944010						POL/FUEL			
				44.38 52011212	532000	PD DET-C/E-FUEL			
						CHECK	334206 TOTAL:		44.38
334207	10/23/2013	PRTD	7801 REDSIDE CONSTRUCTION	186963	PAYREQ3-534	10/14/2013	21300132	M102313	143,763.14
Invoice: PAYREQ3-534						PAYREQ3 ROCKAWAY BEACH REPR			
				143,763.14 72321953	66300000534	ROCKAWAY BEACH-CONSTR			
						CHECK	334207 TOTAL:		143,763.14
334208	10/23/2013	PRTD	2467 STAPLES ADVANTAGE	186964	3208738320A	08/31/2013		M102313	238.90
Invoice: 3208738320A						PW/CANNON CARTRIDGE X 2			
				119.45 73425358	531100	O&M-WWTP-SUPPLIES			
				119.45 73637891	531100	OFFICE SUPPLIES			
						CHECK	334208 TOTAL:		238.90

NUMBER OF CHECKS 4 *** CASH ACCOUNT TOTAL *** 144,386.56

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	4	144,386.56

*** GRAND TOTAL *** 144,386.56

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
2013 10 302								
APP 401-213000					ACCOUNTS PAYABLE		340.14	
10/23/2013	M102313	102313			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100					CASH			144,386.56
10/23/2013	M102313	102313			AP CASH DISBURSEMENTS JOURNAL			
APP 001-213000					GENERAL - ACCOUNTS PAYABLE		44.38	
10/23/2013	M102313	102313			AP CASH DISBURSEMENTS JOURNAL			
APP 301-213000					ACCOUNTS PAYABLE		143,763.14	
10/23/2013	M102313	102313			AP CASH DISBURSEMENTS JOURNAL			
APP 402-213000					ACCOUNTS PAYABLE		119.45	
10/23/2013	M102313	102313			AP CASH DISBURSEMENTS JOURNAL			
APP 631-213000					ACCOUNTS PAYABLE		119.45	
10/23/2013	M102313	102313			AP CASH DISBURSEMENTS JOURNAL			
					GENERAL LEDGER TOTAL		144,386.56	144,386.56
APP 631-130000					DUE TO/FROM CLEARING		144,267.11	
10/23/2013	M102313	102313						
APP 401-130000					DUE TO/FROM CLEARING			340.14
10/23/2013	M102313	102313						
APP 001-130000					GENERAL - DUE TO/FROM CLEARING			44.38
10/23/2013	M102313	102313						
APP 301-130000					DUE TO/FROM CLEARING			143,763.14
10/23/2013	M102313	102313						
APP 402-130000					DUE TO/FROM CLEARING			119.45
10/23/2013	M102313	102313						
					SYSTEM GENERATED ENTRIES TOTAL		144,267.11	144,267.11
					JOURNAL 2013/10/302 TOTAL		288,653.67	288,653.67

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2013 10	302	10/23/2013			
001-130000				GENERAL - DUE TO/FROM CLEARING		44.38
001-213000				GENERAL - ACCOUNTS PAYABLE	44.38	
				FUND TOTAL	44.38	44.38
301 CAPITAL CONSTRUCTION FUND	2013 10	302	10/23/2013			
301-130000				DUE TO/FROM CLEARING		143,763.14
301-213000				ACCOUNTS PAYABLE	143,763.14	
				FUND TOTAL	143,763.14	143,763.14
401 WATER OPERATING FUND	2013 10	302	10/23/2013			
401-130000				DUE TO/FROM CLEARING		340.14
401-213000				ACCOUNTS PAYABLE	340.14	
				FUND TOTAL	340.14	340.14
402 SEWER OPERATING FUND	2013 10	302	10/23/2013			
402-130000				DUE TO/FROM CLEARING		119.45
402-213000				ACCOUNTS PAYABLE	119.45	
				FUND TOTAL	119.45	119.45
631 CLEARING FUND	2013 10	302	10/23/2013			
631-130000				DUE TO/FROM CLEARING	144,267.11	
631-213000				ACCOUNTS PAYABLE	119.45	
635-111100				CASH		144,386.56
				FUND TOTAL	144,386.56	144,386.56

JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
631 CLEARING FUND	144,267.11	
401 WATER OPERATING FUND		340.14
001 GENERAL FUND		44.38
301 CAPITAL CONSTRUCTION FUND		143,763.14
402 SEWER OPERATING FUND		119.45
TOTAL	144,267.11	144,267.11

** END OF REPORT - Generated by Linda Steinberg **

MANUAL

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
334209	10/25/2013	PRTD	634 CITY OF BAINBRIDGE I	186966	BLD19027	10/23/2013		M102513	95.75
Invoice: BLD19027					PW/HEAT PUMP REPL PERMIT				
				95.75	73011418 64980000622 CH BOILER PUMPS IMPR-PERMITS				
						CHECK	334209 TOTAL:		95.75
334210	10/25/2013	PRTD	5398 WA ST DEPT OF REVENU	186967	327711	10/24/2013		M102513	58.50
Invoice: 327711					UP 6/11 - CONSTAN				
				58.50	01132 321900 C/E BL INITIAL & RENEWAL				
						CHECK	334210 TOTAL:		58.50

NUMBER OF CHECKS 2 *** CASH ACCOUNT TOTAL *** 154.25

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	2	154.25

*** GRAND TOTAL *** 154.25

JOURNAL ENTRIES TO BE CREATED

CLERK: llant

YEAR PER JNL SRC ACCOUNT EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T OB	DEBIT	CREDIT
2013 10 474								
APP 001-213000					GENERAL - ACCOUNTS PAYABLE		154.25	
10/25/2013	M102513	102513			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100					CASH			154.25
10/25/2013	M102513	102513			AP CASH DISBURSEMENTS JOURNAL			
					GENERAL LEDGER TOTAL		154.25	154.25
APP 631-130000					DUE TO/FROM CLEARING		154.25	
10/25/2013	M102513	102513						
APP 001-130000					GENERAL - DUE TO/FROM CLEARING			154.25
10/25/2013	M102513	102513						
					SYSTEM GENERATED ENTRIES TOTAL		154.25	154.25
					JOURNAL 2013/10/474 TOTAL		308.50	308.50

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2013 10	474	10/25/2013			
001-130000				GENERAL - DUE TO/FROM CLEARING		154.25
001-213000				GENERAL - ACCOUNTS PAYABLE	154.25	
				FUND TOTAL	154.25	154.25
631 CLEARING FUND	2013 10	474	10/25/2013			
631-130000				DUE TO/FROM CLEARING	154.25	
635-111100				CASH		154.25
				FUND TOTAL	154.25	154.25

JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
631 CLEARING FUND	154.25	
001 GENERAL FUND		154.25
TOTAL	154.25	154.25

** END OF REPORT - Generated by Lara N. Lant **

Manual

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
334211	11/05/2013	PRTD	7527 RIDOLFI INC	187086	2013-5318	02/28/2013	21200111	M110513	4,948.05
Invoice: 2013-5318					SHORELINE MONITORING				
				3,726.53	64011391 54110000340	STRAWBERRY-PROF SVCS			
				1,221.52	64011391 54110000341	PP E BLUFF-PROF SVCS			
						CHECK	334211 TOTAL:		4,948.05
334212	11/05/2013	PRTD	5251 ROTARY CLUB OF BAINB	187087	10/30/13	10/30/2013		M110513	200.00
Invoice: 10/30/13					EX/INIT DEE/MEMBER DUES-DS				
				200.00	31011131 549100	EXEC-C/E-DUES/SUBCR/MEMBERSH			
						CHECK	334212 TOTAL:		200.00

NUMBER OF CHECKS 2 *** CASH ACCOUNT TOTAL *** 5,148.05

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	2	5,148.05

*** GRAND TOTAL *** 5,148.05

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
2013 11 55								
APP 001-213000					GENERAL - ACCOUNTS PAYABLE		5,148.05	
11/05/2013	M110513	110513			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100					CASH			5,148.05
11/05/2013	M110513	110513			AP CASH DISBURSEMENTS JOURNAL			
					GENERAL LEDGER TOTAL		5,148.05	5,148.05
APP 631-130000					DUE TO/FROM CLEARING		5,148.05	
11/05/2013	M110513	110513						
APP 001-130000					GENERAL - DUE TO/FROM CLEARING			5,148.05
11/05/2013	M110513	110513						
					SYSTEM GENERATED ENTRIES TOTAL		5,148.05	5,148.05
					JOURNAL 2013/11/55 TOTAL		10,296.10	10,296.10

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2013 11	55	11/05/2013			
001-130000				GENERAL - DUE TO/FROM CLEARING		5,148.05
001-213000				GENERAL - ACCOUNTS PAYABLE	5,148.05	
				FUND TOTAL	5,148.05	5,148.05
631 CLEARING FUND	2013 11	55	11/05/2013			
631-130000				DUE TO/FROM CLEARING	5,148.05	
635-111100				CASH		5,148.05
				FUND TOTAL	5,148.05	5,148.05

JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
631 CLEARING FUND	5,148.05	
001 GENERAL FUND		5,148.05
TOTAL	5,148.05	5,148.05

** END OF REPORT - Generated by Linda Steinberg **

Regular

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
334213	11/14/2013	PRTD	5 ACE HARDWARE	186992	25427	10/03/2013		11/10/13	16.27
Invoice: 25427						PW/TAPE/DISPENSER-WWTP			
				16.27	73425358 531100	O&M-WWTP-SUPPLIES			
				186993	25539	10/15/2013		11/10/13	10.84
Invoice: 25539						PW/CORNER BRACE			
				10.84	73011215 531100	O&M-C/E-POLICE FAC-SUPPLIES			
				186994	25541	10/16/2013		11/10/13	4.88
Invoice: 25541						PW/POWER BIT			
				4.88	73111264 531100	O&M-STREET-TRAF CONTROL-SUPPLY			
				186995	25557	10/17/2013		11/10/13	46.98
Invoice: 25557						PW/CAUTION TAPE/SCREW SETS			
				46.98	73425358 531100	O&M-WWTP-SUPPLIES			
				186996	25564	10/18/2013		11/10/13	10.84
Invoice: 25564						PW/LIQ NAIL GLUE			
				10.84	73111290 531100	O&M-STREET-MAINT O/H-SUPPLIES			
				186997	25568	10/18/2013		11/10/13	78.17
Invoice: 25568						PW/BATTERY SLA			
				78.17	73411345 531100	OFFICE SUPPLIES			
				186998	25578	10/21/2013		11/10/13	27.31
Invoice: 25578						PW/FASTENERS/DRIVER			
				27.31	73011757 531100	O&M-C/E-MARINA-SUPPLIES			
				186999	25585	10/22/2013		11/10/13	3.24
Invoice: 25585						PW/HARDWARE			
				3.24	73637891 531100	OFFICE SUPPLIES			
				187000	25599	10/23/2013		11/10/13	10.85
Invoice: 25599						PW/HAL BULB 53W			
				10.85	73011215 531100	O&M-C/E-POLICE FAC-SUPPLIES			
				187001	25640	10/28/2013		11/10/13	8.33
Invoice: 25640						PW/CHAIN LINKS/NUTS			
				8.33	73411345 531100	OFFICE SUPPLIES			
				187002	25641	10/28/2013		11/10/13	2.76
Invoice: 25641						PW/BOLT EYE W/NUT			
				2.76	73411345 531100	OFFICE SUPPLIES			
				187077	25650	10/29/2013		11/10/13	26.02
Invoice: 25650						PW/BOLT/ALUM WIRE			
				26.02	73011189 531100	O&M - C/E FACIL OFC SUPPLIES			
						CHECK 334213 TOTAL:			246.49

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
334214	11/14/2013	PRTD	9 ADAM & GOLDSWORTHY I	187003	6860	09/18/2013		11/10/13	1,000.00
Invoice: 6860						ENG/NMT PROF SERVICES			
				1,000.00	72321953 66300000660	SPORTSMAN CLUB RD TRAIL-CONSTR			
				187147	6906	10/24/2013		11/10/13	3,522.90
Invoice: 6906						LEGAL/HEAD OF BAY BOUNDRY ADJ			
				3,522.90	31011182 54110000558	SALES EXP-HOB PROP SALE			
						CHECK	334214 TOTAL:		4,522.90
334215	11/14/2013	PRTD	5738 ASSOCIATION OF EXECU	187007	45068-2014	10/16/2013		11/10/13	35.00
Invoice: 45068-2014						PCD/2014 DUES/RICE			
				35.00	61470581 549100	PCD - DEV ADMIN DUES/SUBSCR			
						CHECK	334215 TOTAL:		35.00
334216	11/14/2013	PRTD	863 INTERSTATE BATTERIES	187004	21069111	10/03/2013		11/10/13	216.01
Invoice: 21069111						PW/BATTERY/POL CAR BATT			
				60.24	73111427 531100	OFFICE SUPPLIES			
				60.25	73111423 531100	OFFICE SUPPLIES			
				95.52	53011212 531100	PD-C/E-PATROL SUPPLIES			
						CHECK	334216 TOTAL:		216.01
334217	11/14/2013	PRTD	580 THOMAS S ALPAUGH	187190	11/01/13	11/01/2013	21300000	11/10/13	4,291.67
Invoice: 11/01/13						PUBLIC DEFENDER SVC			
				4,291.67	32011281 541113	LGL-C/E-PUBLIC DEF-OUTSIDE ATT			
						CHECK	334217 TOTAL:		4,291.67
334218	11/14/2013	PRTD	1258 ALPINE PRODUCTS INC	187005	TM-136137	10/08/2013		11/10/13	8,102.35
Invoice: TM-136137						PW/HOT TAPE-TURN ARROWS/BIKE			
				8,102.35	990 141100	MERCHANDISE			
				187006	TM-136276	10/14/2013		11/10/13	1,870.44
Invoice: TM-136276						PW/HOT TAPE-WHITE FLATS			
				1,870.44	990 141100	MERCHANDISE			
						CHECK	334218 TOTAL:		9,972.79
334219	11/14/2013	PRTD	7858 AP PLUMBING, LLC	187170	2045	10/24/2013		11/10/13	961.11
Invoice: 2045						PW/CLEAR ROOT-WING PT SEWER			
				961.11	73421355 548100	WIN COLL-R&M			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
						CHECK	334219 TOTAL:		961.11
334220	11/14/2013	PRTD	4710 ASSOCIATED PETROLEU	187008	0489605-IN	10/15/2013		11/10/13	1,678.36
Invoice: 0489605-IN						PW/530 GAL ETHANOL			
				1,678.36	73638932 532000	O&M-FUEL ALLOC TO OTH DEPTS			
				187009	0489606-IN	10/15/2013		11/10/13	2,528.88
Invoice: 0489606-IN						PW/700 GAL DIESEL			
				2,528.88	73638893 532000	O&M-FUEL USE-ALLOCATION			
						CHECK	334220 TOTAL:		4,207.24
334221	11/14/2013	PRTD	7821 ARAMARK UNIFORM SERV	187078	655-7071236	10/17/2013	21300135	11/10/13	50.28
Invoice: 655-7071236						UNIFORM MAINTENANCE			
				50.28	73638893 589310	LAUNDRY SERVICES			
				187079	655-7082938	10/24/2013	21300135	11/10/13	50.39
Invoice: 655-7082938						UNIFORM MAINTENANCE			
				50.39	73638893 589310	LAUNDRY SERVICES			
				187080	655-7094730	10/31/2013	21300135	11/10/13	50.39
Invoice: 655-7094730						UNIFORM MAINTENANCE			
				50.39	73638893 589310	LAUNDRY SERVICES			
						CHECK	334221 TOTAL:		151.06
334222	11/14/2013	PRTD	2138 ASPECT CONSULTING LL	187011	18753	10/14/2013	21300020	11/10/13	1,244.88
Invoice: 18753						ENG/MAINTAIN/UPGR DATABASE			
				1,244.88	72431832 54110000445	NPDES PERMIT-PRO SVCS			
				187081	18789	10/16/2013	21300143	11/10/13	4,415.72
Invoice: 18789						VINCENT RD LANDFILL MONITORING			
				4,415.72	73435838 54110000261	VINCENT RD DUMP-GRND WTR MONIT			
						CHECK	334222 TOTAL:		5,660.60
334223	11/14/2013	PRTD	6420 AT&T MOBILITY	187010	0932OCT13	10/21/2013		11/10/13	99.77
Invoice: 0932OCT13						ENG DATA CARDS SURVEY EQUIP			
				99.77	91011189 542100	GG-C/E-CITY HALL-PHONE			
						CHECK	334223 TOTAL:		99.77
334224	11/14/2013	PRTD	4365 AUTOMATIC FUNDS TRAN	187191	70177	06/23/2013		11/10/13	9.54
Invoice: 70177						FIN/FINAL BILL PRT & MAIL			
				1.32	43411341 541100	FIN - WATER ADMIN PROF SERVICE			
				1.32	43421351 541100	FIN - SEWER ADMIN PROF SERVICE			
				3.45	91411891 542500	GG-WTR-FAC-POSTAGE			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
				3.45	91421891 542500	GG-SWR-FAC-POSTAGE			
						CHECK	334224 TOTAL:		9.54
334225	11/14/2013	PRTD	736 AVAYA INC	187126	2732787445	10/08/2013	21300009	11/10/13	1,484.19
Invoice: 2732787445						IT/PHONE SYSTEM MAINTENANCE			
				1,484.19	81011881 548500	IT - C/E COMPUTER SUPPORT			
						CHECK	334225 TOTAL:		1,484.19
334226	11/14/2013	PRTD	7729 BAGWELL, KENNETH	187012	10/16/13	10/16/2013		11/10/13	50.00
Invoice: 10/16/13						CRT/PRO TEM-1 HR			
				50.00	21011125 541210	COURT - JUDGE PRO TEMPORE SVCS			
						CHECK	334226 TOTAL:		50.00
334227	11/14/2013	PRTD	45 BAINBRIDGE ISLAND CH	187015	10/07/13	10/07/2013	21300053	11/10/13	15,241.69
Invoice: 10/07/13						LTAC-WEEKEND ISLAND BUS SERV			
				15,241.69	91140573 541100	GG-TOUR-PROF SERVICES			
				187016	09/30/13	09/30/2013	21300071	11/10/13	5,188.08
Invoice: 09/30/13						LTAC-VISITOR INFORMATION CTR			
				5,188.08	91140573 541100	GG-TOUR-PROF SERVICES			
						CHECK	334227 TOTAL:		20,429.77
334228	11/14/2013	PRTD	47 BAINBRIDGE DISPOSAL	187013	015003OCT13	10/31/2013		11/10/13	196.65
Invoice: 015003OCT13						OCT13 CITY HALL DISPOSAL SVC			
				196.65	91011189 547900	GG-C/E-CITY HALL-GARBAGE			
				187014	010963OCT13	10/31/2013		11/10/13	1,294.54
Invoice: 010963OCT13						OCT13 CITYWIDE DISPOSAL SVC			
				88.46	91011215 547900	GG-C/E-PD-GARBAGE			
				282.99	91011768 547900	GG-C/E-PARKS-GARBAGE			
				377.01	91425358 547900	GG-WWTP-GARBAGE(NOT BIOSOLIDS)			
				546.08	91011897 547900	GG-C/E-O&M YARD FAC-GARBAGE			
						CHECK	334228 TOTAL:		1,491.19
334229	11/14/2013	PRTD	55 BAINBRIDGE ISLAND RE	187127	878692	09/13/2013		11/10/13	140.85
Invoice: 878692						POL/DISPLAY AD/TOWN HALL			
				140.85	51011211 54400000589	PD-COMMUNITY OUTREACH-ADV			
						CHECK	334229 TOTAL:		140.85

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
334230	11/14/2013	PRTD	7179 BAINBRIDGE YOUTH SER	187020	10/25/13	10/31/2013	21300037	11/10/13	8,000.00
Invoice: 10/25/13						2013 3Q TEEN CNSEL/OUTREACH			
				8,000.00	31017526 54110000297	EX-HHHS-YOUTH COUNS & JOB OPP			
						CHECK	334230 TOTAL:		8,000.00
334231	11/14/2013	PRTD	57 BAY HAY & FEED	187021	959461	10/15/2013		11/10/13	37.48
Invoice: 959461						PW/BULK PROPANE			
				37.48	73111264 531100	O&M-STREET-TRAF CONTROL-SUPPLY			
						CHECK	334231 TOTAL:		37.48
334232	11/14/2013	PRTD	5412 BENEFIT ADMINISTRATI	187022	1310521	10/21/2013	21300030	11/10/13	152.50
Invoice: 1310521						NOV13 FLEXIBLE BENEFITS PLAN			
				21.35	21011125 520000	COURT - BENEFITS			
				25.93	31011131 520000	EXEC - C/E BENEFITS			
				25.93	41011141 520000	FIN - C/E ADMIN BENEFITS			
				9.15	51011211 520000	PD-C/E ADMIN-BENEFITS			
				6.10	61011581 520000	PCD - C/E ADMIN BENEFITS			
				50.33	71011321 520000	PW - C/E BENEFITS			
				13.71	81011881 520000	IT - C/E ADMIN BENEFITS			
						CHECK	334232 TOTAL:		152.50
334233	11/14/2013	PRTD	5119 BERGER/ABAM ENGINEER	187082	303699	10/10/2013	21100559	11/10/13	20,555.51
Invoice: 303699						ROCKAWAY BCH ENGINEERING SVCS			
				20,555.51	72321951 64110000534	ROCKAWAY BEACH-DESIGN/ENG			
						CHECK	334233 TOTAL:		20,555.51
334234	11/14/2013	PRTD	50 BAINBRIDGE ISLAND EL	187017	20130512	10/11/2013		11/10/13	427.83
Invoice: 20130512						PW/EAST POLE LIGHTS DAMAGED			
				427.83	73011897 548100	O&M-C/E-PWYD FAC-REPAIRS			
						CHECK	334234 TOTAL:		427.83
334235	11/14/2013	PRTD	314 BAINBRIDGE ISLAND FI	187018	G 9-2013	10/11/2013		11/10/13	1,892.58
Invoice: G 9-2013						POL/525 GAL GASOLINE			
				61.28	52011212 532000	PD DET-C/E-FUEL			
				1,831.30	53011212 532000	PD-C/E-PATROL-FUEL			
						CHECK	334235 TOTAL:		1,892.58

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
334236	11/14/2013	PRTD	7183 BI SPECIAL NEEDS FOU	187019	10/31/13	10/31/2013	21300039	11/10/13	1,912.50
Invoice: 10/31/13						3Q SVC-YOUNG ADULTS/LABOR EXP			
				1,912.50	31017686 54110000297	EXEC-HHHS-DEV DISABILITIES-PS			
						CHECK	334236 TOTAL:		1,912.50
334237	11/14/2013	PRTD	5923 THE BLOEDEL RESERVE	187148	LTAC 093013	09/30/2013	21300168	11/10/13	2,500.00
Invoice: LTAC 093013						3Q LTAC-SCULPTURE EXHIBIT			
				2,500.00	91140573 541100	GG-TOUR-PROF SERVICES			
						CHECK	334237 TOTAL:		2,500.00
334238	11/14/2013	PRTD	4751 BLUEBEAM SOFTWARE IN	187128	M5383	10/20/2013		11/10/13	330.00
Invoice: M5383						IT/CAD PDF SFWR ANNUAL MAINT			
				330.00	81011881 548500	IT - C/E COMPUTER SUPPORT			
						CHECK	334238 TOTAL:		330.00
334239	11/14/2013	PRTD	5451 BOWHEAD ENVIRONMENTA	187024	5501A	09/26/2013		11/10/13	188.65
Invoice: 5501A						PW/DOT SPILL RESPONSE			
				188.65	73431835 531100	OFFICE SUPPLIES			
						CHECK	334239 TOTAL:		188.65
334240	11/14/2013	PRTD	5016 BAINBRIDGE ISLAND BO	187025	09/30/13	09/30/2013	21300060	11/10/13	3,493.50
Invoice: 09/30/13						2013 3Q AFTER SCHOOL PROGRAMS			
				3,493.50	31017540 54110000297	EXEC - HHHS CHILD PROF SVC			
						CHECK	334240 TOTAL:		3,493.50
334241	11/14/2013	PRTD	7853 CARLSON, PAULA	186991	34536	10/31/2013		11/10/13	16.05
Invoice: 34536						UB 11210 11661 YEOMALT POINT DRIVE NE			
				16.05	411 122100	WATER ACCOUNTS RECEIVABLE			
						CHECK	334241 TOTAL:		16.05
334242	11/14/2013	PRTD	7621 CAROLLO ENGINEERS IN	187034	0131091	10/17/2013	21200189	11/10/13	7,763.72
Invoice: 0131091						GENERAL SEWER PLAN UPDATES			
				7,763.72	72421352 54110000343	SWR SYS COMP PLAN-ENG			
						CHECK	334242 TOTAL:		7,763.72

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
334243	11/14/2013	PRTD	1820 CDW GOVERNMENT INC	187027	1BDCLTJ	10/16/2013		11/10/13	118.25
Invoice: 1BDCLTJ						PCD/TONER CARTRIDGE			
				118.25	63470588 531100	CUR - DEV DEV PLAN OFC SUPPLY			
				187129	GM30418	10/16/2013		11/10/13	118.25
Invoice: GM30418						IT/HP TONER FOR PCD			
				118.25	63470588 531100	CUR - DEV DEV PLAN OFC SUPPLY			
						CHECK	334243 TOTAL:		236.50
334244	11/14/2013	PRTD	4586 CHS, INC.	187028	10/16/13	10/16/2013		11/10/13	203.56
Invoice: 10/16/13						PW/14 GAL PROPANE/TANK			
				203.56	73111264 531100	O&M-STREET-TRAF CONTROL-SUPPLY			
						CHECK	334244 TOTAL:		203.56
334245	11/14/2013	PRTD	7856 CENTER FOR WATERSHED	187088	981735	10/31/2013		11/10/13	175.00
Invoice: 981735						ENG/15 MONTH MEMBERSHIP			
				175.00	72011321 549100	ENG - C/E ADMIN MISCELLEANEOUS			
						CHECK	334245 TOTAL:		175.00
334246	11/14/2013	PRTD	460 CITY OF BI - PETTY C	187057	44879	10/15/2013		11/10/13	11.89
Invoice: 44879						PW/LAMINATED SIGNS			
				11.89	72111431 531100	ENG - ACCESS MGMT SUPPLIES			
				187058	44880	10/17/2013		11/10/13	5.00
Invoice: 44880						EX/BUS FARE-CLASS/C BROWN			
				5.00	31011131 543100	EXEC-C/E-TRAVEL(NOT MEALS/LODG			
				187059	44881	10/22/2013		11/10/13	7.10
Invoice: 44881						PW/LAMINATION-RD SIGNS			
				7.10	72011321 544000	ENG-C/E-ADM-ADVERTISING			
				187060	44882	10/23/2013		11/10/13	.20
Invoice: 44882						USPS POSTAGE DUE			
				.20	91011189 542500	GG-C/E-CITY HALL-POSTAGE			
				187061	44883	10/28/2013		11/10/13	.20
Invoice: 44883						USPS POSTAGE DUE			
				.20	91011189 542500	GG-C/E-CITY HALL-POSTAGE			
				187233	2013-28	10/29/2013		11/10/13	18.46
Invoice: 2013-28						POL/POSTER BOARD			
				18.46	53011212 531100	PD-C/E-PATROL SUPPLIES			
				187235	2013-30	10/31/2013		11/10/13	38.03
Invoice: 2013-30						POL/HALLOWEEN DECORATNS			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
				38.03	51011211 53110000589	PD-COMMUNITY OUTREACH-SUPPLIES			
							CHECK	334246 TOTAL:	80.88
334247	11/14/2013	PRTD	460 CITY OF BI - PETTY C	187230	2013-25	10/02/2013		11/10/13	18.46
Invoice: 2013-25						POL/FILM DEVELOPING			
				18.46	52011212 541100	POLICE - C/E INVEST PROF SVCS			
				187231	2013-26	10/04/2013		11/10/13	3.89
Invoice: 2013-26						POL/CERTIFIED MAIL			
				3.89	91011215 542500	GG-C/E-PD-POSTAGE			
				187232	2013-27	10/16/2013		11/10/13	6.11
Invoice: 2013-27						POL/CERTIFIED MAIL			
				6.11	91011215 542500	GG-C/E-PD-POSTAGE			
				187234	2013-29	10/29/2013		11/10/13	12.90
Invoice: 2013-29						POL/MEAL @ TRAINING			
				12.90	53011212 443410	POLICE - C/E PATROL TRAINING			
							CHECK	334247 TOTAL:	41.36
334248	11/14/2013	PRTD	102 CITY OF BAINBRIDGE I	187116	RETREQ1-648	10/15/2013	21300147	11/10/13	2,790.73
Invoice: RETREQ1-648						BUCKLN HILL EGL HRBOR-RET			
				2,790.73	72111953 66300000648	BUCKLIN/EAGLE H OVERLAY-CONSTR			
				187178	RETREQ-1-235	08/30/2013	21300149	11/10/13	4,285.26
Invoice: RETREQ-1-235						2013 ROAD STRIPING-RET			
				4,285.26	73111264 54810000235	ROAD STRIPING-CONTRACT WORK			
							CHECK	334248 TOTAL:	7,075.99
334249	11/14/2013	PRTD	104 CITY OF BREMERTON	187083	ELEC000180	10/21/2013	21300166	11/10/13	6,954.69
Invoice: ELEC000180						TRAFFIC SIGNAL ILA			
				6,954.69	73111264 54810000636	CITY OF BREM-TRAF SIG-R&M			
							CHECK	334249 TOTAL:	6,954.69
334250	11/14/2013	PRTD	7823 CIVICPLUS, LLC	187130	143327	10/24/2013		11/10/13	9,395.28
Invoice: 143327						IT/WEBSITE RE-DESIGN COMPLET			
				6,790.62	31011413 66300000653	WEBSITE REDESIGN			
				2,604.66	81011418 66300000653	WEBSITE REDESIGN			
							CHECK	334250 TOTAL:	9,395.28

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
334251	11/14/2013	PRTD	51 BAINBRIDGE ISLAND	187029	26797522	10/17/2013		11/10/13	50.00
Invoice: 26797522						INVOICE DTL DESC			
				50.00	63638 389000	OUT COURT TICKET COURT NON-REVENUE			
						CHECK 334251 TOTAL:			50.00
334252	11/14/2013	PRTD	4513 WASTE MANAGEMENT	187084	0035708-2588-9	10/15/2013	21300015	11/10/13	10,366.39
Invoice: 0035708-2588-9						SPOILS DISPOSAL-2013			
				10,366.39	91435838 54790000618	GG-DECANT-SPOILS DISPOSAL			
						CHECK 334252 TOTAL:			10,366.39
334253	11/14/2013	PRTD	6920 COMCAST	187032	72993OCT13	10/20/2013		11/10/13	11.26
Invoice: 72993OCT13						POL/XFINITY HD CONVERTER BOX			
				11.26	51011211 545000	PD-C/E-ADMIN RENTS/LEASE			
						CHECK 334253 TOTAL:			11.26
334254	11/14/2013	PRTD	142 COPIERS NORTHWEST IN	187030	INV934936	10/15/2013		11/10/13	133.85
Invoice: INV934936						CRT/IR3235I COPIER LEASE			
				133.85	21011125 545000	COURT - RENTS & LEASES - OPER			
				187031	INV934937	10/15/2013		11/10/13	27.34
Invoice: INV934937						CRT/IR3235I COPIER MAINT			
				27.34	21011125 548100	COURT - REPAIRS			
						CHECK 334254 TOTAL:			161.19
334255	11/14/2013	PRTD	4950 CORRECT EQUIPMENT IN	187085	28667	10/22/2013	21300043	11/10/13	507.23
Invoice: 28667						2013-GRINDER PUMP MX			
				507.23	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
						CHECK 334255 TOTAL:			507.23
334256	11/14/2013	PRTD	3333 CAPITAL ONE COMMERCI	187062	072129	09/28/2013		11/10/13	260.27
Invoice: 072129						IT/CHAMBER LIGHT BULBS			
				260.27	81011881 535500	IT - C/E COMPUTER PARTS & EQ			
				187063	072129CM	10/19/2013		11/10/13	-238.80
Invoice: 072129CM						IT/RETURN CHAMBER BULBS			
				-238.80	81011881 535500	IT - C/E COMPUTER PARTS & EQ			
						CHECK 334256 TOTAL:			21.47

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
334257	11/14/2013	PRTD	7016 CUSTOM PRINTING	187033	3399	10/25/2013		11/10/13	78.74
Invoice: 3399						FIN/BUSINESS CRDS-KJ/GENERIC			
				78.74	41011141 531100	FIN - C/E ADMIN SUPPLIES			
						CHECK	334257 TOTAL:		78.74
334258	11/14/2013	PRTD	152 DAILY JOURNAL OF COM	187064	3280962	10/15/2013		11/10/13	133.00
Invoice: 3280962						EX/FACILITIES PLANNING AD			
				133.00	31011131 544000	EXEC - C/E ADVERTISING			
						CHECK	334258 TOTAL:		133.00
334259	11/14/2013	PRTD	161 DENCO SALES COMPANY	187065	3456869-00	09/23/2013		11/10/13	828.73
Invoice: 3456869-00						PW/REFLECTIVE EDGE VINYL			
				828.73	990 141100	MERCHANDISE			
				187066	3458045-00	10/15/2013		11/10/13	-77.75
Invoice: 3458045-00						PW/RETURN BLACK MATTE VINYL			
				-77.75	990 141100	MERCHANDISE			
				187067	3458046-00	10/09/2013		11/10/13	178.64
Invoice: 3458046-00						PW/BLACK GLOSS VINYL			
				178.64	990 141100	MERCHANDISE			
						CHECK	334259 TOTAL:		929.62
334260	11/14/2013	PRTD	7855 DEZURIK, INC	187089	RPI/59016123	10/24/2013		11/10/13	1,928.74
Invoice: RPI/59016123						PW/AIRVAC VALVES			
				1,928.74	73426355 531100	O&M-SIS-SUPPLIES			
						CHECK	334260 TOTAL:		1,928.74
334261	11/14/2013	PRTD	7852 DINGELS, JAMES	186988	34534	10/31/2013		11/10/13	349.62
Invoice: 34534						UB 10689 926 BLUE HERON AVENUE NE			
				349.62	411 122100	WATER ACCOUNTS RECEIVABLE			
						CHECK	334261 TOTAL:		349.62
334262	11/14/2013	PRTD	1198 THE DOCTORS CLINIC	187068	OMF6 SEP13	10/16/2013		11/10/13	83.00
Invoice: OMF6 SEP13						PW/PHYS EXAM-RG			
				83.00	73431835 520000	BENEFITS			
						CHECK	334262 TOTAL:		83.00

