



**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL STUDY SESSION
TUESDAY, JULY 16, 2019**

**BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE N.
BAINBRIDGE ISLAND, WASHINGTON**

AGENDA

1. CALL TO ORDER / ROLL CALL - 6:00 PM

2. EXECUTIVE SESSION

- 2.A Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency, 15 Minutes
- 2.B Pursuant to RCW 42.30.110(1)(g), to evaluate the qualifications of an applicant for employment or to review the performance of a public employee. 30 Minutes
- 2.C Pursuant to RCW 42.30.110(1)(f), to receive and evaluate complaints or charges brought against a public officer or employee. 10 Minutes

3. APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE - 6:55 PM

4. MAYOR'S REPORT - 7:00 PM

5. PRESENTATIONS

- 5.A (7:05 PM) Consider Changes to Annual Funding and Master Lease with Friends of the Farms - Executive, 30 Minutes
 - [Farm Property Management Funding Staff Memo](#)
 - [City of Bainbridge Island Farmland Map](#)
 - [FOF Operating Support Request for CC 07162019](#)
 - [COBI-FOF Master Lease - 1-1-12 to 1-1-42 - Executed 12-9-11](#)

6. UNFINISHED BUSINESS

- 6.A (7:35 PM) Ordinance No. 2019-04, Updating the City's Sign Code - Planning, 45 Minutes
[Sign Code Matrix and Definitions of Key Terms](#)
[Staff Memo - Sign Code Enforcement](#)
- 6.B (8:20 PM) Update on Moratorium - Planning, 10 Minutes
[20190625_Moratorium_work_program_status_report.docx](#)
[Ordinance No. 2019-10 Extending the Development Moratorium](#)
[Development Moratorium Summary Effective April 3, 2019](#)

7. NEW BUSINESS

- 7.A (8:30 PM) Consideration of Options Related to Shade Covenant on the Crawford Property - Executive, 30 Minutes
[Shade Covenant Memo](#)
[Crawford Property Goals Policies Practices from Master Lease](#)

8. CITY COUNCIL DISCUSSION

- 8.A (9:00 PM) Discussion of Definition of Task Force and Committees in Governance Manual - Councilmember Schneider, 20 Minutes
[Resolution No. 2018-13, Approving the Manual of City Governance Policies, Procedures, and Guidelines - Approved 041018](#)

9. FUTURE COUNCIL AGENDAS

- 9.A (9:20 PM) Future Council Agendas, 10 Minutes
[City Council Regular Business Meeting 072319.pdf](#)
[City Council Study Session 080619.pdf](#)
[City Council Regular Business Meeting 081319.pdf](#)

10. FOR THE GOOD OF THE ORDER - 9:30 PM

11. ADJOURNMENT - 9:40 PM

GUIDING PRINCIPLES

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

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

Guiding Principle #3 - Foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources.

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

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

Guiding Principle #6 - Nurture Bainbridge Island as a sustainable community by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Guiding Principle #7 - Reduce greenhouse gas emissions and increase the Island's climate resilience.

Guiding Principle #8 - Support the Island's Guiding Principles and Policies through the City's organizational and operating budget decisions.



City Council meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the City Clerk's Office at 206-780-8604 or cityclerk@bainbridgewa.gov by noon on the day preceding the meeting.



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: July 16, 2019

ESTIMATED TIME: 15 Minutes

AGENDA ITEM: Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Executive session discussion.

SUMMARY:

Executive session.

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: July 16, 2019

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: Pursuant to RCW 42.30.110(1)(g), to evaluate the qualifications of an applicant for employment or to review the performance of a public employee.

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: City Council

RECOMMENDED MOTION:

Executive session discussion only.

SUMMARY:

Council will hold an executive session pursuant to RCW 42.30.110(1)(g) to evaluate the qualifications of an applicant for employment or to review the performance of a public employee.

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: July 16, 2019

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: Pursuant to RCW 42.30.110(1)(f), to receive and evaluate complaints or charges brought against a public officer or employee.

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Hold executive session.

SUMMARY:

Executive session held pursuant to RCW 42.30.110(1)(f).

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: July 16, 2019

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: (7:05 PM) Consider Changes to Annual Funding and Master Lease with Friends of the Farms - Executive,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Presentation

PROPOSED BY: Executive

RECOMMENDED MOTION:

Discussion.

SUMMARY:

In 2018, Friends of the Farms (Friends) requested that the City provide direct operating support to their organization. Friends requested an annual payment of \$65,000 in 2019 with continuing support in future years. The Council decided to fund Friends for one year at the amount of their request, with the commitment to discuss the question of ongoing operating support in 2019. Amendment No. 1 to the Master Lease, providing for the one year of funding, was executed on February 6, 2019.

The 2020 Adopted Budget does not currently include operating support for Friends of the Farms. Friends is requesting that Council provide \$72,000 in 2020, and that the master lease be revised to provide that the annual payment be adjusted annually by CPI. Friends is also requesting that the Council consider amending the master lease to change and clarify other sections.

FISCAL IMPACT:

Amount:	\$72,000 for 2020
Ongoing Cost:	\$72,000 increasing annually by CPI
One-Time Cost:	
Included in Current Budget?	No

BACKGROUND: In 2018, Friends of the Farms (Friends) requested that the City provide direct operating support to their organization. Friends had acted as the City's property manager for 60 acres of public farmland since 2012 without compensation beyond the rents collected from sub-lessors, as provided in the master

lease. Friends requests that the lease be revised to provide an annual payment starting in 2020 of \$72,000 adjusted annually by CPI.

Along with the funding request, Friends is requesting the City consider several revisions to the lease.

The requests fall into the following general categories:

- **Scope:** Friends would like to narrow the lease to reflect solely the property management responsibilities of the organization.
- **Repair and Maintenance:** Friends would like to include new language to carefully delineate the responsibilities for repair and maintenance and capital investments for the property covered by this lease.
- **Budget:** Friends would like ongoing operating financial support from the City. In 2019, the City will pay a total of \$65,000 to Friends for property management services. This supports 54% of two positions (the Executive Director and Farm Program Manager), as well as direct costs for general repairs and maintenance to the property covered by this lease, and portions of Friends' overall budget for general operating expenses.

ATTACHMENTS:

[Farm Property Management Funding Staff Memo](#)

[City of Bainbridge Island Farmland Map](#)

[FOF Operating Support Request for CC 07162019](#)

[COBI-FOF Master Lease - 1-1-12 to 1-1-42 - Executed 12-9-11](#)

[Amendment No. 1 to COBI-FOF Master Lease - Executed 2-6-19](#)

FISCAL DETAILS: The 2019 budget includes \$65,000 in direct operating support to Friends of the Farms. Friends of the Farms manages subleases on five City farm properties and also provides management at other properties.

In addition, the City budgets for special projects as well as roughly \$40,000 in each year of the biennium, (a total of \$140,000 in project funding 2019-2020) to pay for major repair and ongoing maintenance at the City's publicly owned farmland properties. The City also provides roughly \$10,000 in staff time to plan and deliver these projects.

Fund Name(s): General Fund

Coding:



Executive Department Memorandum

Date: July 16, 2019
To: City Council
Morgan Smith, City Manager
From: Ellen Schroer, Deputy City Manager
Subject: Friends of the Farms Annual Funding and Lease Update Requests

The City of Bainbridge Island owns 60 acres of farmland in seven parcels across the Island. In 2011, Friends of the Farms (Friends) and the City of Bainbridge Island (City) signed a master lease related to management of the City's farmland. This lease responded to the 2008 direction of the City Council to work with a single management entity "to develop a master lease agreement for management of the City-owned agricultural lands." The agreement furthers the City's goals related to supporting agriculture and provides for Friends to serve in the management role. Friends can rely on long-term access to the City's farm properties to support planning for activities which align with its overall organizational mission. Friends manages subleases on three of the parcels and identifies and performs ongoing repair and maintenance in addition to working with the City to identify and prioritize larger projects. Friends has served in this role since 2011.

In 2018, Friends of the Farms (Friends) requested that the City provide direct operating support to their organization in recognition of the financial investment, time, and effort spent on the management of City farmland and to supplement their other revenues such as grants, contributions and rent from the sub-lessors at the farm properties. Friends requested an annual payment of \$65,000 in 2019 with continuing support in future years. This amount was calculated to cover roughly half of the personnel costs of two positions, the Executive Director and the Project Manager, and a share of general operating costs for the Friends non-profit organization. The Council decided to fund Friends for one year at the amount of their request, with the commitment to discuss the question of ongoing operating support in 2019.

The 2020 Adopted Budget does not currently include operating support for Friends of the Farms. Friends is requesting that Council provide \$72,000 in 2020, and that the lease be revised to provide that the annual payment be adjusted annually by CPI.

Staff from the City and Friends organization have met five times since January 2019 and have discussed the conceptual changes to the Master Lease that will be the basis for future Council

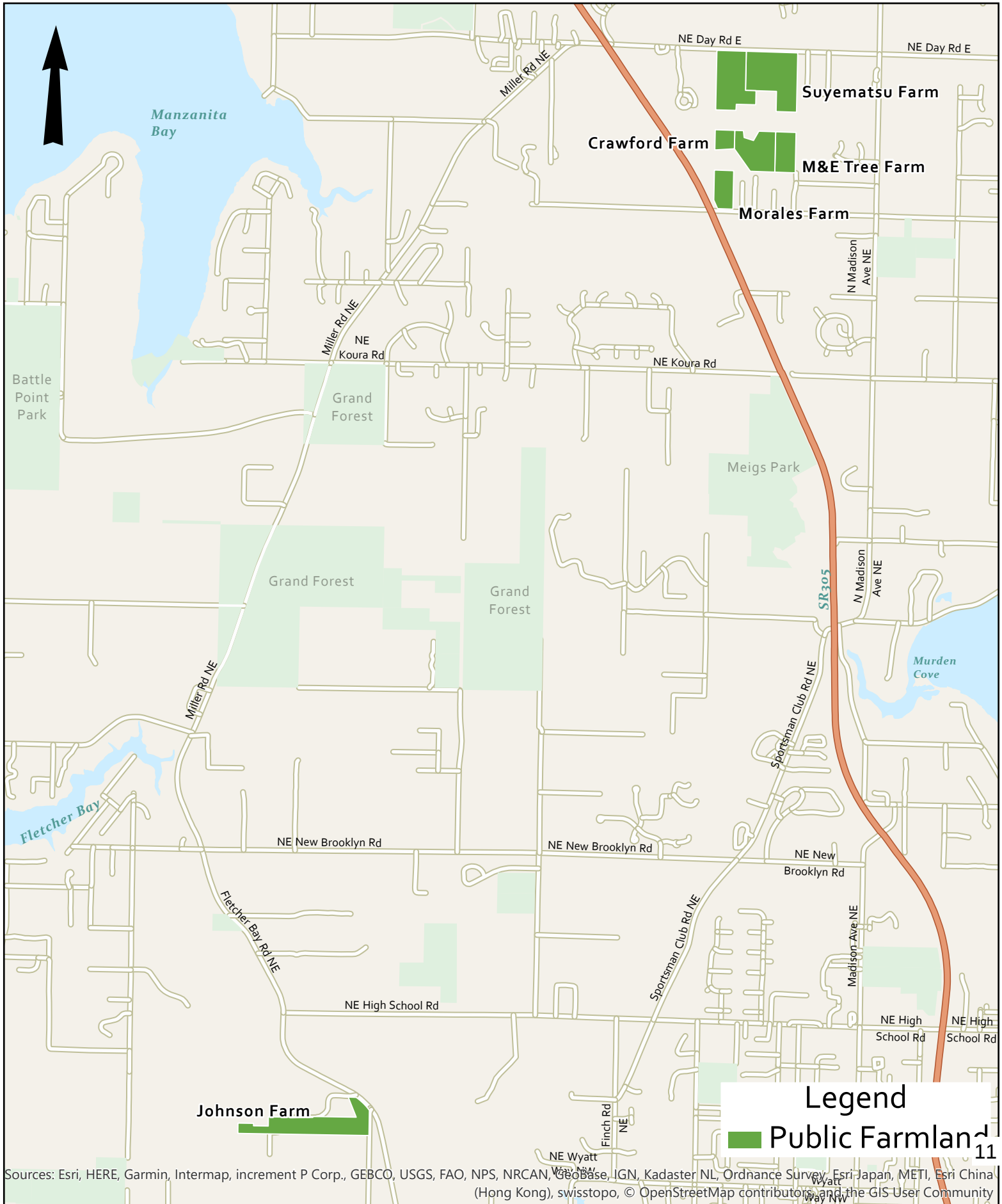
discussions. In addition to the question of ongoing funding, Friends is requesting the City consider several revisions to the lease.

The requests fall into the following general categories:

- Scope: Friends would like to narrow the lease to reflect solely the property management responsibilities of the organization. The current lease includes language related to overall City goals related to agriculture on the Island and programming to support those goals. Friends is not performing these general tasks in the context of their property management.
- Repair and Maintenance: Friends recommends new language to carefully delineate the responsibilities for repair and maintenance and capital investments for the property covered by this lease.
- Budget: Friends would like ongoing operating financial support from the City to be added to the lease.

The conversation planned for the July 16 study session will provide Friends of the Farms with an opportunity to introduce their request for annual funding to the Council and to open the conversation about the conceptual changes described above. After the discussion on July 16 and once Council has provided direction to staff on whether and how to adjust the framework of the relationship between Friends and the City, City staff will work with Friends on a more detailed review and will develop proposed changes to the master lease for Council consideration.

Public Farmland



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, CIBOBase, JGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

Friends of the Farms Proposed 2020 Budget

Income	Public Farmland General Management	Day Rd	Morales	Johnson	M&E	Crawford	Suyematsu Historic Area	Total Public Farmland
EARNED INCOME								
Interest Income	\$ 17							\$ 17
Lease / Rents								
Rent		\$ 5,600	\$ 4,900	\$ 715				\$ 11,215
Farm Lease		\$ 5,317	\$ 804	\$ 400				\$ 6,521
Total Lease / Rents	\$ 17	\$ 10,917	\$ 5,704	\$ 1,115				\$ 17,753
Government								
Total EARNED INCOME	\$ 17	\$ 10,917	\$ 5,704	\$ 1,115				\$ 17,753
Total CONTRIBUTED INCOME								\$ -
Total Income	\$ 17	\$ 10,917	\$ 5,704	\$ 1,115	\$ -	\$ -	\$ -	\$ 17,753
Gross Profit								
Expense								
Payroll	\$ 29,727	\$ 6,981	\$ 2,610	\$ 6,981	\$ 6,981	\$ 1,094	\$ 4,856	\$ 59,230
Operating Expenses	\$ 6,188	\$ 3,102	\$ 2,912	\$ 2,594	\$ 4,294	\$ 30	\$ 56	\$ 19,176
Repairs & Maintenance	\$ -	\$ 4,000	\$ 1,000	\$ 1,800	\$ -	\$ -	\$ -	\$ 6,800
								\$ -
Utilities		\$ 3,580	\$ 3,355	\$ 400				\$ 7,335
Total Expenses	\$ 35,915	\$ 17,663	\$ 9,877	\$ 11,775	\$ 11,275	\$ 1,124	\$ 4,912	\$ 92,541
Net Income	\$ (35,898)	\$ (6,746)	\$ (4,173)	\$ (10,660)	\$ (11,275)	\$ (1,124)	\$ (4,912)	\$ (74,788)
City Operating Support								\$ 72,000
2020 Contribution to Fund Balance/(Shortfall)								\$ (2,788)

CITY OF BAINBRIDGE ISLAND AND
FRIENDS OF THE FARMS

MASTER LEASE AND
MANAGEMENT AGREEMENT

CITY OF BAINBRIDGE ISLAND AND FRIENDS OF FARMS

MASTER LEASE AND MANAGEMENT AGREEMENT

THIS MASTER LEASE AND MANAGEMENT AGREEMENT ("Lease") is made and entered into by and between the City of Bainbridge Island, a Washington municipal corporation ("City"), and the Trust for Working Landscapes, a nonprofit corporation doing business as Friends of the Farms ("Friends").

RECITALS

WHEREAS, the City has adopted policies to preserve and enhance land in its agricultural condition; and

WHEREAS, the City Municipal Code establishes agriculture as a preferred use in zones where it is allowed; and

WHEREAS, the City owns approximately sixty (60) acres of farmable land; and

WHEREAS, in 2005, the City contracted with the American Farmland Trust and Cascade Harvest Coalition to conduct an assessment of the City-owned agricultural properties and to develop recommendations on management and program activities to support Island agriculture and other varied public purposes; and

WHEREAS, on February 8, 2006, the City Council passed Resolution No. 2006-06, adopting the American Farmland Trust Assessment and Recommendations for Preservation and Management of the City-owned Agricultural Land ("AFT Report") as the guiding document for creating a long-term farm management plan; and

WHEREAS, on September 25, 2008, the City Council adopted Resolution No. 2008-28 accepting the recommendations from the Mayor's 90-Day Farmland Committee's Report and Initial Recommendations to be used in conjunction with the AFT Report to guide policy in developing a comprehensive management plan for all City-owned agricultural lands; and

WHEREAS, Resolution No. 2008-28 directed that the City should work with a single management entity "to develop a master lease agreement for management of the City-owned agricultural lands"; and

WHEREAS, Friends entered into an Agreement for Professional Services with the City, dated April 30, 2009, to provide various management services for the City's sixty acres of public farmland including negotiating "lease agreements with Farmers in order to provide long-term farm planning stability for leasehold Farmers"; and

WHEREAS, farmers cannot make long-term plans or investments in their businesses without guarantees of long-term access to the land they are cultivating; and

WHEREAS, the Premises described in this Lease have been acquired and are being leased by the City to Friends in furtherance of the City's public purposes; and

WHEREAS, Friends shares the purposes and goals of the City and has agreed to enter into this Lease not only to obtain those benefits to which Friends is entitled under this Lease, but also to further the public purposes of the City with regard to the Premises; and

NOW THEREFORE, in consideration of the mutual promises of the City and Friends, and of other good and valuable consideration, the City and Friends agree as follows:

ARTICLE 1: PREMISES

1.1. **PREMISES:** The City hereby leases to Friends the property described in the attached and incorporated Exhibit A ("Premises").

1.2. **AS IS:** Friends agrees to accept the Premises in their "as is" condition and "with all faults" existing as of the date hereof. Friends agrees that this Lease has been entered into after full investigation of the Premises, or with Friends satisfied with the opportunity afforded for investigation, and without reliance upon any statement or representation by the City unless such statement or representation is expressly set forth in this Lease.

1.3. **RESERVATION OF MINERAL RIGHTS:** The City reserves to itself all of the oil, gas, coal and other minerals, including water, upon, in and under the Premises. This reservation shall not diminish the right of Friends under this Lease to occupy and freely use the Premises. Any extraction of minerals by the City shall be carried out with as little disruption to Friends as is possible. On the completion of any such extraction, the City shall return the surface of the Premises to its original state. Notwithstanding this reservation of mineral and water rights by the City, Friends shall have the right to draw upon such quantity of water from the Premises as is reasonably necessary to fulfill the proposed farming uses for the property identified under the terms of this Lease on the Premises.

ARTICLE 2: DURATION OF LEASE

The term of this Lease shall be thirty (30) years, commencing on the 1st day of January, 2012 ("Commencement Date"), and terminating on the 1st day of January, 2042 ("Expiration Date"), unless terminated sooner or extended as provided below. In the event that ownership of the land comprising the Premises is conveyed or transferred (whether voluntarily or involuntarily) by the City to any other person or entity, this Lease shall not cease, but shall remain binding and unaffected.