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
334263	11/14/2013	PRTD	7144 DTMICRO, INC	187131	1783	10/15/2013		11/10/13	135.75
Invoice: 1783						I/TOCT13 POL I-LEADS CONNECT			
				135.75	91011215 542100	GG-C/E-PD-PHONE			
						CHECK	334263 TOTAL:		135.75
334264	11/14/2013	PRTD	6805 WICK DUFFORD	187069	10/21/13	10/21/2013		11/10/13	1,950.00
Invoice: 10/21/13						HEX/VAN WINKLE REVIEWS			
				1,950.00	34470586 541110	HEX - DEV HEARING EX & PRO TEM			
						CHECK	334264 TOTAL:		1,950.00
334265	11/14/2013	PRTD	7182 ELDER AND ADULT DAY	187070	10/17/13	10/17/2013	21300059	11/10/13	985.00
Invoice: 10/17/13						3Q 2013 ELDER & ADULT DAY SV			
				985.00	31017557 54110000297	EX-HHHS-AGING HEALTH PREV			
						CHECK	334265 TOTAL:		985.00
334266	11/14/2013	PRTD	7510 EXPERIAN	187236	CD1407002742	10/25/2013		11/10/13	92.14
Invoice: CD1407002742						POL/NOV CREDIT CHECK SVC			
				92.14	52011212 549100	PD-C/E-INV-DUES/SUBSCR/MEMBRSH			
						CHECK	334266 TOTAL:		92.14
334267	11/14/2013	PRTD	5781 EXTERMINATION SERVIC	187071	17548	10/14/2013		11/10/13	87.97
Invoice: 17548						POL/PEST CONTROL			
				87.97	51011215 541100	POLICE - C/E FACIL PROF SVCS			
						CHECK	334267 TOTAL:		87.97
334268	11/14/2013	PRTD	212 FABRICARE 02 - PLANT	187237	11/01/13	11/01/2013		11/10/13	342.77
Invoice: 11/01/13						POL/LAUNDRY SERVICE			
				34.73	51011191 520000	PD-C/E-PROP RM-BENEFITS			
				88.17	51011211 520000	PD-C/E ADMIN-BENEFITS			
				17.08	51011217 520000	PD-C/E-PARKING ENF-BEN			
				132.24	52011212 520000	POLICE - C/E INVEST BENEFITS			
				41.17	53011212 520000	POLICE - C/E PATROL BENEFITS			
				29.38	55011757 520000	PD-HARBORMASTER-BENEFITS			
						CHECK	334268 TOTAL:		342.77
334269	11/14/2013	PRTD	216 FEDERAL EXPRESS CORP	187149	2-445-09121	10/25/2013		11/10/13	40.95
Invoice: 2-445-09121						FIN/OVERNITE-PITNEY BOWES			
				40.95	91011189 542500	GG-C/E-CITY HALL-POSTAGE			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
							CHECK	334269 TOTAL:	40.95
334270	11/14/2013	PRTD	7844 FIELD ASSET SERVICES	186989	34535	10/31/2013		11/10/13	146.39
Invoice: 34535						UB 12355 710 DAYLILY LANE NE			
				34.84 411	122100	WATER ACCOUNTS RECEIVABLE			
				111.55 411	122100	WATER ACCOUNTS RECEIVABLE			
							CHECK	334270 TOTAL:	146.39
334271	11/14/2013	PRTD	7854 FLOHAWKS PLUMBING &	187090	1071887	09/03/2013		11/10/13	5,560.32
Invoice: 1071887						PW/TRUCK RENTAL-32 HRS			
				5,560.32 73421355	545000	WIN COLL-RENTS			
							CHECK	334271 TOTAL:	5,560.32
334272	11/14/2013	PRTD	4400 INT'L FLUID POWER SO	187099	49754-MB	10/01/2013		11/10/13	75.00
Invoice: 49754-MB						PW/ANNUAL HYDRAULIC DUES/MB			
				75.00 73011189	549100	O&M - C/E FACIL DUES/SUBSCR			
							CHECK	334272 TOTAL:	75.00
334273	11/14/2013	PRTD	6940 FREMONT ANALYTICAL	187072	1309225	10/10/2013	21300012	11/10/13	364.00
Invoice: 1309225						ANALYTICAL SERVICES			
				364.00 72431832	54110000445	NPDES PERMIT-PRO SVCS			
				187073	1309253	10/04/2013	21300117	11/10/13	625.25
Invoice: 1309253						SEDIMENT & TRGTED STRM SAMPLIN			
				625.25 72431832	54110000445	NPDES PERMIT-PRO SVCS			
				187074	1310094	10/11/2013	21300012	11/10/13	900.00
Invoice: 1310094						ANALYTICAL SERVICES			
				900.00 72431832	54110000445	NPDES PERMIT-PRO SVCS			
							CHECK	334273 TOTAL:	1,889.25
334274	11/14/2013	PRTD	233 GATEWAY TOWING	187238	CASE 13-1380	11/01/2013		11/10/13	225.00
Invoice: CASE 13-1380						POL/IMPOUND 13-1380			
				225.00 52011212	549900	PD-C/E-INV-MISC EXP			
							CHECK	334274 TOTAL:	225.00
334275	11/14/2013	PRTD	4262 GEMPLER'S	187075	1019778685	10/04/2013		11/10/13	17.16
Invoice: 1019778685						PW/LEATHER CELL PH CASE			
				17.16 73111290	531100	O&M-STREET-MAINT O/H-SUPPLIES			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
						CHECK	334275 TOTAL:		17.16
334276	11/14/2013	PRTD	513 GRAINGER	187076	9267788538	10/14/2013		11/10/13	87.81
Invoice: 9267788538						PW/PRESSURE SWITCH DPST			
				87.81	73421355 531100	WIN COLL-SUPPLIES			
						CHECK	334276 TOTAL:		87.81
334277	11/14/2013	PRTD	6765 GREY CHEVROLET	187091	6029950/1	10/09/2013		11/10/13	2,054.15
Invoice: 6029950/1						PW/POL VEH#116 LEAKNG GASKET			
				2,054.15	53011212 548100	POLICE - C/E PATROL MAINTENANC			
						CHECK	334277 TOTAL:		2,054.15
334278	11/14/2013	PRTD	1517 GUARDIAN SECURITY SY	187239	465145	11/01/2013		11/10/13	42.00
Invoice: 465145						POL/DEC SECURITY ALARM			
				42.00	51011215 541100	POLICE - C/E FACIL PROF SVCS			
						CHECK	334278 TOTAL:		42.00
334279	11/14/2013	PRTD	502 HD SUPPLY WATERWORKS	187093	B573892	10/04/2013		11/10/13	109.20
Invoice: B573892						PW/PLUMBING SUPPLIES			
				109.20	73411345 531100	OFFICE SUPPLIES			
						CHECK	334279 TOTAL:		109.20
334280	11/14/2013	PRTD	4850 HOME DEPOT CREDIT SE	187096	8027513	10/03/2013		11/10/13	23.86
Invoice: 8027513						PW/DUAL RING TSR			
				23.86	73011189 531100	O&M - C/E FACIL OFC SUPPLIES			
						CHECK	334280 TOTAL:		23.86
334281	11/14/2013	PRTD	268 HOUSING RESOURCES BO	187094	2013-127	09/30/2013	21300104	11/10/13	3,750.00
Invoice: 2013-127						3 Q MGMT FEES-ISL MOBILE HOME			
				3,750.00	31180592 54130200297	HRB-IMHP MNGT FEES			
				187095	2013-353	09/30/2013	21300078	11/10/13	20,801.35
Invoice: 2013-353						3Q EMRG RENT/HOMESHARE/INDY			
				13,682.77	31180592 54130100297	HRB-INDEPENDENT LVG PRGM			
				7,118.58	31180592 54130300297	HRB-EM RENT ASSIST/HOMESHARE			
						CHECK	334281 TOTAL:		24,551.35

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
334282	11/14/2013	PRTD	1079 IMSA NW SECTON CONFE	187097	10/01/13-CIENEGA	10/01/2013		11/10/13	40.00
Invoice: 10/01/13-CIENEGA						PW/2013 CERTIFICATION/CIENEGA			
				40.00	73111290 549100	O&M-STREET-MAINT O/H-MISC			
						CHECK	334282 TOTAL:		40.00
334283	11/14/2013	PRTD	7184 INTERFAITH VOLUNTEER	187098	10/16/13	10/16/2013	21300034	11/10/13	3,151.75
Invoice: 10/16/13						3Q SVC FOR ELDERLY & CHRON IL			
				3,151.75	31017555 54110000297	EXEC-HHHS AGING IN-HOME SVCS			
						CHECK	334283 TOTAL:		3,151.75
334284	11/14/2013	PRTD	2306 KITSAP COUNTY PROSEC	187192	2013-NOV	11/01/2013	21300022	11/10/13	7,801.33
Invoice: 2013-NOV						2013 PROSECUTION SERVICES			
				7,801.33	32011521 541112	LGL-CRIMINA-OUTSIDE PROSECUTOR			
						CHECK	334284 TOTAL:		7,801.33
334285	11/14/2013	PRTD	1496 KITSAP COUNTY SEWER	187103	21800-BLAKELY	10/18/2013	21300032	11/10/13	700.00
Invoice: 21800-BLAKELY						OCT13/14 BLAKELY			
				700.00	73426356 551000	SIS-SD#7 PROCESSING CHGS			
				187104	21800-LYNWOOD	10/18/2013	21300032	11/10/13	2,795.00
Invoice: 21800-LYNWOOD						OCT13/61.8 LYNWOOD CTR			
				2,795.00	73426356 551000	SIS-SD#7 PROCESSING CHGS			
				187105	21800-BLOSSOM	10/18/2013	21300032	11/10/13	985.00
Invoice: 21800-BLOSSOM						OCT13/BLOSSOM			
				985.00	73426356 551000	SIS-SD#7 PROCESSING CHGS			
				187106	21800-SIS	10/18/2013	21300032	11/10/13	8,600.00
Invoice: 21800-SIS						OCT13/167 SIS			
				8,600.00	73426356 551000	SIS-SD#7 PROCESSING CHGS			
						CHECK	334285 TOTAL:		13,080.00
334286	11/14/2013	PRTD	339 KITSAP COUNTY - CENC	187107	BIPD2013-11	10/21/2013		11/10/13	7,626.50
Invoice: BIPD2013-11						POL/NOVEMBER CENCOM SVC			
				5,338.55	53011286 551000	POLICE - C/E PATROL CENCOM			
				2,287.95	52011286 551000	POLICE - C/E - INVEST CENCOM			
						CHECK	334286 TOTAL:		7,626.50
334287	11/14/2013	PRTD	1971 KELLEY IMAGING SYSTE	187100	111023	10/15/2013		11/10/13	414.02
Invoice: 111023						ENG/4540C COPIER MAINT			
				198.73	72011321 548100	ENG - C/E ADMIN REPAIRS			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
				66.24	72411341 548100	ENG - WATER ADMIN REPAIRS			
				49.68	72421351 548100	ENG - SEWER ADMIN REPAIRS			
				49.68	71011321 548100	PW - C/E REPAIRS & MAINTENANCE			
				24.84	72011325 548100	ENG - C/E FACIL REPAIRS/MAINT			
				24.85	72111431 548100	ENG - ACCESS MGMT REPAIR/MAINT			
				187101	111024	10/15/2013		11/10/13	1,126.18
Invoice: 111024						ENG/4540C B/W COPIER MAINT			
				540.52	72011321 548100	ENG - C/E ADMIN REPAIRS			
				180.17	72411341 548100	ENG - WATER ADMIN REPAIRS			
				135.13	72421351 548100	ENG - SEWER ADMIN REPAIRS			
				135.13	71011321 548100	PW - C/E REPAIRS & MAINTENANCE			
				67.56	72011325 548100	ENG - C/E FACIL REPAIRS/MAINT			
				67.67	72111431 548100	ENG - ACCESS MGMT REPAIR/MAINT			
						CHECK	334287	TOTAL:	1,540.20
334288	11/14/2013	PRTD	1010 PAUL L KING	187102	41464	10/08/2013		11/10/13	32.58
Invoice: 41464						PW/2 DUP KEYS			
				32.58	73011183 531100	O&M-C/E-CH FAC-SUPPLIES			
						CHECK	334288	TOTAL:	32.58
334289	11/14/2013	PRTD	1884 KITSAP SUN	187109	2014-SUB-COURT	10/18/2013		11/10/13	131.64
Invoice: 2014-SUB-COURT						CRT/SUBSCRIP THRU MAY 2014			
				131.64	21011125 549100	COURT-DUES/SUBSCR/MEMBERSHIPS			
				187110	2014-SUB-POLICE	10/17/2013		11/10/13	131.64
Invoice: 2014-SUB-POLICE						POL/SUBSCRIP THRU MAY 2014			
				131.64	51011211 549100	PD-C/E-ADM-DUES/SUBCR/MEMBRSHP			
						CHECK	334289	TOTAL:	263.28
334290	11/14/2013	PRTD	309 KITSAP TIRE CENTER I	187111	185503	10/09/2013		11/10/13	19.49
Invoice: 185503						PW/FLAT REPR- POL VEH#183			
				19.49	53011212 548100	POLICE - C/E PATROL MAINTENANC			
				187112	185610	10/16/2013		11/10/13	296.23
Invoice: 185610						PW/TIRES-POL VEH#195			
				296.23	53011212 548100	POLICE - C/E PATROL MAINTENANC			
				187113	185655	10/21/2013		11/10/13	248.46
Invoice: 185655						PW/TIRES-POL VEH#185			
				248.46	53011212 531100	PD-C/E-PATROL SUPPLIES			
						CHECK	334290	TOTAL:	564.18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
334291	11/14/2013	PRTD	7822 KPFF CONSULTING ENGI	187114	1013-113401	10/15/2013	21300145	11/10/13	6,074.92
Invoice: 1013-113401						WATERFRONT PARK BRIDGE ASSESMT			
				6,074.92	73011768 54810000656	WFP BRIDGE ASSESSMENT-R&M			
						CHECK	334291 TOTAL:		6,074.92
334292	11/14/2013	PRTD	5408 CRC UNIFORMS & EQUIP	187240	16264	10/21/2013		11/10/13	333.16
Invoice: 16264						POL/UNIFORMS 801			
				333.16	51011211 520000	PD-C/E ADMIN-BENEFITS			
				187241	15682	10/21/2013		11/10/13	58.63
Invoice: 15682						POL/UNIFORMS 835			
				58.63	51011217 520000	PD-C/E-PARKING ENF-BEN			
				187242	7138	10/30/2013		11/10/13	8.71
Invoice: 7138						POL/UNIFORMS 807			
				8.71	53011212 520000	POLICE - C/E PATROL BENEFITS			
						CHECK	334292 TOTAL:		400.50
334293	11/14/2013	PRTD	6577 LAKESIDE INDUSTRIES	187115	PAYREQ1-648	10/15/2013	21300146	11/10/13	53,023.84
Invoice: PAYREQ1-648						BUCKLIN HILL EGLE HRBR OVERLAY			
				53,023.84	72111953 66300000648	BUCKLIN/EAGLE H OVERLAY-CONSTR			
						CHECK	334293 TOTAL:		53,023.84
334294	11/14/2013	PRTD	6454 MAP LTD	187117	27375	10/17/2013	21300153	11/10/13	6,212.50
Invoice: 27375						MADISON AVE OVERLAY - SURVEY			
				6,212.50	72111953 64110000222	STREET-ROADS PRES-PROF SVCS			
				187118	27370	10/17/2013		11/10/13	1,325.00
Invoice: 27370						ENG/CONSTRUCTION SURVEY			
				1,325.00	72433438 64110000610	ISAAC/FERNCLIFF IMPR-DESIGN			
						CHECK	334294 TOTAL:		7,537.50
334295	11/14/2013	PRTD	163 DENNIS MARTIN	187243	10/31/13	10/31/2013		11/10/13	104.90
Invoice: 10/31/13						POL/LEOFF1 MED REIMBURSEMENT			
				104.90	91029211 521500	POLICE - INS ADD MEDICAL COSTS			
						CHECK	334295 TOTAL:		104.90
334296	11/14/2013	PRTD	6035 MERCURY MARINE	187244	1987070	10/29/2013		11/10/13	25.00
Invoice: 1987070						POL/TRAINING 823			
				25.00	54025212 443410	MARINE - TRAINING			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
							CHECK	334296 TOTAL:	25.00
334297	11/14/2013	PRTD	7038 MOON SECURITY SERVIC	187119	674788	09/30/2013		11/10/13	176.00
Invoice: 674788						CRT/SECURITY SVC C10007732			
				176.00	21011232 545000	COURT-ELECT HOME DET'N-EQ RENT			
				187120	674789	09/30/2013		11/10/13	72.00
Invoice: 674789						CRT/SECURITY SVC C11101			
				72.00	21011232 545000	COURT-ELECT HOME DET'N-EQ RENT			
				187121	674790	09/30/2013		11/10/13	141.00
Invoice: 674790						CRT/SECURITY SVC C9087			
				141.00	21011232 545000	COURT-ELECT HOME DET'N-EQ RENT			
				187122	674791	09/30/2013		11/10/13	187.00
Invoice: 674791						CRT/SECURITY SVC C16284002			
				187.00	21011232 545000	COURT-ELECT HOME DET'N-EQ RENT			
				187123	674794	09/30/2013		11/10/13	330.00
Invoice: 674794						CRT/SECURITY SVC C20668102			
				330.00	21011232 545000	COURT-ELECT HOME DET'N-EQ RENT			
				187124	674795	09/30/2013		11/10/13	88.00
Invoice: 674795						CRT/SECURITY SVC C-SP			
				88.00	21011232 545000	COURT-ELECT HOME DET'N-EQ RENT			
				187125	974796	09/30/2013		11/10/13	330.00
Invoice: 974796						CRT/SECURITY SVC C10702			
				330.00	21011232 545000	COURT-ELECT HOME DET'N-EQ RENT			
							CHECK	334297 TOTAL:	1,324.00
334298	11/14/2013	PRTD	7745 NATIONAL RESEARCH CE	187132	4861	10/17/2013		11/10/13	4,000.00
Invoice: 4861						EX/NAT'L CITIZEN SURVEY SVC			
				4,000.00	31011131 541100	EXEC - C/E PROF SERVICES			
							CHECK	334298 TOTAL:	4,000.00
334299	11/14/2013	PRTD	5837 NCL OF WISCONSIN INC	187133	329000	10/22/2013		11/10/13	270.05
Invoice: 329000						PW/VIALS/AMPULES/FILTERS			
				270.05	73425358 531100	O&M-WWTP-SUPPLIES			
							CHECK	334299 TOTAL:	270.05
334300	11/14/2013	PRTD	677 NORTH COAST ELECTRIC	187134	S5421925.001	10/10/2013		11/10/13	157.95
Invoice: S5421925.001						PW/175W METALARC QUARTZ			
				157.95	73011183 531100	O&M-C/E-CH FAC-SUPPLIES			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
						CHECK	334300 TOTAL:		157.95
334301	11/14/2013	PRTD	957 NORTH KITSAP FAMILY	187135	10/04/13-HANSEN	10/04/2013		11/10/13	182.00
Invoice: 10/04/13-HANSEN						PW/CDL PHYSICAL-SH			
				182.00	73425358 520000	O&M-WWTP-BENEFITS			
						CHECK	334301 TOTAL:		182.00
334302	11/14/2013	PRTD	2013 NORTHSTAR CHEMICAL I	187136	46076	10/17/2013		11/10/13	1,816.23
Invoice: 46076						PW/SODIUM HYDROXIDE			
				1,816.23	73425358 531100	O&M-WWTP-SUPPLIES			
						CHECK	334302 TOTAL:		1,816.23
334303	11/14/2013	PRTD	2430 OGDEN MURPHY WALLACE	187035	708056	10/10/2013		11/10/13	1,542.80
Invoice: 708056						LEGAL/GERLACH			
				1,542.80	32011152 54111100566	GERLACH BUOY APPEAL-LITIGATION			
				187036	708056A	10/10/2013		11/10/13	90.00
Invoice: 708056A						LEGAL/SMP			
				90.00	32011152 54111000289	SMP-CIVIL LEGAL SVCS			
				187037	708056B	10/10/2013		11/10/13	606.63
Invoice: 708056B						LEGAL/CINGULAR WIRELESS CLM			
				606.63	32011152 54111100633	CINGULAR WIRELESS CLAIM-LITIGA			
				187038	708056C	10/10/2013		11/10/13	360.00
Invoice: 708056C						LEGAL/NPDES PERMIT APPEAL			
				360.00	32431152 54111100605	LITIGATION-STATE DOE NPDES REG			
				187039	708056D	10/10/2013		11/10/13	9,459.00
Invoice: 708056D						LEGAL/MCNABB			
				9,459.00	32011152 54111100184	MCNABB-LITIGATION-OUTSIDE ATTY			
				187040	708056E	10/10/2013		11/10/13	3,352.50
Invoice: 708056E						LEGAL/PAULSEN			
				3,352.50	32011152 54111100655	PAULSON/FORTNER PRR SUIT-LEGAL			
				187041	708056F	10/10/2013		11/10/13	22.50
Invoice: 708056F						LEGAL/GERLACH			
				22.50	32011152 54111100566	GERLACH BUOY APPEAL-LITIGATION			
				187042	708056G	10/10/2013		11/10/13	2,092.50
Invoice: 708056G						LEGAL/CITY HALL OFFICE HRS			
				2,092.50	32011152 54111000506	INSLEE BEST IN CITY HALL TIME			
				187043	708056H	10/10/2013		11/10/13	2,745.00
Invoice: 708056H						LEGAL/COUNCIL MEETINGS			
				2,745.00	32011152 54111000511	LEGAL-CC MEETINGS & STUDY SESS			

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CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
				187044	708056-I	10/10/2013		11/10/13	2,687.10
Invoice: 708056-I						LEGAL/GENERAL WORK			
				2,687.10	32011152 54111000512	LEGAL-GENERAL WORK			
				187045	708056J	10/10/2013		11/10/13	1,597.50
Invoice: 708056J						LEGAL/MISC LAND USE ISSUES			
				1,597.50	32470152 541110	LGL-DEVELOP-CIVIL-OUTSIDE ATTY			
				187046	708056K	10/10/2013		11/10/13	22.50
Invoice: 708056K						LEGAL/MISC BLDG ISSUES			
				22.50	32471152 541110	LGL-BLDG-CIVIL-OUTSIDE ATTY			
				187047	708056L	10/10/2013		11/10/13	270.00
Invoice: 708056L						LEGAL/MISC SSWM ISSUES			
				270.00	32431152 541110	LGL-SSWM-CIVIL-OUTSIDE ATTY			
				187048	708056M	10/10/2013		11/10/13	247.50
Invoice: 708056M						LEGAL/WICKTOM/CAVE FAMILY			
				247.50	32011152 54111000325	WW-LEGAL (NON-CAP)			
				187049	708056N	10/10/2013		11/10/13	90.00
Invoice: 708056N						LEGAL/SMP ISSUES			
				90.00	32011152 54111000289	SMP-CIVIL LEGAL SVCS			
				187050	708056-O	10/10/2013		11/10/13	157.50
Invoice: 708056-O						LEGAL/EHBM-PWTF LOAN			
				157.50	32423943 64111000471	BEACH MAIN REPL DES-LEGAL			
				187051	708056P	10/10/2013		11/10/13	225.00
Invoice: 708056P						LEGAL/MCNABB			
				225.00	32011152 54111100184	MCNABB-LITIGATION-OUTSIDE ATTY			
				187052	708056Q	10/10/2013		11/10/13	45.00
Invoice: 708056Q						LEGAL/RADTKE/SVC ANIMALS			
				45.00	32011152 541110	LGL-C/E-CIVIL-GEN'L OUTSIDE AT			
				187053	708056R	10/10/2013		11/10/13	45.00
Invoice: 708056R						LEGAL/ROCKAWAY PROJECT			
				45.00	32011510 64111000534	ROCKAWAY BEACH-LEGAL			
				187054	708056-S	10/10/2013		11/10/13	225.00
Invoice: 708056-S						LEGAL/STATE DOE/NPDES REGS			
				225.00	32431152 54111100605	LITIGATION-STATE DOE NPDES REG			
				187055	708056T	10/10/2013		11/10/13	360.00
Invoice: 708056T						LEGAL/MCGONAGLE SEPA APPEAL			
				360.00	32431152 54111100647	MCGONAGLE SEPA APPEAL-SSWM			
				187056	708056U	10/10/2013		11/10/13	180.00
Invoice: 708056U						LEGAL/PAULSEN PRR			
				180.00	32011152 54111100655	PAULSON/FORTNER PRR SUIT-LEGAL			

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CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
						CHECK	334303 TOTAL:		26,423.03
334304	11/14/2013	PRTD	4111 OLYMPIC SPRINGS INC	187245	253482	11/01/2013		11/10/13	48.31
Invoice: 253482					POL/PURIFIED WATER				
				48.31	51011215 531100	POLICE - C/E FACIL SUPPLIES			
						CHECK	334304 TOTAL:		48.31
334305	11/14/2013	PRTD	7859 OREGON-WASHINGTON LA	187246	10/10/13-CONF	10/10/2013		11/10/13	350.00
Invoice: 10/10/13-CONF					POL/2013 CONFERENCE 819,812				
				350.00	52011212 443410	POLICE - C/E INVEST TRAINING			
						CHECK	334305 TOTAL:		350.00
334306	11/14/2013	PRTD	1986 PALADIN DATA SYSTEMS	187145	2011	10/25/2013		11/10/13	13,144.68
Invoice: 2011					IT/PERMITTING SYS REPLACEMNT				
				13,144.68	81011418 66300000666	PERMITTING SOFTWARE ACQ.			
						CHECK	334306 TOTAL:		13,144.68
334307	11/14/2013	PRTD	5977 PAPER PRODUCTS ETC	187137	502399	10/17/2013		11/10/13	209.13
Invoice: 502399					PCD/MISC OFFICE SUPPLIES				
				209.13	61011581 531100	PCD - C/E ADMIN SUPPLIES			
				187138	502401	10/21/2013		11/10/13	123.79
Invoice: 502401					PCD/VERBATIM HP Q7553X				
				123.79	63470588 531100	CUR - DEV DEV PLAN OFC SUPPLY			
				187139	502440	10/24/2013		11/10/13	152.65
Invoice: 502440					PW/MISC OFFICE SUPPLIES				
				152.65	73637891 531100	OFFICE SUPPLIES			
				187140	502444	10/23/2013		11/10/13	219.91
Invoice: 502444					POL/COPY PAPER				
				219.91	51011211 531100	PD-C/E-ADM-SUPPLIES			
				187141	502462	10/29/2013		11/10/13	43.23
Invoice: 502462					EX/CALENDAR/PAPER				
				43.23	31011131 531100	EXEC - C/E SUPPLIES			
				187142	502468	10/30/2013		11/10/13	61.87
Invoice: 502468					FIN/FILE FOLDERS				
				61.87	41011141 531100	FIN - C/E ADMIN SUPPLIES			
				187144	502426	10/22/2013		11/10/13	219.91
Invoice: 502426					FIN/EX/COPY PAPER				
				109.05	31011131 531100	EXEC - C/E SUPPLIES			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
				110.86	41011141 531100	FIN - C/E ADMIN SUPPLIES			
							CHECK	334307 TOTAL:	1,030.49
334308	11/14/2013	PRTD	458 PENINSULA FIRE INC	187146	43543,44,45	07/19/2013		11/10/13	1,824.70
Invoice: 43543,44,45						PW/FIRE EXTING ANNUAL SVC			
				478.87	53011212 548100	POLICE - C/E PATROL MAINTENANC			
				790.45	73011897 548100	O&M-C/E-PWYD FAC-REPAIRS			
				36.92	73411345 548100	REPAIRS & MAINTENANCE			
				242.67	73011215 548100	O&M-C/E-POLICE FAC-REPAIRS			
				147.70	73425358 548100	O&M-WWTP-REPAIRS			
				128.09	73011183 548100	O&M-C/E-CH FAC-REPAIRS			
							CHECK	334308 TOTAL:	1,824.70
334309	11/14/2013	PRTD	4887 PHOENIX ENVIRONMENTA	187150	2134624	10/09/2013		11/10/13	128.60
Invoice: 2134624						PW/COM10 AQUEOUS BRAKE			
				128.60	91011897 547900	GG-C/E-O&M YARD FAC-GARBAGE			
							CHECK	334309 TOTAL:	128.60
334310	11/14/2013	PRTD	360 PROBUILD COMPANY LLC	187152	1497460	10/08/2013		11/10/13	26.79
Invoice: 1497460						PW/FASTAP SCR/SCREW CAPS			
				26.79	73011897 531100	O&M-C/E-PWYD FAC-SUPPLIES			
							CHECK	334310 TOTAL:	26.79
334311	11/14/2013	PRTD	4112 PROTHMAN COMPANY	187153	2013-4098	10/15/2013	21300118	11/10/13	3,090.00
Invoice: 2013-4098						INTERIM PW DIRECTOR SERVICES			
				3,090.00	46011161 54110000640	PW DIR SEARCH-INTERIM PW DIR			
				187193	2013-4114	10/29/2013	21300118	11/10/13	8,240.00
Invoice: 2013-4114						INTERIM PW DIRECTOR SERVICES			
				8,240.00	46011161 54110000640	PW DIR SEARCH-INTERIM PW DIR			
							CHECK	334311 TOTAL:	11,330.00
334312	11/14/2013	PRTD	1864 PUGET SOUND CLEAN AI	187154	13-0165-3Q	10/18/2013	21300014	11/10/13	4,420.00
Invoice: 13-0165-3Q						2013 3Q CLEAN AIR ASSESSMENT			
				4,420.00	91011317 553000	EXEC - C/E POLLUTION CONTROL			
							CHECK	334312 TOTAL:	4,420.00
334313	11/14/2013	PRTD	5975 QCO MAINTENANCE INC	187155	3096	10/07/2013		11/10/13	466.93
Invoice: 3096						PW/10S-CT SS RAIN CAP			
				466.93	73011897 548100	O&M-C/E-PWYD FAC-REPAIRS			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
						CHECK	334313 TOTAL:		466.93
334314	11/14/2013	PRTD	7435 KANMAN INC	187156	13-2180-1258	10/01/2013		11/10/13	180.00
Invoice: 13-2180-1258					PW/OCT13 RENTAL/DECANT/SHOP				
				90.00	73435838 545000	O&M-DECANT-RENTS			
				90.00	73011897 545000	O&M-C/E-PWYD FAC-RENTS			
				187157	13-2180-1259	10/01/2013		11/10/13	90.00
Invoice: 13-2180-1259					PW/OCT13 RENTAL/PRITCH PRK				
				90.00	73011768 545000	O&M-C/E-PARKS-OP LEASES			
						CHECK	334314 TOTAL:		270.00
334315	11/14/2013	PRTD	394 RED'S ELECTRIC MOTOR	187158	29767	09/20/2013		11/10/13	619.02
Invoice: 29767					PW/BOWL ASSY/VERT PUMP/MOTOR				
				619.02	73425358 548100	O&M-WWTP-REPAIRS			
				187159	29862	10/04/2013		11/10/13	135.75
Invoice: 29862					PW/SVC CALL-TURBINE PUMP				
				135.75	73425358 548100	O&M-WWTP-REPAIRS			
				187160	29885	10/29/2013		11/10/13	77.37
Invoice: 29885					PW/REPLACE PUMP SEAL				
				77.37	73431835 548100	REPAIRS & MAINTENANCE			
						CHECK	334315 TOTAL:		832.14
334316	11/14/2013	PRTD	6685 REGIONAL DISPOSAL CO	187161	014174	09/30/2013	21300040	11/10/13	2,092.13
Invoice: 014174					2013 BIOSOLIDS DISPOSAL				
				2,092.13	91425358 54790100551	WWTP-BIOSOLIDS WASTE DISPOSAL			
						CHECK	334316 TOTAL:		2,092.13
334317	11/14/2013	PRTD	7527 RIDOLFI INC	187162	2013-5527	09/30/2013	21200111	11/10/13	2,138.06
Invoice: 2013-5527					SHORELINE MONITORING				
				1,069.03	64011391 54110000340	STRAWBERRY-PROF SVCS			
				1,069.03	64011391 54110000341	PP E BLUFF-PROF SVCS			
						CHECK	334317 TOTAL:		2,138.06
334318	11/14/2013	PRTD	617 S & B INC	187163	SB-23542	10/09/2013		11/10/13	1,160.17
Invoice: SB-23542					PW/WWTP VPN REPLACEMENT				
				1,160.17	73421355 548100	WIN COLL-R&M			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
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334319	11/14/2013	PRTD	7659 SEAMAN, SHANE	187164	10/17/13	10/17/2013		11/10/13	50.00
Invoice: 10/17/13					CRT/PRO TEM-1 HR				
				50.00	21011125 541210	COURT - JUDGE PRO TEMPORE SVCS			
						CHECK	334319 TOTAL:		50.00
334320	11/14/2013	PRTD	592 SHINE QUARRY INC	187165	68700	10/15/2013		11/10/13	2,512.68
Invoice: 68700					PW/3/4", 1 1/2" MINUS GRAVEL				
				2,512.68	990 141100	MERCHANDISE			
						CHECK	334320 TOTAL:		2,512.68
334321	11/14/2013	PRTD	601 SOUND REPROGRAPHICS	187166	20798	08/05/2013		11/10/13	5.43
Invoice: 20798					PW/LAM ST SWEEPING MAPS				
				5.43	73637945 531100	O&M ALLOC-SWEEPER-SUPPLIES			
						CHECK	334321 TOTAL:		5.43
334322	11/14/2013	PRTD	2467 STAPLES ADVANTAGE	187171	3211671639	10/05/2013		11/10/13	1.67
Invoice: 3211671639					FIN/RUBBERBANDS				
				1.67	41011141 531100	FIN - C/E ADMIN SUPPLIES			
				187172	3211671640	10/05/2013		11/10/13	57.62
Invoice: 3211671640					FIN/OFFICE SUPPLIES				
				57.62	41011141 531100	FIN - C/E ADMIN SUPPLIES			
				187173	3211671642	10/05/2013		11/10/13	14.22
Invoice: 3211671642					FIN/PENTELS				
				14.22	41011141 531100	FIN - C/E ADMIN SUPPLIES			
				187174	3211671641	10/05/2013		11/10/13	82.11
Invoice: 3211671641					FIN/MISC OFFICE SUPPLIES				
				82.11	41011141 531100	FIN - C/E ADMIN SUPPLIES			
				187175	3211671643	10/05/2013		11/10/13	56.47
Invoice: 3211671643					EX/100PK CD SPINDLE				
				56.47	31011131 531100	EXEC - C/E SUPPLIES			
				187176	3211671644	10/05/2013		11/10/13	21.56
Invoice: 3211671644					EX/6X6 ENGRAVED PLATE				
				21.56	31011131 531100	EXEC - C/E SUPPLIES			
						CHECK	334322 TOTAL:		233.65