ARTICLE 3: MANAGEMENT AND SUBLEASING

3.1. PREVIOUS AGREEMENTS. This Lease supersedes and replaces all previous leases or management contracts, including the April 30, 2009 Agreement for Professional Services between the City of Bainbridge Island and the Trust for Working Landscapes.

3.2. FRIENDS' RESPONSIBILITIES: Friends shall be responsible for managing the Premises in accordance with this Lease, including granting and managing subleases granted to individual farmers ("Farmers"). Friends' responsibilities will include, but are not limited to:

- a. Recruiting and selecting leasehold Farmers (3.4, below).
- b. Negotiating subleases with leasehold Farmers (3.3, below).
- c. Coordinating resources for the leasehold Farmers (3.5, below).
- d. Developing an overall Farm Management Plan for managing the Premises, which Farm Management Plan shall be developed according to the Capital Projects and Management Task List (Exhibit D) and submitted to the City for its approval.
- e. Monitoring conformance to the Goals, Policies and Practices, and Farm Management Plan (3.9, below).
- f. Implementation of Capital Projects and Management Task List identified in Exhibit D. The parties anticipate that the list of projects on Exhibit D will change from time to time upon mutual agreement of the Parties, as projects and management tasks are completed, and as City funding, if any, and Friends' capacity to perform evolves during the term of this Lease.

3.3. TERMS OF SUBLEASES: Subleases granted to Farmers shall be in a form and contain terms approved by the City Manager and shall be consistent with the following:

- a. Rental rates shall be set according to a schedule or formula approved by the City Manager. Rent for sublease Farmers shall be calculated as the monthly fair rental value of the Premises as of the commencement of the lease term, and shall (i) include the cost of any use of Premises' utilities, (ii) be determined by a formula based on a comparison of agricultural lease rates set by the USDA and local Kitsap County agricultural lease rates, and (iii) include a proportional share of the cost of maintaining and operating any common areas included in the Premises. This calculation will also recognize (x) that certain costs of ownership, including the cost of some insurance and utilities, may be paid directly by the Farmer and are therefore not costs for which reimbursement is required, (y) that use of the Premises is restricted by the Lease in ways that reduce the fair rental value, and (z) that Farmer will be providing certain benefits to the Bainbridge Island community including but not limited to preservation and enhancement of agricultural land quality (e.g. soil amendments and physical improvements), opportunities for public involvement in the agricultural process and protection of the environment.
- b. On mutual agreement by the City and Friends, consideration may be given in exceptional circumstances on a case-by-case basis for a sublease Farmer's rent rate to be calculated by an agreed percentage rate of gross income from crop yield. Under

all circumstances such rent rates shall include at a minimum (i) the cost of any use of Premises utilities, and (ii) a proportional share of the cost of maintaining and operating any common areas included in the Premises.

- c. The length of such subleases may be up to twenty-five (25) years and shall be appropriate to the type of food crop and specific situation – e.g., vineyards and orchards require at least four to seven years before they produce fruit, whereas row crops begin yielding produce within one to two years. The term of such subleases shall not exceed the termination date of this Lease.
- d. The subleases shall require compliance with the terms of this Lease.
- e. Farmers shall be required to participate in outreach activities and community events, education in partnership with other organizations, heritage teaching of farm practices, and community culture-building.
- f. Farmers shall be responsible for the cost of on-going maintenance and leasehold improvements supporting their farming activities, beyond the City's existing infrastructure investments (e.g., clearing, deer fencing, installation of an irrigation system).
- g. Rent and fees paid by sublease Farmers or other users of the Premises shall be paid to Friends, and used by Friends to contribute to necessary operational and management costs to fulfill the terms of this Lease.

3.4. **SELECTION OF SUB-LESSEES:** Friends will sublease to Farmers who are selected in an open competitive process with criteria approved by the City and which give preference based on the following factors:

- a. Previous commitment to working on City farmland.
- b. Previous experience with commercial farming.
- c. Compatibility with other uses and users of the Premises.
- d. Growing food crops.
- e. Agricultural diversity.
- f. Sustainability of practices.
- g. Submission of an Agriculture Business Plan demonstrating commercial viability.
- h. Ability to fulfill lease requirements.
- i. Proximity of residence to farmland.

Friends will issue public notice of the application period for available subleases. Notice shall be posted in a newspaper of local jurisdiction, posted on the City and on Friends websites, and any additional media Friends may designate. Notice must be issued at least forty-five (45) days in advance of the close of the application period.

3.5. **COORDINATION OF SHARED RESOURCES:** Friends will facilitate cooperation among Farmers in the development of the Premises and the use and maintenance of common resources (such as storage facilities and large equipment) and tasks (such as

maintenance of fencing and farm materials). The City understands that Friends intends to delegate direct performance of these duties to the Farm Site Committees identified in Section 3.10 below.

3.6. COLLATERAL USES: Friends shall allow incidental accessory uses of the Premises for residential or educational purposes and shall allow other compatible uses of the land (e.g., affordable housing for Farmers, classroom space, etc.), as well as short-term, low impact, revenue-producing activities, such as weddings, so long as such uses are compatible with the primary use of commercial farming.

3.7. WRITTEN CONSENT FOR OTHER USES: Friends must secure prior written consent from the City for any uses of the Premises that are not consistent with the terms of this Lease or about which there may be reasonable doubt as to their consistency with the terms of this Lease. Any request by Friends for such consent shall be either granted or refused by the City Manager in writing within thirty (30) days of receipt thereof, and if not granted within such thirty-day period shall be deemed denied.

3.8. RESPONSIBLE USE AND COMPLIANCE WITH LAW: Friends shall use, and ensure that Farmers, and all other users of the Premises, use the Premises in a manner so as not to cause actual harm to others or create any nuisances, public or private; and shall dispose of any and all waste in a safe and sanitary manner and in compliance with all applicable laws and regulations. Friends shall maintain the Premises and Improvements in good and safe condition in all respects, except for normal wear and tear, in full compliance with all applicable laws and regulations, and in such condition as is required to maintain the insurance coverage required by Article 8 of this Lease.

3.9. GOALS, POLICIES AND PRACTICES:

- a. Friends shall implement and abide by the Goals, Policies and Practices for the Premises attached hereto as Exhibit B and incorporated herein. Friends shall ensure that all users of the Premises follow Best Management Practices for the Premises as specified in a Conservation Farm Plan developed by the Kitsap Conservation District and attached hereto as Exhibit C and incorporated herein. In addition, Friends shall ensure all users of the Premises comply with the Goals, Policies and Practices for the Premises and with any applicable Farm Management Plan for the Premises.
- b. For the first five years of this Lease, the Parties will annually review the terms of Exhibit B, the Lease Goals, Policies and Practices by June 1 of each year beginning in 2013. The purpose of the review will be to examine Exhibit B, and to determine if modifications are necessary to the terms of Exhibit B to ensure fulfillment of the goals of this Lease. Where the Parties identify the need for modifications of the Goals, Policies and Practices, the Parties agree to act in good faith to make such modifications to support the Lease. Modifications to Exhibit B or any other part of the Lease will go into effect only upon the written agreement of both the City and Friends. Exhibit B will be reviewed in the same manner every five years of this Lease after the first five years this Lease is in effect.

3.10. FARM SITE COMMITTEES: Friends shall establish a separate Farm Site Committee for each of the following areas of the Premises: 1) Day Road Farm (including Crawford property), 2) Morales Farm, and 3) Johnson Farm. For the areas to which they are assigned, each Farm Site Committee will have general property oversight responsibilities including: oversight of daily property management, allocation of farmland and farmland resources (such as water), an opportunity to be consulted by Friends about applicants for a sublease on the applicable site, and determination of use of farmland infrastructure. Farm Site Committees will consist of each farmer operating in the farm area of the Farm Site Committee, and at least one representative from Friends. Friends will develop operating policies for the Farm Site Committees, which policies shall be approved by the City, and which shall include a farmer business plan review, and a farmer tenant dispute resolution process. Neither the establishment of Farmer Site Committees, the assignment of responsibilities to them, nor the City's approval of their policies, nor any other activity by the Parties shall relieve Friends of its obligations under this Lease.

3.11. REPORTS: By March 1 of each year beginning in 2013, Friends will provide the City with an annual written report, which will include at least the following information:

- a. Quantification of produce and products from designated leased properties.
- b. Identification of farmer subleases by parcel, acreage utilized and lease rates.
- c. Summary of financial management (calendar year basis) including but not limited to: expense by parcel and payee; income by parcel; operating revenues and expenses of the management organization; grants sought/awarded, etc.
- d. Schedule and status for farm related capital improvements, if any.
- e. Description of farm-related activities, including but not limited to: educational programs, community outreach, work-parties, and public events.
- f. Description of farm and farm-related activities demonstrating compliance with the Goals, Policies and Practices and other requirements of this Lease, and where appropriate, reporting and an explanation of instances where the Goals, Policies and Practices and other requirements of this Lease may not have been met.

If requested by the City, such report shall be accompanied by an oral presentation to the City Council and other City representatives.

3.12. INSPECTION: City may inspect any portion of the Premises except the interiors of residential structures, at any reasonable time, and in any reasonable manner, upon at least twenty-four (24) hours' oral notice to Friends. In the event of emergency, the City may inspect any portion of the Premises except the interior of residential structures without notice, provided the City shall have made reasonable efforts to give advance notice to Friends. City may inspect the interiors of residential structures, upon at least twenty-four (24) hours' written notice to Friends and an occupant of suitable age.

3.13. ASSIGNMENT, ETC: Except as otherwise provided in this Lease, Friends shall not assign, sublease, sell or otherwise convey any of Friends' rights under this Lease without the prior written consent of the City. The City retains unilateral discretion to withhold such consent.

If permission is granted, any assignment or sublease shall be subject to all of the terms of this Lease.

3.14. OTHER SERVICES: Friends will make reasonable efforts to act as a service facilitator and clearinghouse for ideas for the City and farm property tenants, including:

- a. Development of new sources of revenue (e.g., agritourism, special events, merchandising, fundraising).
- b. Assisting with transition planning for individual Farmers (e.g., training and mentoring new farmers and enabling retirement/exit of farmers no longer interested in farming).
- c. Permitting for value-added processing and on-site sales of farm products.
- d. Functioning as a business incubator and support resource for island farmers, including forging appropriate alliances with other organizations that have the resources to promote successful farm business development.
- e. Providing information on benefits (e.g., health coverage, 401(K) programs, insurance).
- f. Sharing information relevant to farming with other organizations (e.g., Sustainable Bainbridge, WSU Extension, Kitsap Conservation District, Housing Resources Board, Farmers Market, Bainbridge Island School District, private businesses on the Island).
- g. Providing general business support to leasehold farmers, including identifying and finding ways to provide technical best practices training.
- h. Marketing and public relations (e.g., "Buy Local" campaign).
- i. Farming education for adults and children, including a program of internships and cooperative programs with the Island's public and private schools.
- j. Planning special activities related to the Island's farming heritage.
- k. Planning recreational opportunities and community events (e.g., special harvest events).
- l. Developing a network of trails around the perimeter of farm properties.

Friends will make reasonable efforts to coordinate with other community organizations to satisfy this service obligation.

ARTICLE 4: RENT

There shall be no monetary rent due from Friends, unless agreed otherwise as described below. Consideration for this lease shall be the services, responsibilities, and financial obligations undertaken by Friends, as expressly set forth herein as well as collateral benefits such as preservation and enhancement of the quality of the City's agricultural land (e.g. soil amendments and physical improvements), opportunities for public involvement in the agricultural process, and protection of the environment.

Income received by Friends related to the terms of this lease shall be deposited in a separate account established for this purpose.

Friends will receive up to twenty percent (20%) of income received as a property management fee.

Friends shall keep and maintain complete, appropriate, and accurate books, records and accounts of the income and expenses related to this Lease, in accordance with standard accounting practice. These books, records and accounts, including true copies of receipts and sales slips and any sales and other excise tax reports that Friends may be required to furnish to any government or governmental agency, shall at all reasonable times be open to the inspection of the City. City may request, at its own expense, an independent audit or review of said books, records and accounts.

If at any time a Party determines that Friends is receiving adequate income to cover the costs associated with maintaining and managing the City's agricultural lands through income such as sub-lease rent payments, use fees, and other sources associated with the City's lands, then the Parties agree to negotiate in good faith the terms of monetary rent due to the City from Friends, with the intent that the City should be receiving income beyond the costs of maintenance and management, which rent may be used by the City for any municipal purpose.

ARTICLE 5: TAXES AND ASSESSMENTS

5.1. TAXES AND ASSESSMENTS: The City shall be responsible for payment of all taxes and governmental assessments that relate to the Improvements and the Premises. Friends shall pay directly, when due, all other service bills, and utilities charges associated with the Premises.

5.2. TAXES ON PREMISES: In the event that the local taxing authority bills Friends for the taxes on the Premises, the City shall be responsible for such expense. The City shall promptly pay any such tax bill upon receipt thereof from Friends or the taxing authority.

ARTICLE 6: IMPROVEMENTS

6.1. CITY FUNDING: The City may, but is not obligated to, provide funding for specific, City-approved capital projects. The initial plan for funding and related capital projects is identified in Exhibit D, but it is anticipated that this plan will change from time to time on agreement between the Parties. Friends can draw on approved City funding, as needed, with the approval of the City Manager.

6.2. Within the meaning of this Article, "Improvements" shall mean "Additions to or enhancements of raw land or a building that normally increase its usefulness and value, and are intended to remain attached or annexed including but not limited to buildings, irrigation systems, fencing, green houses, electrical installations, etc.," that are added by Friends subsequent to entering the Lease.

6.3. OWNERSHIP: It is agreed that all improvements constructed or placed on the Premises in whole or in part at the expense of the City during the term of this Lease shall be the

property of the City and that all improvements constructed or placed on the Premises by Friends solely at its own expense during the term of this Lease shall be property of Friends.

6.4. ALTERATION OF IMPROVEMENTS: Subject to the City Manager's written approval when such approval is required under the terms of this Lease, Friends shall have the right to alter, improve, or expand existing improvements on the Premises for uses permitted by the terms of this Lease, provided that such alteration, improvement or expansion is permitted under the other terms of this Lease.

6.5. DEVELOPMENT OF NEW PERMANENT STRUCTURES: New permanent structures may be developed on the Premises only for uses permitted by the terms of this Lease, and only with the written consent of the City Manager, which consent shall not be unreasonably withheld. Specific uses for which such structures may, with the City's consent, be constructed include, but are not limited to, housing for interns or seasonal farm workers, storage, shelter for animals, growing of plants, value-added processing of farm-raised products, retail sale of farm-produced products, educational activities, and activities benefiting the local community, provided such uses are in compliance with all applicable public laws and regulations.

6.6. CITY'S APPROVAL REQUIRED: Friends must receive prior written approval from the City Manager for the siting and construction of new permanent buildings of any kind and for any modification of existing permanent buildings that expands or alters the exterior of such buildings.

6.7. QUALITY OF IMPROVEMENTS: Friends shall ensure that all construction and other work permitted by this Lease shall be done in a good and workmanlike manner and in compliance with all applicable laws, regulations, building codes, orders and requirements of all public authorities. The City may inspect Friends' work at reasonable times and shall promptly give notice of observed defects.

6.8. PROHIBITION OF LIENS: No lien of any type shall attach to the City's title to the Premises or to the City's interest in the Premises or to any other property owned by the City. Friends shall not permit any statutory or similar lien to be filed against the Premises, the Improvements, or any interest of the City or Friends. If any such lien remains more than sixty (60) days after it has been filed, Friends shall, at Friends' sole expense, cause any such lien to be discharged of record by payment, deposit, bond, order of a court of competent jurisdiction or as otherwise permitted by law. If Friends fails to cause such lien to be discharged within the sixty-day period, then, in addition to any other right or remedy, the City may, but shall not be obligated to, discharge the lien by paying the amount in question. Any amounts paid by the City to discharge such liens shall be deemed to be additional Rent payable by Friends upon demand.

6.9. MAINTENANCE AND SERVICES: Friends shall, at Friends' sole expense, maintain the Premises and all improvements as required by this Lease. The City shall not be required to furnish any services or facilities, including but not limited to heat, electricity, air conditioning or water, or to make any repairs to the Premises or improvements, and Friends hereby assumes the sole responsibility for furnishing all services or facilities.

6.10. DISPOSITION OF IMPROVEMENTS UPON EXPIRATION OF LEASE TERM: Upon the expiration of the term of this Lease as such term may be extended or sooner terminated in accordance with this Lease, Friends shall surrender all improvements together with the Premises to the City. Notwithstanding the generality of the foregoing, Friends may remove from the Premises upon or prior to the expiration of the Lease any property of Friends that does not rest upon a permanent foundation or is not otherwise permanently installed on the Premises.

ARTICLE 7: MORTGAGE FINANCING

Friends may not mortgage the Improvements or any portion of the Premises without the prior written consent of the City Manager.

ARTICLE 8: LIABILITY, INSURANCE, DAMAGE AND DESTRUCTION, EMINENT DOMAIN

8.1. FRIENDS' LIABILITY: Friends assumes sole responsibility and liability for all persons and entities related directly to Friends' possession, occupancy and use of the Premises including but not limited to Friends' agents, employees, family, invitees, customers and guests. Friends assumes no responsibility or liability for the agents, employees, invitees, or guests of the City accessing the property for public purposes including but not limited to educational programs, community meetings or events, site-tours, trail use, completion of official duties, or implementation of this Lease.

8.2. INDEMNIFICATION: Friends shall defend, indemnify and hold City harmless against all liability and claims of liability for injury or damage to person or property from any cause on or about the Premises and the Improvements. Friends waives all claims against City for such injury or damage. However, the City shall remain liable (and Friends shall not indemnify and defend City against such liability or waive such claims of liability) for injury or damage due to the grossly negligent or intentional acts or omissions of the City or City's agents or employees. The City shall defend, indemnify and hold Friends harmless against all liability and claims of liability for injury or damage to persons or property from any cause on or about the Premises and the Improvements from actions taken by the City under this Lease.

8.3. PAYMENT BY THE CITY: In the event that City shall be required to pay any sum that is Friends' responsibility or liability, Friends shall promptly reimburse the City for such payment and for reasonable expenses caused thereby. In the event that Friends shall be required to pay any sum that is the City's responsibility or liability, the City shall promptly reimburse Friends for such payment and for reasonable expenses caused thereby.

8.4. INSURANCE – CITY: The City shall, at the City's sole expense, be responsible for insuring all City-owned Improvements and other City-owned property against loss or damage by fire or other hazards and for insuring against any City liability under such terms as the City shall determine in its sole discretion.

8.5. INSURANCE – FRIENDS:

- a. Friends, at Friends' sole expense, shall be responsible for insuring all Friends-owned Improvements and other property against loss or damage by fire or other hazards under such terms as Friends shall determine in its sole discretion.
- b. Friends shall maintain continuously in effect liability insurance covering all activities taking place on the Premises in the amounts of not less than Two Million Dollars (\$2,000,000.00) for injury to or death of any one person, and Five Million Dollars (\$5,000,000.00) in the aggregate; and Two Million Dollars (\$2,000,000.00) for property damage per occurrence. The dollar amounts of this coverage shall be adjusted at two-year intervals, beginning on the date this Lease is signed. This adjustment shall be equal to the percentage of change (positive or negative), over the period in question, of the Consumer Price Index for the Seattle-Everett metropolitan area, or such other index as reasonably measures adjustments in coverage amounts for the applicable type of insurance. Such index is maintained by the Office of Prices and Living Conditions of the Bureau of Labor Statistics, of the U.S. Department of Labor. Such insurance shall specifically insure the City against all liability assumed under this Lease as well as all liability imposed by law.
- c. Friends shall provide the City with copies of all policies and renewals of policies. All policies shall also contain endorsements providing that they shall not be cancelled, reduced in amount or coverage or otherwise modified by the insurance carrier involved without at least thirty (30) days' prior written notice to the City.
- d. Friends may require sublessees, at the sublessee's sole expense, to maintain continuously in effect liability insurance covering the sublessee's activities.

8.6. EMINENT DOMAIN: If, by reason of eminent domain or other similar action of public authority prior to the expiration of this Lease, the Premises is taken, either in its entirety or to such extent that it will no longer serve the purposes of this Lease, the Lease shall terminate as of the date Friends gives up possession of the Premises, and the entire amount of any award(s) paid shall be allocated as follows. The proceeds of the award shall be paid first to cover any expenses of collecting the proceeds. Remaining proceeds shall be paid to Friends for loss of any improvements then owned by Friends, and for costs reasonably calculated to terminate Friends' obligations under this Lease. The balance of such proceeds, if any, shall be paid to the City.

In the event of a taking of a portion of the Premises which does not reduce the value of the remaining Premises to an extent that it will no longer adequately serve the purposes of this Lease the balance of such proceeds, if any, shall be paid to the City.

Any and all proceedings brought by a party in connection with any damages as a result of any taking referred to in this Section shall be conducted at the sole expense of such party. If any provision of law requires that such proceedings be brought by or in the name of any owner or lessee of the Premises, such party shall join in such proceedings or permit the same to be brought in its name. Each party agrees to do all acts and to execute all documents that may be required to enable the other to maintain such proceedings. If the party required to join in the proceedings incurs any cost or expense in doing so, such party shall be entitled to reasonable reimbursement and this entitlement shall constitute a first charge against any award.

ARTICLE 9: DEFAULT

9.1. DEFAULT BY FRIENDS: It shall be an event of default if Friends fails to abide by any material term or condition in this Lease, and such failure is not cured by Friends within sixty (60) days after written notice of such failure is given by the City to Friends.

9.2. DEFAULT BY FRIENDS RESULTING FROM JUDICIAL PROCESS: It shall be an event of default if the estate hereby created is taken on execution or by other process of law, or if Friends is judicially declared bankrupt or insolvent according to law, or if any assignment is made of the property of Friends for the benefit of creditors, or if a receiver, trustee in involuntary bankruptcy or other similar officer is appointed to take charge of any substantial reorganization of Friends under any provisions of the Bankruptcy Act now or hereafter enacted, or if Friends files a petition for such reorganization, or for arrangements under any provision of the Bankruptcy Act now or hereafter enacted and providing a plan for a debtor to settle, satisfy or extend the time for payment of debts.

9.3. REMEDIES: In the case of any of the events of default described above, the City shall have the following remedies therefore:

- a. The City may terminate this Lease and initiate summary proceedings against Friends. Pursuant to such proceedings, without demand or notice, the City may enter any part of the Premises and repossess the entire Premises, and expel Friends and those claiming rights through Friends and remove their effects without being guilty of any manner of trespass, and without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of covenant. If this Lease is terminated by the City, or if City re-enters the Premises pursuant to an event of default, Friends agrees to pay and be liable for any unpaid Rent, damages which may be due or sustained prior to or in connection with such termination or re-entry, and all reasonable costs, fees and expenses (including, without limitation, reasonable attorney's fees) incurred by the City in pursuit of its remedies under this Lease.
- b. The City may bring an action at law or in equity for money damages or equitable relief, including, without limitation, an action seeking to restrain by injunction any violation or attempted or threatened violation of any of the covenants, conditions or provisions of this Lease or seeking specific performance of any such covenants, conditions or provisions; provided, however, that the foregoing shall not be construed as a confession of judgment by the defendant in any such action.
- c. The City may exercise any other remedy or remedies expressly provided in this Lease.

The foregoing remedies shall be cumulative and are not intended to be exclusive of any other remedies or means of redress that City may be lawfully entitled to seek, either at law or in equity, in case of any breach or threatened breach of any provision of this Lease.

9.4. **DEFAULT BY THE CITY:** The City shall in no event be in default in the performance of any of its obligations under the Lease unless and until the City has failed to perform such obligations within sixty (60) days, or such additional time as is reasonably required to correct any default, after written notice by Friends to the City properly specifying the City's failure to perform any such obligation.

9.5. **LIMITATION ON LIABILITY:** Friends shall neither assert nor seek to enforce any claim for breach of this Lease against any of the City's assets other than the City's interest in the Lease and the Premises, and Friends agrees to look solely to such interest for the satisfaction of any liability of the City under this Lease, it being specifically agreed that neither the City, nor any successor holder of the City's interests hereunder shall ever be personally liable for any such liability. This Section shall not limit any right that Friends might otherwise have to obtain injunctive relief against the City or its successors-in-interests, or to take any other action otherwise permitted under this Lease which shall not involve the personal liability of the City, or of any successor holder of the City's interest hereunder, to respond in monetary damages from City's assets other than City's interest in this Lease and the Premises, as aforesaid. In no event shall City ever be liable for any indirect or consequential damages or loss of profits or the like.

ARTICLE 10: DISPUTE RESOLUTION

Any grievance or dispute that arises between the City and Friends concerning the terms of this Lease which cannot be resolved by normal interaction, shall be resolved with the assistance of a non-binding mediation service such as the Dispute Resolution Center of Kitsap County.

If mediation has not resolved the dispute, then the Parties may, but are not obligated to, agree to binding arbitration of the dispute. The procedure for binding arbitration will be agreed upon by the Parties as part of the Parties' written agreement to enter into binding arbitration for any particular dispute.

When a dispute cannot be resolved by mediation, and when the Parties have not agreed to binding arbitration, either Party may then commence litigation. Any lawsuit arising from this Lease shall be filed and heard in Kitsap County Superior Court.

ARTICLE 11: GENERAL PROVISIONS

11.1. **NOTICES:** Whenever this Lease requires either party to give notice to the other, the notice shall be given in writing and delivered in person or mailed, by certified or registered mail, return receipt requested, or by nationally recognized overnight courier service, to the party at the address set forth below, or such other address designated by like written notice:

If to the City: 280 Madison Avenue North, Bainbridge Island, WA 98110, Attention:
City Manager;

If to Friends: 221 Winslow Way West, #303 Bainbridge Island, WA 98110, Attention:
Executive Director

All notices, demands and requests shall be effective upon being deposited in the United States Mail or, in the case of personal delivery, upon actual receipt.

11.2. NO BROKERAGE: Friends warrants that Friends has not dealt with any broker in connection with the consummation of this Lease, and in the event any claim is made against City relative to dealings with brokers, Friends shall defend the claim against City with counsel of the City's selection and save harmless and indemnify City on account of loss, cost or damage which may arise by reason of any such claim.

11.3. SEVERABILITY: If any part of this Lease is unenforceable or invalid, such material shall be read out of this Lease and shall not affect the validity of any other part of this Lease or give rise to any cause of action of Friends or the City against the other, and the remainder of this Lease shall be valid and enforced to the fullest extent permitted by law.

11.4. WAIVER: The waiver by the City at any given time of any term or condition of this Lease, or the failure of the City to take action with respect to any breach of any such term or condition, shall not be deemed to be a waiver of such term or condition with regard to any subsequent breach of such term or condition, or of any other term or condition of the Lease. The City may grant waivers in the terms of this Lease, but such waivers must be in writing and signed by the City before being effective. The subsequent acceptance of Rent payments by the City shall not be deemed to be a waiver of any preceding breach by Friends of any term or condition of this Lease, other than the failure of Friends to pay the particular Rent so accepted, regardless of the City's knowledge of such preceding breach at the time of acceptance of such Rent payment.

11.5. CITY'S RIGHT TO PROSECUTE OR DEFEND: The City shall have the right, but shall be under no obligation, to prosecute or defend, in its own or Friends' name, any actions or proceedings appropriate to the protection of its title to the Premises. Whenever requested by the City, Friends shall give the City all reasonable aid in any such action or proceeding.

11.6. CITY'S RIGHT TO ASSIGN: The City shall have the unilateral right to assign this Lease to another public agency or non-profit.

11.7. THIRD-PARTY: Notwithstanding any provision of this Agreement, no third party shall have any right, title, lien, encumbrance, interest or claim of any kind or character whatsoever as a result of this Lease.

11.8. CONSTRUCTION: Whenever in this Lease a pronoun is used it shall be construed to represent either the singular or the plural, masculine or feminine, as the case shall demand.

11.9. CAPTIONS AND TABLE OF CONTENTS: The captions and table of contents appearing in this Lease are for convenience only, and are not a part of this Lease and do not in any way limit or amplify the terms or conditions of this Lease.

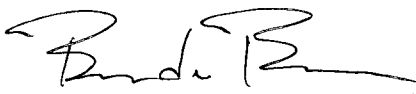
11.10. PARTIES BOUND: This Lease, including the attached Exhibits and other attachments, sets forth the entire agreement between the City and Friends with respect to the leasing of the Premises; it is binding upon and inures to the benefit of these parties and, in accordance with the provisions of this Lease, their respective successors-in-interest. This Lease may be altered or amended only by written notice executed by the City and Friends or their legal representatives or, in accordance with the provisions of this Lease, their successors-in-interest.

11.11. COUNTERPARTS: This Lease may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute but one and the same instrument.

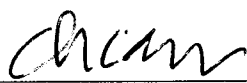
11.12. GOVERNING LAW: This Lease shall be interpreted in accordance with and governed by the laws of the State of Washington. The language in all parts of this Lease shall be, in all cases, construed according to its fair meaning and not strictly for or against the City or Friends.

11.13. RECORDING: The parties agree, as an alternative to the recordation of this Lease, to execute a so-called Notice of Lease or Short Form Lease in form recordable and complying with applicable law and reasonably satisfactory to the City's Attorney. In no event shall such document set forth the rent or other charges payable by Friends under this Lease; and any such document shall expressly state that it is executed pursuant to the provisions contained in this Lease, and is not intended to vary the terms and conditions of this Lease.

CITY OF BAINBRIDGE ISLAND

By: 
Brenda Bauer, City Manager

TRUST FOR WORKING LANDSCAPES, d/b/a/
FRIENDS OF THE FARMS

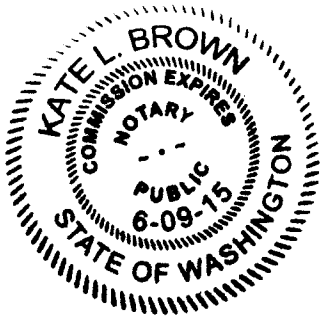
By: 
Title: President

I certify that I know or have satisfactory evidence that Brenda Bauer is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument, and acknowledged it as the City Manager of CITY OF BAINBRIDGE ISLAND, WASHINGTON to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.



Commission Expires: 6/9/2015

I certify that I know or have satisfactory evidence that Christy Carr is the person who appeared before me, and said person acknowledged that s/he signed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the President of TRUST FOR WORKING LANDSCAPES d/b/a FRIENDS OF THE FARMS to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.





Commission Expires: 6/9/2015

A: PREMISES – LEGAL DESCRIPTION
B: GOALS, POLICIES, AND PRACTICES
C: KITSAP CONSERVATION DISTRICT CONSERVATION FARM PLAN
D: CAPITAL PROJECTS AND MANAGEMENT TASK LIST

**EXHIBIT A
LEGAL DESCRIPTIONS**

DAY ROAD

Parcel A (Suyematsu)

RESULTANT PARCEL A OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NO. 200110240152, RECORDS OF KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THE EAST ONE-HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., CITY OF BAINBRIDGE ISLAND, KITSAP COUNTY, WASHINGTON.

EXCEPT THE NORTHWEST QUARTER OF THE SOUTH ONE-HALF THEREOF.

EXCEPT THE SOUTH ONE-HALF OF THE SOUTH ONE-HALF THEREOF.

AND EXCEPT THE NORTH 20 FEET FOR NE DAY ROAD AS CONVEYED TO KITSAP COUNTY UNDER KITSAP COUNTY AUDITOR'S FILE NO. 22403.

SUBJECT TO AND TOGETHER WITH EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

Parcel 2

ALSO THE EAST 171.86 FEET OF THE NORTH ONE-HALF OF THE WEST ONE-HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., CITY OF BAINBRIDGE ISLAND, KITSAP COUNTY, WASHINGTON.

EXCEPT THE NORTH 20.00 FEET FOR NE DAY ROAD.

SUBJECT TO AND TOGETHER WITH EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

Parcel C (Bentryn)

RESULTANT PARCEL C OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NO. 200110240152, RECORDS OF KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

LOT C OF THE CITY OF BAINBRIDGE ISLAND SHORT PLAT RECORDED IN VOLUME 13, PAGES 126 AND 127 OF SHORT PLATS, UNDER KITSAP

COUNTY AUDITOR'S FILE NO. 9603190265, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, ALL IN SECTION 10, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., CITY OF BAINBRIDGE ISLAND, KITSAP COUNTY, WASHINGTON.

EXCEPT THE EAST 171.86 FEET OF THE NORTH ONE-HALF OF THE WEST ONE-HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10.

SUBJECT TO AND TOGETHER WITH EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

MORALES

THE WEST 330 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, SECTION 10, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON;

EXCEPT THAT PORTION CONVEYED TO STATE OF WASHINGTON FOR SECONDARY HIGHWAY NO. 21, BY DEED RECORDED MAY 26, 1951, UNDER AUDITOR'S FILE NO. 533335;

AND EXCEPT ROADS.

CRAWFORD

(LOT A OF SHORT PLAT NO. 4670 RECORDED UNDER AUDITOR'S FILE NO. 8803240085) THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., KITSAP COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 10; THENCE ALONG THE NORTH-SOUTH CENTERLINE, S1*12'27 W 1311.73 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE S88*04'22 E 15.00 FEET TO THE EASTERLY RIGHT OF WAY OF COUNTY ROAD NO. 145 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING S88*04'22 E 317.87 FEET TO THE NORTHWEST CORNER OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE NORTH ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER SAID SECTION 10; THENCE ALONG THE WEST LINE OF SAID SUBDIVISION, S1*12'34 W 300.00 FEET; THENCE S86*39'43 W 318.84 FEET TO THE EASTERLY RIGHT OF WAY OF SAID COUNTY ROAD NO. 145; THENCE ALONG SAID RIGHT OF WAY, N1*12'27 E 329.36 FEET TO THE TRUE POINT OF BEGINNING.

M & E

Tax Account No. 102502-1-029-2008

WEST HALF OF THE EAST HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; AND EAST HALF OF THE WEST HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER;

EXCEPT THE FOLLOWING DESCRIBED TRACTS:

PARCEL A: THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 25N, RANGE 2 EAST, W.M., KITSAP CO., WA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID SUBDIVISION WHICH IS SOUTH 88°05'05 EAST 473.56 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 6°07'33 EAST 112.26 FEET; THENCE SOUTH 72°19'53 EAST 159.83 FEET; THENCE NORTH 29°44'49 EAST 174.76 FEET TO THE NORTH LINE OF SAID SUBDIVISION; THENCE NORTH 88°05'05 WEST 251.12 FEET TO THE POINT OF BEGINNING.

PARCEL B: BEGINNING AT A POINT 300 FEET SOUTH OF THE NORTHWEST CORNER OF SAID EAST HALF OF THE WEST HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 360 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER THEREOF; THENCE EAST 270 FEET; THENCE IN A NORTHEASTERLY DIRECTION TO THE POINT OF BEGINNING ALL IN SECTION 10, TOWNSHIP 25N, RANGE 2 EAST, W.M., KITSAP CO., WA; TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER AND ACROSS THE SOUTHWESTERLY 20 FEET OF THE ABOVE EXCEPTED PARCEL A.

SUBJECT TO THAT EASEMENT RESERVED UNTO AKIO SUYEMATSU, HIS HEIRS, SUCCESSORS AND ASSIGNS, IN THAT STATUTORY WARRANTY DEED DATED MARCH 28, 1986 AND RECORDED UNDER KITSAP COUNTY RECORDING NO. 8604040097, FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER AND ACROSS THE EAST 10 FEET OF THE HEREIN DESCRIBED PROPERTY FOR THE BENEFIT OF AKIO SUYEMATSU'S ADJACENT PROPERTY, BEING THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 24, NORTH, RANGE 2 EAST.

Tax Account No. 102502-1-028-2009

EAST HALF OF THE EAST HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, SECTION 10, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON.

TOGETHER WITH A EASEMENT FOR INGRESS AND EGRESS AND UTILITIES OVER A PORTION OF THE WEST HALF OF THE EAST HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, SECTION 10, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PROPERTY; THENCE NORTH 30 FEET; THENCE WEST 30 FEET; THENCE SOUTH 30 FEET; THENCE EAST 30 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:

PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, SECTION 10, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT NORTH 87°55'25" WEST 1331.44 FEET AND NORTH 1°11'59" EAST 342.62 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 10; THENCE NORTH 1°11'59" EAST 315.00 FEET TO THE NORTHWEST CORNER OF THE PLAT OF "VIEW CREST" RECORDED IN VOLUME 9 OF PLATS, PAGE 30, RECORDS OF KITSAP COUNTY, WASHINGTON; THENCE NORTH 88°00'12" WEST 330.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 88°00'12" WEST 20.00 FEET; THENCE SOUTH 1°11'51" WEST 315.00 FEET; THENCE SOUTH 88°00'12" EAST 20 FEET; THENCE NORTH 1°11'51" EAST 315.00 FEET TO THE TRUE POINT OF BEGINNING.

SITUATE IN KITSAP COUNTY, WASHINGTON.

JOHNSON FARM

RESULTANT PARCEL A OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NO. 200108090145, RECORDS OF KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 28; THENCE ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 28, SOUTH 00°56'10 WEST 1316.84 FEET TO THE NORTHEAST CORNER OF THE

SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 28 AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF SAID SUBDIVISION, NORTH 89°04'22 WEST 393.41 FEET; THENCE LEAVING SAID NORTH LINE, SOUTH 21°36'14 EAST 393.06 FEET; THENCE NORTH 89°04'22 WEST 635.79 FEET; THENCE SOUTH 89°11'42 WEST 71.58 FEET TO THE EAST LINE OF THAT PARCEL DESCRIBED UNDER AUDITOR'S FILE NO. 8103300054; THENCE ALONG SAID EAST LINE, SOUTH 00°49'49 WEST 12.46 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE ALONG THE SOUTH LINE OF SAID PARCEL AND THE PARCEL DESCRIBED UNDER AUDITOR'S FILE NO. 1144465, SOUTH 89°01'21 WEST 365.18 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 28; THENCE ALONG SAID WEST LINE, NORTH 00°49'49 EAST 9.82 FEET; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED UNDER AUDITOR'S FILE NO. 1144465, NORTH 89°04'22 WEST 357.52 FEET TO THE EAST LINE OF THAT PARCEL DESCRIBED UNDER AUDITOR'S FILE NO. 982136; THENCE ALONG SAID EAST LINE SOUTH 00°46'38 WEST 149.99 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE ALONG THE SOUTH LINE OF SAID PARCEL NORTH 89°04'22 WEST 240.00 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE ALONG THE WEST LINE OF SAID PARCEL, NORTH 00°46'38 EAST 40.00 FEET TO THE SOUTH LINE OF THAT PARCEL DESCRIBED UNDER AUDITOR'S FILE NO. 1086501; THENCE ALONG SAID SOUTH LINE, NORTH 89°04'22 WEST 253.67 FEET TO THE EAST LINE OF THE WEST 463.75 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 28; THENCE ALONG SAID EAST LINE, SOUTH 00°43'28 WEST 167.61 FEET TO THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 28; THENCE ALONG SAID SOUTH LINE AND THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 28, SOUTH 89°02'53 EAST 2165.31 FEET TO THE SOUTHEAST CORNER OF SAID NORTH ONE-HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE ALONG THE EAST LINE OF SAID SUBDIVISION, NORTH 00°56'10 EAST 658.42 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THE RIGHT OF WAY OF FLETCHER BAY ROAD N.E. CONVEYED UNDER AUDITOR'S FILE NO. 1003493.