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
334323	11/14/2013	PRTD	2467 STAPLES CREDIT PLAN	187167	860918121	09/17/2013		11/10/13	233.82
Invoice: 860918121						POL/OFFICE SUPPLIES			
				233.82	51011211 531100	PD-C/E-ADM-SUPPLIES			
				187168	861707301	09/17/2013		11/10/13	29.85
Invoice: 861707301						POL/OFFICE SUPPLIES			
				29.85	51011211 531100	PD-C/E-ADM-SUPPLIES			
				187169	861713461	09/17/2013		11/10/13	2.16
Invoice: 861713461						POL/OFFICE SUPPLIES			
				2.16	51011211 531100	PD-C/E-ADM-SUPPLIES			
						CHECK	334323 TOTAL:		265.83
334324	11/14/2013	PRTD	585 STRIPE RITE	187177	PAYREQ1-235	08/30/2013	21300148	11/10/13	81,419.95
Invoice: PAYREQ1-235						2013 ROAD STRIPING			
				81,419.95	73111264 54810000235	ROAD STRIPING-CONTRACT WORK			
						CHECK	334324 TOTAL:		81,419.95
334325	11/14/2013	PRTD	5730 SUMMIT LAW GROUP	187179	63655	09/24/2013		11/10/13	603.50
Invoice: 63655						LEGAL/PAULSEN			
				603.50	32011152 54111100655	PAULSON/FORTNER PRR SUIT-LEGAL			
				187180	64212	10/15/2013		11/10/13	98.00
Invoice: 64212						LEGAL/BARGAINING			
				98.00	32011152 54111000274	LABOR NEGOTIATION SVCS			
				187181	64213	10/15/2013		11/10/13	122.50
Invoice: 64213						LEGAL/CIVIL SVC COMM			
				122.50	91011211 541110	GG-C/E-CIVIL SVC-LEGAL ADVICE			
				187182	64214	10/15/2013		11/10/13	808.50
Invoice: 64214						LEGAL/GENERAL			
				808.50	32011152 541110	LGL-C/E-CIVIL-GEN'L OUTSIDE AT			
				187183	64215	10/15/2013		11/10/13	612.50
Invoice: 64215						LEGAL/BARGAINING			
				612.50	32011152 54111000274	LABOR NEGOTIATION SVCS			
				187184	64421	10/16/2013		11/10/13	21,240.26
Invoice: 64421						LEGAL/PAULSEN			
				21,240.26	32011152 54111100655	PAULSON/FORTNER PRR SUIT-LEGAL			
						CHECK	334325 TOTAL:		23,485.26

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CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
334326	11/14/2013	PRTD	7095 SUPERIOR SAW & SUPPL	187185	68246	10/15/2013		11/10/13	72.22
Invoice: 68246						PW/SHARPEN SAW CHAINS			
				72.22	73111427 548100	O&M-ACCESS RDSIDE R&M			
						CHECK	334326 TOTAL:		72.22
334327	11/14/2013	PRTD	5118 CARDNO TEC INC	187186	9898-015	09/27/2013	21200065	11/10/13	18,403.13
Invoice: 9898-015						WATER QUALITY AND FLOW MONITOR			
				18,403.13	72431832 54110000445	NPDES PERMIT-PRO SVCS			
						CHECK	334327 TOTAL:		18,403.13
334328	11/14/2013	PRTD	5129 TELEDYNE ISCO INC	187187	S00009510	09/27/2013		11/10/13	126.91
Invoice: S00009510						ENG/CONN CABLE-FLOW METERS			
				126.91	72431835 53110000451	MONITORING-SUPPLIES			
						CHECK	334328 TOTAL:		126.91
334329	11/14/2013	PRTD	6714 TOSHIBA FINANCIAL SE	187197	239364839	10/21/2013		11/10/13	388.48
Invoice: 239364839						PW/3530C COPIER LEASE			
				388.48	73637891 545000	RENTS & LEASES - OPERATING			
				187198	239379449	10/22/2013		11/10/13	365.99
Invoice: 239379449						POL/3530C COPIER LEASE			
				365.99	51011211 545000	PD-C/E-ADMIN RENTS/LEASE			
						CHECK	334329 TOTAL:		754.47
334330	11/14/2013	PRTD	6714 TOSHIBA FINANCIAL SE	187194	14342580	10/15/2013		11/10/13	260.47
Invoice: 14342580						PCD/4540C COPIER LEASE			
				260.47	61470581 545000	PCD - DEV ADMIN RENTS & LEASES			
				187195	14342581	10/15/2013		11/10/13	329.06
Invoice: 14342581						PCD/6550C COPIER LEASE			
				329.06	61470581 545000	PCD - DEV ADMIN RENTS & LEASES			
				187196	14357096	10/18/2013		11/10/13	228.94
Invoice: 14357096						ENG/4540C COPIER LEASE			
				109.89	72011321 545000	ENG - C/E ADMIN RENTS & LEASES			
				36.63	72411341 545000	ENG - WATER ADMIN RENTS			
				27.47	72421341 545000	RENTS & LEASES - OPERATING			
				27.47	71011321 545000	PW - C/E RENTS & LEASES - OPER			
				13.74	72011325 545000	ENG - C/E FACIL RENTS & LEASES			
				13.74	72111431 545000	ENG - ACCESS MGMT RENTS/LEASES			

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CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
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						CHECK	334330 TOTAL:		818.47
334331	11/14/2013	PRTD	558 TOWN & COUNTRY MARKE	187188	10/22/13	10/22/2013		11/10/13	28.72
Invoice: 10/22/13					PW/DISTILLED WATER X 8				
				28.72	73011897 531100	O&M-C/E-PWYD FAC-SUPPLIES			
				187189	10/23/13	10/23/2013		11/10/13	168.75
Invoice: 10/23/13					POL/WORKED MEAL-ALL HNDS MTG				
				168.75	51011211 539100	PD-C/E-ADM-WORKED MEALS			
						CHECK	334331 TOTAL:		197.47
334332	11/14/2013	PRTD	560 TWISS ANALYTICAL INC	187199	13-61299A	07/31/2013		11/10/13	.20
Invoice: 13-61299A					PW/O&M WTR TESTING BAL				
				.20	73011897 54110000391	LAB SVCS-PW YARD FAC			
				187200	13-63036	10/10/2013		11/10/13	19.32
Invoice: 13-63036					PW/WINSLOW WTR TESTING				
				19.32	73411345 54110000391	LAB SVCS-WATER			
				187201	13-63037	10/10/2013		11/10/13	19.32
Invoice: 13-63037					PW/ROCKAWAY WTR TESTING				
				19.32	73415345 54110000391	LAB SVCS-WATER ROCKAWAY			
				187202	13-63038	10/10/2013		11/10/13	19.32
Invoice: 13-63038					PW/O&M WTR TESTING				
				19.32	73011897 54110000391	LAB SVCS-PW YARD FAC			
				187203	13-63194	10/17/2013		11/10/13	38.64
Invoice: 13-63194					PW/WINSLOW WTR TESTING				
				38.64	73411345 54110000391	LAB SVCS-WATER			
				187204	13-63212	10/17/2013		11/10/13	62.10
Invoice: 13-63212					PW/WINSLOW WTR TESTING				
				62.10	73411345 54110000391	LAB SVCS-WATER			
				187205	13-63213	10/17/2013		11/10/13	55.66
Invoice: 13-63213					PW/ROCKAWAY WTR TESTING				
				55.66	73415345 54110000391	LAB SVCS-WATER ROCKAWAY			
				187206	13-63362	10/24/2013		11/10/13	57.96
Invoice: 13-63362					PW/WINSLOW WTR TESTING				
				57.96	73411345 54110000391	LAB SVCS-WATER			
						CHECK	334332 TOTAL:		272.52
334333	11/14/2013	PRTD	4929 TYLER TECHNOLOGIES I	187207	045-97146	10/04/2013		11/10/13	9,573.62
Invoice: 045-97146					IT/MUNIS SFTWR QTRLY MAINT				
				9,573.62	81011881 548500	IT - C/E COMPUTER SUPPORT			

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CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
						CHECK	334333 TOTAL:		9,573.62
334334	11/14/2013	PRTD	2190 UNITED PARCEL SERVIC	187208	000028Y3Y1423	10/19/2013		11/10/13	41.85
Invoice: 000028Y3Y1423					POL/SHIP TO CRIME LAB, VENDR				
				41.85	91011215 542500	GG-C/E-PD-POSTAGE			
						CHECK	334334 TOTAL:		41.85
334335	11/14/2013	PRTD	2425 THE UPS STORE #1265	187209	10/18/13	10/18/2013		11/10/13	23.85
Invoice: 10/18/13					PW/RETURN BICYCLIST HOT TAPE				
				23.85	91111891 542500	GG-ROAD-FAC-POSTAGE			
				187210	10/25/13	10/25/2013		11/10/13	19.32
Invoice: 10/25/13					PW/WWTP GROUND SHIP				
				19.32	91425358 542500	GG-WWTP-POSTAGE/SHIPPING			
						CHECK	334335 TOTAL:		43.17
334336	11/14/2013	PRTD	1152 USA BLUE BOOK	187211	173353	10/10/2013		11/10/13	502.42
Invoice: 173353					PW/WALCHEM EZ SERIES PUMP				
				502.42	73411345 531100	OFFICE SUPPLIES			
				187212	179843	10/18/2013		11/10/13	46.89
Invoice: 179843					PW/SAFETY GOGGLES				
				46.89	73637891 531100	OFFICE SUPPLIES			
				187213	180265	10/18/2013		11/10/13	70.32
Invoice: 180265					PW/FUSES/SPINBAR				
				70.32	73425358 531100	O&M-WWTP-SUPPLIES			
				187214	182354	10/22/2013		11/10/13	126.61
Invoice: 182354					PW/600V FUSES				
				126.61	73425358 531100	O&M-WWTP-SUPPLIES			
						CHECK	334336 TOTAL:		746.24
334337	11/14/2013	PRTD	167 WA ST DEPT OF ECOLOG	187223	3979-2014	11/04/2013		11/10/13	30.00
Invoice: 3979-2014					PW/2014 WW OP CERT/PYKE				
				30.00	73425358 549100	O&M-WWTP-DUES, SUBSCR			
				187224	5952-2014	11/04/2013		11/10/13	30.00
Invoice: 5952-2014					PW/2014 WW OP CERT/OTTE				
				30.00	73425358 549100	O&M-WWTP-DUES, SUBSCR			
				187225	3447-2014	11/04/2013		11/10/13	30.00
Invoice: 3447-2014					PW/2014 WW OP CERT/FRANTZ				
				30.00	73425358 549100	O&M-WWTP-DUES, SUBSCR			

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CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
						CHECK	334337 TOTAL:		90.00
334338	11/14/2013	PRTD	969 WA ST DEPT OF LICENS	187216	F155437	10/16/2013		11/10/13	18.00
Invoice: F155437						CPL/F155437/ORIGINAL + FBI			
				18.00	41654860 586000	GUN PERMIT OUT			
				187217	F155441	10/16/2013		11/10/13	21.00
Invoice: F155441						CPL/F155441/LATE RENEWAL			
				21.00	41654860 586000	GUN PERMIT OUT			
				187218	F155447	10/30/2013		11/10/13	18.00
Invoice: F155447						CPL/F155447/RENEWAL			
				18.00	41654860 586000	GUN PERMIT OUT			
						CHECK	334338 TOTAL:		57.00
334339	11/14/2013	PRTD	203 WA ST EMPLOYMENT SEC	187219	2013-3Q	10/12/2013		11/10/13	12,211.56
Invoice: 2013-3Q						2013 3Q UI TAX			
				11,995.63	91011177 520000	GG-C/E-UNEMPLOYMENT PAYMENTS			
				67.95	91431177 520000	GG-SSWM-UNEMPLOYMENT PAYMENTS			
				49.83	91470177 520000	GG-DEV-UNEMPLOYMENT PAYMENTS			
				57.38	91111177 520000	GG-STREET-UNEMPL PAYMENTS			
				21.14	91411177 520000	GG-WTR-UNEMPLOYMENT PAYMENTS			
				18.12	91421177 520000	GG-SWR-UNEMPLOYMENT PAYMENTS			
				1.51	91471177 520000	GG-BLDG-UNEMPLOYMENT PAYMENTS			
						CHECK	334339 TOTAL:		12,211.56
334340	11/14/2013	PRTD	4104 WA ST FERRIES	187264	RK217930	10/31/2013		11/10/13	680.40
Invoice: RK217930						OCT 2013 WAVE2GO FERRY CHGS			
				7.85	31011131 543100	EXEC-C/E-TRAVEL(NOT MEALS/LODG			
				494.25	51011211 543100	PD-C/E-ADM-TRAVEL			
				67.75	61011581 543100	PCD - C/E ADMIN TRAVEL EXPENSE			
				42.80	72011321 543100	ENG - C/E ADMIN TRAVEL EXPENSE			
				54.20	73011189 543100	O&M-FAC-TRAVEL (NOT MEALS/LODG			
				13.55	81011881 543100	IT - C/E TRAVEL EXPENSE			
						CHECK	334340 TOTAL:		680.40
334341	11/14/2013	PRTD	952 WASHINGTON STATE PAT	187220	I14003236	11/01/2013		11/10/13	82.50
Invoice: I14003236						OCT13 CPL BACKGROUND CHECKS			
				82.50	41654861 586100	AGENCY DISBURSEMENTS			
						CHECK	334341 TOTAL:		82.50

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CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
334342	11/14/2013	PRTD	6860 WCI	187226	133041876	11/01/2013		11/10/13	826.10
Invoice: 133041876						CITY WIDE PHONE SERVICE			
				826.10	41637891 542100	FIN - ALLOC TELEPHONE			
						CHECK	334342 TOTAL:		826.10
334343	11/14/2013	PRTD	4819 WEST PAYMENT CENTER	187227	828180235	10/04/2013		11/10/13	306.27
Invoice: 828180235						CRT/INFORMATION CHARGES			
				306.27	21011125 549100	COURT-DUES/SUBSCR/MEMBERSHIPS			
						CHECK	334343 TOTAL:		306.27
334344	11/14/2013	PRTD	2175 WEST SOUND WILDLIFE	187229	10/14/13	10/14/2013	21300035	11/10/13	2,137.50
Invoice: 10/14/13						3Q WILD ANIMAL CONTROL			
				2,137.50	91011393 541100	FIN - C/E ANIMAL CONTROL FEES			
						CHECK	334344 TOTAL:		2,137.50
334345	11/14/2013	PRTD	499 WESTBAY AUTO PARTS I	187248	896346	10/08/2013		11/10/13	241.24
Invoice: 896346						PW/BRAKE ROTOR-POL VEH#183			
				241.24	53011212 531100	PD-C/E-PATROL SUPPLIES			
				187249	897821	10/14/2013		11/10/13	137.34
Invoice: 897821						PW/HDP SB X 2			
				137.34	73431835 531100	OFFICE SUPPLIES			
				187250	897834	10/14/2013		11/10/13	136.12
Invoice: 897834						PW/COMBO LS W WELD			
				136.12	73431835 531100	OFFICE SUPPLIES			
				187251	897887	10/14/2013		11/10/13	19.37
Invoice: 897887						PW/AIR HOSE-EQ#6			
				19.37	73431835 531100	OFFICE SUPPLIES			
				187252	898447	10/16/2013		11/10/13	49.96
Invoice: 898447						PW/AIR FILTER-EQ#6			
				49.96	73431835 531100	OFFICE SUPPLIES			
				187253	898613	10/16/2013		11/10/13	25.28
Invoice: 898613						PW/HAL LAMP X 3			
				25.28	73638935 531100	OFFICE SUPPLIES			
				187254	899138	10/18/2013		11/10/13	4.85
Invoice: 899138						PW/FUNNEL			
				4.85	73638935 531100	OFFICE SUPPLIES			
				187255	899714	10/21/2013		11/10/13	241.24
Invoice: 899714						PW/BRAKE ROTOR-POL VEH#185			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
				241.24	53011212 531100	PD-C/E-PATROL SUPPLIES			
				187256	900046	10/22/2013		11/10/13	118.33
Invoice: 900046						PW/BATTERY-POL VEH#186			
				118.33	53011212 531100	PD-C/E-PATROL SUPPLIES			
				187257	901693	10/28/2013		11/10/13	259.32
Invoice: 901693						PW/BRAKE ROTOR-POL VEH#122			
				259.32	53011212 531100	PD-C/E-PATROL SUPPLIES			
							CHECK	334345 TOTAL:	1,233.05
334346	11/14/2013	PRTD	679 WASHINGTON FINANCE	187215	10/01/13-DUNSCOMBE	10/01/2013		11/10/13	125.00
Invoice: 10/01/13-DUNSCOMBE						FIN/INTERMED GOV ACCTNG-KD			
				125.00	41011144 443410	FIN - C/E TRAINING			
							CHECK	334346 TOTAL:	125.00
334347	11/14/2013	PRTD	5128 WHITNEY EQUIPMENT CO	187228	74509	09/23/2013		11/10/13	920.93
Invoice: 74509						PW/PUMPS, GRI BELLOWS/90 RPM			
				920.93	73411345 531100	OFFICE SUPPLIES			
							CHECK	334347 TOTAL:	920.93
334348	11/14/2013	PRTD	2389 WA STATE CRIME PREVE	187247	11/05/13	11/05/2013		11/10/13	50.00
Invoice: 11/05/13						POL/WSCPA DUES 806			
				50.00	53011212 549100	PD-C/E-PATROL-DUES/SUBCR/MEMBR			
							CHECK	334348 TOTAL:	50.00
334349	11/14/2013	PRTD	522 WA ST DEPT OF TRANSP	187221	RE-313-ATB30917140	09/17/2013		11/10/13	2,629.64
Invoice: RE-313-ATB30917140						ENG/PROJ MGMNT/INSPEC-MAD AV			
				2,629.64	72334951 64110000579	MAD AVE SAFETY IMPR-DESIGN/ENG			
				187222	RE-313-ATB31015112	10/15/2013		11/10/13	4,584.32
Invoice: RE-313-ATB31015112						ENG/ROCKAWAY BEACH INSPEC			
				4,584.32	72321951 64110000534	ROCKAWAY BEACH-DESIGN/ENG			
							CHECK	334349 TOTAL:	7,213.96
334350	11/14/2013	PRTD	2607 ZEE MEDICAL SERVICE	187258	68245433	10/07/2013		11/10/13	96.06
Invoice: 68245433						PW/EARPLUG MOLDEX SPARKPLG			
				96.06	73637891 531100	OFFICE SUPPLIES			
				187259	68245434	10/07/2013		11/10/13	94.04
Invoice: 68245434						PW/EYEWASH/GLASSES/SIGN			
				94.04	73637891 531100	OFFICE SUPPLIES			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				187260	68245595	10/29/2013		11/10/13	123.37
Invoice: 68245595					PW/1ST AID RESTOCK				
				39.69	73637891 531100	OFFICE SUPPLIES			
				83.68	73638935 531100	OFFICE SUPPLIES			
				187261	68245596	10/29/2013		11/10/13	24.14
Invoice: 68245596					PW/WALL GLOVE DISPENS-WWTP				
				24.14	73425358 531100	O&M-WWTP-SUPPLIES			
				187262	68248301	10/29/2013		11/10/13	86.55
Invoice: 68248301					PW/AZTEC GLASSES/VISITR SPEC				
				86.55	73637891 531100	OFFICE SUPPLIES			
				187263	68245600	10/29/2013		11/10/13	49.96
Invoice: 68245600					CITY HALL 1ST AID RESTOCK				
				49.96	41011189 531100	FIN - C/E CNTL SV SUPPLIES			

CHECK 334350 TOTAL: 474.12

NUMBER OF CHECKS 138 *** CASH ACCOUNT TOTAL *** 518,574.09

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	138	518,574.09

*** GRAND TOTAL *** 518,574.09

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
2013 11 79								
APP 402-213000					ACCOUNTS PAYABLE		37,475.30	
11/14/2013	11/10/13	111413			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100					CASH			518,574.09
11/14/2013	11/10/13	111413			AP CASH DISBURSEMENTS JOURNAL			
APP 001-213000					GENERAL - ACCOUNTS PAYABLE		182,464.45	
11/14/2013	11/10/13	111413			AP CASH DISBURSEMENTS JOURNAL			
APP 101-213000					STREETS - ACCOUNTS PAYABLE		155,392.98	
11/14/2013	11/10/13	111413			AP CASH DISBURSEMENTS JOURNAL			
APP 401-213000					ACCOUNTS PAYABLE		2,732.74	
11/14/2013	11/10/13	111413			AP CASH DISBURSEMENTS JOURNAL			
APP 631-213000					ACCOUNTS PAYABLE		6,261.24	
11/14/2013	11/10/13	111413			AP CASH DISBURSEMENTS JOURNAL			
APP 301-213000					ACCOUNTS PAYABLE		28,769.47	
11/14/2013	11/10/13	111413			AP CASH DISBURSEMENTS JOURNAL			
APP 407-213000					ACCOUNTS PAYABLE		4,606.16	
11/14/2013	11/10/13	111413			AP CASH DISBURSEMENTS JOURNAL			
APP 901-213000					ACCOUNTS PAYABLE		13,415.09	
11/14/2013	11/10/13	111413			AP CASH DISBURSEMENTS JOURNAL			
APP 403-213000					ACCOUNTS PAYABLE		39,836.04	
11/14/2013	11/10/13	111413			AP CASH DISBURSEMENTS JOURNAL			
APP 104-213000					CIVIC IMPR - ACCOUNTS PAYABLE		22,929.77	
11/14/2013	11/10/13	111413			AP CASH DISBURSEMENTS JOURNAL			
APP 108-213000					AFFORD HSG - ACCOUNTS PAYABLE		24,551.35	
11/14/2013	11/10/13	111413			AP CASH DISBURSEMENTS JOURNAL			
APP 650-213000					ACCOUNTS PAYABLE		139.50	
11/14/2013	11/10/13	111413			AP CASH DISBURSEMENTS JOURNAL			
					GENERAL LEDGER TOTAL		518,574.09	518,574.09
APP 631-130000					DUE TO/FROM CLEARING		512,312.85	
11/14/2013	11/10/13	111413						
APP 402-130000					DUE TO/FROM CLEARING			37,475.30
11/14/2013	11/10/13	111413						
APP 001-130000					GENERAL - DUE TO/FROM CLEARING			182,464.45
11/14/2013	11/10/13	111413						
APP 101-130000					STREETS - DUE TO/FROM CLEARING			155,392.98
11/14/2013	11/10/13	111413						
APP 401-130000					DUE TO/FROM CLEARING			2,732.74
11/14/2013	11/10/13	111413						
APP 301-130000					DUE TO/FROM CLEARING			28,769.47
11/14/2013	11/10/13	111413						
APP 407-130000					DUE TO/FROM CLEARING			4,606.16
11/14/2013	11/10/13	111413						
APP 901-130000					DUE TO/FROM CLEARING			13,415.09
11/14/2013	11/10/13	111413						
APP 403-130000					DUE TO/FROM CLEARING			39,836.04

JOURNAL ENTRIES TO BE CREATED

YEAR PER JNL SRC ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T OB	DEBIT	CREDIT
	11/14/2013	11/10/13	111413						
APP 104-130000						CIVIC IMPR DUE TO/FROM CLEAR'G			22,929.77
	11/14/2013	11/10/13	111413						
APP 108-130000						AFFORD HSG DUE TO/FROM CLEAR'G			24,551.35
	11/14/2013	11/10/13	111413						
APP 650-130000						DUE TO/FROM CLEARING			139.50
	11/14/2013	11/10/13	111413						
						SYSTEM GENERATED ENTRIES TOTAL		512,312.85	512,312.85
						JOURNAL 2013/11/79 TOTAL		1,030,886.94	1,030,886.94

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2013 11	79	11/14/2013			
001-130000				GENERAL - DUE TO/FROM CLEARING		182,464.45
001-213000				GENERAL - ACCOUNTS PAYABLE	182,464.45	
				FUND TOTAL	182,464.45	182,464.45
101 STREET FUND	2013 11	79	11/14/2013			
101-130000				STREETS - DUE TO/FROM CLEARING		155,392.98
101-213000				STREETS - ACCOUNTS PAYABLE	155,392.98	
				FUND TOTAL	155,392.98	155,392.98
104 CIVIC IMPROVEMENT FUND	2013 11	79	11/14/2013			
104-130000				CIVIC IMPR DUE TO/FROM CLEAR'G		22,929.77
104-213000				CIVIC IMPR - ACCOUNTS PAYABLE	22,929.77	
				FUND TOTAL	22,929.77	22,929.77
108 AFFORDABLE HOUSING FUND	2013 11	79	11/14/2013			
108-130000				AFFORD HSG DUE TO/FROM CLEAR'G		24,551.35
108-213000				AFFORD HSG - ACCOUNTS PAYABLE	24,551.35	
				FUND TOTAL	24,551.35	24,551.35
301 CAPITAL CONSTRUCTION FUND	2013 11	79	11/14/2013			
301-130000				DUE TO/FROM CLEARING		28,769.47
301-213000				ACCOUNTS PAYABLE	28,769.47	
				FUND TOTAL	28,769.47	28,769.47
401 WATER OPERATING FUND	2013 11	79	11/14/2013			
401-130000				DUE TO/FROM CLEARING		2,732.74
401-213000				ACCOUNTS PAYABLE	2,732.74	
				FUND TOTAL	2,732.74	2,732.74
402 SEWER OPERATING FUND	2013 11	79	11/14/2013			
402-130000				DUE TO/FROM CLEARING		37,475.30
402-213000				ACCOUNTS PAYABLE	37,475.30	
				FUND TOTAL	37,475.30	37,475.30
403 STORM & SURFACE WATER FUND	2013 11	79	11/14/2013			
403-130000				DUE TO/FROM CLEARING		39,836.04
403-213000				ACCOUNTS PAYABLE	39,836.04	
				FUND TOTAL	39,836.04	39,836.04
407 BUILDING & DEVELOPMENT FUND	2013 11	79	11/14/2013			

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
407-130000				DUE TO/FROM CLEARING		4,606.16
407-213000				ACCOUNTS PAYABLE	4,606.16	
				FUND TOTAL	4,606.16	4,606.16
631 CLEARING FUND	2013 11	79	11/14/2013			
631-130000				DUE TO/FROM CLEARING	512,312.85	
631-213000				ACCOUNTS PAYABLE	6,261.24	
635-111100				CASH		518,574.09
				FUND TOTAL	518,574.09	518,574.09
650 AGENCY FUND	2013 11	79	11/14/2013			
650-130000				DUE TO/FROM CLEARING		139.50
650-213000				ACCOUNTS PAYABLE	139.50	
				FUND TOTAL	139.50	139.50
901 GENERAL LONG TERM DEBT	2013 11	79	11/14/2013			
901-130000				DUE TO/FROM CLEARING		13,415.09
901-213000				ACCOUNTS PAYABLE	13,415.09	
				FUND TOTAL	13,415.09	13,415.09

JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
631 CLEARING FUND	512,312.85	
402 SEWER OPERATING FUND		37,475.30
001 GENERAL FUND		182,464.45
101 STREET FUND		155,392.98
401 WATER OPERATING FUND		2,732.74
301 CAPITAL CONSTRUCTION FUND		28,769.47
407 BUILDING & DEVELOPMENT FUND		4,606.16
901 GENERAL LONG TERM DEBT		13,415.09
403 STORM & SURFACE WATER FUND		39,836.04
104 CIVIC IMPROVEMENT FUND		22,929.77
108 AFFORDABLE HOUSING FUND		24,551.35
650 AGENCY FUND		139.50
TOTAL	512,312.85	512,312.85

** END OF REPORT - Generated by Linda Steinberg **

Ret Rel

CASH ACCOUNT: 628 111100 CASH-RETAINAGE

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
109	10/22/2013	PRTD	7658 PATRIOT FIRE PROTECT	186959	RETREL-617	10/21/2013		RT102213	2,815.08
Invoice: RETREL-617					RET REL SPRINKER REPAIR				
				2,815.08	41628860 586000	RETAINAGE RELEASE			
						CHECK		109 TOTAL:	2,815.08
110	10/22/2013	PRTD	7727 PUGET PAVING & CONST	186960	RETREL-621	10/18/2013		RT102213	5,809.03
Invoice: RETREL-621					RET REL 2013 ISL ASPHALT REPR				
				5,809.03	41628860 586000	RETAINAGE RELEASE			
						CHECK		110 TOTAL:	5,809.03

NUMBER OF CHECKS 2 *** CASH ACCOUNT TOTAL *** 8,624.11

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	2	8,624.11

*** GRAND TOTAL *** 8,624.11

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
2013 10 245								
APP 622-213000					ACCOUNTS PAYABLE		8,624.11	
10/22/2013	RT102213	102213			AP CASH DISBURSEMENTS JOURNAL			
APP 628-111100					CASH-RETAINAGE			8,624.11
10/22/2013	RT102213	102213			AP CASH DISBURSEMENTS JOURNAL			
					JOURNAL 2013/10/245	TOTAL	8,624.11	8,624.11

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
622 EXPENDABLE TRUST FUND	2013 10	245	10/22/2013			
622-213000				ACCOUNTS PAYABLE	8,624.11	
628-111100				CASH-RETAINAGE		8,624.11
				FUND TOTAL	8,624.11	8,624.11

** END OF REPORT - Generated by Linda Steinberg **

RET REL

CASH ACCOUNT: 628 111100 CASH-RETAINAGE

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
111	10/25/2013	PRTD	5403 CHAD CROKER	186965	RETREL-587	10/24/2013		RT102513	853.89
Invoice: RETREL-587					RET REL LINEAR MOORAGE/BOUY				
				853.89	41628860 586000 RETAINAGE RELEASE				
							CHECK	111 TOTAL:	853.89

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 853.89

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	1	853.89

*** GRAND TOTAL *** 853.89

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
2013 10 359									
APP 622-213000						ACCOUNTS PAYABLE		853.89	
	10/25/2013	RT102513	102513			AP CASH DISBURSEMENTS JOURNAL			
APP 628-111100						CASH-RETAINAGE			853.89
	10/25/2013	RT102513	102513			AP CASH DISBURSEMENTS JOURNAL			
						JOURNAL 2013/10/359 TOTAL		853.89	853.89

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
622 EXPENDABLE TRUST FUND	2013 10	359	10/25/2013			
622-213000				ACCOUNTS PAYABLE	853.89	
628-111100				CASH-RETAINAGE		853.89
				FUND TOTAL	853.89	853.89

** END OF REPORT - Generated by Linda Steinberg **

PAYROLL

PAYROLL CHECK RUN: 11 - 5 - 13

Run Type	Run Date	Check # Sequence	Comments	Amount
Normal	11/5/2013	028981 - 029087	P/R check run - Direct Deposit	219,034.68
Normal	11/5/2013	106426 - 106428	P/R check run - Regular	6,928.34
Vendor	11/5/2013	106429 - 106443	P/R Vendor check run	225,834.84
EFTPS	11/5/2013		Federal Tax Electronic Transfer	88,750.83
			TOTAL:	**540,548.69**

Prepared and Reviewed by: Deborah Lee Date 11/1/13
Deborah Lee

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.

Jennifer L Longfield Date 11/1/13
Jennifer Longfield, Budget & Revenue Manager

SPECIAL/REGULAR CITY COUNCIL STUDY SESSION
OCTOBER 16, 2013

ITEMS DISCUSSED

1. EXECUTIVE SESSION: PROPERTY DISPOSITION (RCW 42.30.110(1)(c))
2. CALL TO ORDER/ROLL CALL
3. ACCEPTANCE OR MODIFICATION OF AGENDA/CONFLICT OF INTEREST DISCLOSURE
4. STAFF INTENSIVE
   A. HEAD-OF-THE-BAY BOUNDARY LINE ADJUSTMENTS, AB 13-146 - EXECUTIVE
   B. COMPREHENSIVE PLAN AMENDMENTS – PLANNING
      - ORDINANCE NO. 2013-18, HISTORIC PRESERVATION - CPA18503, AB 13-149
      - ORDINANCE NO. 2013-16, MCNABB/BAINBRIDGE MARINA – CPA/REZ13220B, AB 13-148
   C. ORDINANCE NO. 2013-25, HOUSING DESIGN DEMONSTRATION PROJECT REVISIONS, AB 09-010 – PLANNING
   D. PERMITTING SYSTEM CONTRACT, AB 13-144 – EXECUTIVE
   E. POLICE DEPARTMENT UPDATE, AB 13-151 – POLICE
   F. ORDINANCE NO. 2013-26, 2014-2019 CAPITAL FACILITIES PLAN, AB 13-145 – EXECUTIVE
   G. 2014 UTILITY RATES – FINANCE
      - ORDINANCE NO. 2013-28, ELIMINATING THE AUTOMATIC ANNUAL FEE ADJUSTMENT OF THE CITY'S WATER UTILITY RATES FOR 2014, AB 13-126
      - ORDINANCE NO. 2013-29, ELIMINATING THE AUTOMATIC ANNUAL FEE ADJUSTMENT OF THE CITY'S SEWER UTILITY RATES FOR 2014, AB 13-127
      - ORDINANCE NO. 2013-30, ELIMINATING THE AUTOMATIC ANNUAL FEE ADJUSTMENT OF THE CITY'S SSWM RATES FOR 2014, AB 13-128
   H. ORDINANCE NO. 2013-27, PROPERTY TAX LEVY FOR COLLECTION IN 2014, AB 13-125 – FINANCE
   I. RESOLUTION NO. 2013-16, AUTHORIZING INVESTMENT IN THE STATE TREASURER'S LOCAL GOVERNMENT INVESTMENT POOL, AB 13-122 – FINANCE
   J. RESOLUTION NO. 2013-17, APPROVING AN INTERLOCAL AGREEMENT WITH ASSOCIATION OF WASHINGTON CITIES EMPLOYEE BENEFIT TRUST, AB 13-137 – FINANCE
5. COUNCIL DISCUSSION
   A. 2014 LTAC AWARDS – APPLICATION CHANGES, AB 13-131 – COUNCIL
   B. BUDGET ADJUSTMENT RELATING TO THE KITSAP ECONOMIC DEVELOPMENT ALLIANCE [ADDED]
6. CITY MANAGER'S REPORT
7. COMMITTEE REPORTS
8. REVIEW OF UPCOMING COUNCIL MEETING AGENDAS
9. FOR THE GOOD OF THE ORDER
10. ADJOURNMENT

1. EXECUTIVE SESSION: PROPERTY DISPOSITION (RCW 42.30.110(1)(c))
Mayor Pro Tem Blair called the meeting to order at 6:30 PM and then adjourned to executive session to discuss property disposition under RCW 42.30.110(1)(c). Councilmembers Ward, Blossom, Lester, and Mayor Bonkowski were present. Mayor Pro Tem Blair reconvened the meeting at 7:00 PM and announced that no decision was made.