EXCEPT THE RIGHT OF WAY OF ISLAND CENTER ROAD N.E. CONVEYED UNDER AUDITOR'S FILE NO. 280318.

EXCEPT THE RIGHT OF WAY OF N.E. JOHNSONVILLE LANE RECORDED UNDER AUDITOR'S FILE NO. 200106270142.

SUBJECT TO AND TOGETHER WITH EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

EXHIBIT B

City Farmland Goals, Policies, and Practices Definitions

1. City – City of Bainbridge Island, and any agents, employees or representatives of the City.
2. Community Land Trust - A community land trust is a property trust which aims to benefit the surrounding community by ensuring the long-term availability of affordable housing. The community land trust (CLT) is an equitable and sustainable model of affordable housing and community development that has slowly spread throughout the United States during the past 30 years. Two-thirds of a CLT's board of directors are nominated by, elected by, and composed of people who either live on the CLT's land or people who re-side within the CLT's targeted "community" but do not live on the CLT's land.
3. Farm District – This area is comprised of City Farmlands: Day Road Farm, Crawford Farm, M & E Tree Farms, and Morales Farm, and private farmlands: Laughing Crow Farm, Bainbridge Island Winery and Vineyards and Perennial Vintners Farm. At this time the farm district is not a legal designation, but it is hoped that the City will establish such designation under its zoning code in the near future.
4. Friends of the Farms – A Washington non-profit corporation managing the City of Bainbridge Island farmland properties.
5. Goal - A goal or objective is a projected state of affairs that a person or a system plans or intends to achieve a personal or organizational desired end-point in some sort of assumed development.
6. Policy and Practice - A "policy" is a statement of commitment to a broad requirement, often used in an organization to instruct personnel as to a required outcome, and a "practice" describes how a policy is implemented. In this case policies and practices are closely aligned, limited in quantity, and for ease of drafting are included in the same sections.

GOALS, POLICIES AND PRACTICES

CRAWFORD PROPERTY

I. General Property Description

The Crawford property is a forested property that was purchased by the City with open space funds for agricultural purposes.

Acreage: 2.3

Tax Parcel No.: 102502-1-047-2006

Location: Mid-point of Farm District, the Crawford property lies south of Suyematsu West, North of the Lempriere property, and east of M & E.

II. Management Goals and Practices

Goal: As a forested property in a community with a significant dedication to conservation values it is essential that planned uses of the Crawford Property be sensitive to these values. This parcel was purchased with the primary intent of converting it to agricultural purposes. Once converted from a forested land into agricultural land the Crawford Property will follow the Day Road Farm Management Plan as this property is adjacent to the Day Road farms and will likely be put to the same or similar uses.

Practices: the following management practices should be followed in this plan:

1. All timber removal shall be done using best management practices for timber harvest as timber is removed from the property. Removal of lumber shall be phased to allow for minimal environmental impact as the forest is removed. For instance, timber removal should not be undertaken during species mating, nesting, hibernation, or reduced food availability periods for wildlife currently reliant on the property for habitat. Harvest methods involving low impact such as the use of animals and hand logging shall be considered.

2. Opportunities for harvest of forest products and forest dependent crops should be considered as part of the phased removal of timber. Forest products are a valuable Northwest commodity as are plants that grow under the forest canopy. For instance, salal and Oregon grape undergrowth is used by florists, cedar and fir trimmings are common holiday decorations, and burnt out stumps and logs are valuable for landscaping.

3. Timber harvest of the Crawford Property shall exercise maximum sensitivity with regard to surface water run-off, as removal of timber will inevitably increase downhill stormwater runoff. Planning shall include mitigation for stormwater impacts

such as silt barriers and a stormwater collection pond that could be converted to irrigation uses in the future.

4. Maximum public benefit shall be identified for uses for harvested timber. Harvested timber may yield board lumber and logs. These wood resources may be utilized for community projects such as farm property structures, bus stops, bird blinds in public parks, benches, or artistic creations, or may be sold to fund public or agricultural related activities.

5. Local labor and artisans should whenever possible be consulted and hired to undertake the work of harvesting and using materials removed from the property.

6. All forestry and clearing activities shall comply with local and state laws governing such activities such as securing a City of Bainbridge Island Clearing Permit and a Department of Natural Resources Forest Practices Application.

7. Timing of timber harvest shall be undertaken with consideration to first eliminating any shading of adjacent farmland.

8. Tree harvest plans shall include consideration of community education opportunities e.g., best practice logging demonstrations and hands-on activities.

9. Wood that cannot be utilized for a more constructive purpose shall be collected for fire wood. Fire wood sales can be used to fund farmland management and activities.

10. Upon completion of timber removal and clearing of the Crawford Property the use of the land shall be governed by the Management Goals, Policies and Practices adopted for the Day Road Farm area. However, it is recognized that the Crawford Property currently has no water rights and that any plans contemplating long-term farming must address this issue.

DAY ROAD FARM

I. General Property Description

The Day Road Farm area consists of two parcels of land purchased by the City. One was purchased from farmer Akio Suyematsu. According to the real estate purchase agreement this area shall contain "Suyematsu" in the name of the property. The other parcel was purchased from vintner Gerard Bentryn. Herein the parcels will be referred to as "Suyematsu East," and "Bentryn West," and collectively as the "The Day Road Farm."

The Day Road Farm area is the center piece of the City public farmlands. The parcels represent a major agricultural site dating from the 1940's, one of the largest farms in Kitsap County. This farm was identified by the City Open Space Commission as central to fulfilling the community's goals of preserving agriculture on Bainbridge Island.

The Day Road agricultural lands consist of some of the richest and most productive agricultural soils on the island: the farmland slopes south-southwestward thus they receive maximum sunlight.

Acreage: Total 25.97

Suyematsu East: 14.76

Bentryn West: 11.21

Location: The Day Road Farm comprises the north end of the City Farm District. Day Road runs parallel to the northern property line bounding the Farm District on that side. Suyematsu East has the physical address of 9229 Day Rd. E.

Tax Parcel Nos.: Suyematsu East: 102502-1-052-2008
 Bentryn West: 102502-1-063-2005

II. Management Goals, Policies and Practices

A. Agricultural Use

1. Policies and Practices

(a) Given the high quality soil conditions and solar exposure of this farmland, the land should be farmed consistent with feasible and sustainable objectives (with allowance for standard farm practices such as regular fallowing of land, and variation of crops from one season to another or long-term crop development).

(b) Farming operations shall be carried out in a cooperative manner among all farmers bearing leases to the farmland. Such cooperation will include but not be limited to equipment and infrastructure sharing, repair and maintenance of farm

infrastructure and common areas, group irrigation planning, marketing, farm stand sales, and crop rotation planning.

(c) Property owners and lessees must comply with any and all applicable local ordinances, including but not limited to zoning, solid waste, wellhead protection and critical areas ordinances, and any applicable federal, state and local permits that may be required.

(d) Farm activities on the Day Road Farm shall conform to the Resource Inventory Evaluation and Alternatives produced for the property by the Kitsap Conservation District.

(e) Food crops shall be preferred, and both feed lots and turf farms are prohibited.

(f) Farmers should rely on the findings of the Farm Evaluation Plan for the Day Road Farm Property, if available, as they develop farm plans.

(g) Long-term operating leases designed to ensure long-term viability shall be offered to farmers who are chosen as tenants. Lease terms shall be based on farmer experience, farmer business plan, availability of agricultural lands, type of crop and demonstrated farmer ability to meet management goals for the property and City agricultural lands.

2. Goals

(a) Farm Plans. Farmers utilizing Day Road Farm agricultural lands must develop individual farm plans and business plans to be reviewed in a City-approved application process.

(b) Develop Farm Evaluation Plan for the Day Road Farm Property to identify potential agricultural uses for the farm area. The evaluation should include an analysis of soil quality, water availability, potential crop and livestock capacity, and analysis of existing and potential farm related infrastructure.

(c) Develop a cooperative maintenance and repair plan and schedule for common areas and shared infrastructure.

B. Agricultural Housing

1. Background: Agricultural housing is a desired goal by the community to enhance opportunities to support the agricultural community. The need for farm housing on the Island is significant.

Suyematsu East has 6 development rights under current zoning code. The Northeast corner of this property already contains a single family home. Thus, up to 5 new single

family homes can still be built on this property along with up to 6 accessory dwelling units (1 for each single family home). The existing home can either be replaced or rebuilt to meet needs. Historically, 3 transient residences were placed along the northern boundary. Although no longer used, these offer potential sites of historical interest, and for location of additional farm housing.

2. Policies and Practices

(a) Housing development should be coordinated to reduce impact on farming activities, and existing housing.

(b) Agricultural housing on the Day Road Farms should only be provided for farmer households, farm interns, itinerant farm labor, educational farm program housing, or other agriculture housing needs. Housing should not be established on the Day Road Farms to provide general housing or affordable housing to meet other City housing needs.

(c) As based on need, as determined by the farmers relying on farms in the farm district, available units should be provided for interns and itinerant labor.

(d) Management of the housing should be carried out by an organization with experience in affordable housing, such as the Housing Resources Board of Bainbridge Island ("HRB") or another suitable agency, or as a self managing Community Land Trust.

(e) The Farm Village housing should be made available on a rental basis.

(f) Opportunities for communal sharing of resources should be maximized for the Farm Village. This policy should be considered during development and management of the Farm Village. This may include shared utilities, storage space, meeting rooms, kitchen service, garbage/composting operations, transportation, office space, yard space, play areas and workshops. At the same time, development should ensure opportunities for privacy for each individual and family.

(g) Provide interested farm families financial planning advice from local housing agencies or other sources concerning how to take advantage of the savings they will realize by renting rather than owning a home so that they might save toward purchasing a home of their own if that is a goal they desire.

3. Goals

(a) Establish a cluster of farm housing (the "Farm Village") at the North East corner of Suyematsu East. This step will be largely the responsibility of the City, and because of its scope and complexity, this must be viewed as a long-term goal.

(b) The City shall eventually develop a master plan for appropriate farm housing.

(c) First unit established should be dedicated to interns.

(d) Form a Farm Village resident's or homeowner's association for governance of common areas and shared resources. Alternatively, develop a Community Land Trust to govern all housing and common areas within the Farm Village.

C. Water

1. Background: Water is a limited and scarce resource for the Day Road Farms. Farmers must recognize the need to conserve and creatively use water.

2. Policies and Practices

(a) Water use on the Day Road Farm shall conform to USFA Irrigation Plan Natural Resources Conservation Service Irrigation Plan or the Resource Inventory Evaluation and Alternatives produced for the property by the Kitsap Conservation District.

(b) Where feasible, drip irrigation and similar conservation methodologies should be utilized.

(c) Rainwater catchment should be encouraged where feasible.

3. Goals

(a) Develop and implement a farm plan to maximize conservation and sustainable use of water resources.

(b) Develop and implement irrigation management plan.

D. Soils

1. Policies and Practices

(a) Farm activities affecting soil on the Day Road Farm shall conform to the Resource Inventory Evaluation and Alternatives produced for the property by the Kitsap Conservation District.

(b) The amount and timing of amendments and fertilizer applications should be based on crop needs and production goals.

(c) Farm Practices shall implement farm practices that intercept runoff and sediment as close to the source as possible.

(d) Efforts to control sources of runoff, sediment, and erosion should be coordinated with those of neighboring properties.

(e) Protect unpaved roads and other heavy-use or bare soil areas should be protected from concentrated flows of water.

(f) Sediment and runoff should be detained and filtered before it leaves the property.

3. Goals

(a) Perform an evaluation of site conditions to determine farm-site irrigation, rainfall, stormwater runoff patterns, and identify erosion problem areas and their causes.

(b) Develop a farm plan to minimize erosion.

(c) Perform an evaluation of site conditions to determine farm-site soil conditions and quality.

(d) Develop a farm plan to improve and maintain soil conditions and quality.

E. Structures

1. Background:

Suyematsu East: This property includes the Suyematsu house (mentioned above), a workshop, a green house and a variety of equipment sheds and storage areas.

Bentryn West: This property includes an existing farm stand, historical water-tower, and storage shed.

2. Policies and Practices

(a) Existing structures should be maintained and integrated into farming activities if feasible.

(b) Existing structures shall be used for farm related or farm support activities only.

(c) Consideration of new structures may include other shared agricultural and educational resources and structures, including a commercial kitchen and classrooms. In addition, enhancement of existing structures to meet changing farm uses should be considered.

3. Goals

- (a) Initiate process for acquiring/funding structures.
- (b) Ensure long term maintenance and operations of existing farm structures.

4. Farm Stand

(a) Background: Discussions of uses at the Day Road Farms have for some time included the idea of upgrading the existing farm stand on Bentryn West. The electrical connections that could assist such an upgrade have been made as part of the electrical system installed for the Day Road Irrigation Project in 2008. In 2010 the existing farm stand was significantly upgraded and expanded to allow a substantial increase in sales of farm products. It is possible that the farm stand could operate up to seven days a week during high crop yield seasons, and if provided with refrigeration and display capacity it could expand the timing and variety of produce currently offered. It is expected that the farmers leasing public farmland will be encouraged to form a cooperative marketing system, and as part of such that lessee's will make seasonal products available to the farm stand. Lessees shall not have a right to prevent the farm stand from selling products from commercial farmers from elsewhere on Bainbridge Island.

(b) Goals

- (i) Develop a business plan to determine the best and most feasible market plan for the farm stand (this should include a comparative analysis with the adequacy of other locations).
- (ii) The Farmers at the Day Road Farms will participate in a common marketing program that utilizes the farm stand.

5. Water Tower.

(a) Policy and Practices

- (i) The historic water tower now standing in Bentryn West (near the potential site of a farm stand) should be enhanced and serve as an exhibit commemorating the history of local agriculture on Bainbridge Island. Access should be ensured for the public, and island visitors, to this commemorative site.

F. Public Access

1. Trails

(a.) Background: Agricultural parcels owned by the City are of interest to the entire community and require access trails and point of interest viewing locations. The City and the Park District are in the process of constructing a trail system that would connect the farm properties in the farm district. The City's Non-Motorized Transportation Plan includes plans for the construction of non-motorized facilities in the area. In addition, portions of the property not dedicated to agriculture may serve low impact public uses.

(b) Policies and Practices

(i) Trails and viewing stations should be developed to ensure that public visitors can access and view the property, will not interfere with farm activity, and are safe from active farm operations.

(ii) Open space on the property may allow activities such as compiling wildlife and plant inventories, analyzing the life forms in the waterways, placing birdhouses on parts of the property, making periodic butterfly or bird counts, picking up litter on an annual basis and removal of invasive species where appropriate.

c. Goals

(i) Develop trail system with viewing stations for points of interest to allow the public access to the Day Road Farm Area.

(ii) Integrate the trail system with the City non-motorized transportation plan and Bainbridge Island Metropolitan Park and Recreation District's Island-wide trail planning.

2. Education Activities

a. Policies and Practices

(i) Public and private educational activities shall be allowed and encouraged on the Day Road Farm.

(ii) Public and private educational activities may include, but are not limited to, volunteer projects to enhance the public's enjoyment of the properties, and opportunities for Bainbridge residents and others to educate themselves about agricultural practices and the natural world. These could include agricultural education programs, public growing programs, trail enhancement, and property enhancement work parties.

b. Goals

(i) The possibility of granting historic status to the Suyematsu property through the state registry should be researched. Such designation would

acknowledge the historical and cultural significance of Japanese farmers on Bainbridge Island, and may open the property up to additional funding and educational opportunities.

(ii) Develop partnerships with educational institutes to facilitate educational opportunities on the property. Specifically: (i) build and facilitate K-12 learning experiences integrated with farm operations, in a way that does not interfere with daily business and supports the farm's sustainability, (ii) develop adult learning experiences integrated with farm operations, in a way that does not interfere with daily business and supports the farm's sustainability – these may include internship programs and classes coordinated with WSU Extension and other educational programs.

G. Stewardship/Habitat Conservation

1. Background: Natural habitat and watercourses are an indispensable and irreplaceable but fragile natural resource with which the citizens of Bainbridge Island have been endowed. The natural areas and habitats are a unique sub-system in the local environment. Further, preservation of natural habitats in agricultural areas helps to ensure a continuance of native biological diversity. Therefore, efforts shall be made to preserve/maintain existing critical areas as defined by BIMC.

2. Policies and Practices

(a) Farm practices should reflect a relation to the natural environment.

(b) Farm practices should preserve the unique natural habitats of agricultural areas for species that commonly rely on healthy farmlands.

(c) Portions of the property bordering private non-agricultural property and public rights of way shall be maintained in a natural vegetative state, when compatible with farm uses of the property. These border areas may be planted and maintained with native plants, edible plantings and plantings supportive of habitat and food provision for birds and animals. Where possible plantings should include a variety of plant species and avoid monocultures. Where practicable trees should be planted on or near the property line, shrubs and smaller trees should be planted in front of these, and finally shrubs and groundcovers should be placed in front. This will allow for a tapered buffer to maximize privacy and habitat variation. Consideration should be given to planting of edible plant species that can be harvested. All planting must be balanced against usability of the land for crop production which will take precedence.

(d) Management of the property should be mindful of the water course that runs from Day Road through the Bentryn property and the M & E property. This ravine is a high value natural area.

(e) Currently the center of Suyematsu East is occupied by an active and large scale composting operation. The composting operation is controlled by Akio Suyematsu. This operation is undertaken as part of Mr. Suyematsu's life estate

management of the property. It is his hope to leave a legacy of excellent soil conditions at the Day Road Farm. It is anticipated that when Mr. Suyematsu is no longer running this operation that it will be modified.

3. Goals

(a) Place a conservation easement on portions of this property and the adjacent properties containing the ravine area to permanently protect the open space value of this portion of these properties.

(b) Develop a habitat management plan for the Day Road Farm.

(c) Develop a long-term plan for compost operations in cooperation with Mr. Suyematsu.

H. Special Considerations

1. Aesthetics: As both public lands and as fully operational commercial farmlands management of these lands must strike a delicate balance between form and function. One of the reasons operating farms are supported on public lands is that they reflect a rural aesthetic valued by the community. They are also supported because of their practical value of providing locally grown food for local consumption. Farm management is inherently a busy and sometimes messy industry, and these practices must not be compromised by aesthetics alone. To balance these values the farmland must be maintained according to the following Policies and Practices:

2. Policy and Practices

(a) Obsolete materials and machinery should be removed from the property, or if they are to be saved organized for display.

(b) Mechanical equipment and storage areas should be screened by vegetation or building design where possible.

(c) Vegetation near roadsides and public areas should be maintained.

(d) Structures should reflect the historical and rural character of local farms where feasible.

JOHNSON FARM

I. General Property Description

The Johnson Farm is located mid-island on Fletcher Bay Road and Johnsonville Lane. This area was historically farmed by the Johnson family.

Acreage: 14.51

Location: Johnson Farm is located off of Island Center Road at its intersection with Johnsonville Lane. Primary access to the property is via two access roads that enter from Fletcher Bay Road.

Tax Parcel No.: 282502-2-064-2002

II. Management Goals, Policies and Practices

General Statement: The Johnson Farm is a unique property serving multiple public purposes. The diverse segments of the property allow for uses serving farming, affordable/agricultural housing, public access, and open space conservation. The Johnson Farm property shall be managed for a combination of agricultural purposes, affordable/agricultural housing, habitat conservation, public access and passive recreation. See Attachment A for a Johnson Farm Site Plan reflecting these goals, practices, and policies.

A. Agricultural Use

1. Policies and Practices

(a) Given the high quality soil conditions and solar exposure of this farmland, the land should be farmed consistent with feasible and sustainable objectives (with allowance for standard farm practices such as regular fallowing of land, and variation of crops from one season to another or long-term crop development).

(b) Farming operations shall be carried out in a cooperative manner among all farmers bearing leases to the farmland. Such cooperation will include but not be limited to equipment and infrastructure sharing, repair and maintenance of farm infrastructure and common areas, group irrigation planning, marketing, farm stand sales, and crop rotation planning.

(c) Property owners and lessees must comply with any and all applicable local ordinances, including but not limited to zoning, solid waste, wellhead protection and critical areas ordinances, and any applicable federal, state and local permits that may be required.

(d) Farm activities on the Johnson Farm shall conform to the Resource Inventory Evaluation and Alternatives produced for the property by the Kitsap Conservation District.

(e) Food crops shall be preferred, and both feed lots and turf farms are prohibited.

(f) Farmers should rely on the findings of the Farm Evaluation Plan for the Johnson Farm Property, if available, as they develop farm plans.

(g) Long-term operating leases designed to ensure long-term viability shall be offered to farmers who are chosen as tenants. Lease terms shall be based on farmer experience, farmer business plan, availability of agricultural lands, type of crop and demonstrated farmer ability to meet management goals for the property and City agricultural lands.

2. Goals

(a) Farm Plans. Farmers utilizing Johnson Farm agricultural lands must develop individual farm plans and business plans to be reviewed in a City-approved application process.

(b) Develop Farm Evaluation Plan for the Johnson Farm Property to identify potential agricultural uses for the farm area. The evaluation should include an analysis of soil quality, water availability, potential crop and livestock capacity, and analysis of existing and potential farm related infrastructure.

(c) Develop a cooperative maintenance and repair plan and schedule for common areas and shared infrastructure.

B. Water

1. **Background:** There is a large farm pond on the Johnson property, and the Johnson property does have legal water rights for irrigation of up to 20 acres. The time frame during which irrigation can be pumped from the farm pond under existing water rights for the property is limited to the period of June 1 to September 30 each year. The water rights for this property also include the use of water for rearing and propagating fish. In order to extend the irrigation period, or change the allowed uses for the farm's water, then an application to the Washington Department of Ecology would need to be submitted for these changes.

2. Policies and Practices

(a) Water use on the Johnson Farm shall conform to USFA Irrigation Plan Natural Resources Conservation Service Irrigation Plan or the Resource Inventory Evaluation and Alternatives produced for the property by the Kitsap Conservation

District. Where feasible, drip irrigation and similar conservation methodologies should be utilized.

(b) Rainwater catchment should be encouraged where feasible.

(c) In most years, application of water between June 1 and September 30 will likely cover the needs for irrigation of crops and pasture. However, given the relatively low water holding capacity of the soils at this location, it is possible that in years with drier than normal spring months, or drier than normal Octobers, crops and/or pasture might suffer for lack of soil moisture. Therefore, if it is feasible and possible to extend the period when irrigation is allowed on the Johnson property, it is recommended that an application be made to extend that period to run from May 1 through October 15 each year to assure that adequate irrigation water be available should precipitation in the Spring or in October be insufficient for agricultural needs.

3. Goals

(a) Develop and implement a farm plan to maximize conservation and sustainable use of water resources.

(b) Develop and implement irrigation management plan.

C. Soils

1. Policies and Practices

(a) Farm activities affecting soil on the Johnson Farm shall conform to the Resource Inventory Evaluation and Alternatives produced for the property by the Kitsap Conservation District.

(b) The amount and timing of amendments and fertilizer applications should be based on crop needs and production goals.

(c) Farm Practices shall implement farm practices that intercept runoff and sediment as close to the source as possible.

(d) Efforts to control sources of runoff, sediment, and erosion should be coordinated with those of neighboring properties.

(e) Protect unpaved roads and other heavy-use or bare soil areas should be protected from concentrated flows of water.

(f) Sediment and runoff should be detained and filtered before it leaves the property.

2. Goals

(a) Perform an evaluation of site conditions to determine farm-site irrigation, rainfall, stormwater runoff patterns, and identify erosion problem areas and their causes.

(b) Develop a farm plan to minimize erosion.

(c) Perform an evaluation of site conditions to determine farm-site soil conditions and quality.

(d) Develop a farm plan to improve and maintain soil conditions and quality.

D. Housing/Structures

1. Background: There are four existing structures on Johnson Farm: two well houses, a storage shed with Community Supported Agriculture (“CSA”) delivery area, and a storage area with a fowl pen. The property has six development rights. Plans for the property depict two units being located on the upper property for farmer housing, and four units located in the lower “parking” area of the property. The City has approved a barn structure to be built for community use, also to be located in the “parking” area.

2. Policies and Practices

(a) Providing opportunities for housing to the farming community is an important element in ensuring that farmers and their families can continue their work on Bainbridge Island. Further, economic diversity in the community is promoted by providing options for affordable housing. Therefore, a portion of the property shall be engaged in affordable and/or agricultural housing unless specific conditions make housing impossible on the property.

(b) The Johnson Farm property has 6 development rights. These should be used to provide agricultural housing and affordable housing.

(c) Farm families should be given priority of use for housing. Units that are not occupied by farm families or interns and itinerate labor, can be added to the pool of affordable housing available to Islanders.

(d) Management of the housing should be carried out by an organization with experience in affordable housing, such as the Housing Resources Board of Bainbridge Island (“HRB”) or another suitable agency, or as a self-managing Community Land Trust.

(e) Opportunities for communal sharing of resources should be maximized by the households located on the property. This may include shared utilities, storage space, meeting rooms, kitchen service, garbage/composting operations,

transportation, office space, yard space, play areas and workshops. At the same time, development should ensure opportunities for privacy for each individual and family.

(f) The barn structure planned for the low East end of the property shall be available for farm related activities, and may be used for other public needs that are compatible with the primary uses of the Johnson Farm.

(g) The property currently includes a well and appurtenant pump house, fowl containment pen, and shed structure used for storage and to house the CSA subscription pick up for Persephone Farms. These structures should be maintained and remain in continued use.

3. Goals

(a) Develop housing on the property according to the layout in the Johnson Farm Site Plan, Attachment A. The East end of the property (a low area used for parking during the Harvest Fair) is planned to include four residential units and a barn structure for public use. Two residential units are planned for the central area of the upland portion of the property.

(b) The City shall develop a master plan for appropriate farm housing.

(c) Form a Farm Village resident's or homeowner's association for governance of common areas and shared resources. Alternatively, develop a Community Land Trust to govern all housing and common areas within the Farm Village.

(d) Ensure long term maintenance and operations of existing farm structures.

E. Public Access

1. Trails

(a) Background: Agricultural parcels owned by the City are of interest to the entire community and require access trails and point of interest viewing locations. Friends of the Farms has constructed a trail system that connects provides access and viewing opportunities on the property. In addition, portions of the property not dedicated to agriculture may serve low impact public uses.

(b) Policies and Practices

i. Trails and viewing stations should be developed to ensure that public visitors can access and view the property, will not interfere with farm activity, and are safe from active farm operations.

ii. Open space on the property may allow activities such as compiling wildlife and plant inventories, analyzing the life forms in the waterways, placing birdhouses on parts of the property, making periodic butterfly or bird counts, picking up litter on an annual basis and removal of invasive species where appropriate.

(c) Goals

i. Develop trail system with viewing stations for points of interest to allow the public access to the Johnson Farm Area.

ii. Integrate the trail system with the City non-motorized transportation plan and Bainbridge Island Metropolitan Park and Recreation District's Island-wide trail planning.

2. Education Activities

(a) Policies and Practices

i. Public and private educational activities shall be allowed and encouraged on the Johnson Farm.

ii. Public and private educational activities may include, but are not limited to, volunteer projects to enhance the public's enjoyment of the properties, and opportunities for Bainbridge residents and others to educate themselves about agricultural practices and the natural world. These could include agricultural education programs, public growing programs, trail enhancement, and property enhancement work parties.

(b) Goals

i. Develop partnerships with educational institutes to facilitate educational opportunities on the property. Specifically: (i) build and facilitate K-12 learning experiences integrated with farm operations, in a way that does not interfere with daily business and supports the farm's sustainability, (ii) develop adult learning experiences integrated with farm operations, in a way that does not interfere with daily business and supports the farm's sustainability – these may include internship programs and classes coordinated with WSU Extension and other educational programs.

3. Pea-Patches

(a) Background: A pea-patch area has been established adjacent to the orchard area.

(b) Policies and Practices

i. A portion of the property should be maintained for public use garden areas.

(c) Goals

i. Maintain availability of portions of the property for pea-patch gardening.

F. Stewardship/Habitat Conservation

1. Background: Natural habitat and watercourses are an indispensable and irreplaceable but fragile natural resource with which the citizens of Bainbridge Island have been endowed. The natural areas and habitats are a unique sub-system in the local environment. Further, preservation of natural habitats in agricultural areas helps to ensure a continuance of native biological diversity. Therefore, efforts shall be made to preserve/maintain existing critical areas as defined by BIMC.

2. Policies and Practices

(a) Farm practices should reflect a relation to the natural environment.

(b) Farm practices should preserve the unique natural habitats of agricultural areas for species that commonly rely on healthy farmlands.

(c) Portions of the property bordering private non-agricultural property and public rights of way shall be maintained in a natural vegetative state, when compatible with farm uses of the property. These border areas may be planted and maintained with native plants, edible plantings and plantings supportive of habitat and food provision for birds and animals. Where possible plantings should include a variety of plant species and avoid monocultures. Where practicable trees should be planted on or near the property line, shrubs and smaller trees should be planted in front of these, and finally shrubs and groundcovers should be placed in front. This will allow for a tapered buffer to maximize privacy and habitat variation. Consideration should be given to planting of edible plant species that can be harvested. All planting must be balanced against usability of the land for crop production which will take precedence.

3. Goals

(a) The West end of the property has been used for nature mapping by students from Sakai for at least ten years. The data they have been collecting has been submitted to the University of Washington. This and similar activities should be encouraged to continue.

(b) Develop a habitat management plan for the Johnson Farm.

(c) The West end of the property is not suitable for agricultural activities, and should be placed under a conservation easement to permanently protect the open space value of this portion of the property.

G. Special Considerations

1. Aesthetics. As both public lands and as fully operational commercial farmlands management of these lands must strike a delicate balance between form and function. One of the reasons operating farms are supported on public lands is that they reflect a rural aesthetic valued by the community. They are also supported because of their practical value of providing locally grown food for local consumption. Farm management is inherently a busy and sometimes messy industry, and these practices must not be compromised by aesthetics alone. To balance these values the farmland must be maintained according to the following Policies and Practices:

2. Policy and Practices

(a) Obsolete materials and machinery should be removed from the property, or if they are to be saved organized for display.

(b) Mechanical equipment and storage areas should be screened by vegetation or building design where possible.

(c) Vegetation near roadsides and public areas should be maintained.

(d) Structures should reflect the historical and rural character of local farms where feasible.

M & E PROPERTY

I. General Property Description

The M & E Property was donated to the City in 2003 by Elizabeth Grossman. It is the location of the former M & E Tree Farm. The site consists of two parcels "M & E East" and "M & E West."

A. Acreage: Total 13.33

M & E East: 5.02

M & E West: 8.31

B. Location: The M & E properties are located along the southern and south east section of the Farm District. The Bainbridge Island Metropolitan Park and Recreation District has cleared an area for parking near the entrance.

C. Tax Parcel Nos.: M & E East: 102502-1-028-2009
M & E West: 102502-1-029-2008

II. Management Goals, Policies and Practices

A. Background: The M & E property is unique from other properties in the Farm District in that it was not purchased using City open space funds, but was donated to the City. The acquisition agreement subjected the property to conservation and use restrictions that control and serve as policy and practices for the property.

III. Permitted Uses

A. Agricultural Use

The M & E property is burdened by a restriction that no individual may conduct commercial farming on the property. Aside from this restriction there are no restrictions on agricultural activity for the property.

The unique restrictions placed on the M & E property present unique opportunities. While it is not possible to conduct commercial agricultural operations by private parties, there are likely many activities that can be undertaken on the property that complement the commercial farm activities in the Farm District. One possibility (in addition to those mentioned above) is for agricultural activity to be carried out on the land by the Farm Manager. Harvesting activities could be accomplished by farmers serving as employees of the Farm Manager. Products derived from the operation could be harvested and marketed for a modest profit to help pay for management operations. For instance, harvesting of existing Christmas trees or seasonal greens could be carried out by a staff

farmer, and the materials could be sold to support the Farm Manager. This activity would not be commercial, and could contribute to solving the problem of funding the City farmlands management entity.

The parcel could also be used as an incubator to allow would-be farmers (such as interns) to test their business plans, possibly in conjunction with an agriculture-related courses at the Washington State University Extension.

B. Water

1. Background: The M & E property has no water rights or water access at this time.

2. Goals

(a) Develop and implement a water acquisition and management plan relative to the determined use of the property.

C. Soils

1. Policies and Practices

(a) Farm activities affecting soil on the M & E Property shall conform to the Resource Inventory Evaluation and Alternatives produced for the property by the Kitsap Conservation District.

(b) The amount and timing of amendments and fertilizer applications should be based on crop needs and production goals.

(c) Farm Practices shall implement farm practices that intercept runoff and sediment as close to the source as possible.

(d) Efforts to control sources of runoff, sediment, and erosion should be coordinated with those of neighboring properties.

(e) Protect unpaved roads and other heavy-use or bare soil areas should be protected from concentrated flows of water.

(f) Sediment and runoff should be detained and filtered before it leaves the property.

2. Goals

(a) Perform an evaluation of site conditions to determine farm-site irrigation, rainfall, stormwater runoff patterns, and identify erosion problem areas and their causes.

(b) Develop a farm plan to minimize erosion.

(c) Perform an evaluation of site conditions to determine farm-site soil conditions and quality.

(d) Develop a farm plan to improve and maintain soil conditions and quality.

D. Structures

1. Background: There are two storage sheds and a small office structure located on the property. The Conservation Restrictions allow for maintenance of existing structures, but prohibit expansion of the structures.

2. Policies and Practices

(a) Existing structures should be maintained and integrated into farming activities if feasible.

(b) Existing structures shall be used for farm related or farm support activities only.

3. Goals

(a) Ensure long term maintenance and operations of existing farm structures.

F. Public Access

1. Trails

(a) Background: Agricultural parcels owned by the City are of interest to the entire community and require access trails and point of interest viewing locations. The City and the Park District are in the process of constructing a trail system that would connect the farm properties in the farm district. The City's Non-Motorized Transportation Plan includes plans for the construction of non-motorized facilities in the area. In addition, portions of the property not dedicated to agriculture may serve low impact public uses.

(b) Policies and Practices

i. Trails and viewing stations should be developed to ensure that public visitors can access and view the property, will not interfere with farm activity, and are safe from active farm operations.

ii. Open space on the property may allow activities such as compiling wildlife and plant inventories, analyzing the life forms in the waterways, placing birdhouses on parts of the property, making periodic butterfly or bird counts, picking up litter on an annual basis and removal of invasive species where appropriate.

(c) Goals

i. Develop trail system with viewing stations for points of interest to allow the public access to the Day Road Farm Area.

ii. Integrate the trail system with the City non-motorized transportation plan and Bainbridge Island Metropolitan Park and Recreation District's Island-wide trail planning.

2. Education Activities

(a) Policies and Practices

i. Public and private educational activities shall be allowed and encouraged on the Day Road Farm.

ii. Public and private educational activities may include, but are not limited to, volunteer projects to enhance the public's enjoyment of the properties, and opportunities for Bainbridge residents and others to educate themselves about agricultural practices and the natural world. These could include agricultural education programs, public growing programs, trail enhancement, and property enhancement work parties.

(b) Goals

i. The possibility of granting historic status to the Suyematsu property through the state registry should be researched. Such designation would acknowledge the historical and cultural significance of Japanese farmers on Bainbridge Island, and may open the property up to additional funding and educational opportunities.

ii. Develop partnerships with educational institutes to facilitate educational opportunities on the property. Specifically: (i) build and facilitate K-12 learning experiences integrated with farm operations, in a way that does not interfere with daily business and supports the farm's sustainability, (ii) develop adult learning experiences integrated with farm operations, in a way that does not interfere with daily business and supports the farm's sustainability – these may include internship programs and classes coordinated with WSU Extension and other educational programs.

G. Stewardship/Habitat Conservation

1. Background: Natural habitat and watercourses are an indispensable and irreplaceable but fragile natural resource with which the citizens of Bainbridge Island have been endowed. The natural areas and habitats are a unique sub-system in the local environment. Further, preservation of natural habitats in agricultural areas helps to ensure a continuance of native biological diversity. Therefore, efforts shall be made to preserve/maintain existing critical areas as defined by BIMC.

2. Policies and Practices

(a) Farm practices should reflect a relation to the natural environment.

(b) Farm practices should preserve the unique natural habitats of agricultural areas for species that commonly rely on healthy farmlands.

(c) Portions of the property bordering private non-agricultural property and public rights of way shall be maintained in a natural vegetative state, when compatible with farm uses of the property. These border areas may be planted and maintained with native plants, edible plantings and plantings supportive of habitat and food provision for birds and animals. Where possible plantings should include a variety of plant species and avoid monocultures. Where practicable trees should be planted on or near the property line, shrubs and smaller trees should be planted in front of these, and finally shrubs and groundcovers should be placed in front. This will allow for a tapered buffer to maximize privacy and habitat variation. Consideration should be given to planting of edible plant species that can be harvested. All planting must be balanced against usability of the land for crop production which will take precedence.

(d) Management of the property should be mindful of the water course that runs from Day Road through the Bentryn property and the M & E property. This ravine is a high value natural area.

(e) Currently the center of Suyematsu East is occupied by an active and large scale composting operation. The composting operation is controlled by Akio Suyematsu. This operation is undertaken as part of Mr. Suyematsu's life estate management of the property. It is his hope to leave a legacy of excellent soil conditions at the Day Road Farm. It is anticipated that when Mr. Suyematsu is no longer running this operation that it will be modified.

3. Goals

(a) Place a conservation easement on portions of this property and the adjacent properties containing the ravine area to permanently protect the open space value of this portion of these properties.

(b) Develop a habitat management plan for the Day Road Farm.

(c) Develop a long-term plan for compost operations in cooperation with Mr. Suyematsu.

H. Timber Removal

1. Background: According to the property Conservation Restrictions “Timber resources on the Property may be cultivated cut, and harvested, provided that such timber Activities are (i) reviewed and approved in advance by the Open Space Commission or other commission or entity designated by the City, (ii) conducted in a manner to preserve and protect the Conservation Values of the Property, and (iii) all funds generated by such activities are used to acquire additional open space property in accordance with applicable laws and ordinances.”