2. CALL TO ORDER / ROLL CALL 6:59:50 PM
Councilmembers Blair, Blossom, Lester, Ward, and Mayor Bonkowski were present. Councilmembers Hytopoulos and Scales were 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 7:00:05 PM
Mayor Pro Tem Blair requested adding, as 5B under Council Discussion, budget adjustment relating to the Kitsap Economic Development Alliance.

> ***MOTION:*** *I move we accept the agenda, as amended.*
> ***BONKOWSKI/WARD*** *– Motion carried unanimously, 5-0.*

Councilmember Blossom stated that regarding item 4C she would be part of the discussion but recused from voting.

4. STAFF INTENSIVE 7:02:50 PM
A. HEAD-OF-THE-BAY BOUNDARY LINE ADJUSTMENTS, AB 13-146 – EXECUTIVE 7:03:18 PM
Deputy City Manager Morgan presented the item and described the history behind the request for an adjustment. She noted that if future development occurs, it would be subject to review.

DRAFT

MOTION: *I move that the City Council approve the Head of the Bay Boundary Line Adjustment and authorize the City Manager to execute the related agreements substantially in the form presented.*
BONKOWSKI/LESTER *– Motion carried unanimously, 5-0.*

B. COMPREHENSIVE PLAN AMENDMENTS

- **ORDINANCE NO. 2013-18, HISTORIC PRESERVATION - CPA18503, AB 13-149** 7:07:53 PM

Planner Beckman described the background of the ordinance and displayed a PowerPoint presentation. She stated that the three outcomes of the amendment are to expand our local register, define the word "iconic" and to create a collaborative effort between the Preservation Commission and the Design Review Board. David Williams, Chair of the Historic Preservation Commission, spoke to the amendment.

MOTION: *I move that the City Council forward to first reading Ordinance No. 2013-18, Historic Preservation CPA18503, on November 13, 2013.*
LESTER/WARD – *Motion carried unanimously, 5-0.*

- **ORDINANCE NO. 2013-16, MCNABB/BAINBRIDGE MARINA – CPA/REZ13220B, AB 13-148** 7:18:32 PM

Planning Director Cook described the ordinance and displayed a PowerPoint presentation. She presented the background regarding the CPA and Rezone. Director Cook discussed the recommendations from staff, Planning Commission and the Hearing Examiner. 7:34:10 PM Dennis Reynolds, attorney for Mr. McNabb, spoke to the historic background of the property. 7:41:43 PM Mr. McNabb testified and submitted a memorandum to Council and displayed maps. Council questions and discussion followed regarding boundary line adjustment, relation of the property to a park, and designation of the property as waterfront industrial. 7:50:10 PM Charles Schmid expressed concern regarding the boundary line adjustment. 7:53:12 PM Director Cook described the uses of the property and noted that the Department of Ecology report is pending.

MOTION: *I move that the City Council forward Ordinance No. 2013-16 pertaining to the McNabb/Bainbridge Marina, Comprehensive Plan Amendment/Rezone Request 13220B to first reading on November 13, 2013.*
BONKOWSKI/BLOSSOM *– Motion carried unanimously, 5-0.*

8:01:14 PM Carmella Houston spoke on behalf of Clarence Morikawi and stated that he will be commenting on the ordinance at first reading, regarding the adjacent parcel.

C. ORDINANCE NO. 2013-25, HOUSING DESIGN DEMONSTRATION PROJECT REVISIONS, AB 09-010 – PLANNING 8:02:31 PM

Special Project Planner Sutton described the ordinance, the background and the recommended revisions. She presented a PowerPoint display. Council questions and discussion followed. Director Cook answered questions regarding current projects, the evaluation process and neighborhood service centers. 8:23:34 PM Architect and Housing Resources Board (HRB) member Charlie Wenzlau spoke in favor of the ordinance. 8:24:48 PM Jeb Thornburg, architect, spoke in favor of the project and suggested there be criteria of what the measures are of success or failure so there can be the ability for quantitative decision making by Council and the Planning Commission. 8:26:54 PM Ryan Vancil spoke on behalf of a property owner in the Lynwood neighborhood service center with a concern regarding property designation. Planner Sutton responded that a CPA amendment has been issued to fix the error. Vancil also spoke in favor of incorporating green building in future City Code. 8:30:44 PM Charles Schmid asked a question regarding the number of homes built inside and outside Winslow to which Director Cook responded she will obtain further information. In addition, Mr. Schmid spoke in favor of keeping trees. Further Council discussion and questions followed regarding density. Director Cook stated that staff will have a memo to present at the November 6, 2013, meeting.

D. PERMITTING SYSTEM CONTRACT, AB 13-144 – EXECUTIVE 8:40:51 PM

IT Manager Miller presented the contract information. He spoke to the benefits of the system which will interact with the City's new website. The annual expense will be approximately $21,000.

MOTION: *I move that the City Council forward the contract with Paladin Data Systems in the form approved by the Interim City Attorney to the October 23, 2013, Consent Agenda.*
BONKOWSKI/LESTER *– Motion carried unanimously, 5-0.*

8:44:28 PM **RECESS**

8:53:52 PM Mayor Pro Tem Blair reconvened the meeting and 8:53 PM.

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E. POLICE DEPARTMENT UPDATE, AB 13-151 – POLICE 8:54:03 PM

Police Chief Hamner provided an update on the progress of the Police Department in addressing the concerns expressed in the LEMAP review and Pendleton study. He also spoke to the timeline for the Lexipol program and the department's plan for moving forward. The Chief noted implementation of officer training and standards and performance evaluations. The department has also been involved in community outreach. The report discussed tonight is available on the City's website. Mayor Bonkowski complemented the Chief's performance. 9:16:11 PM Citizen Kim Hendrickson spoke in favor of the report and upcoming changes.

F. ORDINANCE NO. 2013-26, 2014-2019 CAPITAL FACILITIES PLAN, AB 13-145 – EXECUTIVE 9:18:50 PM

Deputy City Manager Smith presented an overview of the plan. She noted three areas of visible changes: transportation (road projects); nonmotorized; and stormwater utility capital projects. 9:23:57 PM Engineer Chris Hammer displayed a PowerPoint presentation regarding transportation and new roadway reconstruction projects for 2014. Council questions and discussion followed. Knechtel and Wardwell projects were discussed. Councilmember Lester would like the City to look at nonmotorized and safety road projects that have not yet been addressed.

> ***MOTION:*** *I move that we make the repair, both the drainage and pavement repair, of Knechtel priority for 2014 in place of Wardwell.*
> ***WARD/LESTER***

Councilmember Ward amended his motion to drop the Wardwell connection.

> ***RESTATED MOTION:*** *Move to reprioritize Knechtel and deal with the drainage and repair work on Knechtel and come back to us with a proposal on how it fits into the overall plan.*
> ***WARD/LESTER*** *– Motion carried unanimously, 5-0.*

Transportation Benefit District (TBD) funds were discussed and how they might be appropriated when the TBD has the funds to spend. 10:07:22 PM Demi Allen, Board Member of Squeaky Wheels, spoke in favor of safety projects. 10:08:03 PM Don Watt, Vice President of North Kitsap Trails Association, spoke in favor of shoulder restoration on High School Rd.

> ***MOTION:*** *I would like to move the SR305 shoulder improvements Vineyard to High School Rd into the 2014 slot for $124,000, and let City Staff sort that out in terms of funding.*
> ***LESTER/WARD*** *– Motion carried unanimously, 5-0.*

Regarding traffic impact fees, Interim Public Works Director Cunningham stated he is working on a scope of work and a budget to bring back to Council.

G. SUBJECT: 2014 UTILITY RATES – FINANCE

- **ORDINANCE NO. 2013-28, ELIMINATING THE AUTOMATIC ANNUAL FEE ADJUSTMENT OF THE CITY'S WATER UTILITY RATES FOR 2014, AB 13-126** 10:24:46

Finance Director Schroer presented an overview of the three ordinances.

> ***MOTION:*** *I move the City Council forward Ordinance 2013-28 relating to the City water utility and eliminating the automatic annual fee increase to water utility rates for 2014 to 2nd reading and consider approval on November 13.*
> ***WARD/LESTER*** *– Motion carried unanimously, 5-0.*

- **ORDINANCE NO. 2013-29, ELIMINATING THE AUTOMATIC ANNUAL FEE ADJUSTMENT OF THE CITY'S SEWER UTILITY RATES FOR 2014, AB 13-127** 10:27:43 PM

> ***MOTION:*** *I move the City Council forward Ordinance No. 2013-29 relating to the City Sewer Utility and eliminate the automatic fee adjustment for sewer rates for 2014 to a 2nd reading and consideration of approval on November 13, 2013.*
> ***BONKOWSKI/WARD*** *– Motion carried unanimously, 5-0.*

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- **ORDINANCE NO. 2013-30, ELIMINATING THE AUTOMATIC ANNUAL FEE ADJUSTMENT OF THE CITY'S SSWM RATES, AB 13-128** 10:31:34 PM

MOTION: *I move the City Council forward Ordinance No. 2013-30, Eliminating the Automatic Annual Fee Adjustment of the City's Stormwater and Surface Water Utility rates for 2014 to a 2nd reading and consideration of approval on November 13, 2013.*
BONKOWSKI/LESTER *– Motion carried unanimously, 5-0.*

H. SUBJECT: ORDINANCE NO. 2013-27, PROPERTY TAX LEVY FOR COLLECTION IN 2014, AB 13-125 – FINANCE
10:32:16 PM

Finance Director Schroer described the ordinance.

MOTION: *I move that the City Council forward Ordinance No. 2013-27, relating to the levy of property taxes for the City of Bainbridge Island, for the fiscal year commencing January 1, 2014, to 2nd reading and a public hearing on November 13, 2013.*
LESTER/*(No second – motion fails).*

Following discussion, another motion was made.

MOTION: *I move that the City Council forward Ordinance No. 2013-27, relating to the levy of property taxes for the City of Bainbridge Island, for the fiscal year commencing January 1, 2014, to 2nd reading and public hearing on November 13, 2013.*
BLOSSOM/LESTER *– Motion carried unanimously, 5-0.*

I. SUBJECT: RESOLUTION NO. 2013-16, AUTHORIZING INVESTMENT IN THE STATE TREASURER'S LOCAL GOVERNMENT INVESTMENT POOL, AB 13-122 – FINANCE 10:34:40 PM

Finance Director Schroer described the resolution.

MOTION: *I move the City Council forward Resolution 2013-16, approving continuing participation in the State Treasurer's Local Government Investment Pool to the Consent Agenda for October 23, 2013.*
WARD/LESTER *– Motion carried unanimously, 5-0.*

J. SUBJECT: RESOLUTION NO. 2013-17, APPROVING AN INTERLOCAL AGREEMENT WITH ASSOCIATION OF WASHINGTON CITIES EMPLOYEE BENEFIT TRUST, AB 13-137 – FINANCE
10:38:22 PM

Finance Director Schroer described the resolution.

MOTION: *I move that the City Council forward Resolution 2013-17 approving the interlocal agreement with the Association of Washington Cities Employee Benefit Trust to the Consent Agenda for October 23, 2013.*
WARD/LESTER *– Motion carried unanimously, 5-0.*

5. COUNCIL DISCUSSION 10:39:41 PM

A. SUBJECT: 2014 LTAC AWARDS – APPLICATION CHANGES, AB 13-131 - COUNCIL

Mayor Bonkowski spoke to proposed changes regarding eligibility and described the options. Council discussion followed regarding the options as well as funds going to nonprofits and for profit organizations.

MOTION: *I move that based on the discussion that the Council approve Option B in terms of applicants' eligibility.*
BONKOWSKI/LESTER *– Motion carried unanimously, 5-0.*

Mayor Bonkowski described the issue of matching and in-kind matching funds.

MOTION: *I move that the LTAC projects have an in-kind match from contributed goods and services permissible up to 50% of the total project costs.*
LESTER/BONKOWSKI *– Motion carried unanimously, 5-0.*

Mayor Bonkowski introduced the third item, the proposed scoring matrix for 2014 awards.

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MOTION: *I move to accept the proposed scoring for 2014 for project selection.*
LESTER/WARD *– Motion carried unanimously, 5-0.*

B. BUDGET ADJUSTMENT RELATING TO THE KITSAP ECONOMIC DEVELOPMENT ALLIANCE 10:58:03 PM

Mayor Bonkowski spoke to the reduction in the amount of dues the City provided to Kitsap Economic Development Alliance (KEDA).

MOTION: ***I*** *am proposing that we return the amount of dues to KEDA back to the $5,000 that we gave prior to the discussion that we had last year. That would be done as a budget adjustment and included on the Consent Agenda.*
BONKOWSKI/WARD *– Motion carried unanimously, 5-0.*

6. CITY MANAGER'S REPORT 11:01:23 PM

City Manager Schulze reported on the following:

- The Transportation Alternatives Project and the comment period that runs from October 10 to November 21, 2013. The significance to the City is that we have a project on that list.
- The City met the goal of the Take Charge Green Power Challenge and will receive a $20,000 grant for a solar array at the Waterfront Park Community Center.
- Finalists have been identified for the Municipal Judge search.

7. COMMITTEE REPORTS 11:03:54 PM

Mayor Bonkowski reported attending a meeting in Tacoma to talk about transportation issues.
Mayor Pro Tem Blair reported that the Kitsap Regional Coordinating Council is forming an ad hoc committee regarding succession planning and are seeking appointments.

8. REVIEW OF UPCOMING COUNCIL MEETING AGENDAS 11:08:53 PM

City Manager Schulze reviewed the October 23, 2013, agenda with Council. Councilmembers made suggestions and requests. The SMP meeting to be held on October 30, 2013, was discussed. City Manager Schulze clarified that the intent of the public hearing is to review any recommended or mandatory changes suggested by DOE. Mayor Bonkowski requested that each version of the SMP be traceable.

9. FOR THE GOOD OF THE ORDER 11:16:30 PM

Councilmember Lester noted the Chamber of Commerce breakfast at Islandwood on 10/18 and Pumpkin Walk on 10/18 and 10/19 at Bainbridge Gardens.

10. ADJOURNMENT 11:17:44

The meeting was adjourned at 11:17 PM.

_____
Steven Bonkowski, Mayor

_____
Deborah Rose, Court Clerk

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SPECIAL/REGULAR CITY COUNCIL MEETING
OCTOBER 23, 2013

ITEMS DISCUSSED

1. EXECUTIVE SESSION: REVIEW THE PERFORMANCE OF AN EMPLOYEE (RCW 42.30.110(1)(g)
2. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
4. PUBLIC COMMENT
5. PUBLIC HEARING: RESOLUTION NO. 2013-19, PLAT OF GROW COMMUNITY I SUBDIVISION AMENDMENT, AB 12-125
6. ORDINANCES
   A. ORDINANCE NO. 2013-32, ESTABLISHING A MORATORIUM ON MARIJUANA GROWING OPERATIONS, AND ADOPTING INTERIM REGULATIONS FOR MARIJUANA PROCESSING, RETAILING, AND COLLECTIVE GARDENING, AB 13-136 – PLANNING
   B. ORDINANCE NO. 2013-26, 2014-2019, CAPITAL FACILITIES PLAN, AB 13-145 – EXECUTIVE
7. UNFINISHED BUSINESS: DISCUSSION OF COST ALLOCATIONS OPTIONS, AB 13-022 – FINANCE
8. NEW BUSINESS: PUBLIC ART PROGRAM AND PUBLIC ART SUBFUND, AB 13-148 – COUNCILMEMBER LESTER
9. CONSENT AGENDA
   A. ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL
   B. SPECIAL/REGULAR STUDY SESSION MEETING MINUTES, OCTOBER 2, 2013
   C. SPECIAL/REGULAR BUSINESS MEETING MINUTES, OCTOBER 9, 2013
   D. PERMITTING SYSTEM CONTRACT, AB 13-144 – EXECUTIVE
   E. RESOLUTION NO. 2013-16, AUTHORIZING INVESTMENT IN THE STATE TREASURER'S LOCAL GOVERNMENT INVESTMENT POOL, AB 13-122 – FINANCE
   F. RESOLUTION NO. 2013-17, APPROVING AN INTERLOCAL AGREEMENT WITH ASSOCIATION OF WASHINGTON CITIES EMPLOYEE BENEFIT TRUST, AB 13-137 – FINANCE
   G. ORDINANCE NO. 2013-33, Q3 2013 BUDGET ADJUSTMENTS, AB 13-024 – FINANCE
10. CITY MANAGER'S REPORT
11. COMMITTEE REPORTS
12. REVIEW UPCOMING COUNCIL MEETING AGENDAS
13. FOR THE GOOD OF THE ORDER
14. ADJOURNMENT

1. EXECUTIVE SESSION: REVIEW THE PERFORMANCE OF AN EMPLOYEE (RCW 42.30.110(1)(G) 6:30:36 PM
At 6:30 PM, Mayor Bonkowski recessed the meeting to an executive session with Councilmembers Blair, Blossom, Lester, and Ward present to review the performance of an employee. The recording system was turned off and the door to Council Chambers was posted. Councilmember Hytopoulos arrived at 6:31 PM. At 7:01 PM, Mayor Bonkowski announced executive session would be extended by 30 minutes. Councilmember Scales arrived at 7:10 PM and joined the aforementioned Councilmembers in the Planning Conference Room.

2. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE 7:39:46 PM
Mayor Bonkowski called the meeting to order at 7:39 PM with aforementioned Councilmembers present. He indicated no decisions were made in executive session. City Clerk Lassoff monitored the recording of the meeting and prepared the minutes. Everyone stood for the pledge of allegiance.

3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE 7:41:03 PM
It was moved by Councilmember Lester, seconded by Councilmember Blair, and unanimously approved that the agenda be accepted as presented, 7-0.

Councilmember Lester disclosed that back in November 2012, she had recused herself from the conversation regarding the Grow Community project because her husband, Ryan Vancil, had represented the applicant on part of their permit. Following brief questions posted by the Interim City Attorney Haney, Councilmember Lester was allowed to participate in and vote on the item this evening.

4. PUBLIC COMMENT 7:43:00 PM
7:43:32 PM Barbara Sacerdote, Executive Director, Arts and Humanities Council, 13080 Phelps Road, commented on the public art program and read from a prepared statement explaining the value of the City's investment in public art.

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7:47:20 PM Amy Alspell, 11469 Kallgren Road, commented on reestablishing the public art program.

7:51:21 PM Jenny Conaty, 1181 Nakata, Squeaky Wheels, thanked the Council for placing the top five safety improvement projects as named by the Non-Motorized Transportation Advisory Committee on the Capital Improvement Plan for the next five years.

5. PUBLIC HEARING: RESOLUTION NO. 2013-19, PLAT OF GROW COMMUNITY I SUBDIVISION AMENDMENT, AB 12-125 7:53:16 PM

Associate Planner Beckmann, gave a PowerPoint presentation showing the proposed amendments to the subdivision. Following brief comments regarding non-motorized, project phasing, mailbox placement, parking issues and traffic calming, Mayor Bonkowski opened the public hearing at 8:08 PM.

8:08:49 PM Marji Preston, Grow Community representative, clarified earlier comments made regarding parking. Mayor Bonkowski closed the public hearing to 8:10 PM. Councilmember Blossom commented on traffic emptying out to Wyatt Way. Ms. Preston explained how this phase of the project worked.

8:13:02 PM ***MOTION:*** *I move that the City Council adopt Resolution 2013-19, including findings of fact and conclusions of law, approving the amendment to the Plat of Grow Community I single and multifamily subdivision.*
BLOSSOM/WARD *– Motion carried 6-1 with Councilmember Blossom, Bonkowski, Hytopoulos, Lester, Scales, and Ward voting in favor. Councilmember Blair voting against.*

6. ORDINANCES/1ST READING

A. ORDINANCE NO. 2013-32, ESTABLISHING A MORATORIUM ON MARIJUANA GROWING AND ADOPTING INTERIM REGULATIONS FOR MARIJUANA PROCESSING, RETAILING AND COLLECTIVE GARDENS, AB 13-136 – PLANNING 8:14:00 PM

Planning Director Cook introduced the item. She indicated staff was recommending scheduling a public hearing for November 13. Councilmember Blair asked what happens when the moratorium expires. Interim City Attorney Haney described the three options available. Councilmember Ward thought it would be appropriate to notice all affected property owners within the business industrial zone which would be affected and that the description should be much more specific so that people understand where the activity is being directed. Planning Director Cook replied staff would send out notices to both the addresses within that area as well as addresses within 500 feet of the boundary of the zone.

MOTION: *I move to schedule a Public Hearing on Ordinance 2013-32, establishing a moratorium on marijuana growing operations and adopting interim regulations for marijuana processing, retailing and collective gardens for November 13, 2013.*
BLAIR/LESTER *– Motion carried unanimously, 7-0.*

B. ORDINANCE NO 2013-26, 2014-2019 CAPITAL FACILITIES PLAN, AB 13-14 – EXECUTIVE 8:20:19 PM

Deputy City Manager Smith explained this item was a continuation of last week's discussion. She noted the two motions made last week regarding SR 305 Shoulder Improvements and Knechtel Way projects.

8:22:21 PM Interim Public Works Director Cunningham explained the three possible alternatives for Knechtel Way. Councilmember Ward asked if there was a viable option that would solve the drainage issue, improve the pavement, and spare the five significant trees. Project Manager Hammer explained how it could be done. Councilmember Lester shared photographs on how many residents and social services there are in the area which are affected. Councilmember Hytopoulos wondered if there was a way to be creative with the trees. Interim Public Works Director suggested City Council consider putting the full project in the CIP and then, as part of the design work, staff can come back with options or alternatives. Engineering Manager Hammer explained how a thin asphalt overlay procedure could work. Councilmember Blair appreciated the suggestion of adding $120,000 into the CIP and then reconsider it after it gets to the 30% design phase.

8:36:08 PM ***MOTION:*** *I move that we add option 3 of the Knechtel project to the CIP and relook at the options, particularly on the trees versus the sidewalk when the City's at the 30% design phase.*
WARD/LESTER *– Motion carried unanimously, 7-0.*

8:37:00 PM Engineering Manager Hammer explained key changes to the proposed capital improvement plan. He said staff was recommending that the City go ahead and allocate an additional $75,000 to begin right-of-way work on Wing Point Way. He reviewed other changes in the 2014 CIP and considerations for 2015-2017 Budget. Mayor Bonkowski proposed having projects that total approximately $2M dollars in non-motorized for 2015-2016 in order to set ourselves up for grant funding opportunities.

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City Manager Schulze spoke to the additional workload created by nearly doubling the number of projects. Councilmember Lester asked staff what they would be doing with information provided by the Non-Motorized Transportation Advisory Committee and other groups regarding spot projects and transportation related trails. Engineering Manager Hammer said he would want to talk to the NMTAC and get some community input on it.

8:55:42 PM ***MOTION:*** *I move to provide $75,000 in City funds towards right-of-way acquisition in conjunction with the Wing Point project.*
LESTER/BLAIR *– Motion carried unanimously, 7-0.*

8:55:10 PM ***MOTION:*** *I would move that, in fact, we do relabel that funding that was allocated during our last budget discussion and we had at that point sort of labeled it trails but it is connecting pathways and by using that distinction will make it distinct from the parks department and their work on trails. So my motion is that we relabel the funds connecting pathways.*
BLAIR/LESTER *– Motion carried unanimously, 7-0.*

8:57:34 PM City Manager Schulze explained discussion of the 2015-2020 CIP will take place sometime in the first quarter of 2014. Mayor Bonkowski suggested moving the top five projects into 2015-2016, which is near $2M mark he had mentioned earlier.

7. UNFINISHED BUSINESS

A. DISCUSSION OF COST ALLOCATION OPTIONS, AB 13-022 – FINANCE 9:02:45 PM

Finance Director Schroer gave a brief presentation regarding other jurisdictions allocate their costs and fielded questions.

8. NEW BUSINESS

A. PUBLIC ART PROGRAM AND PUBLIC ART SUBFUND, AB 13-148 9:14:14 PM

Councilmember Lester gave a brief PowerPoint presentation which showcased public art island-wide. She spoke about future public art opportunities, which could include Waterfront Park, non-motorized projects, walkabout bridge, etc. She explained possible ways of reviving the program. Following a brief discussion, information on public art conservation will be developed and brought back to a future meeting.

9. CONSENT AGENDA 9:36:56 PM

A. ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL
Accounts Payable Void Manual Check Number 333997, Manual Check Numbers 334067 through 334076, Regular Run Check Numbers 334077 through 334198 for a total of $299,280.38. Retainage Release Check Number 108 for a total of $2,711.72, Travel Advance Check Numbers 57 through 58 for a total of $200.00. Payroll Direct Deposit Check Numbers 028874 through 028980, Payroll Regular Check Numbers 106411 through 106413, Payroll Vendor Check Number 106414 through 106425 and Federal Tax Electronic Transfer for a total of $398,294.53.

B. SPECIAL/REGULAR STUDY SESSION MEETING MINUTES, OCTOBER 2, 2013

C. SPECIAL/REGULAR BUSINESS MEETING MINUTES, OCTOBER 9, 2013

D. PERMITTING SYSTEM CONTRACT, AB 13-144 – EXECUTIVE

E. RESOLUTION NO. 2013-16, AUTHORIZING INVESTMENT IN THE STATE TREASURER'S LOCAL GOVERNMENT INVESTMENT POOL, AB 13-122 – FINANCE

F. RESOLUTION NO. 2013-17, APPROVING AN INTERLOCAL AGREEMENT WITH ASSOCIATION OF WASHINGTON CITIES EMPLOYEE BENEFIT TRUST, AB 13-137 – FINANCE

G. ORDINANCE NO. 2013-33, Q3 2013 BUDGET ADJUSTMENTS, AB 13-024 – FINANCE

MOTION: *I move we approve the consent agenda item A. Accounts Payable Voucher and Payroll Approval; item B. Special/Regular Study Session Meeting Minutes, October 2, 2013, item C. Special/Regular Business Meeting Minutes, October 9, 2013, item D. Permitting System Contract, AB 13-144, Executive, item E. Resolution 2013-16, Authorizing Investment in the State Treasurer's Local Government Investment Pool, AB 13-122, F. Resolution No. 2013-17, approving an Interlocal Agreement with Association of Washington Cities Employee Benefit Trust, AB 13-137 and G. Ordinance No. 2013-33, Q3 2013 Budget Adjustments, AB 13-024.*
WARD/BLAIR *– Motion carried unanimously, 7-0.*

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10. CITY MANAGER'S REPORT 9:38:13 PM
City Manager Schulze reported on items from his weekly report. He gave Council an update on various agenda topics.

11. COMMITTEE REPORTS 9:49:39 PM
Councilmember Blair reported on a Kitsap Regional Coordinating Council meeting held yesterday. She suggested merging the Non-Motorized Transportation Advisory and Roads End Committees to come up with a subcommittee specifically in support of road ends. Councilmember Ward reported on a CENCOM Executive Committee meeting held yesterday.

12. REVIEW OF UPCOMING COUNCIL MEETING AGENDAS 9:55:18 PM
Councilmembers and staff discussed the October 30 special meeting/public hearing on the SMP and setting up a process so the public is clear how the hearing would be conducted. Following a brief discussion, there was consensus to limit comments to only the changes made by the Department of Ecology and staff, that public testimony would be limited to one hour (each speaker given 2-3 minutes each depending on number of speakers signed up) and Council deliberation would follow. Council discussion of the SMP at the November 6 meeting was moved up on the agenda so that Councilmember Scales could call in.

13. FOR THE GOOD OF THE ORDER 10:23:25 PM
Councilmember Lester announced upcoming events which included the drug take back program event at the Police station, last weekend for SHREK at BPA, Olympic Drive to Winslow Way pedestrian/bicycle improvements public meeting at City Hall, first Friday Art Walk and the Bainbridge Celluloid Firm Festival. Councilmember Hytopoulos would like to invite PSE to make a presentation regarding coal before the end of the year.

14. ADJOURNMENT10:26:33 PM
The meeting adjourned at 10:26 PM.

_____
Steven Bonkowski, Mayor

_____
Rosalind D. Lassoff, City Clerk

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SPECIAL CITY COUNCIL MEETING
OCTOBER 30, 2013

ITEMS DISCUSSED

1. CALL TO ORDER / ROLL CALL / ACCEPT AGENDA / CONFLICT OF INTEREST DISCLOSURE
2. STAFF INTRODUCTION OF REQUIRED AND RECOMMENDED CHANGES SUBMITTED BY THE DEPARTMENT OF ECOLOGY AND STAFF RECOMMENDED CHANGES *INFORMATION*
3. COUNCIL DISCUSSION
4. ADJOURNMENT

1. CALL TO ORDER / ROLL CALL / ACCEPT AGENDA / CONFLICT OF INTEREST DISCLOSURE 6:59:59 PM
Mayor Steve Bonkowski called the Special City Council Meeting of Wednesday, October 30, 2013 to order at 6:59 p.m.; Councilmembers Scales, Hytopolous, Blossom, Ward, Blair and Lester were present. Records Management Coordinator Kelly Jahraus monitored the meeting and prepared the minutes.

> ***MOTION:*** *to accept the agenda.*
> ***WARD/BLAIR:*** *Motion carried unanimously, 7-0.*

2. STAFF INTRODUCTION OF REQUIRED AND RECOMMENDED CHANGES SUBMITTED BY THE DEPARTMENT OF ECOLOGY AND STAFF RECOMMENDED CHANGES FOR THE SMP
Planning Director Kathy Cook introduced the agenda item and announced that Barbara Nightingale of the Department of Ecology was present for the meeting. The DOE has concluded their public comment period for the SMP; it ran July 22 – August 23 and a public hearing was held July 31. After reviewing the public comments and the City's response to the comments, the DOE developed their required and recommended changes to the City's draft document. Changes received on October 16 have been incorporated and annotated into the draft document; a second set of matrices were received on October 25.

3. COUNCIL DISCUSSION
Following the presentation of the matrices by Associate Planner Ryan Ericson, the council discussed next steps, specifically, the timing for a 2nd Reading and Public Hearing for the SMP document where the council can decide to accept or propose alternative language.

Because Ecology's revisions to the requested/recommended changes were received too late to allow adequate time for Council and community review, staff is recommending that the October 30 Public Hearing be continued to November 20. Second reading will also be conducted on this date. Upon close of public testimony at the November 20 Public Hearing, staff recommends that the City Council discuss the public testimony, Ecology's requested and recommended amendments and staff's proposed revisions, and then vote on whether to approve or provide alternative language for Ecology's consideration. The next step is for the City Council to authorize the City Manager to submit a letter to Ecology, outlining Council's approved amendments or proposed alternative language.

Interim City Attorney Jim Haney explained that we would not need DOE's approval of any alternative language that we wanted to add by November 10 or by the time we noticed the Public Hearing November 20. We do need to know what the alternative language is (language proposed by staff.) The risk however is that if a Public Hearing were conducted without approval it would trigger further review by DOE. Ms Nightingale concurred.

Interim City Attorney Jim Haney said council could "entertain" any changes proposed by staff for the November 20 but notice needs to be given to the Bainbridge Review by November 10. Staff can publish the notice with proposed changes highlighted. This evening's meeting was to go thru the required and recommended changes and any changes that have been made to the SMP since the last Public Hearing. The language is open for review at the Public Hearing.

Mayor Bonkowski stating that changes provided by staff seem minor on the surface and if staff continues to work in concert with DOE, as of November 20 we would have a document with changes already made plus potential changes. If there are changes that DOE has approved or not approved, council could make a decision on risk to the schedule on whether or not to accept that draft and have the ability to take input from the community.

The draft document submitted in June 2013 to DOE will be reviewed on November 20 with DOE required and recommended changes and staff alternative language in matrix form.

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4. ADJOURNMENT

The meeting was adjourned at 9:26 p.m.

Steven Bonkowski, Mayor

Kelly Jahraus, Records Management Coordinator

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CITY OF BAINBRIDGE ISLAND
CITY COUNCIL AGENDA BILL

PROCESS INFORMATION	
Subject: Regional Stormwater Monitoring Program (RSMP)	Date: November 13, 2013
Agenda Item: Consent Agenda	Bill No.: 13-154
Proposed By: Interim Public Works Director John Cunningham	

BUDGET INFORMATION: Proposed Public Works Future Stormwater Budget(s):			
2014	2015	2016	2017
$16,103.00	$16,103.00	$16,103.00	$16,103.00

REFERRALS/REVIEW		
Study Session: November 6, 2013	Recommendation: Forward to November 13, 2013 Consent Agenda	
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A

DESCRIPTION/SUMMARY

Action Item: City Council to consider approval of opting-in to the Regional Stormwater Monitoring Program (RSMP) and approval of the RSMP Interagency Agreement.

Background: The new Regional Stormwater Monitoring Program (RSMP) will be implemented with Western Washington NPDES Municipal Stormwater permittee contributions after 2013. The RSMP is based on recommendations from an independent stakeholder committee that outlined an overall strategy for a stormwater assessment and monitoring program for Puget Sound (SWAMPPS) with specific recommendations for NPDES Municipal Stormwater Permit monitoring. The Regional Stormwater Monitoring Program consists of the following key activities:

- Status and Trends Monitoring, NPDES Permit Condition S8.B
- Effectiveness Studies, NPDES Permit Condition S8.C.
- Source Identification & Diagnostic Monitoring Repository, NPDES Condition S8.D
- Administration of Pooled Funds

To meet these NPDES permit requirements, all permittees must choose to either "opt-in or opt-out" of the RSMP program. Permittees must notify their Ecology Permit Manager in writing by December 1, 2013 as to which option they choose. At the same time, permittees choosing to participate in the RSMP also need to inform Ecology if they wish to enter into a formal cost sharing interagency agreement. For the City of Bainbridge, the cost sharing agreement for opting-in to the RSMP is $16,103.00 annually for the term of the permit and is currently included in the 2014 budget. Staff recommends opting-in to the RSMP and executing the Interagency Agreement (IAA). See attached Interagency Agreement.