IV. Prohibited Uses

The following uses are prohibited on the property under the Conservation Restrictions:

A. Subdivision of the property.

B. Commercial Agricultural Activities. The commercial harvesting, cutting, or destruction of timber or other vegetation on the Property.

C. Alteration of Land. The alteration of the surface of the land, including, without limitation, the excavation or removal of soil, sand, gravel, rock, peat, or sod, except as necessary to preserve or protect the Conservation Values of the Property.

MORALES FARM

I. General Property Description

The Morales Farm is owned by the City and currently managed by the Friends of the Farms under a stewardship plan dated November 4, 2003, that has been incorporated into a management contract.

The Morales Farm has value as a historic farm located in a part of the island with soil and other conditions conducive to agriculture, at the South West corner of the Farm District. The property must be preserved as a community resource to promote island farming.

The Morales house was built in 1953 and served as the primary residence of the Morales family before the property was put on the market after many years of use by the family for farming. The property was sold to the City in 2003 as an open space fund acquisition.

A. Acreage: Acreage: 4.74.

B. Location: The property is located in the NE ¼ of Section 10, Township 25N, Range 2E, at 8862 Lovgreen Road, Bainbridge Island in the Manzanita Bay Watershed.

C. Tax Parcel No.: 102502-1-062-2006

II. Management Goals, Policies and Practices

A. Agricultural Use

1. Background: The Morales Farm has been used for small-scale agriculture for decades. The farm fell into disuse when the Morales family vacated the property prior to purchase by the City. The property should be returned to maximum agricultural production. Under Friends of the Farms management, substantial steps have been taken toward that goal over the past eight years.

2. Policies and Practices

(a) Given the high quality soil conditions and solar exposure of this farmland, the land should be farmed to the maximum consistent with feasible and sustainable objectives (with allowance for standard farm practices such as regular fallowing of land, and variation of crops from one season to another or long-term crop development).

(b) Farming operations shall be carried out in a cooperative manner among all farmers bearing leases to the farmland. Such cooperation will include but not be limited to equipment and infrastructure sharing, repair and maintenance of farm

infrastructure and common areas, group irrigation planning, marketing, farm stand sales, and crop rotation planning.

(c) Property owners and lessees must comply with any and all applicable local ordinances, including but not limited to zoning, solid waste, wellhead protection and critical areas ordinances, and any applicable federal, state and local permits that may be required.

(d) Farm activities on the Morales Farm shall conform to the Resource Inventory Evaluation and Alternatives produced for the property by the Kitsap Conservation District.

(e) Food crops shall be preferred, and both feed lots and turf farms are prohibited.

(f) Farmers should rely on the findings of the Farm Evaluation Plan for the Morales Farm Property, if available, as they develop farm plans.

(g) Long-term operating leases designed to ensure economic viability shall be offered to farmers who are chosen as tenants. Farm leases shall be given terms based on farmer experience, farmer business plan, availability of agricultural lands, type of crop and demonstrated farmer ability to meet management goals for the property and City agricultural lands.

3. Goals:

(a) Farm Plans. Farmers utilizing Morales Farm agricultural lands must develop individual farm plans and business plans to be reviewed in a City-approved application process.

(b) Develop Farm Evaluation Plan for the Morales Farm Property to identify potential agricultural uses for the farm area. The evaluation should include an analysis of soil quality, water availability, potential crop and livestock capacity, and analysis of existing and potential farm related infrastructure.

(c) Develop a cooperative maintenance and repair plan and schedule for common areas and shared infrastructure.

B. Water

1. Background: There is a shallow well on the property (see “pumphouse” on site plan for location). This is currently being used to support agricultural activity. Friends of the Farms installed a new pump and electrical system. The well originally provided water for the Morales residence. Anecdotally, the well never runs dry. Future plans for the property should include applying to the Department of Ecology for a water right to serve agricultural activity. A seasonal stream crosses the property from the northeast, emptying into a wetland on the adjacent property to the west. The Morales

family made use of water from the pond on the neighboring property to the west for their agricultural needs. Another approach to securing long-term water access for agricultural activities could include approaching the neighbor for a water easement. A third approach for providing water to the property could include hooking up the Morales Farm to the North Bainbridge Water system, which serves the surrounding neighborhood. This would provide a health department-approved water source for any residence or farm stand on the property, though it does not represent a likely source of agricultural water due to the costs of irrigation water usage.

C. Soil

1. Policies and Practices

(a) Farm activities affecting soil on the Morales Farm shall conform to the Resource Inventory Evaluation and Alternatives produced for the property by the Kitsap Conservation District.

(b) The amount and timing of amendments and fertilizer applications should be based on crop needs and production goals.

(c) Farm Practices shall implement farm practices that intercept runoff and sediment as close to the source as possible.

(d) Efforts to control sources of runoff, sediment, and erosion should be coordinated with those of neighboring properties.

(e) Protect unpaved roads and other heavy-use or bare soil areas should be protected from concentrated flows of water.

(f) Sediment and runoff should be detained and filtered before it leaves the property.

3. Goals

(a) Perform an evaluation of site conditions to determine farm-site irrigation, rainfall, stormwater runoff patterns, and identify erosion problem areas and their causes.

(b) Develop a farm plan to minimize erosion.

(c) Perform an evaluation of site conditions to determine farm-site soil conditions and quality.

(d) Develop a farm plan to improve and maintain soil conditions and quality.

D. Housing/Structures

1. Background: The property includes the Morales house and adjacent garage structure. The house is currently unoccupied.

The house and garage are currently used for storage by farmers using the land for agricultural purposes. The roof of the house was replaced by the City in 2007. Remodeling of the structure is occurring now and will likely be completed in 2012.

2. Policies and Practices

(a) The Morales house for use depending on cost and need include:

i. Storage for agricultural activities on the property and for City activities.

ii. Classroom area for agricultural intern and education programs.

iii. Farm stand for produce sale. This option is attractive due to its location near the Hwy-305. Use as a farm stand would have to include consideration of other locations such as the Day Road Farm, which appears to be the current favored location for a farm stand.

iv. Residential use. Farm housing and affordable housing are an identified need for the community.

(b) A large green-house structure has been established on the property is owned and managed by Butler Farms. The structure will serve the growing needs of the farmers on the property and will also serve as an auxiliary structure for agriculture education programs.

3. Goals

(a) Ensure long term maintenance and operations of existing farm structures.

E. Public Access

1. Trails

(a) Background: The Morales Farm is on the far South West corner of the City Farm District. The City is interested in constructing a trail system that would connect the farm properties. The Non-Motorized Transportation Plan includes plans for the construction of non-motorized facilities in conjunction with Day Road to the north of the Morales Farm.

(b) Policies and Practices

i. Trails and viewing stations should be developed to ensure that public visitors can access and view the property, will not interfere with farm activity, and are safe from active farm operations.

ii. Open space on the property may allow activities such as compiling wildlife and plant inventories, analyzing the life forms in the waterways, placing birdhouses on parts of the property, making periodic butterfly or bird counts, picking up litter on an annual basis and removal of invasive species where appropriate.

(c) Goals

i. Develop trail system with viewing stations for points of interest to allow the public access to the Johnson Farm Area.

ii. Integrate the trail system with the City non-motorized transportation plan and Bainbridge Island Metropolitan Park and Recreation District's Island-wide trail planning.

2. Education Activities

(a) Policies and Practices

i. Public and private educational activities shall be allowed and encouraged on the Johnson Farm.

ii. Public and private educational activities may include, but are not limited to, volunteer projects to enhance the public's enjoyment of the properties, and opportunities for Bainbridge residents and others to educate themselves about agricultural practices and the natural world. These could include agricultural education programs, public growing programs, trail enhancement, and property enhancement work parties.

(b) Goals

i. Develop partnerships with educational institutes to facilitate educational opportunities on the property. Specifically: (i) build and facilitate K-12 learning experiences integrated with farm operations, in a way that does not interfere with daily business and supports the farm's sustainability, (ii) develop adult learning experiences integrated with farm operations, in a way that does not interfere with daily business and supports the farm's sustainability – these may include internship programs and classes coordinated with WSU Extension and other educational programs.

ii. Consideration should be given to placing an interpretive display on the property that explains the history and cultural contributions of Filipino farmers on

Bainbridge Island. Potential partners that could help design and construct the display include the Bainbridge Island Historical Society, Bainbridge Island Arts and Humanities Council, or other cultural organizations. Due to its historic and cultural values, the Morales farm may be a candidate for historical designation through the state registry. Such designation could open up the farm and the City's farmland preservation program in general, to additional funding opportunities.

H. Habitat Conservation

1. Background: Natural habitat and watercourses are an indispensable and irreplaceable but fragile natural resource with which the citizens of Bainbridge Island have been endowed. The natural areas and habitats are a unique sub-system in the local environment. Further, preservation of natural habitats in agricultural areas helps to ensure a continuance of native biological diversity. Therefore, efforts shall be made to preserve/maintain existing wetland and woodland areas.

2. Policies and Practices

(a) Farm practices should reflect a relation to the natural environment.

(b) Farm practices should preserve the unique natural habitats of agricultural areas for species that commonly rely on healthy farmlands.

(c) Portions of the property bordering private non-agricultural property and public rights of way shall be maintained in a natural vegetative state. These border areas should be planted and maintained with native plants, edible plantings and plantings supportive of habitat and food provision for birds and animals. Plantings should include a variety of plant species and avoid monocultures. Where practicable trees should be planted on or near the property line, shrubs and smaller trees should be planted in front of these, and finally shrubs and groundcovers should be placed in front. This will allow for a tapered buffer to maximize privacy and habitat variation. Consideration should be given to planting of edible plant species that can be harvested. All planting must be balanced against usability of the land for crop production which should take precedence.

(d) The farm is transected by a Non-fish seasonal (Ns) stream that drains west to Manzanita Creek. While Manzanita Creek has documented presence of salmonid species, publicly available data indicate the presence of a fish passage barrier where the stream passes under SR 305 via a culvert. This fish passage barrier is classified by Washington Department of Fish and Wildlife (WDFW) as a "total barrier." Current City critical areas regulations require a 50-foot buffer for Ns streams, measured from the ordinary high water mark (OHWM). Buffers are to be retained in their natural condition; however, it is acceptable to enhance the buffer by planting native or equivalent vegetation as approved by the City. Ongoing agricultural activities using best management practices as included in a farm management plan developed by the Kitsap Conservation District are exempt from current critical areas regulations; however, it is recommended that invasive species, such as Himalayan and evergreen blackberry and Scotch broom, as well as tree

species that may shade actively farmed areas, be removed from the stream buffer. Depending upon the extent of bare ground resulting from plant removal, native plant species of quantities and height that will provide an adequate riparian plant community and not interfere with agricultural activities should be installed. In addition, the Kitsap Conservation District recommends the correct management of fertilizers and chemicals on the farm property.

A small wetland lies to the west of the farm on the opposite side of the access road immediately adjacent to the farm. Due to the location of the existing road between the wetland and the farm, agricultural activities on the farm would not likely adversely affect the functions and values of the wetland as long as the correct management of fertilizers and chemicals is implemented on the farm property.

3. Goals

(a) Place a conservation easement on portions of this property and the adjacent properties containing the ravine area to permanently protect the open space value of this portion of these properties.

(b) Develop a habitat management plan for the Morales Farm.

G. Special Considerations

1. Aesthetics.

(a) Background: As both public lands and as fully operational commercial farmlands management of these lands must strike a delicate balance between form and function. One of the reasons operating farms are supported on public lands is that they reflect a rural aesthetic valued by the community. They are also supported because of their practical value of providing locally grown food for local consumption. Farm management is inherently a busy and sometimes messy industry, and these practices must not be compromised by aesthetics alone. To balance these values the farmland must be maintained according to the following Policies and Practices:

(b) Policy and Practices

i. Obsolete materials and machinery should be removed from the property, or if they are to be saved organized for display.

ii. Mechanical equipment and storage areas should be screened by vegetation or building design where possible.

iii. Vegetation near roadsides and public areas should be maintained.

iv. Structures should reflect the historical and rural character of local farms where feasible.

EXHIBIT C

KITSAP CONSERVATION DISTRICT CONSERVATION FARM PLAN

**RESOURCE INVENTORY EVALUATION
AND
MANAGEMENT ALTERNATIVES**

For

**City of Bainbridge Island
280 Madison Ave North
Bainbridge Island, WA 98110
(206) 842-2552**

**Day Road Agriculture Properties
Day Rd**

Tax Parcels

**10250210632005
10250210522008**

By

**Brian Stahl
Resource Planner
Kitsap Conservation District
(360) 337-7171**

2006

Farm Plan Disclaimer

This farm plan does not exempt the property owners or lessees from compliance with any and all local ordinances, including but not limited to zoning, solid waste, wellhead protection and critical areas ordinances nor any applicable federal, state and local permits that may be required during any BMP implementation phases of this farm plan.

PURPOSE

A Conservation Farm Plan is a document developed by your Conservation District and you, the farmer or landowner. It is a series of actions developed to meet a farmer's goals while protecting water quality and the natural resources. Some of the things considered in a farm plan are farm size, soils type, slope of the land, proximity to streams or water bodies, type of livestock or crops, the farmer's goals, resources such as machinery or buildings and finances available.

BACKGROUND

The 25.75 - acre two parcel property is located in the NE ¼ of Section 10, Township 25N, Range 2E, at 9229 Day Road, Bainbridge Island in the Manzanita Bay Watershed. The property is a historic farm currently managed by Akio Suyematsu and Gerard Gentryn. A CONSERVATION PLAN MAP is located in the appendix. This plan is being prepared in response to a request by the City of Bainbridge Island for long range planning.

OBJECTIVES

- Utilize farm property in an environmentally conscious and sustainable manner.
- Establish vegetative buffer along seasonal stream
- Provide a location where small farms can grow and sell their products

GENERAL INFORMATION

- The average annual rainfall in this area is 35 inches.
- The average annual air temperature is 51 degrees F.

Agricultural Buildings – Several agriculture structures exist on the property. See Conservation Plan Map for locations

Cultural Resources

According to the Washington State Register of Cultural Resources, obtained from the Washington State Office of Archaeology and Historic Preservation, there are no known historical or cultural resources mapped in this section.

RESOURCE INVENTORY

Soils - Please refer to attached soil map and descriptions. Most soils on property are in the "C" Hydrologic Soil Group with the exception of the northeast corner which is in the "D" Hydrologic Soil Group. Soil depth to hardpan varies from 30" – 60". Monthly Leaching Index calculations indicate nutrient leaching into ground water sources may occur between November 1st and March 1st.

Soil Type	Hydrologic Group
(2) – Alderwood very gravelly sandy loam, 6-15% slopes	C
(15) – Harstine sandy gravelly loam, 6-15% slopes	C
(22) – Kapowsin gravelly loam, 0-6 % slopes	C
(23) – Kapowsin gravelly loam, 6-15% slopes	C
(37) – Norma fine sandy loam	D

See attached soil inventory map for soil locations

Water – A drainage ditch flows south through the center of the property into two man made ponds. Seasonal flow from the ponds feed into Manzanita Creek. Buffers along the ditch average 12 feet. The buffer along the "organic debris composting area" may be inadequate due to the yard waste grinding and aged manure storage. The water sources for the property are a shallow hand dug well located along the north property line, two man-made ponds, and a "Certificate of Surface Water Right" issued in 1955. Water right allows 0.18 cubic foot per second of water for the purpose of irrigating 18 acres. Water right was issued to Akio Suyematsu, who owned 40 acres at that time. Two irrigation ponds were dug in the 1960's and 1970's. Estimated capacities of ponds are 1.2 million gallons. Both ponds are located on the Gerard Bentryn property. Mr. Bentryn has issued ½ of the water right to the City of Bainbridge for irrigation purposes.

Livestock - Two draft horses owned by Betsy Wittick graze a one acre pasture. Pasture was in very good condition indicating good pasture management.

Farmland – See Conservation Plan Map for existing field locations. Currently, there are 14 fields of various crops totaling 15 acres. Fields 1, 4, and 7 are in continuous grape vineyard or raspberry production. Field 9 is pastureland. Field 12 is planted with a mixture of native and ornamental trees. The remaining fields are planted annual with various produce or pumpkins. Most fields are planted with a cover crop over the winter months. The area located east of the drainage ditch along the north property line is co-managed by Akio Suyematsu and Scotts Tree Service. The piles of material range from ground yard waste to aged livestock manure. Leachates from the piles are a significant concern to water quality in the ditch.

Air - Presently, foul odors on the property are minimal.

Wildlife Area – A few fir trees exist along the drainage ditch. The remainder of the drainage is severely lacking native trees and shrubs.

CONSERVATION NEEDS AND ALTERNATIVES - See Conservation Plan Map for locations of proposed practices.

Some of the alternatives listed below may be eligible for financial assistance. To insure eligibility, Kitsap Conservation District must be notified before project initiation i.e. material purchase, design, installation.

EXISTING SITUATION

Currently there are two draft horses that graze a one acre pasture on the property. Horses are owned by Betsy Wittick, a private property owner located within the Day Road Farm area.

Imported livestock manure from local sources is currently used as an alternative crop nutrient. Manure is stored on a 36'x79' concrete slab with ecology block walls. Estimated storage capacity is 500 cubic yards. Pile is covered during the winter months.

Yard waste is accepted on the property by private property owners and Scott's Tree Service and stored in the Organic Debris Composting Area. Scott's Tree Service rents the northern half of the area for composting activities. The southern half consists of composted materials and aged livestock manure. The entire Organic Debris Composting Area raises concerns due to the potential of sediment and dissolved contaminants entering the adjacent drainage ditch. Current buffer averages less than 20 feet and is mostly Himalayan blackberry.

Farmers working the property use organic growing practices and integrated pest management whenever possible. Irrigation systems range from overhead "big gun" sprinklers to drip irrigation. The main irrigation water source is two man made ponds dug in the 1960's and 1970's. Estimated capacity of ponds is 1.2 million gallons. Neither of the ponds are on City property, both are located on the Gerard Bentryn property. Mr. Bentryn has issued ½ of the water right to the City of Bainbridge for irrigation purposes. A "Certificate of Surface Water Right" was issued To Akio Suymatsu in 1955. Water right allows 0.18 cubic foot per second of water for the purpose of irrigating 18 acres.

EFFECTS

- A lack of irrigation management may lead to soil erosion, nutrients entering waterways or ground water, reduced stream flows, water right violations, and pond reservoir depletion.
- Insufficient pest management may lead to pesticides entering waterways or ground water and inadvertent elimination of beneficial organisms
- Scarce vegetation cover on croplands decreases soil uptake rates of nutrients, increasing runoff and reducing filtering. Lack of a vegetative cover also allows soil erosion to occur at greater rates.
- Insufficient buffers along ditch and pond may lead to excessive sediments, nutrients, and other pollutants entering open water resources.
- An uncovered manure pile or accumulation of manure contributes nutrients and bacteria to surface water through the processes of leaching and runoff.
- Livestock access to wet areas causes compaction and excessive muddiness which results in increased manure laden runoff leaving the area. This also creates the potential for animals to deposit wastes directly into surface waters.

ALTERNATIVES – NRCS Practice Specifications are available at the following web site:
<http://efotg.nrcs.usda.gov/treemenuFS.aspx?StateName=Washington&MenuName=menuWA.zip&MenuType=2>

Use Exclusion (472) – Excluding animals, people or vehicles from an area.

Purpose – To protect, maintain, or improve the quality and quantity of plants, soil, air and water, and improve aesthetics, human and animal health and safety.