RECOMMENDED ACTION

DEPARTMENT OF
ECOLOGY
State of Washington

IAA No.

INTERAGENCY AGREEMENT (IAA) FOR

FUNDING THE REGIONAL STORMWATER MONITORING PROGRAM

BETWEEN

THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY

AND

CITY OF BAINBRIDGE ISLAND

THIS INTERAGENCY AGREEMENT is made and entered into by and between the STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, hereinafter referred to as "ECOLOGY," and the CITY OF BAINBRIDGE ISLAND, hereinafter referred to as the "CITY" pursuant to the authority granted by Chapter 39.34 RCW.

IT IS THE PURPOSE OF THIS AGREEMENT to provide a share of the funding required to conduct a Regional Stormwater Monitoring Program (RSMP) as defined in the Western Washington Phase II Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) Permit sections S8.B1, S8.C and S8.D, and in **Attachment A – Scope of Work**. The project is being jointly funded by all of the permittees who choose to participate in the RSMP.

THEREFORE, IT IS MUTUALLY AGREED THAT:

1) STATEMENT OF WORK

Ecology agrees to manage the funds, participate in an oversight committee, solicit requests for proposals, conduct an open and transparent process to rank applications, and enter into contracts with other entities to perform the activities described in **Attachment A – Scope of Work**, attached hereto by reference.

2) PERIOD OF PERFORMANCE

Subject to its other provisions, the period of performance of this IAA shall commence on the date on which both parties have signed this Agreement, or date of execution, whichever comes later, and be completed by June 30, 2019, unless extended longer or terminated sooner as provided herein.

3) PAYMENT

CITY agrees to pay Ecology the total sum of Sixteen Thousand One Hundred Three Dollars ($16,103.00) annually as its share for accomplishing the work required by this Agreement.

This includes the sum of Five Thousand Seven Hundred Nine Dollars ($5,709.00) annually as the CITY's share for **Sub Fund 2: S8B Status and Trends Monitoring** in Puget Sound receiving waters; Nine Thousand Five Hundred Twelve Dollars ($9,512.00) annually as the CITY's share for **Sub Fund 3: S8C Regional Effectiveness Studies**; and Eight Hundred Eighty-Two Dollars ($882.00) annually as the CITY's share **for Sub Fund 4: S8D Source Identification Information Repository (SIDIR).**

4) BILLING PROCEDURE

Each invoice will reference the Agreement number. An invoice for the first payment will be mailed by June 15, 2014 and thereafter will be mailed between June 15 and July 1 of each year of the Agreement to the following address:

Melva Hill
City of Bainbridge Island
280 Madison Avenue N.
Bainbridge Island, WA 98110

Annual payments will be due to Ecology on or before August 15 of each year of the Agreement. Payments will be mailed to one of the following:

USPS address:	Or	**UPS or FedX address:**
Department of Ecology Cashiering Section Regional Stormwater Monitoring Program P.O. Box 47611 Olympia, WA 98504-7611		Department of Ecology Cashiering Section Regional Stormwater Monitoring Program 300 Desmond Drive Olympia, WA 98503

5) COST TRACKING AND ACCOUNTING

Ecology will separately track the budgets for status and trends monitoring in Puget Sound receiving waters; regional effectiveness studies; and SIDIR. Excess funds remaining for any one of these three activities will not be allocated towards either of the others.

6) COST OVERRUNS

Neither Ecology nor CITY will be responsible for cost overruns. The total project cost estimate for which CITY's share has been determined includes a 10% contingency. If the project budget is determined insufficient to accomplish Attachment A – Scope of Work then the parties will agree which reductions or other adjustments to Attachment A – Scope of Work will be made.

7) EXCESS FUNDS

If after the completion date of this project, excess funds remain in Ecology's project account, Ecology will refund a pro-rated refunded amount to CITY, based on the same rate payments were made, no later than six months following the completion date of the agreement.

8) AGREEMENT ALTERATIONS AND AMENDMENTS

This Agreement may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

9) GOVERNANCE AND PRECEDENCE

This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement shall be construed to conform to those laws.

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

a. Applicable Federal and State of Washington statutes, regulations and rules.
b. Mutually agreed written amendments to this Contract.
c. Statement of Work and Budget.
d. Any other provisions of the Agreement, including materials incorporated by reference.

10) INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

11) RECORDS MAINTENANCE

All records supporting every request for payment shall be maintained by Ecology in a manner which will provide an audit trail to the expenditures for which state support is provided. Original source documents shall be maintained by Ecology and made available to the CITY or a duly authorized representative upon request.

12) RIGHTS IN DATA

Unless otherwise provided, data which originates from this Agreement shall be "works for hire" as defined by the U.S. Copyright Act of 1976 and shall be owned by Ecology. Data shall include, but not be limited to, reports, documents, pamphlets, advertisements, books magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. Ownership includes the right to copyright, patent, register, and the ability to transfer these rights.

13) SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, and to this end the provisions of this Agreement are declared to be severable.

14) TERMINATION

CITY agrees to be bound to the terms and conditions of this agreement until July 31, 2018, or the expiration date of the Municipal Stormwater Permit, whichever is later.

15) TERMINATION FOR CAUSE

If for any cause, either party does not fulfill in a timely and proper manner its obligations under this Agreement, or if either party violates any of these terms and conditions, the aggrieved party will give the other party written notice of such failure or violation. The responsible party will be given the opportunity to correct the violation or failure within 15 working days. If failure or violation is not corrected, this Agreement may be terminated immediately by written notice of the aggrieved party to the other.

16) WAIVER

A failure by either party to exercise its rights under this Agreement shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the party and attached to the original Agreement.

17) AGREEMENT MANAGEMENT

The representative for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Agreement.

The ECOLOGY Representative is:	The City of Bainbridge Island Representative is:
Name: Terrie Fields/WQP Address: PO Box 47611 Olympia, WA 98504 – 7611 Phone: 360.407.7494 Email: TFIE461@ecy.wa.gov Fax: 360.407.6426	Name: Melva Hill Address: 280 Madison Avenue N. Bainbridge Island, WA 98110 Phone: 206.842.2016 Email: mhill@bainbridgewa.gov Fax: 206.780.3710

18) ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

The signatories to this Agreement represent that they have the authority to bind their respective organizations to this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement.

State of Washington
Department of Ecology

Signature Date

Print Name

Title

City of Bainbridge Island

Signature Date

Print Name

Title

Approved as to form:

Attorney General's Office

APPENDIX A

STATEMENT OF WORK AND BUDGET

Attachment A – Scope of Work (SOW)

Purpose: The Regional Stormwater Monitoring Program (RSMP) is the cumulative regional monitoring effort collectively funded by the Phase I and II Municipal Stormwater Permittees. The purpose of this SOW is to define and describe the RSMP activities and products that will be delivered to permittees and the public by Ecology and contractors from September 2013 through June 2019. The RSMP is divided into three main program components: S8.B Status and Trends, S8.C Effectiveness Studies, and S8.D Source Identification Information Repository.

The anticipated timeline and estimated maximum costs for each program component are presented in Tables 1-3 below. Because the RSMP is being jointly funded by all of the permittees who choose to participate, the final budgets for Tasks 0-3 will be known after all permittees have notified Ecology as to their decision to opt in or out of each component of the RSMP. Permittees are required to notify Ecology of their decisions by December 1, 2013. Check Ecology's RSMP website for updated information.

S8.B Status and Trends

Table 1. Tasks, Timeline and Estimated Costs* for RSMP Status and Trends Monitoring

Task	Implemented by	Anticipated Timeline	Estimated Maximum Costs
0. Program administration	Ecology	Begins in October 2013 with Phase I permittees decisions	$171,000 (about 5% of the total costs)
1. Puget lowland small streams monitoring and assessment	Contractors, including permittees	Ramp-up in 2014, conduct monitoring in 2015	$2,515,000
2.1 Marine nearshore sediment monitoring and assessment	Contractors, including permittees	Ramp-up in 2014, conduct monitoring in summer 2016	$220,000
2.2 Marine nearshore bacteria monitoring and assessment	Contractors, including permittees	Ramp-up in 2014, conduct monitoring October 2015 through September 2016	$67,000
2.3 Marine nearshore mussel contaminant monitoring and assessment	Contractors, including permittees	Ramp-up in 2014, conduct monitoring in winter 2015-2016	$619,000
TOTAL RSMP Status and Trends Monitoring Effort*			$3,592,000* over four years

* Final budget will be known in January 2014.

Task 0. Program Administration, Requests for Proposals, and Contracting

1. Develop a budget for status and trends monitoring based on collective decisions by permittees to opt in or out of the RSMP. The budget will be reviewed by the stakeholder oversight committee
2. Track costs associated with all RSMP fund-sharing program components
3. Participate in a project management oversight process
    a. Manage process to facilitate adaptive management to contracts, monitoring, databases and communication materials (websites, reports, etc)
    b. Inform and receive external stakeholder group recommendations
4. Facilitate an open process to determine who will conduct each of the tasks listed below for status and trends monitoring in small streams in Puget Lowlands and in urban marine nearshore areas of Puget Sound. Contractors may include permittees and/or other stakeholders.
5. Ensure contractors are qualified to conduct RSMP tasks according to approved Quality Assurance Project Plans (QAPPs)
6. Write, enter into, and manage agreements for data collection, management, analysis, and reporting
7. Provide project management oversight to ensure that quality data and products are produced, and data are entered into appropriate databases within the timeframes specified in the QAPPs
    a. Facilitate a process to inform permittees and stakeholders of project needs, schedule changes, or other unforeseen circumstances
    b. Coordinate interlaboratory comparison studies
8. Coordinate an annual review and reporting of results and information generated by the RSMP. In addition to the data interpretation tasks listed below:
    a. Summarize and distribute findings
    b. Cross-walk with information published by other key monitoring programs in western Washington
    c. Recommend new standard methods and protocols to be developed

Task 1. Status and Trends Monitoring in Small Streams in Puget Sound Lowlands

1. <u>Status and trends monitoring for small streams</u>
    a. Prepare to manage data
        i. Work out agreement with King County to store data in Puget Sound Stream Benthos database.
        ii. Create EIM account for water quality, sediment chemistry, and periphyton data
        iii. Confirm that data management tools are available to handle all RSMP data and that all data will be quality controlled, stored and accessible to the public
    b. Confirm sites and prepare for sampling in 2015. Up to 100 sites will be selected for sampling. The number of sites sampled will depend upon the final RSMP budget.

i. Use the site list in the Draft Quality Assurance Project Plan (QAPP). The QAPP is expected to be finalized in 2014. The lists of Master Sample Sites for Puget Lowland streams inside and outside the UGAs have been generated, sorted by county, and are available on Ecology's RSMP website.
ii. Confirm sites and prepare for sampling to begin by January 2015.
    1. For each site that is not accessible or is documented according to the QAPP as otherwise unsuitable, the next sequential site on the list of will be assessed for suitability. Proceed down the lists until required number of sites is found.
    2. Up to 100 sites will be assessed (up to 50 within the UGA, and up to 50 outside the UGA), plus up to 10 reference locations.
    3. The RSMP will not sample sites that are sampled by permittees who opt to conduct individual monitoring according to Phase I permit condition S8.B.1.b or Phase II permit condition S8.B.2.
    4. The RSMP will not re-sample sites that are monitored as part of Ecology's state EMAP program in 2013. The RSMP will use data collected for Ecology's 10 reference locations.
iii. Procure sample collection equipment necessary to produce data according to the QAPP.
iv. Procure accredited laboratories for analysis.
v. Procure staff for seasonal field work.

c. Prepare to manage small stream status and trends monitoring data
    i. Confirm that data management tools are available to handle all data and that all data will be quality controlled, stored and accessible to the public
    ii. Ensure data quality is evaluated and report all data to the required databases according to the QAPP

2. Conduct status and trends monitoring. Sampling protocols and procedures detailed in the Draft Quality Assurance Project Plan (QAPP) are from previously-approved QAPPs and may be adaptively managed:
    a. Collect and report monthly water quality index (WQI) and instantaneous flow monitoring at the RSMP sites for one year (January through December 2015).
        i. WQI Parameters: total phosphorus, total nitrogen, turbidity, total suspended solids, specific conductance, pH, chloride, fecal coliform, temperature, and dissolved oxygen.
        ii. Estimate streamflow following Ecology SOP #EAP024.
    b. Collect stream benthos and habitat monitoring data at the RSMP sites in summer 2015.
        i. Benthos parameters: aquatic macroinvertebrates and periphyton.
        ii. Water quality parameters: chlorophyll a, ammonia, nitrate-nitrite, total suspended solids, hardness, total phosphorus, total perchlorate nitrogen, chloride, and turbidity
        iii. Habitat monitoring: slope, bearing, habitat unit presence, wetted width, bankfull width, bar width, substrate size, substrate depth, shade, human

influence, riparian vegetation, large woody debris and grain size estimation.

iv. Sediment chemistry parameters
    1. Metals: copper, lead, arsenic, and zinc
    2. PAHs: naphthalene, 2-methylnaphthalene, 1-methylnaphthalene, 2-chloronaphthalene, acenaphthylene, acenaphthene, dibenzofuran, fluorene, anthracene, carbazole, phenanthrene, fluoranthene, pyrene, retene, benzo(k)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, dibenzo(a,h)anthracene, benzo(ghi)perylene, chrysene, benzo(b)fluoranthene, and benzo(a)anthracene

v. Additional sediment chemistry parameters subject to available funding:
    1. Pesticides: 2,4-D, triclopyr, diclobenil, diuron, carbaryl, chlorpyrifos, and imidacloprid
    2. Phthalates: Bis(2-ethylhexyl) phthalate, butyl benzyl phthalate, diethyl phthalate, dimethyl phthalate, di-n-butyl phthalate, and di-n-octyl phthalate
    3. PBDEs: 47, 49, 66, 71, 99, 100, 138, 153, 154, 183, 184, 191, 209
    4. PCBs: all 209 congeners
    5. Hormone disrupting chemicals: PPCPs (EPA Method 1694) and hormones and steroids (EPA Method 1698)

3. Ensure quality assurance and quality control (QA/QC), data reporting, and data analysis and interpretation are conducted according to the approved QAPP.
    a. Participate in interlaboratory comparison studies.
    b. Include results from sites sampled by permittees who opt to conduct individual monitoring according to Phase I permit condition S8.B.1.b or Phase II permit condition S8.B.2 in data analysis and interpretation.
4. Enter the results to EIM and/or other appropriate databases.
    a. Enter stream benthos data into King County's stream benthos database.
    b. Enter habitat data into Ecology Status & Trends: Riverine Ecology & Assessment Monitoring (STREAM) database.
5. Make recommendations for future status and trends monitoring.

Task 2. Status and Trends Monitoring in Marine Nearshore Areas of Puget Sound

1. <u>Marine sediment chemistry monitoring and assessment</u>
    a. Prepare to manage data.
        i. Create account and enter data into EIM for sediment chemistry data.
    b. Confirm sites and prepare for sampling in summer 2016.
        i. The draft QAPP for this monitoring is expected to be finalized in 2014.
        ii. Select and confirm marine nearshore sites
            1. Up to 40 sites will be selected for sampling. The list of randomly selected sites is being generated. A new nearshore GIS sampling frame is being developed for the 0 to 1 fathom (-1.8m) depth

zone of the nearshore that is adjacent to Urban Growth Areas (UGAs). The nearshore sediment sample site list will be available at Ecology's RSMP website in summer 2013.

2. The RSMP will not sample sites that are sampled by permittees who opt to conduct individual monitoring according to Phase I permit condition S8.B.1.b or Phase II permit condition S8.B.2.
3. For each nearshore sediment sample site that is not accessible or is documented according to the QAPP as otherwise unsuitable, the next sequential site on the list of alternates will be chosen and must be confirmed

iii. Procure necessary sampling equipment.
iv. Procure accredited laboratories for analysis.
v. Procure staff for seasonal field work.

c. Conduct marine nearshore sediment chemistry sampling during summer 2016 according to the approved QAPP.
   i. Marine sediment chemistry parameters:
      1. Grainsize and total organic carbon.
      2. Metal and metalloids: arsenic, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, tin, and zinc.
      3. LPAHs: 1,6,7-trimethylnaphthalene, 1-methylnaphthalene, 1-methylphenanthrene, 2,6-dimethylnaphthalene, 2-methylnaphthalene, 2-methylphenanthrene, acenaphthene, acenaphthylene, anthracene, biphenyl, dibenzothiophene, fluorene, naphthalene, phenanthrene, and retene.
      4. HPAHs: benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(e)pyrene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, fluoranthene, indeno(1,2,3-c,d)pyrene, perylene, and pyrene.
   ii. Additional marine sediment chemistry parameters subject to available funding:
      1. Phthalates: bis(2-Ethylhexyl) phthalate, butylbenzylphthalate, diethylphthalate, dimethyl phthalate, di-n-butylphthalate, di-n-octyl phthalate.
      2. PBDEs: 47, 49, 66, 71, 99, 100, 138, 153, 154, 183, 184, 191, 209
      3. PCB Congeners: all 209 congeners
d. Ensure quality assurance and quality control (QA/QC), data reporting, and data analysis and interpretation are conducted according to the approved QAPP.
   i. Participate in interlaboratory comparison studies.
   ii. Include results from sites sampled by permittees who opt to conduct individual monitoring according to Phase I permit condition S8.B.1.b or Phase II permit condition S8.B.2 in data analysis and interpretation.
e. Enter the results to EIM.
f. Make recommendations for future status and trends monitoring.

2. Mussel contamination monitoring and assessment
    a. Prepare to manage data
        i. Create EIM account for mussel contamination data
        ii. Confirm that data management tools are available to handle all RSMP data and that all data will be quality controlled, stored and accessible to the public
    b. Prepare to conduct monitoring in winter 2015-2016.
        i. The QAPP for this monitoring is expected to be finalized in 2014 is expected to be based upon either NOAA Mussel Watch protocols or the Ecology-approved QAPP for WDFW's Mussel Watch Pilot Expansion Study.
        ii. Confirm sites. Up to 40 sites will be selected for sampling.
            1. The list of randomly selected sites in nearshore areas adjacent to Urban Growth Area boundaries is being generated according to the same protocols as the sediment chemistry sites (see 1.B.i above) but limited to the shoreline or to grid cells located along the 0 depth contour. The list of mussel and bacteria sampling sites, plus alternates, will be available at Ecology's RSMP website in summer 2013.
            2. The RSMP will not sample sites that are sampled by permittees who opt to conduct individual monitoring according to Phase I permit condition S8.B.1.b or Phase II permit condition S8.B.2.
            3. For each site that is not accessible or is documented according to the QAPP as otherwise unsuitable, the next sequential site on the list of alternates will be chosen and must be confirmed.
        iii. Develop sampling schedule to facilitate sampling, laboratories and troubleshoot logistics
        iv. Procure necessary sampling equipment
    c. Coordinate with WDFW, NOAA Mussel Watch and networks of volunteers
        i. Conduct volunteer trainings and facilitate communication
    d. Conduct mussel tissue sampling at RSMP sites during winter 2015-2016 according to the approved QAPP.
        i. Mussel habitat sampling parameters: water temperature, salinity, station location, distance between sub-stations at each site, tidal cycle, height above waterline.
        ii. Mussel biotic measures: %mortality, condition index, lipids, gonadal index and histopathology.
        iii. Mussel chemistry parameters:
            1. PAHs:
                a. LPAHs: naphthalene, fluorene, acenaphthylene, acenaphthene, anthracene, dibenzothiophene, phenanthrene, and retene
                b. HPAHs: dibenzoanthracene, benzo[a]anthracene, benzo[b]fluoranthene, benzo[k]fluoranthene,

benzo[e]perylene, benzo[a]pyrene, benzo[z]pyrene, chrysene, fluoranthene, indeno-pyrene, perylene, and pyrene

c. Substituted PAHs: dibenzothiophenes(C1-,C2-,C3-), fluorenes((C1-,C2-,C3-), naphthalenes(C1-,C2-,C3-,C4-), phenanthrenes+anthracene(C1-,C2-,C3-,C4-), chrysenes (C1-,C2-,C3-,C4-), and fluoranthene/pyrene (C1-,C2-,C3-,C4-)

2. Chlorinated pesticides: 2,4'-DDD, 2,4'-DDE, 2,4'-DDT, 4,4'-DDD, 4,4'-DDE, 4,4'-DDT, alpha-chlordane, trans-chlordane (gamma), trans-nonachlor, cis-nonachlor, nonachlor III, heptachlor, heptachlor epoxide, oxychlordane, alpha-hexachlorohexane, beta-hexachlorocyclohexane, delta-hexachlorocyclohexane, hexachlorobenzene, aldrin, dieldrin, mirex, and endosulfan I
3. Metals: arsenic, cadmium, copper, lead, mercury, and zinc
4. PBDEs: 28, 47, 49, 66, 85, 99, 100, 153, 154, 155, 183
5. PCB congeners:17, 18, 28, 31, 33, 44, 49, 52, 66, 70, 74, 82, 87, 95, 99, 101, 105, 110, 118, 128, 138, 149, 151, 153, 156, 158, 170, 171, 177, 180, 183, 187, 191, 194, 195, 199, 205, 206, 208, 209
6. Conventionals: total lipids, total solids, δ15 nitrogen, and δ13 carbon

e. Ensure quality assurance and quality control (QA/QC), data reporting, and data analysis and interpretation are conducted according to the approved QAPP
   i. Participate in interlaboratory comparison study
   ii. Include results from sites sampled by permittees who opt to conduct individual monitoring according to Phase I permit condition S8.B.1.b or Phase II permit condition S8.B.2 in data analysis and interpretation.

f. Enter the results to appropriate state and federal databases
   i. Mussel Watch at NOAA, and WDFW Toxics in Biota database
   ii. Chemistry data to EIM database

3. <u>Bacteria sampling and assessment</u>
   a. Prepare to manage data
      i. Create EIM account for bacteria data
   b. Prepare to conduct monthly monitoring beginning in October 2015. Up to 40 sites will be sampled.
      i. The QAPP for this monitoring is expected to be approved in 2014. It will be based upon former PSAMP and current BEACH monitoring program protocols.
         1. Sites identified and confirmed for mussel contamination monitoring will be sampled for bacteria, if suitable.
            a. Mussel sites that are not suitable for bacteria sampling due to holding time or other requirements will not be

sampled for bacteria. Additional bacteria sites will not be added

2. Develop sampling schedule to facilitate sampling, laboratories and troubleshoot logistics

ii. Develop contracts with local accredited laboratories (near sites)
iii. Procure and prepare necessary sampling equipment
iv. Procure volunteers and coordinate sampling
v. Conduct volunteer trainings

c. Conduct and coordinate monthly bacteria sampling during October 2015-September 2016 and according to the approved QAPP
   i. Parameters: fecal coliform by multiple tube fermentation (9221E)
d. Interpret and report the results as specified in the QAPP
e. Ensure quality assurance and quality control (QA/QC), data reporting, and data analysis and interpretation are conducted according to the approved QAPP
   i. Include results from sites sampled by permittees who opt to conduct individual monitoring according to Phase I permit condition S8.B.1.b or Phase II permit condition S8.B.2 in data analysis and interpretation
f. Enter the results to EIM and notify Ecology's BEACH Program of known water quality violations
g. Make recommendations for future status and trends monitoring

S8.C Effectiveness Studies

Table 2. Tasks, Timeline and Estimated Costs* for RSMP Effectiveness Studies

Task	Implemented by	Anticipated Timeline	Estimated Maximum Costs
0. Program administration	Ecology	Begins in December 2013 when permittees decide if they will participate; RFP process in 2014	$350,000 (about 5% of the total costs)
3. Effectiveness studies	Contractors, including permittees	Begin studies in August 2014 after first permittee payments submitted to Ecology	$7,000,000
TOTAL RSMP Effectiveness Studies Effort*			$7,350,000* over four years

* Final budget will be known in January 2014.

Task 0. Program Administration, Requests for Proposals, and Contracting

1. Develop a budget for effectiveness studies based on collective decisions by permittees to opt in or out of the RSMP. The budget will be reviewed by the stakeholder oversight committee.
2. Write, enter into, and manage agreements with contractors for data collection, management, analysis, and reporting
3. Track costs associated with all RSMP fund-sharing program components
4. Participate in a project management oversight process
    a. Manage process to facilitate adaptive management to contracts, monitoring, databases and communication materials (websites, reports, etc)
    b. Facilitated process to inform and receive external stakeholder group recommendations
5. Facilitate an open process to determine who will conduct each of the tasks listed below for effectiveness studies in Western Washington
6. Develop detailed scopes of work to ensure contractors are qualified to conduct RSMP tasks according to approved Quality Assurance Project Plans (QAPPs). Ensure robust scientific method and quality control procedures are included
    a. Identify opportunities to revise or develop Standard Operating Procedures (SOPs) that apply to multiple studies
7. Contract with successful applicants and provide project management oversight to ensure that quality data and other products are produced and entered into appropriate databases within the timeframes specified in the QAPPs
    a. Facilitate a process to inform permittees and external stakeholders of project needs, schedule changes, or other unforeseen circumstances
8. Coordinate an annual review and reporting of results and information generated by the RSMP or independent monitoring. In addition to the data interpretation tasks listed below:
    a. Summarize and distribute findings
    b. Cross-walk with information published by other key monitoring programs in western Washington
    c. Recommend new standard methods and protocols to be developed

Task 3. Effectiveness Studies

1. Conduct regionally relevant studies on topics that have been recommended through the external stakeholder process and using criteria pursuant to stakeholder group recommendations
    a. For each study, develop a QAPP that includes, as appropriate: site selection; sampling protocols; quality assurance and control procedures; laboratory analytical methods; data storage; data analysis; reporting methods; peer review requirements; and deadlines for publications
    b. Studies will be conducted from August 2014 through August 2018
        i. Some studies may not be completed by the expiration date of the permit; appropriate interim deliverables will be defined
2. Develop standard methods as needed across multiple studies
3. Enter quality-assured data into appropriate databases as required by the approved QAPPs
4. Make results and findings available to the public
5. Recommend future effectiveness studies

S8.D Source Identification Information Repository (SIDIR)

Table 2. Tasks, Timeline and Estimated Costs for SIDIR

Task	Implemented by	Anticipated Timeline	Estimated Maximum Costs
0. Program administration	Ecology	Begins in January 2014 with RFP process	$32,250 (about 5% of the total RSMP costs)
4. Source Identification Information Repository (SIDIR)	Contractors, including permittees	Begin in August 2014 after first permittee payments are submitted to Ecology	$645,000
TOTAL RSMP SIDIR effort			$677,250 over four years

Task 0. Program Administration, Requests for Proposals, and Contracting

1. Write, enter into, and manage agreements with contractors for subtasks listed in Task 4 below
2. Track costs associated with SIDIR program component
3. Participate in a project management oversight process
    a. Manage process to facilitate adaptive management to contracts, monitoring, databases and communication materials (websites, reports, etc)
    b. Facilitated process to inform and receive external stakeholder group recommendations
4. Facilitate an open process to determine who will conduct each of the tasks listed below for creating the SIDIR. Contractors may include permittees and/or other stakeholders
5. Develop detailed scopes of work to ensure contractors will conduct high quality work
6. Contract with successful applicants and provide project management oversight to ensure that quality products are produced and shared within the specified timeframes
    a. Facilitate a process to inform permittees and external stakeholders of project needs, schedule changes, or other unforeseen circumstances
7. Coordinate an independent annual review and reporting of results and information generated by the RSMP or independent monitoring. In addition to the data interpretation tasks listed below:
    a. Summarize and distribute findings
    b. Cross-walk with information published by other key monitoring programs in western Washington
    c. Recommend new standard methods and protocols to be developed

Task 4. Source Identification Information Repository (SIDIR)

1. Develop a *SIDIR Methods and Approaches* webpage or build on another platform as appropriate:
    a. Determine what tools for permittees and others are most needed to identify and remove illicit discharges from stormwater
    b. Identify existing standard operating procedures (SOPs) and protocols for source identification and diagnostic monitoring to include in the repository

   c. Prioritize new standard operating procedures (SOPs) and protocols for source identification and diagnostic monitoring to include in the repository
      i. Recommend GROSS grant or other funding for development of these tools
   d. Develop a QAPP library with data quality objectives and report templates
2. Develop a *SIDIR Results and Findings* database and analyze information from permittees:
   a. Determine data fields and specific information needed to support regional analyses
   b. Propose permittee reporting approaches to populate the database
      i. Develop a format that is easy to use and fulfills annual reporting requirements specified in the permits
   c. Design, develop, and populate the database
      i. Populate the database with information for 2014 that will be provided by permittees in their March 2015 Annual Reports
   d. Conduct the first regional analysis and report results before the end of 2016
3. Conduct further analyses with subsequent annual report data and report results in 2017 and 2018 and include with the third report

CITY OF BAINBRIDGE ISLAND
CITY COUNCIL AGENDA BILL

PROCESS INFORMATION	
Subject: Local Agency Standard Consulting Agreement(s) with HDR Inc. for the Wing Point Way Non-Motorized Improvements project design & Professional Services Agreement for utilities portion of design	Date: November 13, 2013
Agenda Item: Consent Agenda	Bill No.: 13-086
Proposed By: Interim Public Works Director John Cunningham	

BUDGET INFORMATION	
Dept/Fund: Public Works - Capital Const. Fund – Budget Amendment of $57,477 approved at 04/24/13 City Council Meeting	STP Funds: $303,398 Local Funds (match): $ 57,477 $360,875
Expenditure Required: $299,091.22 – WSDOT Local Agency Agreement 28,000.00 – COBI Professional Services Agreement (utility portion) $ 327,091.22	Budget Amend. ? ☒ Yes 04/24/13

REFERRALS/REVIEW		
Study Session: 11/06/13	Recommendation: Forward to 11/13/13 Consent Agenda	
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A

DESCRIPTION/SUMMARY

Action Item:

City Council to consider approval of the Wing Point Way Non-Motorized Improvements design Agreements.

Background:

The proposed Wing Point Way Non-Motorized project consists of roadway and storm drainage reconstruction with new sidewalks on one side of the road.

The original design agreement was approved by City Council at their July 10, 2013 city council meeting. Following approval by City Council, City staff forwarded the Agreement to WSDOT for signature. WSDOT then discovered that the utilities portion is not funded by the STP grant resulting in a revised Local Agency Agreement ($299,091.22) with a separate COBI Professional Services Agreement for the utilities portion of the design ($28,000.00). See attached scope of work for both Agreements.

RECOMMENDED ACTION

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 HDR Engineering, Inc. (the "Consultant").

WHEREAS, the City desires to retain an engineering firm to assess the water and sewer utilities in Wing Point Way between Ferncliff Avenue and Park Avenue; 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 Twenty-Eight Thousand Dollars ($28,000);
[ ] 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.

Jurisdiction: Bainbridge Island

Project Number: BAIN-25 **Title:** Wing Point Way Non-Motorized Imp (Ferncliff Ave to Park Ave)

Phase	Programmed. Year	Oblig. Date	Funding Source	Federal Fund	State Funds	Local Funds	Phase Total
P/E-Design	2013	7/10/13*	STP(U)	$300,674	$0	$0	$300,674
P/E-Design	2013	7/10/13	STP(U)	$2,724	$0	$0	$2,724
P/E-Design	2013	7/10/13	Local	$0	$0	$47,352	$47,352
			WSDOT PIN: **Totals:**	$303,398	$0	$47,352	$350,750

Federal Aid/FTA Grant Number(s): STPUS-6702(001)

Functional Class: Collector - OVER 5,000 **Improvement Type:** Sidewalk

Location: Wing Point Way, (fr. Ferncliff to Park) **From:** Ferncliff Avenue **To:** Park Avenue

Total Cost $1,964,500 **Regionally Significant:** No **Environmental Status:** CE

Year of Expenditure for Total Cost: 2013

MTP Status: Exempt **MTP Reference(s):** N/A

Description:

The Wing Point Way Non-Motorized Improvements project will provide sidewalk improvements on one side, reconstruction of the roadway surfacing, and reconstruction of roadway storm water drainage. The extent of the work on Wing Point Way is, approximately 3,300 feet, from Ferncliff Avenue to Park Avenue. A survey, base map, and 5% conceptual level design have been completed. Work involves developing the design to 30% complete, permitting, obtaining slope easements, completing the design to 95%.

* = Asterisk by Obligation Date indicates funds for this phase obligated earlier this calendar year

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 December 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:

[X] Commercial General Liability as described in Attachment B.
[X] Professional Liability as described in Attachment B.
[X] 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:	Attn: Gus Garcia HDR Engineering, Inc. 4717 97th St NW Gig Harbor, WA 98335

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 _____, 2013.

HDR ENGINEERING, INC.

By_____

Name_____

Title_____

Tax I.D. #_____

City Bus. Lic. #_____

CITY OF BAINBRIDGE ISLAND

By_____
Douglas Schulze, City Manager

ATTACHMENT A

SCOPE OF SERVICES

CITY OF BAINBRIDGE ISLAND

EXHIBIT A

SCOPE OF SERVICES

WING POINT WAY
UTILITY IMPROVEMENT PROJECT

- Existing Utility Condition(s) Assessment
- Storm Water Culvert Evaluation and Rehabilitation
- Sanitary Sewer Design
- Water System Design
- Plans, Specifications and Opinion of Probable Cost

Prepared by:

HDR Engineering
4717 97th Street NW
Gig Harbor, WA 98335

Exhibit A
Scope of Services
Wing Point Way Utility Improvement Project

I. Introduction

During the term of this AGREEMENT, HDR Engineering, Inc. (CONSULTANT) shall perform professional services for the City of Bainbridge Island (CITY) in association with the Wing Point Way Utility Improvement project. This document shall be used to plan, conduct, and complete the work described on the project.

The work under this AGREEMENT consists of assessment of the condition and serviceability of the existing sewer and water utilities in the project limits; Storm water culvert evaluation and repair recommendations; sanitary sewer design; domestic water system design; developing plans, specifications, and estimate (PS&E) and construction support services for the utility improvements in Wing Point Way.