- Due to Bremerton-Kitsap Health District ordinances, no hooved animals are allowed on drain fields. Agricultural structures and livestock heavy use areas shall not be located within 50 feet of well.
- Exclude livestock from proposed Filter Strips during the winter months and follow Prescribed Grazing (528A) during the remainder of the year.
- During the winter months, exclude livestock from cultivated areas that have cover crops.
- Confine animals to roofed areas or barns with heavy use areas and sacrifice fields during rainy season.

Waste Storage Structure (313) – A planned system in which all necessary components are installed for storing liquid and solid waste

Purpose – To store waste in a manner that prevents or minimizes degradation of air, soil, and water resources and protect public health and safety.

- Utilize the existing Waste Storage Structure to store livestock manure for crop nutrient needs.
- Do not spread manure onto ponded or saturated fields. Spread in accordance with nutrient management as described later in this plan.

Roof Runoff Management (558) / Underground Outlets (620) – A facility for collecting, controlling, and disposing of runoff water from roofs.

Purpose – To prevent roof runoff water from flowing across concentrated waste areas, barnyards, roads, and alleys, and to reduce pollution and erosion, improve water quality, preventing flooding, improve drainage, and protect the environment.

- Connect downspouts and underground outlets to buildings. Outlet roof runoff to infiltration pits, buffer areas, or irrigation containment. This will keep roof clean water clean and prevent potential muddy conditions in livestock heavy use areas.

Heavy Use Area Protection (561) - Protecting heavily used areas by surfacing with suitable materials to reduce muddiness and surface runoff that may lead to manure laden runoff, leaching of nutrients, and unhealthy livestock conditions.

Purpose – To stabilize urban, recreation or facility areas frequently and intensely used by people, animals, or vehicles.

- If livestock are housed on the property, create heavy use areas for confinement and exercise for livestock during the winter months and to allow implementation of Prescribed Grazing (528A) as described later in this document. These should be located on the driest areas on the farm to perform correctly. Heavy use area size should be limited to 12' x 30' in size to minimize impact and allow livestock to exercise. The following are two options on how to create heavy use areas:

NRCS approved options for heavy use area protection:

Low impact option

- a) In the dry season, excavate the top of soil that is apt to become muddy during the rainy season.
- b) In hydric soil conditions, place a layer of filter fabric onto native ground surface in proposed heavy use area.
- c) Place 4" of 5/8" or 3/4" clean crushed rock onto surface.
- d) Install a ecogrid of similar product.
- e) Cover grid with 1/4" pea gravel or similar material to create footing .
- f) Pick manure on a daily basis to maintain a clean and pervious heavy use area.

Or

Gravel option

- a) In the dry season, excavate the top of soil that is apt to become muddy during the rainy season.
- b) Apply filter fabric over the surface of the soil.
- c) Apply 8" of 3" minus crushed rock in heavy use area, than surface with 4" of 3/4" minus crushed rock, sand, or other fine material.
- d) Slope area away from barn or spigot for drainage.
- e) Fill holes in surfacing as soon as they occur.
- f) Pick manure on a daily basis to maintain a clean and pervious heavy use area.

**Manure must be picked from heavy use areas to prevent surface sealing which will lead to ponding and surface runoff.*

Nutrient Management (590) - Managing the amount, form, placement, and timing of applications of plant nutrients.

Purpose - To supply plant nutrients for optimum forage and crop yields, minimize entry of nutrients to surface and groundwater, and to maintain or improve chemical and biological condition of the soil.

- Exclude livestock from ponded fields and wet soils during the winter months to allow plants to maintain vigor and avoid overgrazing and soil compaction.
- Spread stored manure onto gardens or cropland after March 1st of each year or when conditions permit to provide plants with nutrients to maximize forage production. Apply nutrients in accordance with plant needs. This information will be provided as needed. It is suggested that a soil test be completed to determine nutrients in soil. If commercial fertilizer is applied, deduct nutrients in manure from recommended rates to avoid over application of nutrients. A fall soil test is recommended to "fine tune" nitrate application.
- Do not apply wastes to surface water or excessively wet soils.

Filter Strip (393) – A strip or area of vegetation that removes sediment, organic matter, and other pollutants from runoff and wastewater, and provides limited habitat for wildlife. See attached Conservation Practice Standard.

Purpose – To remove sediment and other pollutants from runoff or wastewater by filtration, deposition, infiltration, absorption, adsorption, decomposition, and volatilization, thereby reducing pollution to surface water and adjacent lands.

- Organic Debris Composting Area – Create a herbaceous vegetative strip between the composting area and the drainage ditch. Due to the unknown composition of yard waste and aged manure pile, an extended filter strip of 45 feet is recommended along “organic debris composting area” to reduce potential dissolved contaminants from entering the drainage ditch. Allow grass filter strips to grow to average height of at least 3” prior to the rainy season (November 1st through April 1st) to filter any runoff from composting area. Filter strip will capture sediments and help remove pollutants from entering Manzanita Creek. Vegetative species shall meet Filter Strip (393) specifications.
- Pond Area and cropland buffers - Maintain a 35 foot herbaceous vegetative strip between the ponds and cropland.

Cover Crop (340) – A crop of close-growing grasses, legumes, or small grain grown primarily for seasonal protection and soil improvement. It usually is grown for 1 year or less, except where there is permanent cover as in orchards.

Purpose - To control erosion during wet periods, allow nutrient uptake, provide filter for sediment and nutrient, add organic material to the soil, and improve infiltration, aeration, and tilth.

- In the fall of each year overseed bare soil areas with close-growing grasses, legume, or small grain to uptake nutrients and minimize soil erosion.

Prescribed Grazing (528A) – The controlled harvest of vegetation with grazing or browsing animals, managed with the intent to achieve a specified objective.

Purpose – This practice may be applied as part of a conservation management system to accomplish one or more of the following purposes:

- ❖ Improve or maintain the health and vigor of selected plant(s) and to maintain a stable and desired plant community.
 - ❖ Provide or maintain food, cover and shelter for animals of concern.
 - ❖ Improve or maintain animal health and productivity.
 - ❖ Maintain or improve water quality and quantity.
 - ❖ Reduce accelerated soil erosion and maintain or improve soil condition for sustainability of the resource.
- Manage Filter Strips, Contour Strips, and other grassed areas as described below.
 - a) Rotational grazing -- To gain optimal usage from the grass it is important to minimize immediate regrowth of new growth and to utilize pastures as evenly as possible. Rotate

livestock to another field while resting the previously grazed field. Turn livestock back in when grasses are 5-6" tall and remove animals when grasses are 2-3" tall or after a two-week period which ever comes first. Clip and harrow, if needed, after each grazing period. Clipping maintains grass at an even height and eliminates tall unpalatable grasses and weeds. Harrowing spreads manure droppings and minimizes uneven growth.

b) Livestock exclusion -- (1) Exclude livestock from wet or ponded pasture areas to prevent compaction and muddiness. (2) Exclude livestock from grassed strips during rainy season.

c) Nutrient management -- If possible, apply manure in spring of each year evenly to cropland to meet nutrient needs and improve soil tilth. A soil test is suggested to see if any additional fertilization is needed. Remember to subtract nutrient amount applied in manure from amount suggested in soil test. Do not apply manure/fertilizer to open water area. A fall test is recommended to evaluate residual soil nitrogen level to further "fine tune" applications of nitrogen the following years.

Pest Management (595) – Utilizing environmentally sensitive prevention, avoidance, monitoring and suppression strategies to manage weeds, insects, disease, animals and other organisms (including invasive and non-invasive species), that directly or indirectly cause damage or annoyance.

Purpose – Enhance quantity and quality of commodities. Minimize negative impacts of pest control on soil resources, water resources, air resources, plant resources, animal resources and/or humans.

- Integrated Pest Management (IPM) that strives to balance economics, efficiency and environmental risk shall be implemented. Washington State University Extension Bulletin 1786 provides information on IPM. This sustainable approach to pest control combines the use of prevention, avoidance, monitoring and suppression strategies, to maintain pest populations below economical damaging levels, to minimize pest resistance, and to minimize harmful effects of pest control on human and environmental resources. IPM suppression systems include biological controls, cultural controls and the judicious use of chemical controls. Information and fact sheets are available for commodity specific IPM at the following web-sites:

- <http://ipm.wsu.edu/>
- <http://pep.wsu.edu/>
- <http://wsprs.wsu.edu/CropProfiles.html>

Irrigation Water Management (449) – Irrigation Management is the process of determining and controlling the volume, frequency, and application rate of irrigation water in a planned, efficient manner.

Purpose – Manage soil moisture to promote desired crop response. Optimize use of available water supplies. Minimize irrigation induced soil erosion. Decrease non-point source pollution of surface and ground water. Manage salts in the crop root zone. Manage air, soil, or plant micro-climate.

The water sources for the property are a shallow hand dug well located along the north property line and a "Certificate of Surface Water Right" issued in 1955. Water right allows 0.18 cubic foot per second of water for the purpose of irrigating 18 acres. Water right was issued to Akio Suyematsu, who owned 40 acres at that time. Two irrigation ponds were dug in the 1960's and 1970's. Estimated capacities of ponds are 1.2 million gallons. Both ponds are located on the Gerard Bentryn property. Mr. Bentryn has issued ½ of the water right to the City of Bainbridge for irrigation purposes.

See attached "Day Road Farm Irrigation" spreadsheet.

- Maximum potential irrigation from ponds assuming irrigating 17 acres of cropland over a four month period is 0.6 inches water per acre per month.
- Maximum potential irrigation per 18 acres per ½ Water Right is 3.57 inches per acre per month.
- Irrigation shall be applied through drip irrigation if possible or low flow type sprinklers. Irrigation shall be based on plant needs and available water holding capacity of the soil. See attached Irrigation Water Management (449)

WILDLIFE HABITAT MANAGEMENT

EXISTING CONDITIONS:

A seasonal drainage ditch flows south bisecting the two parcels. Ditch flows into a series of two man-made ponds on the Bentryn Property. The buffer along the ditch adjacent to the composting is mostly Himalayan blackberry and is approximately 12 feet in width. Buffers around northern pond vary from 15 feet to 20 feet of mostly native grasses. Buffers around southern pond vary from 29 feet to 50 feet of a variety of mostly native trees and shrubs.

ALTERNATIVES:

Upland Wildlife Habitat (645) – Creating, restoring, maintaining or enhancing areas for food, cover, and water for upland wildlife and species, which use upland habitat for a portion of their life cycle.

Purpose – This practice may be applied as part of a resource management system to:

- ❖ Provide a variety of food for wildlife;
- ❖ Provide a variety of cover types for wildlife, examples of wildlife use include nesting in dense shrubs, fawning in tall grass, resting in snags, escape from predation along travel lanes, and thermal buffering created by conifer stands.
- ❖ Provide water for wildlife.
- ❖ Arrange habitat elements in proper amounts and locations to benefit wildlife.
- Consider planting native trees and shrubs along ditch and ponds to improve wildlife habitat. Trees & shrubs provide erosion control, wildlife habitat, and climate control.

CONCLUSION

This completes your current farm plan. This is a working document that can change as your objectives change. The plan serves as a record of decisions and provides a way of allowing you to track your progress. To the best of our ability, with either financial or technical assistance, we will assist you in the implementation of your farm plan. Thank you for giving us the opportunity to work with you. Maintaining your awareness of our natural resources will benefit you and your livestock as well as our environment.

Landowner

Date

Land Manager

Date

Kitsap Conservation District Resource Planner

Date

APPENDIX:

- Soils Inventory Map
- Soils Descriptions
- Conservation Plan Maps

NOTE: NRCS Specification Sheets will be provided for each practice upon request.

**RESOURCE INVENTORY EVALUATION
AND
MANAGEMENT ALTERNATIVES**

Requested By

Trust for Working Landscapes

For

**City of Bainbridge Island
280 Madison Ave North
Bainbridge Island, WA 98110
(206) 842-2552**

**Morales Farm
Lovgreen Rd**

By

**Brian Stahl
Resource Planner
Kitsap Conservation District
(360) 337-7171**

2005

Farm Plan Disclaimer

This farm plan does not exempt the property owners or lessees from compliance with any and all local ordinances, including but not limited to zoning, solid waste, wellhead protection and critical areas ordinances nor any applicable federal, state and local permits that may be required during any BMP implementation phases of this farm plan.

PURPOSE

A Conservation Farm Plan is a document developed by your Conservation District and you, the farmer or landowner. It is a series of actions developed to meet a farmer's goals while protecting water quality and the natural resources. Some of the things considered in a farm plan are farm size, soils type, slope of the land, proximity to streams or water bodies, type of livestock or crops, the farmer's goals, resources such as machinery or buildings and finances available.

BACKGROUND

The 4.74-acre property is located in the NE ¼ of Section 10, Township 25N, Range 2E, at 8862 Lovgreen Road, Bainbridge Island in the Manzanita Bay Watershed. The property is a historic farm currently managed by Trust for Working Landscapes. A CONSERVATION PLAN MAP is located in the appendix. This plan is being prepared in response to a request by Trust for Working Landscapes.

OBJECTIVES

- Utilize farm property in an environmentally conscious and sustainable manner.
- Establish vegetative buffer along seasonal stream
- Provide a location where small farms can grow and sell their products

GENERAL INFORMATION

- The average annual rainfall in this area is 35 inches.
- The average annual air temperature is 51 degrees F.

Agricultural Buildings – Several small structures, garage, and house exist on the property.

Cultural Resources

According to the Washington State Register of Cultural Resources, obtained from the Washington State Office of Archaeology and Historic Preservation, there are no known historical or cultural resources mapped in this section.

RESOURCE INVENTORY

Soils - Please refer to attached soil map and descriptions. All soils on property are in the "C" Hydrologic Soil Group. Soil depth to hardpan averages 36". Monthly Leaching Index calculations indicate nutrient leaching into ground water sources may occur between November 1st and March 1st.

- (1) – Alderwood very gravelly sandy loam, 0-6% slopes
- (3) – Alderwood very gravelly sandy loam, 15-30% slopes

See attached soil inventory map for soil locations

Water – A seasonal portion of Manzanita Creek, flows southwest through the north portion of the property. Surface flow from the southern one-third of the property flows to a depression along the west property line. The domestic water source for the property is a shallow well located along the easement road on the West side of the property.

Livestock - At time of visit, January 2005, no livestock were present on the property. Trust for Working Landscape (TWL) representatives agrees to limit livestock on the property to the amount that can be sustained from grazing the filter strips. The proposed Filter Strip and Contour Buffer Strip can produce approximately 0.6 tons of forage per year. Contact the Kitsap Conservation District for the number of livestock that may be grazed on the property.

Farmland – See Conservation Plan Map for potential farmland locations. At time of visit, January 2005, a one acre portion of the Cropland was cleared of Scotch broom and other invasive weeds leaving bare soil. The remainder of the Cropland was well vegetated. The North Slope was covered with Scotch broom and Himalayan blackberry. TWL representatives indicated North Slope may be used as a vineyard and Cropland utilized for vegetable crop production.

Air - Presently, foul odors on the property are minimal.

Riparian / Wildlife Area – A few large Douglas fir remain near the northeast portion of the property along the seasonal stream. The remainder of the stream is severely lacking native trees and shrubs.

CONSERVATION NEEDS AND ALTERNATIVES - See Conservation Plan Map for locations of proposed practices.

Some of the alternatives listed below may be eligible for financial assistance. To insure eligibility, Kitsap Conservation District must be notified before project initiation i.e. material purchase, design, installation.

EXISTING SITUATION

Currently there are no livestock on the property. Approximately one acre of the Cropland had exposed soil due to recent clearing of Scotch broom and other invasive weeds. The remainder of the Cropland was well vegetated. Exposed soils during the winter months may lead to soil erosion and excessive nutrients entering open water. TWL requests to allow the use of livestock manure as an alternative crop nutrient source.

EFFECTS of potential poor management

- Irresponsible irrigation management may lead to soil erosion, nutrients entering waterways or ground water, and reduced stream flows.
- Irresponsible pest management may lead to pesticides entering waterways or ground water and inadvertent elimination of beneficial organisms
- A lack of vegetation decreases soil uptake rates of nutrients, increasing runoff and reducing filtering. Lack of a vegetative cover also allows soil erosion to occur at greater rates.
- An uncovered manure pile or accumulation of manure contributes nutrients and bacteria to surface water through the processes of leaching and runoff.
- Animal waste left uncollected in paddocks and unprotected livestock use areas during the rainy season can lead to leaching and/or manure laden runoff entering nearby streams.
- Roof runoff concentrates water around building areas causing muddy conditions and increasing the potential for nutrient laden runoff to impact nearby wells or streams.
- Livestock access to wet areas causes compaction and excessive muddiness which results in increased manure laden runoff leaving the area. This also creates the potential for animals to deposit wastes directly into surface waters.

ALTERNATIVES

Use Exclusion (472) – Excluding animals, people or vehicles from an area.

Purpose – To protect, maintain, or improve the quality and quantity of plants, soil, air and water, and improve aesthetics, human and animal health and safety.

- Due to Bremerton-Kitsap Health District ordinances, no hooved animals are allowed on drain fields. Agricultural structures and livestock heavy use areas shall not be located within 50 feet of well.
- Exclude livestock from Riparian Forest buffer with the exception of short periods to control invasive weeds.
- Exclude livestock from proposed Filter Strips and Contour Buffer Strip during the winter months and follow Prescribed Grazing (528A) during the remainder of the year.
- During the winter months, exclude livestock from cultivated areas that have cover crops.
- Confine animals to roofed areas or barns with heavy use areas and sacrifice fields during rainy season.

Waste Storage Structure (313) – A planned system in which all necessary components are installed for storing liquid and solid waste

Purpose – To store waste in a manner that prevents or minimizes degradation of air, soil, and water resources and protect public health and safety.

- If livestock manure will be stored on the property, construct a covered waste storage facility to store livestock manure for crop nutrient purposes.
- Do not spread manure onto ponded or saturated fields. Spread in accordance with nutrient management as described later in this plan.

Roof Runoff Management (558) / Underground Outlets (620) – A facility for collecting, controlling, and disposing of runoff water from roofs.

Purpose – To prevent roof runoff water from flowing across concentrated waste areas, barnyards, roads, and alleys, and to reduce pollution and erosion, improve water quality, preventing flooding, improve drainage, and protect the environment.

- Connect downspouts and underground outlets to buildings. Outlet roof runoff to infiltration pits, buffer areas, or irrigation containment. This will keep roof clean water clean and prevent potential muddy conditions in livestock heavy use areas.

Heavy Use Area Protection (561) - Protecting heavily used areas by surfacing with suitable materials to reduce muddiness and surface runoff that may lead to manure laden runoff, leaching of nutrients, and unhealthy livestock conditions.

Purpose – To stabilize urban, recreation or facility areas frequently and intensely used by people, animals, or vehicles.

- If livestock are housed on the property, create heavy use areas for confinement and exercise for livestock during the winter months and to allow implementation of Prescribed Grazing (528A) as described later in this document. These should be located on the driest areas on the farm to perform correctly. Heavy use area size should be limited to 12' x 20' in size to minimize impact and allow livestock to exercise. The following are two options on how to create heavy use areas:

NRCS approved options for heavy use area protection:

Organic option

- a) In the dry season, excavate the top of soil that is apt to become muddy during the rainy season.
- b) Surface the area by laying down a 2-4" layer of straw, hay, filter fabric or newspaper to act as an interface between the soil and top layer of wood chips.
- c) Apply $\pm$ 24" of fir/cedar pole peelings or hog fuel
- d) Slope area away from barn or spigot for additional drainage capability.
- e) May need to resurface with pole peelings/ hog fuel annually.
- f) May need to replace every 2-3 years.