There are existing sewer and water utilities within Wing Point Way between Ferncliff Ave and Park Avenue. As part of the roadway and pedestrian upgrades proposed for Wing Point Way the existing utility infrastructure will be evaluated. Existing sewer and water utilities that are deficient based on age and condition will be replaced within the project limits.

During the term of this AGREEMENT, HDR Engineering (CONSULTANT) shall perform professional services for the CITY in connection with the Wing Point Way Improvement Project. Work items include:

- Project Management
- Topographic Survey/Base Map Development
- Data Collection/Review
- Utility Assessment
- Plans/Specifications/Engineer's Estimate of Probable Construction Cost (PS&E)
- West Fork Hauley Cr. Culvert Rehabilitation
- Construction Support Services

The work is authorized by the signing of this AGREEMENT. Work on subsequent phases may be authorized by supplement to this AGREEMENT, after negotiation of scope and budget.

The CONSULTANT's work for this phase of project is expected to start in November 2013 and be completed by July 2014. The CONSULTANT's work performed during this period is identified in Section III of this Scope of Services for the Wing Point Way Improvement Project.

The CITY Project Manager has requested that the duration of the agreement be carried through to December 31, 2015. The CITY may request the CONSULTANT to provide Construction Support Services during the construction phase of the project.

Assumptions:

- Construction Support Services will be added as supplemental work to the agreement and the original agreement shall be amended if such service is requested by the CITY.

II. Design Criteria

The CITY will designate the basic premises and criteria for the design. Reports and plans, to the extent feasible, shall be developed in accordance with the scope of services and amendments as of the date of the signing of this AGREEMENT. Changes in any design standards or requirements after work has begun may result in Extra Work.

Measurements will be in English units.

Drafting Standard:		City of Bainbridge Island/APWA
Datums:	Horizontal:	Washington State Plane Coordinate System, North Zone, NAD 83/91
	Vertical:	NAVD 1988

City of Bainbridge Island Publications:

- City of Bainbridge Island Design and Construction Standards and Specifications
- Department of Ecology Storm-water Management Manual (including Bainbridge Island Municipal Code Chapter 15.20 requirements).
- City of Bainbridge Island Public Works Standards
- City of Bainbridge Island Municipal Code

WSDOT Publications:

- Standard Specifications for Road, Bridge and Municipal Construction, English edition (2012) (M41-10)
- Standard Plans for Road, Bridge and Municipal Construction, English edition (M21-01)
- Design Manual (M22-01)
- Hydraulic Manual (M23-03)
- Plans Preparation Manual (M22-31)
- Amendments and General Special Provisions
- Standard Item Table
- Utilities Manual (M22-87)

- Local Agency Guidelines (M36-63(PA))

Other Publications/Design Guides:

- Standards of the American Waterworks Association
- Book of American Society for Testing and Materials Standards
- American Public Works Association standards
- Department of Ecology Storm Water Management Manual for Western Washington
- Department of Ecology Criteria for Sewage Works Design (Orange Book 98-37 WQ)

III. Detailed Scope of Services

Task 1 Project Management/Coordination

This task describes those services necessary to plan, perform, and control the various elements of the project to meet the needs and expectations of the CITY and other project stakeholders.

Assumptions:

The CONSULTANT's project manager shall meet with the CITY's project manager on a monthly basis throughout the project. Estimated duration is 8 months.

The CONSULTANT shall submit monthly invoices with a written summary of project progress to-date and activities expected for the next month.

Task 1.1 Project Reporting/Project Management

This task consists of administration of the project and coordinating with the CITY to facilitate efficient progress and timely completion. Elements of work in this task include:

- Project Start Up and Close out
  - This work shall consist of setting up project file structure for storing relevant project documentation. This work also includes closing out the project, compiling and submitting all documents and closing project files.
- Development and update project schedule
- Develop and submit monthly progress reports/invoices
- Evaluate and monitor project budget
- Development and update of Project Guide
  - The project guide is a comprehensive compilation of project information and contains information and direction on the project back ground, team, communication plan, scope of services, budget, schedule, quality management plan, project administration guidelines and health and safety requirements. The guide shall be updated throughout the duration of the project. Copies of the Project Guide and any update

shall be distributed to the CONSULTANT's project team leads. Copies will be provided to the CITY if requested by the CITY Project Manager.

- Establish and maintain the communication plan between CITY, stakeholders and CONSULTANT.
- Establish a collaborative project approach and resolution strategies regarding project challenges.
- Develop, update and monitor quality management plan for the project
  - The quality management plan identifies the person(s) responsible for the quality assurance and control. The plan shall also define the intervals that QAQC review will be performed commensurate with HDR policy and industry standards.

Task 1.2 Meetings

In addition to attending specific meetings as described in other tasks, the CONSULTANT project manager shall attend the following meetings:

Meetings	Purpose(Frequency)	Preparation/Documentation
CITY/CONSULTANT	Coordination meetings to discuss progress, action items, budget, schedule, upcoming issues (monthly)	Prepare agenda. Meeting minutes summarizing action items, decisions made and strategies
CONSULTANT TEAM	Coordinate team's progress/effort, status (Bi-weekly)	Prepare agenda. Summary of decisions made and assigned action items

Assumptions

- There shall be 8 CITY/CONSULTANT Meetings
  - CITY/CONSULTANT meetings are assumed to be 1 hour in duration and be attended by the CONSULTANT Project Manager. Utility design meetings will be held at the same time as the Wing Point Way Non-Motorized Improvement project to control project cost and increase efficiency.
  - Meetings shall be considered face to face meetings held at the City of Bainbridge. If at the request of the CITY project manager, meetings may be conducted as conference call meetings held between the CITY/CONSULTANT project managers.
- CONSULTANT Team Meetings shall be conference call meetings.
  - Meetings shall be 1 hour in duration and be held two (2) times per month for a period of 8 months.
  - Meeting participants shall be comprised of the CONSULTANT Project Manager, and Task Leads.

Task 1.3 Project Design Schedule

Develop and maintain the project schedule using Microsoft Project. Significant tasks and sub-tasks will be represented in the schedule as well as significant mile stones required for the successful completion of the design and adoption by CITY council of the proposed project.

Task 1 Deliverables

- Monthly progress report/invoicing (1 copy each month)
- Meeting agenda / minutes (1 copy each meeting)
- Project schedule (1 copy each update)

Task 2 Topographic Survey and Base Maps

Assumptions

The CITY shall provide the CONSULTANT with all topographic survey, base maps, and other available support data for use in the CONSULTANT(s) development of project plans and exhibits

The CONSULTANT assumes that the following information will be provided as part of the topographic survey and be incorporated on the base map(s).

- **Topographic Survey**
  - Includes: horizontal and vertical control surveying to adequately control the topographic mapping. The mapping will be completed on Washington State Plane Coordinate System, North Zone NAD 83/91, and NAVD 1988 vertical datum.
  - Right Of Way limits and adjacent parcel boundaries.
  - Surface grades, pavement edges, utility poles, hydrants, valves, manholes, storm drains, culverts, mailboxes, signs, fences, significant landscaping, wetland and environmentally sensitive areas, etc… in sufficient detail to support design/PS&E development. Contours will be depicted at one one-foot intervals.
  - Includes: water, natural gas, telephone, fiber optics, cable television, electrical, storm drainage, and sanitary sewers. Base maps shall be prepared in accordance with applicable sections of CI/ASCE 38-02, “Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data” and the prevailing standard of care.
  - Utility Records Research - Record Drawings of all utilities known to reside within project limits.
  - Potholing information of existing buried utilities within project limits.

- **Base Map**

  Base maps shall be provided in AutoCAD 2010 format, scaled at 1”=20’ horizontal, showing all features outlined above. Maps will show contours at 1-foot intervals, spot elevations on existing roadway areas, and critical driveway areas, as necessary to support the design of the project.

Task 2 Deliverables

- No deliverables this task.

Task 3 Data Collection and Review of Existing Conditions

Assumptions

The CITY shall provide to the CONSULTANT existing information and requirements relative to the PROJECT including, but not limited to, the items listed in Section IV of this Exhibit A.

Task 3.1 Existing Data Collection and Review

Review all available data provided by the CITY. This shall consist of reviewing all utility as-built drawings, surveys, and documents and comparing the data with the assumptions made on the project. All information will be evaluated to identify potential conflict with regard to the proposed utility improvements and to identify areas where additional information is needed for the design of the project elements.

Task 3.2 Site Reconnaissance

The CONSULTANT team members shall conduct a site visit following compilation of the data and information derived in Task 3.1. This work shall include taking photographs and video of the project site to assist in development of the project., including back checking the data and comparing it with the Topographic base map provided for the project, noting those features that visibly differ from the existing data collected and determining areas where need additional field survey is needed for development of later phases of work.

Task 3 Deliverables

- Request for additional survey (as needed)

Task 4 Gravity Sanitary Sewer Conveyance System Assessment

Task 4.1 Sanitary Sewer System Review and Assessment

The CONSULTANT shall conduct an assessment of the existing condition and reliability of the gravity sanitary sewer located in Wing Point Way between the intersections of Ferncliff Drive

and Park Avenue. The goal of the assessment is to evaluate the existing systems overall condition and functionality compared to a 20 year service and maintenance cycle.

Task 4.1.1 Background Material Research and Review

The review will be based upon the review of the sanitary sewer plans and record drawings.

Task 4.1.2 Onsite Sanitary System Inspection

The CONSULTANT shall conduct and onsite inspection of the existing system within the project limits. The inspection is observations of the sanitary sewer conveyance and collection system including but not limited to the condition(s) of sewer manholes and sewer lines. The inspections will also consist of review of CITY provided video inspections for portions of the system than can not be viewed by traditional inspection methods.

Task 4.2 Sanitary Sewer Assessment Recommendations and Conclusions (REPORT)

The CONSULTANT shall prepare a draft and final report addressing the conditions and serviceability of the existing system. The report will also contain recommendations on improvements and or replacement options and alternatives.

Task 4 Deliverables:

- *Inspection Report*
- *Site photo documentation*
- *Draft Report*
- *Final Report*

Task 5 Domestic Water System Assessment

Task 5.1 Water System Review and Assessment

The CONSULTANT shall conduct an assessment of the existing condition and reliability of the water system located in Wing Point Way between the intersections of Ferncliff Drive and Park Avenue. The goal of the assessment is to evaluate the existing systems overall condition and functionality compared to a 20 year service and maintenance cycle.

Task 5.1.1 Background Material Research and Review

The review will be based upon the review of the existing water system plans and record drawings. The existing system will be compared to the current water comprehensive plan and adopted growth rate and development potential within the service area. Observations to pipe and service line material type, valve type and construction, fire hydrant model and service line assembly will be compared to the most current version of the Bainbridge Public Works Standards for compliance.

Task 5.1.2 Onsite Water System Inspection

The CONSULTANT shall conduct and onsite inspection of the existing system within the project limits. Field observations and inspection of the water system include but are not limited to the condition(s) of existing distribution lines, service lines, fire hydrants and water service(s).

Task 5.2 Water System Assessment Recommendations and Conclusions (REPORT)

The CONSULTANT shall prepare a draft and final report addressing the conditions and serviceability of the existing system. The report will also contain recommendations on improvements and or replacement options and alternatives.

Task 5 Deliverables:

- *Inspection Report*
- *Site photo documentation*
- *Draft Report*
- *Final Report*

Task 6 Preliminary Plans – 60% Design

This work shall consist of incorporating the finding of the sewer and water system assessment reports and CITY's comments and developing a 60% Design Level set of plans, including horizontal and vertical layout of the water and sewer infrastructure in conjunction with the proposed improvements proposed as part of the Wing Point Way Non-motorized Improvement project.

Task 6.1 60% Level Design Drawings

The CONSULTANT shall prepare design drawings, including plan views, profiles, cross-sections and details, along with supporting design calculations as necessary to allow CITY staff sufficient information to review the plans. The construction drawings will be developed to incorporate the comments received from staff reviews. Drawings will be prepared at 1" =20' scale on CITY title/border, 22-inch x 34-inch size sheets. The scales to be used, the lettering, and the general delineation of the plans will provide legible reproduction at full scale or when reproduced for bid sets.

Task 6.2 60% Design Level - Engineer's Opinion of Probable Construction Cost

The "Engineer's Opinion of Probable Construction Cost" will include an itemized list in tabular form, describing section, item, and number of units (quantity), "estimated unit costs", and estimated total cost.

Assumptions:

In providing opinions of cost for the PROJECT, CONSULTANT has no control over cost or price of labor and materials, unknown or latent conditions of existing equipment or structures that might affect operation or maintenance costs, competitive bidding procedures and market conditions, time or quality of performance by operating personnel or third parties, and other economic and operational factors that might materially affect the ultimate PROJECT cost or schedule. The CONSULTANT, therefore, will not warranty that the actual PROJECT costs will not vary from CONSULTANT'S opinions, analyses, projections, or estimates.

Task 6.3 Respond to CITY Comments

Revise plan to incorporate comments from CITY review. Work required beyond the level of effort identified in the hours estimate will be considered Extra Work.

Task 6 Deliverables:

- *60% Design Level – Preliminary Plans*
- *60% Opinion of Probable Cost*

Task 7 90% Plans, Specifications, and Engineer's Opinion of Probable Construction Cost

The CONSULTANT shall prepare 90% construction plans based on the CITY review of the 60% drawings and submit the documents (including specification and opinions of probable construction costs) to the CITY for review and comment.

Task 7.1 Detailed Construction Drawings

Assumptions

Prepare Detailed Construction Drawings, including plan views, profiles, cross-sections and details. To develop a basis for a work hour estimate, an estimate of the contract plans that are assumed to be required is included below. It is assumed that the project can be covered on 7 plan/profile sheets. Plans will be drawn at 1" =20' scale unless noted otherwise. Plans will be generated in accordance with the CITY/APWA Standards, on CITY title/border, 22-inch x 34-inch size sheets. The scales to be used, the lettering, and the general delineation of the plans will provide legible reproduction at full scale or when reproduced for bid sets.

A total of 10 drawings is anticipated and based on the following sheet breakdown and descriptions:

- Sanitary Sewer and Water System plan and profile sheets (7 Sheets, H: 1" =20', V: 1" =5' Scale). These plans will be a “split sheet” format, containing both plan and profile elements.

  The plans will include:

  - Water Horizontal and Vertical alignment information for main lines, service lines and system operation/isolation valves
  - Service and hydrant locations
  - Sewer Horizontal and Vertical alignment information for main lines, man holes and side sewer cleanouts.

The plans will include centerline profiles (including location and elevation) to control the vertical elements of the work outside of the intersection areas.

- Removal and Temporary/Permanent Pollution, Erosion and Sedimentation Control Plans (3 Sheets, 1” = 40’ Scale). Both temporary and permanent control measures will be incorporated into the same plans and distinguished by line type, callout, and legend.
- Miscellaneous Plans/Details (2 Sheets, NTS).

Task 7.2 Contract Provisions

Specifications (Contract Provisions) shall be developed using the CITY “Boiler Plate” contract provisions. These provisions will be supplemented as necessary with project specific information, and include the deletion of unnecessary special provisions. It is assumed that the CONSULTANT will complete Divisions 2 through 8 and that the CITY will assemble the bid proposal and project bid package.

Task 7.3 Engineer’s Opinion of Probable Construction Cost and Bid Item Tabulation

The “Engineer’s Opinion of Probable Construction Cost” will include an itemized list in tabular form, describing section, item, and number of units (quantity), “estimated unit costs”, and estimated total cost.

Assumptions:

In providing opinions of cost for the PROJECT, CONSULTANT has no control over cost or price of labor and materials, unknown or latent conditions of existing equipment or structures that might affect operation or maintenance costs, competitive bidding procedures and market conditions, time or quality of performance by operating personnel or third parties, and other economic and operational factors that might materially affect the ultimate PROJECT cost or schedule. The CONSULTANT, therefore, will not warranty that the actual PROJECT costs will not vary from CONSULTANT’S opinions, analyses, projections, or estimates.

Task 7.4 Respond to CITY Comments

Revise plan to incorporate comments from CITY review. Work required beyond the level of effort identified in the hours estimate will be considered Extra Work.

Task 7.5 Quality Assurance and Quality Control

Quality control includes senior engineer reviews. The CONSULTANT will conduct an internal quality assurance program prior to the 90 percent submittal of the bid documents. This task will supplement the continuous quality assurance program by conducting a detailed review of the project's plans and specifications for constructability and consistency within the bid documents.

Task 7 Deliverables:

- *90% Plans, Specifications, Engineer's Opinion of Probable Construction Cost*

Task 8 100% Plans, Specifications, and Engineer's Opinion of Probable Construction Cost

The CONSULTANT shall prepare 100% construction plans based on the CITY review of the 90% drawings and submit the documents (including specification and opinions of probable construction costs) to the CITY for review and comment. It has been assumed that the plans regarding the design of any sanitary sewer or water system improvements will be included into the project drawings for Wing Point Way Non-Motorized Improvement Project.

Task 8.1 Final Construction Drawings

The CONSULTANT shall incorporate the review comments from the 90 percent submittal and finalize the project plans and submit to final grant ready drawings to the CITY.

Task 8.2 Final Contract Provisions

Specifications (Contract Provisions) shall be developed using the CITY "Boiler Plate" contract provisions. These provisions will be supplemented as necessary with project specific information, and include the deletion of unnecessary special provisions. It is assumed that the CONSULTANT will complete Divisions 2 through 8 and that the CITY will assemble the bid proposal and project bid package.

Task 8.3 Final Engineer's Opinion of Probable Construction Cost and Bid Item Tabulation

The "Engineer's Opinion of Probable Construction Cost" will include an itemized list in tabular form, describing section, item, and number of units (quantity), "estimated unit costs", and estimated total cost.

***Assumptions**:*

In providing opinions of cost for the PROJECT, CONSULTANT has no control over cost or price of labor and materials, unknown or latent conditions of existing equipment or structures that might affect operation or maintenance costs, competitive bidding procedures and market conditions, time or quality of performance by operating personnel or third parties, and other economic and operational factors that might materially affect the ultimate PROJECT cost or schedule. The CONSULTANT, therefore, will not warranty that the actual PROJECT costs will not vary from CONSULTANT'S opinions, analyses, projections, or estimates.

Task 8.4 Respond to CITY Comments

Revise plan to incorporate comments from CITY review. Work required beyond the level of effort identified in the hours estimate will be considered Extra Work.

Task 8.5 Quality Assurance and Quality Control

Quality control includes senior engineer reviews. The CONSULTANT will conduct an internal quality assurance program prior to the 90 percent submittal of the bid documents. This task will supplement the continuous quality assurance program by conducting a detailed review of the project's plans and specifications for constructability and consistency within the bid documents.

Task 8 Deliverables:

- *100% Plans, Specifications, and Engineer's Opinion of Probable Construction Cost*

Task 9 West Fork Hauley Creek Culvert Rehabilitation Recommendations

The CONSULTANT shall inspect the existing location and condition of the existing culvert under Wing Point Way. This task shall also include review of project drawings and design reference material and or video inspection material provided by the CITY. Upon completion of the inspection the CONSULTANT shall prepare and technical memorandum summarizing the condition of the culvert. Based on the conditions observed and verified, the CONSULTANT shall prepare report regarding the observations and provide recommendations on the potential method(s) of trenchless rehabilitation of the existing culvert under Wing Point Way.

Task 9 Deliverables:

- *Draft Rehabilitation Report*
- *Final Rehabilitation Report*
- Draft and Final Technical Memorandum

***Assumptions**:*

No assessment of the hydraulic capacity, fish passage or potential replacement options of the Culvert is proposed as part of this work. Design, specifications and opinion of probable cost of the proposed rehabilitation will be at a conceptual level only.

Task 10 Bidding and Construction Support Services

No Tasks have been identified for this work. Should bidding and construction support services be requested by the CITY they will be added as supplemental services and to the original agreement and amended to include scope and budget for those services.

Consultant Fee Determination - Summary Sheet

Project: City of Bainbridge Island Wing Point Way Utility Improvement

Direct Salary Cost (DSC):

Classification	Man Hours		Rate	=	Cost
Principal	2	X	236.91		473.82
Project Manager	6	X	128.78		772.66
Project Engineer	64	X	132.20		8,460.89
Senior Engineer	4	X	189.49		757.95
Designer	84	X	83.66		7,027.08
Project Controller	8	X	120.21		961.70
Structural Engineer	34	X	174.49		5,932.55
3% Labor Escalation for year 2014					570.65
			Total DSC	=	24,957.29

Reimbursables:

Itemized 459.50

Grand Total 25,416.79

Prepared By: Gus Garcia Date: 10.17.13

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.

Local Agency Standard Consultant Agreement

☒ Architectural/Engineering Agreement
☐ Personal Services Agreement

Agreement Number

Federal Aid Number
STPUS-6702(001)

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 _____ %
Fixed Fee $ _____

☒ **Specific Rates Of Pay**
☒ Negotiated Hourly Rate
☐ Provisional Hourly Rate

☐ **Cost Per Unit of Work**

Consultant/Address/Telephone
HDR Engineering, Inc.
4717 97th St NW
Gig Harbor, WA 98335

(253) 858-5262

Project Title And Work Description
Wing Pt Way Non-Motorized Improvements

The project will provide sidewalk improvements on one side, reconstruction of the roadway surfacing, and reconstruction of roadway storm water drainage. The extent of the work on Wing Point Way is, approximately 3,300 feet, from Ferncliff Avenue to Park Avenue.

DBE Participation
☐ Yes ☒ No _____ %

Federal ID Number or Social Security Number
47-0680568

Do you require a 1099 for IRS?
☐ Yes ☒ No

Completion Date
December 31, 2015

Total Amount Authorized $ 271,901.11

Management Reserve Fund $ 27,190.11

Maximum Amount Payable $ 299,091.22

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 _____, 2013, 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 Highways and 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 and property damage insurance in an aggregate amount not less than two million dollars ($2,000,000) for bodily injury, including death and property damage. The per occurrence amount shall not exceed one million dollars ($1,000,000).
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 HDR Engineering, Inc. Agency City of Bainbridge Island

HDR

CITY OF BAINBRIDGE ISLAND

EXHIBIT A-1

SCOPE OF SERVICES

WING POINT WAY NON-MOTORIZED IMPROVEMENT PROJECT

- Conceptual Design Development
- Plans, Specifications and Opinion of Probable Cost
- Public Information and Outreach
- Environmental Permitting Assistance
- ROW, Construction and Slope Easement Negotiation and Preparation

Prepared by:

HDR Engineering
4717 97th Street NW
Gig Harbor, WA 98335

Exhibit A
Scope of Services
Wing Point Way Non-Motorized Improvement Project

I. Introduction

During the term of this AGREEMENT, HDR Engineering, Inc. (CONSULTANT) shall perform professional services for the City of Bainbridge Island (CITY) in association with the Wing Point Way Non-Motorized Improvement project. This document shall be used to plan, conduct, and complete the work described on the project.

The work under this AGREEMENT consists of environmental permitting; public information and outreach; conceptual design alternatives development; Right of Way and Easement negotiations and preparation; developing final plans, specifications, and estimate (PS&E); utility assessments and design; franchised utility coordination and construction support services for non-motorized improvements to Wing Point Way. The improvements include, but are not limited to, the design of the curb, gutter, bicycle lanes, mid-block crossings, sidewalk, roadway and storm drainage along Wing Point Way from Ferncliff Ave to Park Ave.

The existing configuration/condition of Wing Point Way between Ferncliff Ave and Park Avenue consists of two asphalt travel lanes of varying widths and road side ditches.

During the term of this AGREEMENT, HDR Engineering (CONSULTANT) together with Hough Beck & Baird (SUBCONSULTANT) shall perform professional services for the CITY in connection with the Wing Point Way Improvement Project. Work items include:

- Project Management
- Topographic Survey/Base Map Development
- Data Collection/Review
- Geotechnical Investigation
- Environmental Permitting/Assistance
- Utility Coordination
- Public Involvement/Outreach
- Landscape Plan Development
- Preliminary Engineering
- Plans/Specifications/Engineer's Estimate of Probable Construction Cost (PS&E)
- Real Estate Services
- Construction Support Services

The work is authorized by the signing of this AGREEMENT. Work on subsequent phases may be authorized by supplement to this AGREEMENT, after negotiation of scope and budget.

The CONSULTANT's work is expected to start in September 2013 with a 90% design completed by August 2015. Once funding is secured for construction, 100% design will be completed and the CONSULTANT may be requested to provide construction support services. This will carry the duration of the contract out through December 31, 2016. The CONSULTANT's work to be performed is identified in Section III of this Scope of Services for the Wing Point Way Improvement Project.

Assumptions:

- Construction Support Services will be added as supplemental work to the agreement as requested by the CITY.

II. Design Criteria

The CITY will designate the basic premises and criteria for the design. Reports and plans, to the extent feasible, shall be developed in accordance with the scope of services and amendments as of the date of the signing of this AGREEMENT. Changes in any design standards or requirements after work has begun may result in Extra Work.

Measurements will be in English units.

Drafting Standard:		City of Bainbridge Island/APWA
Datums:	Horizontal:	Washington State Plane Coordinate System, North Zone, NAD 83/91
	Vertical:	NAVD 1988

City of Bainbridge Island Publications:

- City of Bainbridge Island Design and Construction Standards and Specifications
- Department of Ecology Storm-water Management Manual (including Bainbridge Island Municipal Code Chapter 15.20 requirements).
- ***City of Bainbridge Island Public Works Standards***
- ***City of Bainbridge Island Municipal Code***

WSDOT Publications:

- Standard Specifications for Road, Bridge and Municipal Construction, English edition (2012) (M41-10)
- Standard Plans for Road, Bridge and Municipal Construction, English edition (M21-01)
- Design Manual (M22-01)
- Hydraulic Manual (M23-03)
- Plans Preparation Manual (M22-31)

- Bridge Design Manual (M23-50)
- Amendments and General Special Provisions
- Standard Item Table
- Traffic Manual,(M51-02)
- Highway Runoff Manual (M31-16)
- Utilities Manual (M22-87)
- Local Agency Guidelines (M36-63(PA))
    - Incl. City and County Design Standards for All Routes
- Environmental Procedures Manual (M31-11)
- EIS Format Standards (M31-14).

American Association of State Highway and Transportation Officials (AASHTO) Publications:

- A Policy on Geometric Design of Highways and Street (2004 - 'Green Book')
- Guide for the Design of High Occupancy Vehicles and Public Transfer Facilities (1983)
- A Guide for Highway Landscape and Environmental Design (1970)
- Highway Design and Operational Practices Related to Highway Safety (1974 - 'Yellow Book').

U.S. Department of Transportation (USDOT) Publications:

- Manual of Uniform Traffic Control Devices for Streets and Highways
- Highway Capacity Manual, Special Report 209

Other Publications/Design Guides:

- Standards of the American Waterworks Association
- Book of American Society for Testing and Materials Standards
- American Public Works Association standards
- Americans With Disabilities Act (ADA)
- Making Endangered Species Act Determinations of Effect for Individual or Group Actions at the Watershed Scale. NMFS, 1996
- Endangered Species & Transportation Handbook, Draft. Washington State Department of Transportation, 1998
- Biological Assessment Preparation And Review, Update. USFWS et. al. 1998
- Biological Assessment Interim LAG Changes, Chapter 24 Supplement. Washington State Department of Transportation (TA/LA 99-2), March 1999.
- Department of Ecology Storm Water Management Manual for Western Washington

III. Detailed Scope of Services

Task 1 Project Management/CONSULTANT Coordination

This task describes those services necessary to plan, perform, and control the various elements of the project so that the needs and expectations of the CITY and other project stakeholders will be met or exceeded.

Assumptions:

The CONSULTANT's project manager shall meet with the CITY's project manager on a monthly basis throughout the project. Estimated duration is 12 months.

The CONSULTANT shall submit monthly invoices with a written summary of project progress to-date and activities expected for the next month.

Task 1.1 Project Reporting/Project Management

This task consists of Administration of the project and coordinating with the CITY to facilitate efficient progress and timely completion. Elements of work in this task include:

- Project Start Up/Close out
  - This work shall consist of setting up project file structure for storing relevant project documentation. This work also includes closing out the project, compiling and submitting all documents and closing project files.
- Develop and update project schedule
- Develop and submit monthly progress reports/invoices
- Evaluate and monitor project budget
- Development and update of Project Guide
  - The project guide is a comprehensive compilation of project information and contains information and direction on the project back ground, team, communication plan, scope of services, budget, schedule, quality management plan, project administration guidelines and health and safety requirements. The guide shall be updated throughout the duration of the project. Copies of the Project Guide and any update shall be distributed to the CONSULTANT's project team leads. Copies will be provided to the CITY if requested by the CITY Project Manager.
- Establish and maintain the communication plan between the CITY, team members and sub-consultants
- Establish a collaborative project approach and resolution strategies regarding project challenges
- Develop, update and monitor quality management plan for the project

- The quality management plan identifies the person(s) responsible for the quality assurance and control. The plan shall also define the intervals that QAQC review will be performed commensurate with HDR policy and industry standards.

Task 1.2 Meetings

In addition to attending specific meetings as described in other tasks, the CONSULTANT project manager shall attend the following meetings:

Meetings	Purpose(Frequency)	Preparation/Documentation
CITY/CONSULTANT	Coordination meetings to discuss progress, action items, budget, schedule, upcoming issues (monthly)	Prepare agenda. Meeting minutes summarizing action items, decisions made and strategies
CONSULTANT TEAM	Coordinate team's progress/effort, status (Bi-weekly)	Prepare agenda. Summary of decisions made and assigned action items

Assumptions

- There shall be 11 CITY/CONSULTANT Meetings
  - CITY/CONSULTANT meetings are assumed to be 1 hour in duration and be attended by the CONSULTANT Project Manager.
  - Meetings shall be considered face to face meetings held at the City of Bainbridge. If at the request of the CITY project manager, meetings may be conducted as conference call meetings held between the CITY/CONSULTANT project managers.
- CONSULTANT Team Meetings shall be conference call meetings.
  - Meetings shall be 1 hour in duration and be held two (2) times per month for a period of 11 months.
  - Meeting participants shall be comprised of the CONSULTANT Project Manager, and Task Leads

Task 1.3 Project Design Schedule

Develop and maintain the project schedule using Microsoft Project. Significant tasks and sub-tasks will be represented in the schedule as well as significant mile stones required for the successful completion of the design and adoption by CITY council of the proposed project.

Task 1 Deliverables

- Monthly progress report/invoicing (1 copy each month)
- Meeting agenda / minutes (1 copy each meeting)
- Project schedule (1 copy each update)

Task 2 Topographic Survey and Base Maps

Assumptions

The CITY shall provide the CONSULTANT with all topographic survey, base maps, and other available support data for use in the CONSULTANT(s) development of project plans and exhibits

The CONSULTANT assumes that the following information will be provided as part of the topographic survey and be incorporated on the base map(s).

- **Topographic Survey**
  - Includes: horizontal and vertical control surveying to adequately control the topographic mapping. The mapping will be completed on Washington State Plane Coordinate System, North Zone NAD 83/91, and NAVD 1988 vertical datum.
  - Right Of Way limits and adjacent parcel boundaries.
  - Surface grades, pavement edges, utility poles, hydrants, valves, manholes, storm drains, culverts, mailboxes, signs, fences, significant landscaping, wetland and environmentally sensitive areas, etc... in sufficient detail to support design/PS&E development. Contours will be depicted at one one-foot intervals.
  - Includes: water, natural gas, telephone, fiber optics, cable television, electrical, storm drainage, and sanitary sewers. Base maps shall be prepared in accordance with applicable sections of CI/ASCE 38-02, "Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data" and the prevailing standard of care.
  - Utility Records Research - Record Drawings of all utilities known to reside within project limits.
  - Potholing information of existing buried utilities within project limits.
- **Base Map**

  Base maps shall be provided in AutoCAD 2010 format, scaled at 1"=20' horizontal, showing all features outlined above. Maps will show contours at 1-foot intervals, spot elevations on existing roadway areas, and critical driveway areas, as necessary to support the design of the project.

Task 2 Deliverables

- No deliverables are provided for this task.

Task 3 Data Collection and Review of Existing Conditions

Assumptions

The CITY shall provide to the CONSULTANT existing information and requirements relative to the PROJECT including, but not limited to, the items listed in Section IV of this Exhibit A.

Task 3.1 Existing Data Collection and Review

Review all available data provided by the CITY. This shall consist of reviewing all utility as-built drawings, surveys, and documents and comparing the data with the assumptions made on the project. All information will be evaluated to identify potential conflict with regard to the proposed project improvements and to identify areas where additional information is needed for the project.

Task 3.2 Site Reconnaissance

The CONSULTANT team members shall conduct a site visit following compilation of the data and information derived in Task 3.1. This work shall include taking photographs and video of the project site to assist in development of the project., including back checking the data and comparing it with the Topographic base map provided for the project, noting those features that visibly differ from the existing data collected and determining areas where need additional field survey is needed for development of later phases of work.

Task 3 Deliverables

- Request for additional survey (as needed)

Task 4 Geotechnical Investigation

The Geotechnical SUB-CONSULTANT shall obtain subsurface information regarding soil conditions along the project alignment as a preliminary basis for evaluating geotechnical conditions.

Geotechnical investigation will be performed within the project limits to determine pavement design, and design criteria for any required retaining walls or slopes. The geotechnical information will be assembled with design recommendations in a report to be delivered to the CITY as part of the final document package.

Assumptions

- Investigations will be limited to 4 excavation(s).
- The CITY will procure all "Right-of-Entry" documents from the property owners lying adjacent to proposed drilling sites. The test boring shall be conducted in pavement areas. Boring holes in the pavement caused by the drilling will be backfilled with the spoils extracted from the boring and the asphalt patch repaired with commercial grade concrete.

- CONSULTANT shall provide the Geotechnical SUB-CONSULTANT with updated topographic maps of the project site for use in conducting the study.
- One CONSULTANT/SUB-CONSULTANT meeting will be conducted to coordinate scheduling of the investigatory work.

Task 4.1 Field Exploration and Laboratory Testing

CONSULANT and Geotechnical SUBCONSULTANT shall review readily available geotechnical reports previously conducted along the project corridor/alignment provided to the CONSULTANT by the CITY regarding the original roadway design and construction, and other related documents completed as part of the planning process.

CONSULTANT and Geotechnical SUB-CONSULTANT shall conduct a field reconnaissance of the project site in accordance with Task 3.2 to evaluate surface conditions, topography, and existing drainage conditions.

The Geotechnical SUBCONAULTANT shall complete laboratory tests on selected soil sample, including moisture content, as appropriate for use in supporting design of the roadway and retaining wall features.

The Geotechnical SUBCONSULTANT shall Subcontract with a traffic control firm to provide traffic control when conducting the exploratory work within the CITY's rights-of-way.

Task 4.2 Geotechnical Design Report

The Geotechnical SUBCONSULTANT shall compile the information derived from Task 4.1 and develop a report that will include the following:

- Provide site preparation criteria for the new roadways, including recommendations regarding the required depth of stripping and excavation of unsuitable soil.
- Provide earthwork criteria for the project, including types of fill material and compaction requirements, and conclusions regarding reuse of on-site soils for structural fill purposes.
- Provide preliminary recommendations for cut and fill slopes.
- Develop preliminary geotechnical engineering parameters for retaining walls including allowable bearing pressures, active and passive lateral soil pressures, sliding friction and settlement. Other retaining structures such as rockeries and MSE (mechanically stabilized earth) walls will be discussed, if requested.
- Provide preliminary recommendations for utility trenching, support of buried utilities, and trench backfill.
- Develop recommendations for appropriate temporary and permanent drainage, as well as erosion and sediment control measures.
- Prepare a written report for the Wing Point Way improvement project describing the pertinent site details, field exploration and laboratory testing program, subsurface conditions based on field and laboratory data, and a summary of conclusions and recommendations. The report will include a vicinity map; a site plan showing topography, project alignment, exploration locations and location of subsurface profiles; and at least one subsurface profile (cross section) showing our interpretation of subsurface soil and ground water conditions.

Task 4 Deliverables

- Draft Geotechnical Design Report (3 copies)
- Final Geotechnical Design Report (3 copies)

Task 5 Environmental Services

Task 5.1 Environmental Kick-off Meeting and Site Visit

This work shall consist of conducting a site visit, Task 3.2, to assess the potential for impacts to the natural and build environment located adjacent to the project site.

Assumptions

- The CONSULTANT team comprised of key environmental staff, the project manager, and lead designer(s) will participate in the site visit to identify the impacts and needs for mitigating those impacts relevant to the project. Invitations will be extended to WSDOT H&LP engineers.

- The Team will also identify key issues to better assess scheduling permit submittals to support project development to meet project schedule.

Task 5.2 Critical Area Field Work and Technical Memo

The CONSULTANT shall review existing documents and define the level of effort required for the field study. The CONSULTANT shall seek to utilize existing documentation and studies wherever feasible in an effort to reduce cost.

The CONSULTANT shall provide qualified wetland biologists to delineate jurisdictional wetlands according to methods described in the 1987 Corps of Engineers Wetland Delineation Manual and the 1997 Washington State Wetland Delineation Manual. Identified wetlands shall be documented with appropriate data sheets and boundaries shall be marked with visible plastic flagging for pickup by the survey team. Identified wetlands shall be ranked according to City of Bainbridge methods. Field crews shall also identify and flag the Ordinary High Water Mark (OHWM) of West Fork Hawley Creek for a distance of 200 feet from the proposed edge of construction. Wetlands associated with the stream within 100 feet of the project construction area will be delineated and flagged as well. One day of field work by two biologists is anticipated.

A critical areas memo will be prepared to comply with the City of Bainbridge critical areas ordinance. The memo will be developed to address the city standards and best available science (BAS) requirements. The report will summarize relevant background studies and mapping and will identify the general extent, location and project impacts to significant trees, wetlands, the stream, steep slopes, habitat areas, and their buffers in the study area.

Task 5.3 Biological Assessment

The purpose of the BA is to evaluate individual projects in terms of their potential impacts to any species listed or proposed for listing as threatened or endangered under Section 7 of the Endangered Species Act (ESA). It is currently anticipated that informal consultation will be sufficient to show ESA compliance. Informal consultation consists of preparation of a BA. The BA will include detailed descriptions of all project activities, status and occurrence of listed species in project area, direct and indirect effects to all listed species and critical habitat, and conservation measures. The BA will include an effects determination for each listed species and critical habitat. An analysis of Essential Fish Habitat (EFH) will be completed as part of the BA and will also include an effects determination. If the Services agree with the effects determination, they will write a concurrence letter.

Federal agencies are obligated under Section 305(b)(2) of the Magnuson-Stevens Act (MSA) and its implementing regulations (50 CFR 600), to consult with NOAA Fisheries regarding actions that are authorized, funded, or undertaken by that agency, that may adversely affect Essential Fish Habitat (EFH). The MSA defines EFH as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." Furthermore, NOAA Fisheries is required to provide the Federal agency with conservation recommendations that minimize the adverse effects of the project and conserve EFH (MSA 305(b)(4)(A)). This consultation is based, in part, on information provided by the Federal agency and descriptions of EFH for Pacific ground fish, coastal pelagic species, and Pacific salmon (Chinook, Coho and pink salmon) contained in the Fishery Management Plans produced by the Pacific Fisheries Management Council.

An EFH review and determination shall be completed as part of the BA process. The EFH review shall reference the effects discussed in the BA portion of the document and shall evaluate the project effects on spawning, breeding, feeding, growth and/or maturity for Chinook and Coho.

Task 5.4 Cultural and Historic Resources (Section 106 Compliance)

Assumptions:

- *Archaeological materials may be located within the project area. If artifacts or a site or sites are located, the required DAHP documentation may accrue costs above and beyond the amount proposed.*
- *One set of comments on the report will be received. Additional comments may require additional budget.*

Consult with DAHP, tribes, and federal agencies, as needed, regarding the level of effort required for Section 106 compliance for this project. Prepare an Area of Potential Affect based on design team information and initial Section 106 consultation. Conduct records research with the DAHP, GLO maps, historic maps, and pertinent publications. Perform a pedestrian survey and subsurface testing of the APE. Produce a survey report that meets all Federal and State standards for review.

Task 5.5 NEPA ECS Preparation

Assumptions:

- *NEPA Documented Categorical Exclusion (DCE) is acceptable for the project.*

- *Each document is limited to one review and revision cycle by client and WSDOT Local Programs.*
- *Impacts to environmental justice (EJ) populations are not expected within the study.*
- *A history of hazardous materials is not anticipated and additional documentation would not be required by WSDOT.*
- *The City PM will sign the ECS and submit to WSDOT for review, approval, and recommendation to FHWA.*

The CONSULTANT shall prepare the Environmental Classification Summary Form to satisfy NEPA requirements following the format and procedures specified in the WSDOT Environmental Procedures Manual and Local Agency Guidelines. The CONSULTANT shall coordinate with the WSDOT Highways and Local Programs Area Engineer during document preparation and review cycle.

Task 5.6 SEPA Checklist Preparation

Assumptions:

- *The City PM will submit the checklist to Bainbridge Planning Division for review, approval and issuance.*
- *SEPA public notice requirements such as posting, mailings, and hearings will be handled and paid for by the City.*
- *City will provide a Bainbridge SEPA Checklist in Word file format.*
- *Scope and budget to handle a SEPA appeal is not included and is considered Extra Work.*

Task 5.7 Mitigation Planning and Design

No tasks for mitigation planning are scoped at this time. A more accurate scope of work and estimate of additional work can be prepared if and when environmental or critical area impacts are determined. CONSULTANT services related to mitigation could include, site identification and selection, report preparation, agency coordination, design PS&E, and cost estimating.

Task 5.8 Environmental Permitting

Assumptions

- *The City shall provide copies of all documents to accompany permit application packages.*
- *The City or assigns such as the contractor shall be responsible for obtaining construction permits from other city departments for clearing and grading, street use, and right-of-way.*
- *Regulatory compliance and permit acquisition will require periodic and on-going coordination, requiring numerous meetings and on-sit visits.*
- *A city staff representative will attend any agency permit meetings.*
- *Anticipated permits are identified below. Additional forms or different permits will be Extra Work.*
- *No public hearing meetings are anticipated.*

- *Permits not identified below will be considered Extra Work and require an additional scope and budget.*
- *Mitigation design (not currently in scope or budget) will be required upon determination of impacts in order to complete the permitting process.*

Once the project has been defined, specific permit requirements will be confirmed with the various agencies having jurisdiction over the project. The CONSULTANT shall confirm with the federal and state agency staff as to the appropriate permit and approval process for construction of the project. A list will be prepared that will identify the agency, type of permit, trigger for the permit, staff contact information, any special reports that are needed, and the approximate timeframe for approval. Mitigation concepts will be identified; however additional scope and budget will be needed when impacts are identified in order to complete the permitting process.

For the purposes of this scope of work, we anticipate the following permits to be needed:

- City of Bainbridge Critical Area Modification
- Washington Department of Fish and Wildlife – HPA
- Army Corps of Engineers (for in-water work or wetland fill)

For the permits noted above, the CONSULTANT will prepare application packets as drafts and submit them for review to the City of Bainbridge Island project manager. Specialized graphics required to clearly depict the project or meet submittal requirements will be prepared by the CONSULTANT. Final applications will be submitted by the City.

Task 5 Deliverables:

- *Meeting summary identifying goals and objectives of the project and list of anticipated permits required on project.*
- *Draft and Final Critical Area Memo with Data Sheets*
- *Draft and Final Biological Assessment*
- *Draft and Final Cultural Resources Survey*
- *Draft and Final ECS*
- *Draft and Final SEPA Checklist*
- *City of Bainbridge Critical Area Modification Permit package*
- *JARPA / HPA (for Corps and WDFW)*

Task 6 Utility Coordination

Assumptions:

The CONSULTANT shall coordinate utility locates within the project limits. Potholing of existing utilities to resolve potential utility conflicts and clarify existing utility location will be considered extra work.

Task 6.1 Preliminary Utility Contacts

The CITY will prepare and send a notice containing the scope and schedule of the project, and include preliminary project plans, to all public and private utility agencies with known underground or overhead facilities that may be affected by the project. The CONSULTANT will provide the preliminary project plans for the notice.

Task 6.2 CITY Utility Coordination Meeting

The CONSULTANT will meet with the CITY to discuss the expectations of the underground and overhead utility(s). Depending on the direction given regarding the overhead utilities the CONSULTANT will initiate the Schedule 74 process. The appropriate direction will be conveyed to the relevant utility company(s) based on decision made by the CITY.

Task 6.3 Initial Coordination Meeting

The CONSULTANT shall coordinate and attend the meeting with affected utilities to define potential impacts to the existing systems related to the proposed improvements. The CONSULTANT will request each representative from the affected utilities attend the Kickoff Meeting to discuss project needs and expectations. Request for As-Built information to support the coordination and design effort, verifying utility locations and identifying any potential impacts with regard to their respective utility infrastructures.

Task 6.4 Utility Design Coordination Meeting

Upon completion of the 30% design level plans the CONSULTANT will submit the plans to each utility company representative for use in verifying that the utility information depicted on the plans is accurate and complete. Each utility company will be provided a copy of the 30% design level plans showing the relocated/undergrounded utility locations.

Task 6.5 Final Utility Design Coordination Meeting

At completion of the 90% Design/PS&E Development, the CONSULTANT will provide plans and relevant project special provisions necessary for addressing relocation/undergrounding work for each utility(s) infrastructure. The outcome of this meeting will be to obtain concurrence from the respective utility company representatives regarding relocation/undergrounding of their utility.

Task 7 Public Involvement

This work shall consist of coordinating with the CONSULTANT TEAM, CITY staff, Project Stakeholders, Interest Groups, and general public during development of the project.

Assumptions

- The CITY will compile and provide a mailing list for the project.

- The CITY will be responsible for the printing, postage and mailing of information to the community.
- The CITY will provide the meeting locations.
- The CITY will be responsible for development and managing a project Website and coordinating with the media regarding meeting announcements required for the project..
- CONSULTANT and SUBCONSULTANT shall be responsible for developing presentation materials and exhibits at the Conceptual, 30%, and 60% phase of project development for use at all public meetings or open houses.

Task 7.1 Kick-off Meeting (Walk and Talk)

The CONSULTANT will meet with staff to review the project schedule, process and decision points and identify key stakeholders and walk the project site with staff to review existing conditions and site context with the City's existing preliminary concept design and identify constraints and opportunities for project design elements. Specific project parameters will be defined during this meeting.

Task 7.2 Team and City Staff Workshop

The CONSULTANT will meet with staff to review Community needs, alignment concepts, ROW/easement areas, and typical cross sections along the project corridor.

Task 7.3 Stakeholder Workshops

Meet with staff and key stakeholders including adjacent property owners, the golf course management, Kitsap Transit and utility providers. The purpose of the workshops will be to review concept designs with the key stakeholders who are most affected by the project and get their input early in the process. We will offer six (6) opportunities to meet in small groups at times that are convenient for the stakeholders. A follow up one on one meeting will be available with key stakeholders who are not available to meet during the small group meeting schedule.

Task 7.4 Community Workshop

The CONSULTANT shall conduct a community workshop to review the concept design option(s) with the community, which includes the key stakeholders. The focus of the workshop meeting is to provide the community the opportunity to ask questions and provide input to CITY staff and the design team regarding.

Task 7.5 City Council Study Session/Committee Meeting

The CONSULTANT will present the concept plan to CITY Council with the comments received from the Stakeholder and the Community Workshops. The team will solicit CITY Councils comment's on the concept design and incorporate changes as directed by the CITY. Up to three study session meetings are included in this item.

Task 7.6 Team and City Staff Workshop

The CONSULTANT will meet with CITY staff to review all the comments received to date from the Stakeholders and Community Workshops and City Council Study Session and incorporate proposed changes into the project plans at the direction of the CITY.

Task 7.7 Stakeholder Workshops Follow-up

The CONSULTANT will meet with select key stakeholders to review revised concept plans for coordination and acceptance prior to finalizing the 30% design. This task allows for up to six (6) one on one meetings.

Task 8 Landscape Plans, Specification, Estimate, and Public Meeting Graphics

Task 8.1 Landscaping, Restoration Plans and Concept Landscape Plans

The CONSULTANT shall prepare landscape and restoration construction plans, specification and estimates for the location(s) defined in the project civil plans. Landscape and restoration shall generally match in kind the local landscape and design features. Areas designated for restoration are areas assumed to be affected by slope and construction easements. Restoration for these areas will match in kind the adjacent features and landscape style.

Task 8.2 Landscaping, Urban Design Features and Graphics for Public Meeting(s)

The CONSULTANT shall make a preliminary assessment and recommendation to address the potential urban landscape opportunities. Landscape features for this phase will involve the integration of the proposed new sidewalk into the existing terrain and vegetation as well as possible retaining walls, pedestrian pathways and way-finding features. The landscaping shall be coordinated with preliminary roadway layouts and grading. The design shall promote the best management practices for landscaping as well as design integration into the existing Wing Point Way context. The use of mostly native plants and temporary irrigation system shall be investigated.

The CONSULTANT shall prepare the following graphics exhibits for use in the public information and out reach process.

Kick-Off Meeting Walk and Talk (Graphic):

The team shall determine during the meeting, the locations for the (4) "ghost" photo renderings to developed and used in the public information and outreach process.

Team and City Workshop (Graphic):

The CONSULTANT shall develop cross sections renderings representing (4) design alternatives. Revisions to the cross sections shall be provided depending upon comments received during this workshop. An alignment plan overlaid on an aerial plan for context and relationship to adjacent properties shall be developed for use in this meeting.

Stakeholder Workshops (Graphic):

The revised cross section renderings shall be used for the workshop meetings. The design alternative(s) plans prepared under task 9.3 shall be used for the workshop meetings. The alignment plans will be overlaid on aerial plan images and shall be used during the workshop meetings. The CONSULTANT shall develop (4) "ghost" photo simulations along the corridor that illustrate the design treatments.

Community Workshop:

The CONSULTANT will provide an alignment/aerial photograph plan, cross sections and design alternative(s) plans developed under task 9.3 for use at all workshops. The CONSULTANT shall revise as necessary the (4) "ghost" photo simulations for use at the presentations.

City Council Study Session:

The CONSULTANT shall develop a PowerPoint presentation which includes the exhibits prepared for the public process to date, a summary of the Stakeholder workshops and the Community workshop.

Team and City Staff Workshop:

Revise the (4) cross sections and the (4) "ghost" photo simulations to reflect the comments received at workshops.

Stakeholder Workshops Follow-up:

CONSULTANT shall develop up to (6) renderings of the planned improvements at a scale of1"=10' scale for those areas that require a more detailed design for clarification at each meeting.

Landscape and urban design features considered for the project shall include:

- Landscaping in areas where right of way, pedestrian pathways and utilities permit.
- Low growth groundcover and/or shrubs in the constructed slope embankment areas.
- Restoration of existing landscaping features impacted as a result of the intended improvement within the project corridor.

Task 8 Deliverables:

- *Meeting Graphics*

Task 9 Preliminary Design - 30% Level Conceptual Design

Task 9.1 Preliminary Drainage Assessment and Design

The CONSULTANT shall develop a conceptual preliminary design of the drainage facilities required for the project. The facilities shall be developed to comply with the CITY drainage and Department of Ecology Storm-water Management Manual (including Bainbridge Island Municipal Code Chapter 15.20 requirements. The CONSULTANT shall also pre-submit a preliminary drainage plan to the CITY for approval prior commencing with work to prepare Preliminary Construction Drawings for submittal to the CITY.

Task 9.2 Preliminary Design Meetings

The CONSULTANT shall meet with CITY staff to prepare the various elements of the preliminary design listed above. Prepare meeting notes describing comments and decisions resulting from these meetings with staff.

Task 9.3 Conceptual Design Plans

The CONSULTANT shall prepare up to 4 - 15% design level alternatives for use at all public meetings. Each alternative will provide concepts that include sufficient horizontal and vertical information to ascertain the impacts to adjacent properties as result of cut and fill limits. The CONSULTANT shall also prepare landscape restoration conceptual plans. The landscape shall be coordinated with preliminary roadway layouts, sidewalks and grading. The design shall promote the best management practices for landscape as well as design integration into the existing Wing Point Way context. The use of mostly native plants predominately consisting of low groundcover and shrubs, and temporary irrigation system shall be considered. Landscape and restoration shall generally match in kind the local landscape. Areas designated for restoration are areas assumed to be affected by slope and construction easements. Restoration for these areas will match in kind the adjacent existing landscape. Develop up to (5) typical landscape treatments for restoration areas. Affected areas needing restoration will be shown on plans (1"=20' scale) with hatches representing one of the (5) landscape treatment types. Prepare up to (3) landscape plans. Opinion of Probable Construction Costs will be prepared using a cost per square foot basis. Temporary irrigation is not provided in this task.

Task 9.4 30% Level Preliminary Construction Drawings

This work shall consist of preparing preliminary Construction Drawings, including plan views, profiles, cross-sections and details, along with supporting design calculations as necessary to allow CITY staff sufficient information to review the plans. Drawings will be prepared at 1" =20' scale on CITY title/border, 22-inch x 34-inch size sheets. The scales to be used, the lettering, and the general delineation of the plans will be such as will provide legible reproduction at full scale or when reproduced for bid sets. Areas designated for restoration are areas assumed to be affected by slope and construction easements. Restoration for these areas will match in kind the adjacent existing landscape. Affected areas needing restoration will be shown on plans (1"=20' scale) with hatches representing one of the (5) landscape treatment types. Revise the (3) landscape plans based upon comments. Opinion of Probable Construction Costs will be prepared using a cost per square foot basis. Temporary irrigation is not provided in this task.

All cut and fill slopes shall be designed per the recommendations of the Geotechnical Report. Should it be determined that retaining walls are required to support the project, the design shall be added as supplemental work and the original agreement amended to include the scope and budget necessary to complete the work.

Task 9.5 Respond to CITY Comments

The CONSULTANT shall revise the 30% Design Level preliminary plans to incorporate comments from CITY review. Work required beyond the level of effort identified in the hours estimate will be considered Extra Work.

Task 9 Deliverables:

- *30% Design Level – Preliminary Plans*

Task 10 Preliminary Plans – 60% Design

This work shall consist of incorporating the CITY's comments received from Task 9.5 and developing a 60% Design Level set of plans, including drainage design and Storm water Site Plan and report.

Task 10.1 Preliminary Drainage Design and Storm Water Site Plan and Report

CONSULTANT shall develop proposed drainage facilities and plans to comply with the CITY drainage requirements. The CONSULTANT shall develop a storm water site plan and report documenting the existing and proposed site conditions and provide a detailed design to address both water quality and flow control measures to meet the CITY's and Department of Ecology water quality and flow quantity control (if required) requirements. The findings, conclusions, and recommendations shall be addressed in the storm water site plan and report.

Task 10.2 60% Level Design Drawings

The CONSULTANT shall prepare design drawings, including plan views, profiles, cross-sections and details, along with supporting design calculations as necessary to allow CITY staff sufficient information to review the plans. The construction drawings will be developed to incorporate the comments received from staff reviews and stakeholder/public input. Drawings will be prepared at 1" =20' scale on CITY title/border, 22-inch x 34-inch size sheets. The scales to be used, the lettering, and the general delineation of the plans will provide legible reproduction at full scale or when reproduced for bid sets.

Task 10.3 60% Design Level - Engineer's Opinion of Probable Construction Cost

The "Engineer's Opinion of Probable Construction Cost" will include an itemized list in tabular form, describing section, item, and number of units (quantity), "estimated unit costs", and estimated total cost.

Assumptions:

In providing opinions of cost for the PROJECT, CONSULTANT has no control over cost or price of labor and materials, unknown or latent conditions of existing equipment or structures that might affect operation or maintenance costs, competitive bidding procedures and market conditions, time or quality of performance by operating personnel or third parties, and other economic and operational factors that might materially affect the ultimate PROJECT cost or schedule. The CONSULTANT, therefore, will not warranty that the actual PROJECT costs will not vary from CONSULTANT'S opinions, analyses, projections, or estimates.

Task 10.4 Respond to CITY Comments

Revise plan to incorporate comments from CITY review. Work required beyond the level of effort identified in the hours estimate will be considered Extra Work.

Task 10 Deliverables:

- *60% Design Level – Preliminary Plans*

Task 11 90% Plans, Specifications, and Engineer's Opinion of Probable Construction Cost

The CONSULTANT shall prepare 90% construction plans based on the CITY review of the 60% drawings and submit the documents (including specification and opinions of probable construction costs) to the CITY for review and comment.

Task 11.1 Detailed Construction Drawings

Assumptions

Prepare Detailed Construction Drawings, including plan views, profiles, cross-sections and details, along with supporting design calculations. To develop a basis for a work hour estimate, an estimate of the contract plans that are assumed to be required is included below. It is assumed that the project can be covered on plan/profile sheets. Plans will be drawn at 1" =20' scale unless noted otherwise. Plans will be generated in accordance with the CITY/APWA Standards, on CITY title/border, 22-inch x 34-inch size sheets. The scales to be used, the lettering, and the general delineation of the plans will provide legible reproduction at full scale or when reproduced for bid sets.

A total of 22 drawings is anticipated and based on the following sheet breakdown and descriptions:

- Title and Index Sheet (1 Sheet, not-to-scale). Title and index sheet will include a vicinity map.
- Legend, Abbreviations, and General Notes (1 Sheet, NTS). Sheet will present legend, abbreviations, and general notes for contract drawings.
- Roadway Sections and Details (2 Sheet, NTS). Roadway sections for the typical roadway cross-sections for construction.
- Paving, Grading, and Drainage Plans/Curb and Drainage Profiles (7 Sheets, H: 1" =20', V: 1" =5' Scale). These plans will be a "split sheet" format, containing both plan and profile elements.

  The plans will include:

  - Horizontal alignment information, paving limits, retaining walls (assumed to be standard rockeries, "unit masonry", and limits of any cut/fill required. No structural wall design is anticipated
  - Pedestrian facilities (Sidewalks and Bike lanes)
  - Limits of pavement removal and grading limits
  - Proposed drainage, storm-water treatment, and outfall facilities

The plans will include centerline and curb profiles (including location and elevation) to control the vertical elements of the work outside of the intersection areas. On the same profile, drainage profiles (including location and elevation) will be prepared for the main drainage lines throughout the project. These profiles will provide information on drainage structure types, rim elevations, and invert elevations. Design slopes between drainage structures will be shown here and not on the Plans. Profiles will not be prepared for the laterals.

- Removal and Temporary/Permanent Pollution, Erosion and Sedimentation Control Plans (3 Sheets, 1" = 40' Scale). Both temporary and permanent control measures will be incorporated into the same plans and distinguished by line type, callout, and legend.
- Channelization and Signing Plans (2 Sheets, 1" =20' Scale).
- Landscaping Plans/Details (4 Sheets, 1" =20' Scale).

  Develop landscape and irrigation plans, planting schedule, irrigation schedule, and planting and irrigation details.
- Miscellaneous Plans/Details (2 Sheets, NTS).

Task 11.2 Contract Provisions

Specifications (Contract Provisions) shall be developed using the CITY "Boiler Plate" contract provisions. These provisions will be supplemented as necessary with project specific information, and include the deletion of unnecessary special provisions. It is assumed that the CONSULTANT will complete Divisions 2 through 8 and that the CITY will assemble the bid proposal and project bid package.

Task 11.3 Engineer's Opinion of Probable Construction Cost and Bid Item Tabulation

The "Engineer's Opinion of Probable Construction Cost" will include an itemized list in tabular form, describing section, item, and number of units (quantity), "estimated unit costs", and estimated total cost.

Assumptions:

In providing opinions of cost for the PROJECT, CONSULTANT has no control over cost or price of labor and materials, unknown or latent conditions of existing equipment or structures that might affect operation or maintenance costs, competitive bidding procedures and market conditions, time or quality of performance by operating personnel or third parties, and other economic and operational factors that might materially affect the ultimate PROJECT cost or schedule. The CONSULTANT, therefore, will not warranty that the actual PROJECT costs will not vary from CONSULTANT'S opinions, analyses, projections, or estimates.

Task 11.4 Drainage Design Report

Based on the CITY review of the draft drainage report the CONSULTANT shall prepare a final drainage report in accordance with current CITY standards.

Task 11.5 Respond to CITY Comments

Revise plan to incorporate comments from CITY review. Work required beyond the level of effort identified in the hours estimate will be considered Extra Work.

Task 11.6 Quality Assurance and Quality Control

Quality control includes senior engineer reviews. The CONSULTANT will conduct an internal quality assurance program prior to the 90 percent submittal of the bid documents. This task will supplement the continuous quality assurance program by conducting a detailed review of the project's plans and specifications for constructability and consistency within the bid documents.

Task 11 Deliverables:

- *90% Plans, Specifications, Engineer's Opinion of Probable Construction Cost*

Task 12 100% Plans, Specifications, and Engineer's Opinion of Probable Construction Cost

The CONSULTANT shall prepare 100% construction plans based on the CITY review of the 90% drawings and submit the documents (including specification and opinions of probable construction costs) to the CITY for review and comment.

Task 12.1 Final Construction Drawings

The CONSULTANT shall incorporate the review comments from the 90 percent submittal and finalize the project plans and submit to final grant ready drawings to the CITY.

Task 12.2 Final Contract Provisions

Specifications (Contract Provisions) shall be developed using the CITY "Boiler Plate" contract provisions. These provisions will be supplemented as necessary with project specific information, and include the deletion of unnecessary special provisions. It is assumed that the CONSULTANT will complete Divisions 2 through 8 and that the CITY will assemble the bid proposal and project bid package.

Task 12.3 Final Engineer's Opinion of Probable Construction Cost and Bid Item Tabulation

The "Engineer's Opinion of Probable Construction Cost" will include an itemized list in tabular form, describing section, item, and number of units (quantity), "estimated unit costs", and estimated total cost.

Assumptions:

In providing opinions of cost for the PROJECT, CONSULTANT has no control over cost or price of labor and materials, unknown or latent conditions of existing equipment or structures that might affect operation or maintenance costs, competitive bidding procedures and market conditions, time or quality of performance by operating personnel or third parties, and other economic and operational factors that might materially affect the ultimate PROJECT cost or schedule. The CONSULTANT, therefore, will not warranty that the actual PROJECT costs will not vary from CONSULTANT'S opinions, analyses, projections, or estimates.

Task 12.4 Respond to CITY Comments

Revise plan to incorporate comments from CITY review. Work required beyond the level of effort identified in the hours estimate will be considered Extra Work.

Task 12.5 Quality Assurance and Quality Control

Quality control includes senior engineer reviews. The CONSULTANT will conduct an internal quality assurance program prior to the 90 percent submittal of the bid documents. This task will supplement the continuous quality assurance program by conducting a detailed review of the project's plans and specifications for constructability and consistency within the bid documents.

Task 12 Deliverables:

- *100% Plans, Specifications, and Engineer's Opinion of Probable Construction Cost*

Task 13 Real Estate Services

The CONSULTANT shall follow the Uniform Relocation Act, WSDOT Local Agency Guidelines (LAG) manual, all applicable State and local laws, and CITY administrative rules for right of way/easement acquisition for all real estate services provided for this project. The CITY shall provide or approve all real estate forms the CONSULTANT will use and those forms shall be consistent with city acquisition practice. The CITY agrees to provide the CONSULTANT with available project information related to the CITY(s) State approved right of way procedures, and environmental documentation.

Task 13.1 Pre-Acquisition/Feasibility Study

The CONSULTANT will perform the following activities commensurate with the WSDOT LAG procedures:

- Preliminary title research including review of public records found in the County courthouse or online at the County.
- Preliminary cost estimate pursuant to chapters four and five of the WSDOT Right of Way Manual.
- Develop landowner contact list to include name addresses, and phone numbers.
- Assess ROW needs with in the project limits and make recommendations in an effort to minimize impacts and reduce ROW or easement cost.
- Acquire Right of Entry Agreements as needed and determine during meeting what concerns the owner has with the project.

Assumptions:

- *Assumes a maximum of 6 parcels will require right of entry and or meetings. Additional parcels determined to be in need of assessment will be considered extra work and additional scope and fee will be negotiated with the CITY.*

Task 13.2 Project Appraisal and Acquisition Steps

- Order and Review Title reports with the City and discuss the treatment of encumbrances Review ROW Plans. The estimated title report cost has been estimated at 600.00 per property.
- Attend Public Meetings as needed (2 meetings have been estimated)
- Prepare up to 6 PFE/AOS reports or appraisal(s) as needed (obtain appraisal waiver letter from WSDOT authorizing the City to use value on the PFE up to $25,000). If full appraisals are required, the cost per each has been estimated at $2500.00 per each.
- Provide Appraisal Reviews if needed

- Prepare Acquisition Packages including review of legal descriptions from Surveyor
- Negotiate temporary, permanent and ROW purchases with each land owner by making in person visits. The CONSULTANT will make four significant contacts with each affected land owner.
- Meet with City staff to resolve negotiation issues and make settlement recommendations as appropriate
- Manage escrow closing process
- Project Certification

Assumptions:

- *The CONSULTANT will have no role in any condemnation efforts unless directed by the CITY.*
- *This scope of work does not include purchase prices, title policies, or escrow fees.*

Task 13 Deliverables:

- *6 PFE/AOS Reports*
- *Certification Documentation*

Task 14 Bidding and Construction Support Services

No Tasks have been identified for this work. Should bidding and construction support services be requested by the CITY they will be added as supplemental services and to the original agreement and amended to include scope and budget for those services.

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-3
Payment (Negotiated Hourly Rate)

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. The CONSULTANT shall conform to all applicable portions of 48 CFR Part 31.

1. Hourly Rates: The CONSULTANT shall be paid by the AGENCY for work done, based upon the negotiated hourly rates shown in Exhibit "E" and "F" attached hereto and by this reference made part of this AGREEMENT. The rates listed shall be applicable for the first twelve (12) month period and shall be subject to negotiation for the following twelve (12) month period upon request of the CONSULTANT or the AGENCY. If negotiations are not conducted for the second or subsequent twelve (12) month periods within ninety (90) days after completion of the previous period, the rates listed in this AGREEMENT, or subsequent written authorization(s) from the AGENCY shall be utilized. The rates are inclusive of direct salaries, payroll additives, overhead, and fee. The CONSULTANT shall maintain support data to verify the hours billed on the AGREEMENT.

2. 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 Costs."

    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.

3. 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."

4. 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.

5. Monthly Progress Payments: Progress payments may be claimed on a monthly basis for all costs authorized in 1 and 2 above. The monthly billing shall be supported by detailed statements for hours expended at the rates established in Exhibit "E", including names and classifications of all employees, and billings for all direct non-salary expenses. To provide a means of verifying the billed salary costs for the CONSULTANT'S 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.

6. 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.

7. 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

Project: City of Bainbridge Island Wing Point Way Non-Motorized Improvement

Classification	Man Hours		Loaded Labor Rate	=	Cost
Principal	2	X	236.91		473.82
Project Manager	203	X	128.78		26,141.52
Lead Project Engineer	188	X	143.13		26,907.89
Utility Coordination Lead	64	X	175.31		11,220.08
Permit Lead	80	X	171.06		13,684.92
Senior ROW Lead	36	X	276.54		9,955.41
Project Engineer	92	X	132.20		12,162.52
Senior Engineer	18	X	189.49		3,410.78
ROW Agent	138	X	98.86		13,643.11
ROW technician	30	X	89.30		2,678.87
Sr Environmental Biologist	72	X	120.33		8,663.81
Planner	116	X	82.36		9,553.34
Designer	184	X	83.66		15,392.64
Drafter	183	X	81.50		14,914.51
Designer	132	X	81.35		10,738.52
Project Controller	30	X	120.21		3,606.38
3% Labor Escalation for year 2014					2,747.22
			Total Labor =		185,895.32

Reimbursables:

Mileages: @0.565/per mile	169.50	
Conference Call	100.00	
Printing	500.00	
Title Report	6,000.00	6,769.50

Subconsultant Cost (See Exhibit G):

Hough Beck & Baird, Inc.	63,550.06	
Aspect Consulting, LLC	7,625.03	
Garth Baldwin_Cultural Resources	8,061.20	79,236.29

Grand Total **271,901.11**

Prepared By: Gus Garcia Date: 9.13.13

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

October 10, 2012

Gene Sacco, Senior Project Controller
HDR Engineering, Inc.
500-108th Avenue NE, Suite 1200
Bellevue, WA 98004-5549

RE: HDR Engineering, Inc. Overhead Schedule
Fiscal Year End December 31, 2011

Dear Mr. Sacco:

The Nebraska Department of Roads (NDOR) has concluded their Cognizant Audit of HDR Engineering, Inc. Nebraska is the Cognizant State for HDR Engineering, Inc. NDOR accepted the audit performed by CPA Firm Ernst & Young, LLP. We were provided with their letter and a copy of the audit report.

Based on the cognizant state's audit and acceptance of the HDR Engineering, Inc. rate, we are issuing this letter of review establishing HDR Engineering, Inc.'s overhead rate for the fiscal year ending December 31, 2011, at 165.29% of direct labor (rate includes Facilities Cost of Capital). Costs billed to actual agreements will still be subject to audit of actual costs.

Included in the accepted indirect cost rate are CADD and personal computer costs. Prior to 2011 these costs were billed direct to projects via a technology fee. Accordingly, effective January 1, 2011, technology fees should no longer be billed as a direct expense. (Had HDR allocated technology costs direct in 2011, at the clearing rate of $3.70 per hour, the resulting credit to the overhead would have resulted in an indirect cost rate of 156.26 %.)

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 **either** your internally prepared *Compensation Analysis* for our review, or use the *National Compensation Matrix* (NCM) format to prepare your alternate analysis and we will review that. The NCM is a tool that establishes compensation amounts presumed reasonable for certain executive positions. The *Compensation Analysis* and NCM are described further in the AASHTO Audit Guide,

Chapter 7. We will need your *Compensation Analysis,* or alternative analysis based on use of the NCM, in order to complete our review of your overhead schedule.

If you, or any representative of HDR Engineering, Inc., have any questions, please contact Martha Roach, Jeri Sivertson, or Steve McKerney at (360) 705-7003.

Sincerely,

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
File

Dave Heineman
Governor

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Monty W. Fredrickson, P.E., Director – State Engineer
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.transportation.nebraska.gov

Audit Report No. 2013-20

October 9, 2012

HDR Engineering, Inc. and Subsidiaries
8404 Indian Hills Drive
Omaha, NE 68114

Chad Hartnett, Treasurer, Controller, and Director of Accounting

Subject: Review of FYE December 31, 2011 Indirect Cost Rate Audit performed by Ernst & Young, LLP.

We have completed a cognizant review of the Independent Certified Public Accountant (CPA) audit and supporting work papers, of the Indirect Cost Rates of HDR Engineering, Inc. and Subsidiaries, for the year ended December 31, 2011. This review was conducted in accordance with our role as Cognizant Agency as defined in 23 U.S.C. 112(b)(2)(c) and 23 CFR 172.3 and 172.7.

Our review consisted of discussions with HDR officials and a review of Ernst & Young LLP's audit report and audit working papers to ensure that the indirect cost rate audit was performed in accordance with Government Auditing Standards, and that the schedule of indirect costs was prepared in accordance with accounting practices prescribed in 48 CFR Part 31 of the Federal Acquisition Regulations. Our cognizant review was performed in accordance with the AASHTO Review Program for CPA Audits of Consulting Engineers' Indirect Cost Rates.

In connection with our cognizant review, nothing came to our attention that caused us to believe that the examination, and supporting work papers for the Indirect Cost Rate, and the related Accountant's Report we reviewed did not conform in all material respects to the aforementioned regulations and auditing standards.

We recommend acceptance of the following rates:

Combined Indirect Cost Rate	165.00% *
Facilities Capital Cost of Money	0.29%

* Included in the accepted indirect cost rate are CADD and personal computer costs. Prior to 2011 these costs were billed direct to projects via a technology fee. Accordingly, effective January 1, 2011, technology fees should no longer be billed as a direct expense. (Had HDR allocated technology costs direct in 2011, at the clearing rate of $3.70 per hour, the resulting credit to the overhead would have resulted in an indirect cost rate of 156.26%.)

The accepted indirect cost rate schedule has been included with this letter as Attachment A, page 2 of 2.

James A. Dietsch

James A. Dietsch
Highway Audit Manager

An Equal Opportunity Affirmative Action Employer

HDR Engineering, Inc. And Subsidiaries
Statement Of Direct Labor, Fringe Benefits And General Overhead
For The Year Ended December 31, 2011

	As Proposed by Consultant			
	Actual	Adjustment	FAR Ref.	Proposed
Direct Labor	$269,300,177	$ 4,149	(1)	$269,304,326
Fringe Benefits				
Vacation	$35,210,609	$ -		$35,210,609
Holiday	13,259,088	-		13,259,088
Sick Leave	548,592	-		548,592
Payroll Taxes	34,986,136	-		34,986,136
Group Insurance	33,362,712	-		33,362,712
Retirement Benefits	18,140,384	205,089	(2)	18,345,473
Total Fringe Benefits	$135,507,521	$205,089		$135,712,610
General Overhead				
Indirect Labor - General	$117,662,285	$ (2,245,092)	(3)	$115,417,193
Indirect Labor - Marketing	35,210,512	(188,315)	(4)	35,022,197
Travel and expenses - general	8,016,020	(659,980)	(5)	7,356,040
Employees' expenses	11,353,277	(2,777,692)	(6)	8,575,585
Supplies	157,403	-		157,403
Building rental and expenses - net	47,167,018	-		47,167,018
Taxes - general	3,434,195	-		3,434,195
Computer expense	42,965,950	(2,756)	(7)	42,963,194 (a)
Depreciation and amortization	10,280,532	(5,020,319)	(8)	5,260,213
Postage	877,937	-		877,937
Telephone	4,487,127	-		4,487,127
Subscriptions	154,564			154,564
Donations	757,368	(757,368)	(9)	-
Insurance and self-insurance	11,257,078	219,849	(10)	11,476,927
Bad debts	704,739	(704,739)	(11)	-
Office expenses	1,001,106	-		1,001,106
Printing	(117,242)	-		(117,242)
Marketing	7,462,614	(5,009,275)	(12)	2,453,339
Intercompany overhead	349,505	-		349,505
Administrative costs	13,134,586	(2,075,981)	(13)	11,058,605
Temporary help	436,398	-		436,398
Goodwill	(321,500)	321,500	(14)	-
Interest - net	588,215	(588,215)	(15)	-
Autos	793,682	(52,974)	(16)	740,708
Professional services	607,397	(97,776)	(17)	509,621
Miscellaneous	916,977	(699,380)	(18)	217,597
Allocated expense	39,245,752	(30,855,462)	(19)	8,390,290
State income tax expense	655,970	607,300	(20)	1,263,270
Total General Overhead	$359,239,465	($50,586,675)		$308,652,790
Total Fringe Benefits And General Overhead	$494,746,986	($50,381,586)		$444,365,400
Total Fringe Benefits And General Overhead Rate	183.72%			165.00%

(a) Effective January 1, 2011, computer aided design and technical personal computers costs are contained in the overhead schedule. Accordingly, effective January 1, 2011 the billing of a technology fee direct to projects is no longer applicable.

FAR Reference & Notes

1. FAR 31.201-4(a) - A cost is allocable directly to a government contract if it is incurred specifically for the contract.
2. FAR 31.205-6(j) - Pension amount funded in excess of the pension cost assigned to a cost accounting period is unallowable.
3. FAR 31.205-6(p) - Compensation paid to senior executives in excess of allowable limits. FAR 31.205-27(a) - Expenditures in connection with acquisition costs are unallowable.
4. FAR 31.205-1(f)(1) - Portion of unallowable public relations and advertising costs.
5. FAR 31.205-14 - Costs of entertainment are unallowable. FAR 31.205-46(a) - Meals and lodging costs in excess of federal per diem rates are unallowable. FAR 31.205-51 - Costs of alcoholic beverages are unallowable, FAR 31.201-4(a) - A cost is allocable directly to a government contract if it is incurred specifically for the contract.
6. FAR 31.205-1(f)(7) - Costs of memberships in civic and community organizations are not allowable. FAR 31.205-14 - Costs of entertainment are unallowable. FAR 31.205-22 - Lobbying and political activities are unallowable. FAR 31.205-51 - Costs of alcoholic beverages are unallowable.
7. FAR 31.205-1(f)(1) - Portion of unallowable public relations and advertising costs. FAR 31.205-14 - Costs of entertainment are unallowable. FAR 31.205-46 - Meals and lodging costs in excess of federal per diem rates are unallowable.
8. FAR 31.205-49 - Amortization of acquisition intangibles is unallowable.
9. FAR 31.205-8 - Contributions and donations are unallowable.
10. FAR 31.205-19 - Insurance and self insurance; adjust claims expense to actual paid.
11. FAR 31.205-3 - Bad debts are unallowable.
12. FAR 31.205-1(f)(1) and (7) - Portion of unallowable public relations and advertising costs. FAR 31.205-14 -Costs of entertainment are unallowable. FAR 31.205-22 - Lobbying and political activities are unallowable. FAR 31.205-46 - Meals and lodging costs in excess of federal per diem rates are unallowable.
13. FAR 31.205-1(f)(1) and (7) - Portion of unallowable public relations and advertising costs. FAR 31.205-14 - Costs of entertainment are unallowable. FAR 31.205-22 - Lobbying and political activities. are unallowable. FAR 31.205-27 - Expenditures in connection with acquisition costs are unallowable. FAR 31.205-46 - Meals and lodging costs in excess of federal per diem rates are unallowable.
14. FAR 31.205-49 - Amortization of acquisition intangibles and goodwill is unallowable.
15. FAR 31.205-20 - Interest and other financing costs are unallowable.
16. FAR 31.205-6(m)(2) - Portion of the cost of company furnished automobiles that relates to personal use by employees, including transportation to and from work, is unallowable.
17. FAR 31.205-22 - Lobbying and political activity costs are not allowable.
18. FAR 31.205-3 - Bad debts are unallowable. FAR 31.205-14 - Costs of entertainment are unallowable. FAR 31.205-15 - Costs of fines and penalties are unallowable. FAR 31.205-27 - Expenditures in connection with acquisition costs are unallowable. FAR 31.205-46(c)(2) - Portions of costs of leased airplanes for business travel are unallowable. FAR 31.205-51 - Costs of alcoholic beverages are unallowable.
19. Unallowable allocated costs from the parent company, HDR, Inc.
20. FAR 31.205-41(b)(7) - Portion of state income tax that is deferred and not a current tax is not allowable.

Exhibit G

Subcontracted Work

The AGENCY permits subcontracts for the following portions of the work of this AGREEMENT:

Hough Beck & Baird, Inc.

Work to be performed by this sub-consultant is directly related to providing the full process for the public informationand outreach and public notification process including leading and conducting public meetings and workshops with City staff, consultant design team and the general public. Other work to be performed by the subconsultant is to provide restoration and landscape plans for areas in the Right of Way impacted as a result of the design and construction of the project.

Apect Consulting ,LLC

Work to be performed by this sub-consultant is to provide geotechnical investigation and recommendations to support the design and construction of the project infrastructure

Garth Baldwin_Cultural Resources

Work to be performed by this sub-consultant is to provide assistance and investigation for compliance with state and federal requirements for cultural resources (section 106)

Exhibit G-1
Subconsultant Fee Determination - Summary Sheet

Fee Schedule

Subconsultant Aspect Consulting, LLC

Project: **City of Bainbridge Island Wing Point Way Non-Motorized Improvement**

Classification	Man Hours		Loaded labor Rate	=	Cost
Hydrogeologist	12	X	$70.69		$848.33
Sr. CAD/GIS Specialist	4	X	$100.24		$400.97
Project Assistant	8	X	$83.06		$664.46
Principal Geotechnical Engineer	10	X	$191.99		$1,919.89
Sr. Project Geotechnical Engineer	32	X	$111.14		$3,556.37
			Total DSC	=	$7,390.03

Reimbursables:

Field vehicle	$105.00
Camera	$15.00
GPS	$100.00
Personal protective equipment	$15.00
Grant Total	$7,625.03

Prepared By: Henry H. Haselton Date: 9.13.13

Exhibit G-1
Subconsultant Fee Determination - Summary Sheet

Fee Schedule

Subconsultant: **Hough Beck & Baird, Inc.**
Project: **City of Bainbridge Island Wing Point Way Non-Motorized Improvement**

Classification	Man Hours		Loaded Labor Rate	=	Cost
PRINCIPAL	134.5	X	167.32		22,503.89
LA/PRJ. M'G	133.0	X	115.03		15,298.88
DESIGN.	46.0	X	109.80		5,050.83
CAD/TECH.	278.0	X	67.97		18,896.16
ADMIN	22.0	X	52.29		1,150.29

Total DSC = 62,900.06

Reimbursables:

OUT-OF-POCKET EXPENSES	650.00	650.00

Grant Total 63,550.06

Prepared By: Pam Neuman Date: 9.12.13

Exhibit G-2
Subconsultant Fee Determination - Summary Sheet
Specific Rate of Pay
Fee Schedule

Subconsultant:
Aspect Consulting, LLC

Project: City of Bainbridge Island Wing Point Way Non-Motorized Improvement

Discipline or Job Title	Loaded Labor Rate
Hydrogeologist	$70.69
Sr. CAD/GIS Specialist	$100.24
Project Assistant	$83.06
Principal Geotechnical Engineer	$191.99
Sr. Project Geotechnical Engineer	$111.14
Project Assistant	$67.88
A/R Accounting Assistant	$71.30

Exhibit G-2
Subconsultant Fee Determination - Summary Sheet
Specific Rate of Pay
Fee Schedule

Subconsultant:
Hough Beck & Baird, Inc.

Category	Loaded Labor Rate
Principal	$167.32
LA/Project Manager	$115.03
Design Staff	$109.80
CAD Tech Staff	$67.97
Admin/Clerical	$52.29

HBB Landscape Arch.

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 manger 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 in 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 Pubic 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

I hereby certify that I am Ronald G. Ohlsen and duly authorized representative of the firm of HDR Engineering, Inc. whose address is 500 108th Ave NE, suite 1200, Bellevue, WA 98004-5549 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.

9/25/2013
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 statues 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): HDR Engineering, Inc.

9/23/2013
(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): HDR Engineering, Inc.

9/23/2013
(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 Wing Point Way NMI Project * are accurate, complete, and current as of July 01, 2013 **. 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 HDR Engineering, Inc.

Name Ronald G. Ohlsen

Title Vice President

Date of Execution*** Sept. 16, 2013

* 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 HDR Engineering, Inc. 4717 97th St NW Gig Harbor, WA 98335 (253) 858-5262
Agreement Number	Project Title And Work Description Wing Pt Way Non-Motorized Improvements
Federal Aid Number STPUS-6702(001)	The project will provide sidewalk improvements on one side, reconstruction of the roadway surfacing, and reconstruction of roadway storm water drainage. The
Local Agency City of Bainbridge Island	

THIS AGREEMENT, made and entered into this _____ day of _____, 2013, 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 HDR Engineering, Inc.

By _____

Consultant _____

LOCAL AGENCY

By _____

Agency City of Bainbridge Island

By _____

Agency _____

By _____

Agency _____

By _____

Agency _____

CITY OF BAINBRIDGE ISLAND
CITY COUNCIL AGENDA BILL

PROCESS INFORMATION		
Subject: 2013 City Manager Performance Review		Date: November 13, 2013
Agenda Item: Consent Agenda		Bill No.: 13-160
Proposed By: City Council	Referral(s):	

BUDGET INFORMATION		
Department:	Fund: N/A	Munis Contract #
Expenditure Req: None	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

DESCRIPTION/SUMMARY

Action Item:

The City Council is responsible for conducting an annual evaluation of the City Manager's performance.

History:

The City Council has completed an annual performance evaluation for 2013 for City Manager Doug Schulze. The evaluation process was facilitated by Strategic Government Resources (SGR) through a process that involved completion of individual worksheets by each member of the City Council. The City Council and City Manager met with Ron Holifield of SGR to review and discuss the performance evaluation, which resulted in a consolidated performance review (attached).

Although the consolidated review provides useful information, City Council members and the City Manager agreed that the most valuable element of the evaluation process was the discussion, which occurred during a workshop in August. The consolidated review is intended to capture key elements of that conversation.

RECOMMENDED ACTION

Motion:

I move to accept the 2013 City Manager's Consolidated Performance Review Final Report with the City Manager's Work Plan.

City of Bainbridge Island
2013 City Manager
Consolidated Performance Review
Final Report with City Manager Work Plan

Overview:

At the core, effective performance reviews are primarily about meaningful communication. It is essential that the Mayor and Council communicate clearly and unambiguously areas of performance which are functioning well, and areas where performance improvement is possible. But it is also critical for the team to acknowledge the difficult situation a manager is in when the Mayor and Council have differing views on what they expect of the manager.

This evaluation form is designed to accomplish both of those objectives, and then to serve as a foundation for meaningful, honest and open communication as a team. The Mayor and all but one of the City Council members completed this evaluation form on an individual basis and provided it to the consultant. Then a workshop was held in which each item was discussed in detail to achieve Council consensus on the City Manager's performance regarding that particular item.

City Council members and the City Manager agreed that the most valuable element of the evaluation process was the discussion, which occurred during a workshop on Sunday, August 11, 2013. The key elements of that conversation have been captured in this report.

Thursday, November 07, 2013

LEADERSHIP AND MANAGEMENT

PLANNING - Ability to anticipate and analyze problems; maps effective solutions.

Summary Comments: There were no Council goals for improvement established on this item.

ORGANIZING - Ability to arrange work efficiently and apply resources.

Summary Comments:

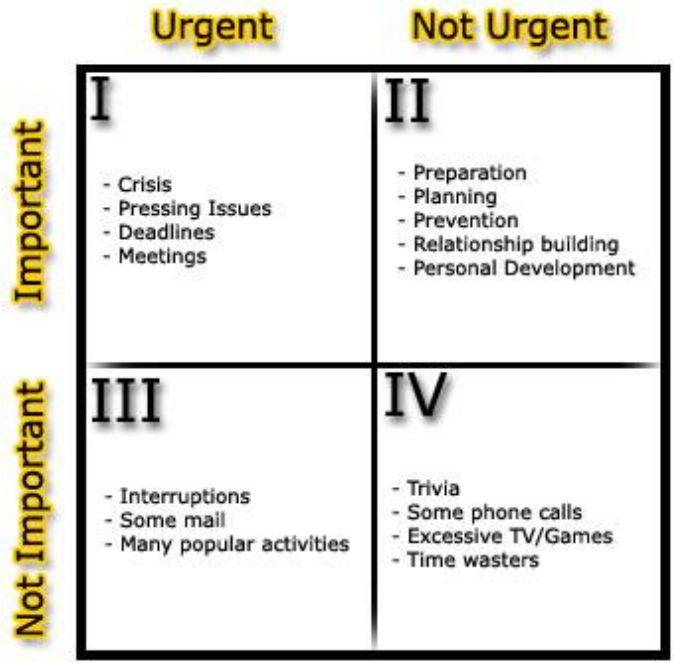
Perspectives varied on this item. Some council members expressed concern that some things have taken longer to achieve than desired such as the RFP for the new financial software, while others emphasized that new items have been added to the work plan by Council without providing additional resources, which of necessity slows progress on existing items. After much discussion, the Council agreed choices must be made when adding new items to the work plan.
Feedback received on this item resulted in some Council Members rating performance

Coming year goals for the City Manager include:

1. The City Manager should provide an assessment of options for current things that may need to be dropped from the work plan if the City Council wants to add new items.
2. The City Manager should help the Council establish long term strategies which will provide a context for specific priorities within the work plan and help ensure that the most important things are receiving priority attention and resources.

To address the concerns, City Manager will:

- Work with City Council to focus resources on work that is Quadrant II type tasks (long-term development, strategic) and less time on Quadrant I, III and IV tasks (see chart below).
- Provide an assessment of options for current things that may need to be dropped from the work plan if the City Council wants to add new items.
- Help the Council establish long term strategies which will provide a context for specific priorities within the work plan and help ensure that the most important things are receiving priority attention and resources.



SUPERVISION - Builds and motivates a team, provides direction, monitors and adjusts performance as necessary.

Summary Comments: No specific Council goals for improvement were established for this item.

It was specifically noted that the City Manager had built some needed bridges between the staff and the Council with steps like inviting the City Council to the Employee Appreciation Barbecue. There was general consensus that there was limited insight that Council has on this item due to it being associated with daily operations, but to the extent Council was aware, all responses were positive.

DELEGATION - Effectively assigns work to others and builds skills.

Summary Comments: No Council goals for improvement were established on this item.
There were a few specific examples given of instances where the City Manager had delegated responsibility and staff had missed the mark. However, the City Manager explained his very specific strategy of trying to take staff to a higher performance level and that delegation, including some opportunities to make mistakes by staff, were a necessary part of achieving the performance growth over the long term. Council acknowledged the wisdom of this approach, and that it was a necessary part of taking staff performance to a higher level.

To address the concerns, City Manager will:

- Continue delegating and providing opportunities for staff to develop personally and professionally. Provide updates about staff development to Council.
- Remind members of City Council that mistakes are part of the learning process.
- Clearly communicate expectations to staff when delegating.

TIMING – Makes decisions when sufficient information is available.

Summary Comments:

This item had some of the most diverse perspectives among Council members. It was noted that the City Manager had made notable improvement in the timing of contracts which come to the Council for approval. It was also noted that the City Manager is very conservative and does not make decisions without a lot of data, which takes a lot of time. Some of the Council is satisfied with this approach, and some are not.

Coming Year Goals for the City Manager Include:

1. Rather than significantly slowing down decisions due to the existence of potential risk, the City Manager should present options to Council with a risk assessment of each option, so that the Council can decide how aggressive they want to be and how much risk they are willing to undertake on any given item.
2. City Council agenda items should be provided to the Council on the Friday before Wednesday meetings with all presentation materials included, instead of Council seeing information for the first time at the dais. In the event that a choice has to be made between getting an item on the agenda to move promptly without the full presentation materials available the Friday before, and delaying the item to a future agenda, the City Manager will consult with the Mayor and communicate with Council regarding the reason an item needed to be placed on the agenda without full backup.

To address the concerns, City Manager will:

- Present options to Council with a risk assessment of each option, so that the Council can decide how aggressive they want to be and how much risk they are willing to undertake on any given item.
- Provide agenda items to the Council on the Friday before Wednesday meetings with all presentation materials included, instead of Council seeing information for the first time at the dais. If not possible and agenda item is time sensitive, consult with Mayor and communicate to Council regarding reason item needed to be placed on agenda without full backup.

FINANCIAL MANAGEMENT - Accurately and concisely reports and projects the financial condition; management practices and policies are designed to maintain (or achieve) a sound, long range financial condition - uses debt cautiously, plans for long term replacement and maintenance of equipment and infrastructure.

Summary Comments:

This item had a wide array of perspectives among Council members. It was acknowledged that while the old financial system was contributing to clunky reporting mechanisms that could sometimes create confusion, some of the formal processes that are in place contributed to frustration as well.

Coming Year Goals for the City Manager include:

1. The City Manager should bring a recommended code amendment to the City Council with language which would allow the City Manager to move funds within the budget below some designated threshold or parameters. His recommended authority for moving funds should be in general conformance with accepted practices in other cities.
2. The City Manager currently does a good job of bringing budget amendments to Council when expenses are higher than expected. The same approach should be used when there are excess revenues or savings which would allow Council to consider funding unfunded projects midyear.

To address the concerns, City Manager will:

- Bring recommended code amendment to City Council to allow City Manager to amend budget within funds
- Bring budget amendments forward when excess revenues or savings are identified.
- Maintain strong bond rating
- Maintain fund balances and financial condition consistent with adopted financial policies
- Develop recommendation for equipment replacement policies and program
- Develop reports/tools to communicate financial condition more clearly

FORGES COMPROMISES - Has the ability to resolve the numerous conflicts inherent in municipal government; is a good negotiator.

Summary Comments:

Council consensus is that the City Manager does a great job of staying out of political dynamics and not taking sides. However, there was a sense that Council would benefit by his engaging more on specific issues to help bring the Council to consensus.

Coming Year Goals for the City Manager Include:

1. The City Manager should be more assertive in introducing possible solutions to the City Council and helping to bring consensus despite differing opinions on the topic at hand within Council.

ANALYTICAL - In making decisions, considers the best available facts, projections and scientific evidence. To the extent that resources permit, insures these tools are available.

Summary Comments: There were no specific Council goals for improvement identified other than providing risk assessment of options as detailed in an earlier item. There was some discussion that his analytical tendency to depend heavily on data may slow the decision making process down somewhat and that different Council members had different perspectives on such.

SENSITIVITY - Listens and understands the positions and circumstances of others; communicates that understanding.

Summary Comments: There were no specific Council goals for improvement identified.

In general this was seen as one of the City Manager's strengths. While there was some desire expressed to see him become more assertive in communicating with Council and that he may hold back too much.

COMMUNICATIONS WITH GOVERNING BODY - Accurately interprets the direction given by the governing body; keeps you well informed with concise oral and written communication.

Summary Comments:

It was noted that one of the City Manager's strengths is that he frequently restates his understanding of Council direction to make sure everyone is on the same page. However, there was some concern that sometimes specific issues may get "lost in the shuffle" and that some improvement could be made in keeping Council informed. There was a general sense that this was getting better, but still sometimes needs to be reminded to give status updates.

Coming Year Goals for the City Manager include:

1. Improve communications with Council on key staff departures that may be of interest to the community so that there are no surprises of Council out in the community.
2. Look for more opportunities to share good news on positive things that are happening in the community.
3. Provide the Mayor and Council with "rapid response" talking points on major issues such as the landslide when a newspaper story shows up that will likely create citizen questions or discussion. These talking points should provide information on what the City is doing about

the issue so that Council is equipped to answer questions from the citizens in a prompt and knowledgeable manner.

To address the concerns, City Manager will:

- Be more proactive in communicating with members of the City Council
- Establish regular meetings with members of the City Council to discuss issues/concerns/interests
- Notify Council of key staff changes that may be of interest to the community
- Look for opportunities to share good news on positive things that are happening in the community
- Provide the Mayor and Council with "rapid response" talking points on major issues such as the landslide when a newspaper story shows up that will likely create citizen questions or discussion. Talking points should equip Council to answer questions from the citizens in a prompt and knowledgeable manner.

COMMUNICATIONS WITH THE PUBLIC - Is open and available to the public, takes their concerns and problems seriously, recognizes the public's right and need to be well informed; is visible in the community.

Summary Comments: There were no specific Council goals for improvement identified.

This was identified as one of the City Manager's greatest strengths. One Council member recommended adding a "City Manager" section to the website to continue the positive momentum in this area.

COMMUNICATIONS WITH EMPLOYEES - Provides sufficient information to keep the employees productive, motivated and part of the team; understands their concerns.

Summary Comments: There were no specific Council goals for improvement identified.

In general, Council consensus was that they were not in a position to directly observe this, but based on improvement in staff performance, they felt that it was at least "good" if not better. There was some expression of a desire for the City Manager to continue the process of improving staff performance and changing the organizational culture for the better.

CREATIVITY - Ability to reach for effective, and when necessary, inventive solutions.

Summary Comments: There were no specific Council goals for improvement identified.

There was a general sense that the City Manager had positive attributes in this area, and that he appears to be willing to consider ideas that are out of the box. At the same time, he is cautious about expressing his own ideas and opinions.

HONEST, FAIR - Consistently open and straightforward.

Summary Comments: There were no specific Council goals for improvement identified.

This item generated considerable discussion. The entire Council considers the City Manager to be honest, fair, consistently open and straightforward. The discussion turned to his communication style. In general, the focus was on developing a better understanding that the City Manager's style is to take in a lot of information, and spend time processing the data before making a decision, without expressing what he sees as a premature decision on his part. However, this has contributed to a dynamic where individual Council members will sometimes meet with him and express their opinion, and leave the meeting having interpreted his silence as agreement. Then when he later takes a different action, they are surprised at the outcome. On the part of the City Manager, he acknowledges that he needs to be cautious that he communicates clearly that silence does not imply concurrence… merely that he is still taking in data to make a decision. At the same time, Council acknowledges the same thing… that the City Manager's failing to disagree is not the same thing as concurrence… but he is still in the process of taking in information to make an informed decision with.

ADAPTABLE - Responds positively to a changing world and changing local conditions; does not cling to the status quo for its own sake.

Summary Comments: There were no specific Council goals for improvement identified.

There was a general sense that the City Manager is open to new ideas and suggestions, but that he may not be driving change within the organization as fast as some members of the Council would like.

RESILIENT - Energy and motivation maintained in spite of constant demands; handles stress well.

Summary Comments: There were no specific Council goals for improvement identified.

HUMOR - Maintains and shares an appropriate sense of humor to lighten the load.

Summary Comments: There were no specific Council goals for improvement identified.

HIRING - Recognizes the value of excellent employees and uses all reasonable efforts to insure the best available individuals are recruited and hired.

Summary Comments: There were no specific Council goals for improvement identified.

This was identified as a great strength, and consensus is that the City Manager has been making exceptionally good hires.

RISK MANAGEMENT - Implements effective programs to limit liability and loss.

Summary Comments: There were no specific Council goals for improvement identified.

The earlier comments regarding providing the risk assessment of various options to keep from slowing down the decision process was briefly revisited under this item.

LEADERSHIP - Guides effectively.

Summary Comments:

There was consensus things are moving in the right direction. Some members of the Council suggested there may be resistance within the organization, and that the City Manager may need to be more aggressive in changing the culture to create a high performance organization. The City Council expressly acknowledged that they must provide the resources to achieve the two goals identified below.

Coming Year Goals for the City Manager Include:

1. Help create a more strategic focus for the long term, and begin to actively bring forward ideas on how we get to where we want to go for the long term.
2. Assess how we compare with other cities, and look for new ways to get the most out of the resources we have available.

To address the concerns, City Manager will:

- Create a more strategic focus for the long term, and begin to actively bring forward ideas on how we get to where we want to go for the long term.
- Assess how we compare with other cities, and look for new ways to get the most out of the resources we have available.
- Continue implementation of high performance model

SUCCESSFUL - In spite of limited resources, makes it happen.

Summary Comments: There were no specific Council goals for improvement identified.

There was a sense that the City Manager does a good job on this item and is headed in the right direction. Some Council Members expressed concern that he may not be motivating staff to take performance to a higher level.

ACCEPTS DIRECTION - Aggressively responds to the direction of the majority of the governing body. Not sidetracked by the minority but recognizes their concerns.

Summary Comments: There were no specific Council goals for improvement identified.

This item had highly diverse perspectives within Council. Some concern was expressed that while the City Manager does a good job of this, the message may not always be translated into staff action. He specifically shared the cultural shift underway from a strong Mayor, into a Council Manager form of government. The Council has an appreciation for the transitional process that the City Manager is leading the organization through and feels he is on the right path.

To address the concerns, City Manager will:
• Reinforce need for motions and votes to avoid misunderstands about direction received through consensus
• Re-state direction received to ensure accurate understanding

ETHICAL - Conforms to the high standards of the profession; if a member of ICMA, knows, follows and promotes the "ICMA Code of Ethics."

Summary Comments:

The Council feels that the City Manager is highly ethical and conforms to the ICMA code of ethics.

JOB KNOWLEDGE - Has a solid understanding of all phases of municipal government.

Summary Comments: There were no specific Council goals for improvement identified.

This was acknowledged as one of the City Manager's great strengths.

PROFESSIONAL DEVELOPMENT - Takes action to acquire new knowledge and skills. Encourages employees to do the same.

Summary Comments:

This was seen as a real strength and that things are headed in the right direction.

Coming Year Goals for the City Manager included:

1. Implementation of High Performance Organization training and expectations.

CREDITS GOVERNING BODY - Credits municipal accomplishments to the policy makers; does not feel a personal ego.

Summary Comments: There were no specific Council goals for improvement identified.

General comments included that he may defer to the Council too much at times, and that he sometimes gives credit to the City Council even when credit is not due.

OPERATIONAL EFFICIENCY - Obtains the best possible end result for the money spent.

Summary Comments: There were no specific Council goals for improvement identified.

There was a general sense that while progress has been made, and things are headed in the right direction, progress needs to continue to ensure that available resources are being used as effectively as possible.

To address the concerns, City Manager will:

- Develop performance measurement system for implementation in 2014
- Conduct a cost of service analysis

COMPLETION OF PRIOR OBJECTIVES - Considering the resources available, how well CM implemented prior objectives.

Summary Comments: There were no specific Council goals for improvement identified.

There were generally positive comments regarding the City Manager's completion of prior objectives.

NEW OBJECTIVES

A variety of personal priorities were provided by each individual council member so that the City Manager knows what the individual council members see as personal priorities. However, there were no new consensus objectives established separate from the performance goals identified above.

OTHER WEAKNESSES

While there were summary comments provided to the consultant in this section, they were reflective of the specific discussions addressed in the section above and no unique or additional consensus items were addressed which had not been addressed above.

OTHER STRENGTHS

The following items were specifically noted by individual Council members as particular strengths and/or accomplishments of the City Manager.

1. His leadership in the city management profession and his accessing the wisdom and experience of other city management professionals to bring resources to bear on issues facing Bainbridge Island.
2. An exceptional track record on making good hires as he builds his own team.
3. His utilization of positive communication techniques such as changing "Code Enforcement" to "Code Compliance" to establish a collaborative rather than a punitive tone.
4. A strong sense of focus on keeping goals at the forefront and keeping their completion as a constant priority.
5. Improvements in the permitting process.
6. Restructuring of the Public Works Department.
7. New leadership in the Police Department and the focus now being placed on creating and implementing a strategic plan based on recommendations from LEMAP and the Pendleton Report.
8. The completion of a variety of large policy projects including the Shoreline Master Plan, HDDP, and Water Utility improvements.
9. A greater attention being placed on public works maintenance and landscaping. In particular, City grounds and properties look well maintained and downtown traffic medians are being tended. City trees are being taken care of with watering bags placed around each trunk and almost all of the street lamps that were not working are now working.
10. The Rockaway Beach issues have been resolved in a timely and professional manner.
11. The City Manager has been characterized as honest, direct, good natured, intelligent and fair.
12. The City Manager's broad municipal administration experience and knowledge, steady temperament and tact, energy and enthusiasm were identified as significant assets.

13. The City Manager was described as very approachable and easy to talk to as well as patient. He was also described as handling different personalities well and very good at avoiding becoming involved in political drama.
14. The City Manager has identified numerous housekeeping items in the city code that needed to be updated and aligned.
15. Creation of the City Manager's Report was identified as a very positive communication tool.
16. The City Manager's approach to tracking work plan items and keeping Council informed of status was identified as a positive.
17. The City Manager's track record of hiring well as identified as one of his greatest strengths.
18. The City Manager's accessibility and engagement with the community is seen as a huge asset to the City in general and was identified as a very significant positive change that has occurred since he came on board.