- g) Fill any holes in surfacing as soon as they occur.
- h) Pick manure on a regular basis.

Or

Gravel option

- a) In the dry season, excavate the top of soil that is apt to become muddy during the rainy season.
- b) Apply filter fabric over the surface of the soil.
- c) Apply 8" of 3" minus crushed rock in heavy use area; than surface with 4" of 3/4" minus crushed rock, sand, or other fine material.
- d) Slope area away from barn or spigot for drainage.
- e) Fill holes in surfacing as soon as they occur.
- f) Pick manure on a regular basis.

**Manure must be picked from heavy use areas to prevent surface sealing which will lead to ponding and surface runoff.*

Nutrient Management (590) - Managing the amount, form, placement, and timing of applications of plant nutrients.

Purpose - To supply plant nutrients for optimum forage and crop yields, minimize entry of nutrients to surface and groundwater, and to maintain or improve chemical and biological condition of the soil.

- Exclude livestock from ponded fields and wet soils during the winter months to allow plants to maintain vigor and avoid overgrazing and soil compaction.
- Spread stored manure onto gardens or cropland after March 1st of each year or when conditions permit to provide plants with nutrients to maximize forage production. Apply nutrients in accordance with plant needs. This information will be provided as needed. It is suggested that a soil test be completed to determine nutrients in soil. If commercial fertilizer is applied, deduct nutrients in manure from recommended rates to avoid over application of nutrients. A fall soil test is recommended to 'fine tune' nitrate application.
- Do not apply wastes to surface water or excessively wet soils.

Filter Strip (393) – A strip or area of vegetation that removes sediment, organic matter, and other pollutants from runoff and wastewater, and provides limited habitat for wildlife.

Purpose – To remove sediment and other pollutants from runoff or wastewater by filtration, deposition, infiltration, absorption, adsorption, decomposition, and volatilization, thereby reducing pollution to surface water and adjacent lands.

- Maintain a 35 foot vegetated filter strip along the east property line downslope of cropland and a 10 foot vegetative strip along stream buffer. Allow grass filter strips to grow to average height of at least 3" prior to the rainy season (November 1st through April 1st) to filter any runoff from cropland. Filter strip will capture sediments and help prevent nutrient laden

runoff from entering Manzanita Creek. Due to the soil types on the property, recommended filter strip width is 35 feet. Vegetative species shall meet Filter Strip (393) specifications.

Contour Buffer Strips (332) – Narrow strips of perennial, herbaceous vegetative cover established across the slope and alternated down the slope with wider cropped strips.

Purpose – To reduce sheet and shrill erosion, transport of sediment and other water- born contaminants downslope, on-site or of-site. To enhance upland wildlife habitat.

- Establish 8' vegetative strips at no more than 100' spacing across the northeast slope in the cropland area. Vegetative strips will provide vehicle access to gardens and intercept sediment that may erode downslope during rain events. Vegetative species shall meet Filter Strip (393) specifications.

Cover Crop (340) – A crop of close-growing grasses, legumes, or small grain grown primarily for seasonal protection and soil improvement. It usually is grown for 1 year or less, except where there is permanent cover as in orchards.

Purpose - To control erosion during wet periods, allow nutrient uptake, provide filter for sediment and nutrient, add organic material to the soil, and improve infiltration, aeration, and tilth.

- In the fall of each year overseed bare soil areas with close-growing grasses, legume, or small grain to uptake nutrients and minimize soil erosion.

Prescribed Grazing (528A) – The controlled harvest of vegetation with grazing or browsing animals, managed with the intent to achieve a specified objective.

Purpose – This practice may be applied as part of a conservation management system to accomplish one or more of the following purposes:

- ❖ Improve or maintain the health and vigor of selected plant(s) and to maintain a stable and desired plant community.
- ❖ Provide or maintain food, cover and shelter for animals of concern.
- ❖ Improve or maintain animal health and productivity.
- ❖ Maintain or improve water quality and quantity.
- ❖ Reduce accelerated soil erosion and maintain or improve soil condition for sustainability of the resource.

- Manage Filter Strips, Contour Strips, and other grassed areas as described below.

a) Rotational grazing -- To gain optimal usage from the grass it is important to minimize immediate regrowth of new growth and to utilize pastures as evenly as possible. Rotate livestock to another field while resting the previously grazed field. Turn livestock back in when grasses are 5-6" tall and remove animals when grasses are 2-3" tall or after a two-week period whichever comes first. Clip and harrow, if needed, after each grazing period. Clipping maintains grass at an even height and eliminates tall unpalatable grasses and weeds. Harrowing spreads manure droppings and minimizes uneven growth.

b) Livestock exclusion -- (1) Exclude livestock from wet or ponded pasture areas to prevent compaction and muddiness. (2) Exclude livestock from grassed strips during rainy season.

c) Nutrient management -- If possible, apply manure in spring of each year evenly to cropland to meet nutrient needs and improve soil tilth. A soil test is suggested to see if any additional fertilization is needed. Remember to subtract nutrient amount applied in manure from amount suggested in soil test. Do not apply manure/fertilizer to open water area. A fall test is recommended to evaluate residual soil nitrogen level to further "fine tune" applications of nitrogen the following years.

Pest Management (595) – Utilizing environmentally sensitive prevention, avoidance, monitoring and suppression strategies to manage weeds, insects, disease, animals and other organisms (including invasive and non-invasive species), that directly or indirectly cause damage or annoyance.

Purpose – Enhance quantity and quality of commodities. Minimize negative impacts of pest control on soil resources, water resources, air resources, plant resources, animal resources and/or humans.

- Integrated Pest Management (IPM) that strives to balance economics, efficiency and environmental risk shall be implemented. Washington State University Extension Bulletin 1786 provides information on IPM. This sustainable approach to pest control combines the use of prevention, avoidance, monitoring and suppression strategies, to maintain pest populations below economical damaging levels, to minimize pest resistance, and to minimize harmful effects of pest control on human and environmental resources. IPM suppression systems include biological controls, cultural controls and the judicious use of chemical controls. Information and fact sheets are available for commodity specific IPM at the following web-sites:

- <http://ipm.wsu.edu/>
- <http://pep.wsu.edu/>
- <http://wsprs.wsu.edu/CropProfiles.html>

Irrigation Water Management (449) – Irrigation Management is the process of determining and controlling the volume, frequency, and application rate of irrigation water in a planned, efficient manner.

Purpose – Manage soil moisture to promote desired crop response. Optimize use of available water supplies. Minimize irrigation induced soil erosion. Decrease non-point source pollution of surface and ground water. Manage salts in the crop root zone. Manage air, soil, or plant micro-climate.

- Irrigation shall be applied through drip irrigation and based on plant available water holding capacity of the soil. See attached Irrigation Water Management (449)

WILDLIFE HABITATE MANAGEMENT

EXISTING CONDITIONS:

A seasonal portion of Manzanita Creek, flows southwest through the north portion of the property. Surface flow from the southern one-third of the property flows to a depression along the west property line. A few large Douglas fir remain near the northeast portion of the property along the seasonal stream. The remainder of the stream is severely lacking native trees and shrubs.

ALTERNATIVES:

Riparian Forest Buffer (391) – An area of predominantly trees and/or shrubs located adjacent to and up-gradient from watercourses or water bodies.

Purpose – This practice may be applied as part of a resource management system to:

- ❖ Create shade to lower water temperatures to improve habitat for aquatic organisms.
 - ❖ Provide a source of detritus and large woody debris for aquatic and terrestrial organisms.
 - ❖ Create wildlife habitat and establish wildlife corridors.
 - ❖ Reduce excess amounts of sediment, organic material, nutrients and pesticides in surface runoff and reduce excess nutrients and other chemicals in shallow ground water flow.
 - ❖ Provide a harvestable crop of timber, fiber, forage, fruit, or other crops consistent with other intended purposes.
 - ❖ Provide protection against scour erosion within the floodplain.
 - ❖ Restore natural riparian plant communities.
-
- Create a 35 foot native vegetative buffer along both sides of the creek. Plant species shall be a mix of native trees, shrubs, with a focus on native edible and medicinal varieties.

CONCLUSION

This completes your current farm plan. This is a working document that can change as your objectives change. The plan serves as a record of decisions and provides a way of allowing you to track your progress. To the best of our ability, with either financial or technical assistance, we will assist you in the implementation of your farm plan. Thank you for giving us the opportunity to work with you. Maintaining your awareness of our natural resources will benefit you and your livestock as well as our environment.

Landowner

Date

Land Manager

Date

Resource Planner

Date

APPENDIX:

- Soils Inventory Map
- Soils Descriptions
- Conservation Plan Maps

NOTE: NRCS Specification Sheets will be provided for each practice upon request.

SOIL DESCRIPTIONS:

- (1) Alderwood very gravelly sandy loam, 0 to 6 percent**
- (3) Alderwood very gravelly sandy loam, 15 to 30 percent**

This moderately deep, well-drained soil occurs on broad uplands, and was formed in material deposited by glaciers. Typically, the subsurface layer consists of brown very gravelly sandy loam about a 1 inch thick. The subsoil is brown very gravelly loam about 21 inches thick. The substratum is grayish brown weakly cemented glacial till at a depth of 22 inches and ranges from 20 to 40 inches. Depth to perched water table ranges from 20 to 40 inches from January to March. Available water capacity is low. Water moves slowly through this soil.

EXHIBIT D

CAPITAL PROJECTS AND MANAGEMENT TASK LIST

As indicated in Section 3.2 (f) of the Lease:

“The parties anticipate that the list of projects on Exhibit D will change from time to time upon mutual agreement of the Parties, as projects and management tasks are completed, and as City funding, if any, and Friends’ capacity to perform evolves during the term of this Lease.”

The Parties agree to review Exhibit D and its contents annually to ensure that the projects and tasks identified herein conform to the annual work plans and budgets for both the City and Friends. Annual review should be coordinated with the City budget process, and Friends’s annual report to the City.

The following Capital Projects and Management Tasks have been identified for 2012:

A. Capital Projects:

1. **Morales Farm Green House (36’ x 96’ commercial greenhouse)** – A greenhouse structure has been established on this property for increased production, extended season production, and educational opportunities. Friends will continue installing structural elements of the green house.
2. **Morales Farm House** – Friends will complete the remodel of the Morales Farm House initiated in 2011.
3. **Crawford Property Tree Clearing** – The Crawford property is a forested property purchased by the City for farmland. The property is located at the heart of the City’s “Agricultural District.” Trees located on the Crawford property are over-shadowing currently operational farmland, and the continued growth of the trees exacerbates this problem. Friends shall continue the slow and incremental clearing of this land.
4. **Day Road Farm Water Tower Interpretive Display** – Friends has applied for an LTAC grant through the City. If Friends receives adequate funding through the LTAC grant and/or other sources, then Friends will establish an interpretive display regarding historical and contemporary farming on Bainbridge in and around the Day Road Farm Water Tower.
5. **Suyematsu Compost Filter Structure** – Friends will complete design and construction of a filter system for the Suyematsu compost operation.

B. Management Tasks:

- 1. Develop a Farm Management Plan for City Owned Agricultural Lands** - It is anticipated that this Planning process will extend into 2013 or more.
- 2. Farmer Sub-leases** - Negotiate sub-leases of the City-owned agricultural properties between Friends and the farmers currently operating on City agricultural lands.

**AMENDMENT NO. 1 TO
THE MASTER LEASE AND MANAGEMENT AGREEMENT**

THIS AMENDMENT NO. 1 TO THE MASTER LEASE AND MANAGEMENT AGREEMENT (“Amendment”) amends the Master Lease and Management Agreement (“Master Lease”) entered into on December 9, 2011, by the City of Bainbridge Island, a Washington State municipal corporation, (“City”) and the Friends of the Farms, a Washington State nonprofit corporation, (“Friends”).

WHEREAS, the City and Friends entered into the Master Lease to provide management services for the City’s approximately 60 acres of public farmland; and

WHEREAS, on September 11, 2018, Friends presented to the City Council and described its need for City funding in order to continue to provide management services for the City’s public farmland; and

WHEREAS, on November 6, 2018, Friends provided additional information to the City Council regarding Friends’ request for City funding; and

WHEREAS, on November 13, 2018, the City Council allocated a one-time payment of \$65,000 to Friends in the 2019 fiscal year (“FY19”) in consideration of the management services to be provided to the City under the Master Lease in FY19; and

WHEREAS, on November 13, 2018, the City Council also stipulated that any further payments to Friends for such management services under the Master Lease will only occur once a review of the Master Lease has been undertaken by the City Council; and

WHEREAS, on November 27, 2018, the City Council approved Ordinance No. 2018-39, which adopted the final budget for fiscal years 2019-2020 and included the \$65,000 allocation to Friends in FY19.

NOW, THEREFORE, the City and Friends agree to amend the Master Lease as follows:

1. A new Section 3.15 is hereby added to Article 3 of the Master Lease to read as follows:

3.15. PAYMENT TO FRIENDS. The City agrees to pay Friends a total of \$65,000 for services performed under this Lease in fiscal year 2019, which amount shall be paid quarterly in four equal installments of \$16,250. Friends shall submit, in a format acceptable to the City, quarterly invoices for services performed in a previous quarter. The City shall pay all invoices by mailing a City check within sixty (60) days of receipt of a proper invoice from Friends.

2. Except as modified herein, all other terms and conditions to the Master Lease shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment to the Master Lease as of the later of the signature dates included below.

FRIENDS OF THE FARMS

CITY OF BAINBRIDGE ISLAND

Date: 2/4/19

Date: 1/29/19

By: Heather Burger

By: Morgan Smith

Heather Burger, Executive Director

Morgan Smith, City Manager

[Faint, illegible handwritten text]

STATE OF WASHINGTON)
) ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Morgan Smith signed this instrument, on oath stated that she was authorized to execute the instrument, and acknowledged it as the City Manager of the City of Bainbridge Island to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



Dated: January 29, 2019

Rosalind D. Lassoff

NAME: Rosalind D. LASSOFF
(Print Name)

Notary Public in and for the State of Washington,
residing at Poulsbo, WA

My Commission Expires: 6/9/21

STATE OF WASHINGTON)
) ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Heather Burger signed this instrument, on oath stated that she was authorized to execute the instrument, and acknowledged it as the Executive Director of Friends of the Farms to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



Dated: February 6, 2019

Rosalind D. Lassoff

NAME: Rosalind D. LASSOFF
(Print Name)

Notary Public in and for the State of Washington,
residing at Poulsbo, WA

My Commission Expires: 6/9/21



City Council Study Session Agenda Bill

MEETING DATE: July 16, 2019

ESTIMATED TIME: 45 Minutes

AGENDA ITEM: (7:35 PM) Ordinance No. 2019-04, Updating the City's Sign Code - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Ordinance

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION:

Council discussion.

SUMMARY:

Continued discussion of proposed updates to the City's sign code. Specifically, Council consideration of an updated sign code matrix, which, per Council request, includes a new call-out box related to sandwich board signs located in the right-of-way.

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

The City Council has previously discussed updates to the City's sign code during the following Council meetings: September 18, 2018, November 27, 2018, March 12, 2019, May 7, 2019, May 14, 2019, May 28, 2019, and June 18, 2019.

Initially, the Council provided the following direction to staff: (1) Review the City's existing sign code for consistency with the U.S. Supreme Court's ruling in Reed v. Town of Gilbert; (2) Draft changes to the City's existing sign code for consistency with the ruling in Reed v. Town of Gilbert, but keep existing policy to the extent possible; and (3) Present Reed-compliant sign code for Council review and sandwich board discussion.

Staff prepared a draft ordinance (Ordinance No. 2019-04) for Council consideration, and, over the past several meetings, Council has been reviewing the ordinance. In particular, Council discussion has focused on how to address portable signs, including sandwich boards, as well as other temporary signs.

A matrix was introduced during the June 18, 2019 Council Meeting. Following the June 18, 2019 Meeting, per Council direction, Staff have further updated the matrix and a revised matrix is attached to facilitate further Council discussion on these types of signs. Included with the matrix are definitions and examples for the following terms:

>"Portable Sign"

>"Sandwich Board"

>"Non-Durable Signs" (Formerly "Temporary Signs")

>"Commercial Sign"

>"Noncommercial Sign"

>"Right-of-Way"

>"Temporary"

>"Permanent"

In anticipation of further revisions, and to avoid confusion, the current draft Ordinance No. 2019-04 is not attached. Upon further direction from Council, staff are prepared to revise the draft Ordinance No. 2019-04, as needed, and return for further Council consideration.

Also attached for Council consideration is a staff memo generally outlining how staff intend to begin enforcement of the revised sign code, once it is adopted by the City Council.

ATTACHMENTS:

[Sign Code Matrix and Definitions of Key Terms](#)

[Staff Memo - Sign Code Enforcement](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

		Type of Sign		
		Sandwich Boards	Non-Durable Signs	All Other Portable Signs (this is a catch all for other shapes)
Location of Sign	Private Property	Yes	Yes	Yes
	Right of Way	See Detail Below**	See Detail Below***	No <i>Unless authorized*</i>
	Public Property	No <i>Unless authorized*</i>	No <i>Unless authorized*</i>	No <i>Unless authorized*</i>

*Signs in these locations are generally limited to public agency information as needed

**Detail for highlighted cell (Sandwich Boards located in Right-of-way)

Sandwich Boards				
Right of Way	Winslow	Noncommercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
		Commercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
	Outside Winslow	Noncommercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
		Commercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
	Neighborhood Centers	Noncommercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
		Commercial signs	Temporary	Yes, if safe Number=1
			Permanent	No

***Detail for highlighted cell (Other Temporary Signs located in Right-of-way)

Non-Durable Signs			
Right of Way	Winslow	Noncommercial signs	Yes, if safe
		Commercial signs	No
	Outside Winslow	Noncommercial signs	Yes, if safe, but: Requires permission from abutting property owner
		Commercial signs	Yes, if safe, but: - Requires permission from abutting property owner; and - Requires City-issued permit to control for number of days, display times, etc.
	Neighborhood Centers	Noncommercial signs	Yes, if safe
		Commercial signs	No

I. What is a “Portable Sign”?

“Portable signs” is a broad category of signs that are readily moveable, freestanding, and not permanently affixed to the ground. In general, portable signs are constructed out of durable materials. Portable signs include, but are not limited to, sandwich board signs.

Examples of portable signs:



II. What is a “Sandwich Board”?

A “sandwich board” is a specific type of portable sign that consists of two panels hinged or attached at the top or side, designed to be movable and stand on the ground.

Examples of sandwich boards:



III. What is a “Non-Durable Sign”?

“Non-durable signs” is a broad category of signs that are readily moveable, freestanding, and not permanently affixed to the ground. In contrast to portable signs and sandwich boards, non-durable signs are constructed out of non-durable materials, such as paper, corrugated board, or flexible or foldable plastics. For the purposes of this matrix, non-durable signs do not include sandwich boards or portable signs.

In previous materials presented to Council, “non-durable signs” were referred to as “temporary signs.” Such terminology led to some confusion as to whether “temporary sandwich boards” are included as “temporary signs” for the purposes of the matrix (they are not). To minimize any confusion going forward, the category of signs previously referred to as “temporary signs” has been relabeled as “non-durable signs” and a definition of “temporary” has been included in Section VII of this memorandum.

Examples of non-durable signs:



IV. When is a sign a “Commercial”?

A sign is commercial if the sign relates solely to the economic interests of the owner of the sign and her/his audience.

Examples of commercial signs:



V. When is a sign “Noncommercial”?

A sign is noncommercial if the sign relates to more than just the economic interests of the owner of the sign and her/his audience.

Examples of noncommercial signs:

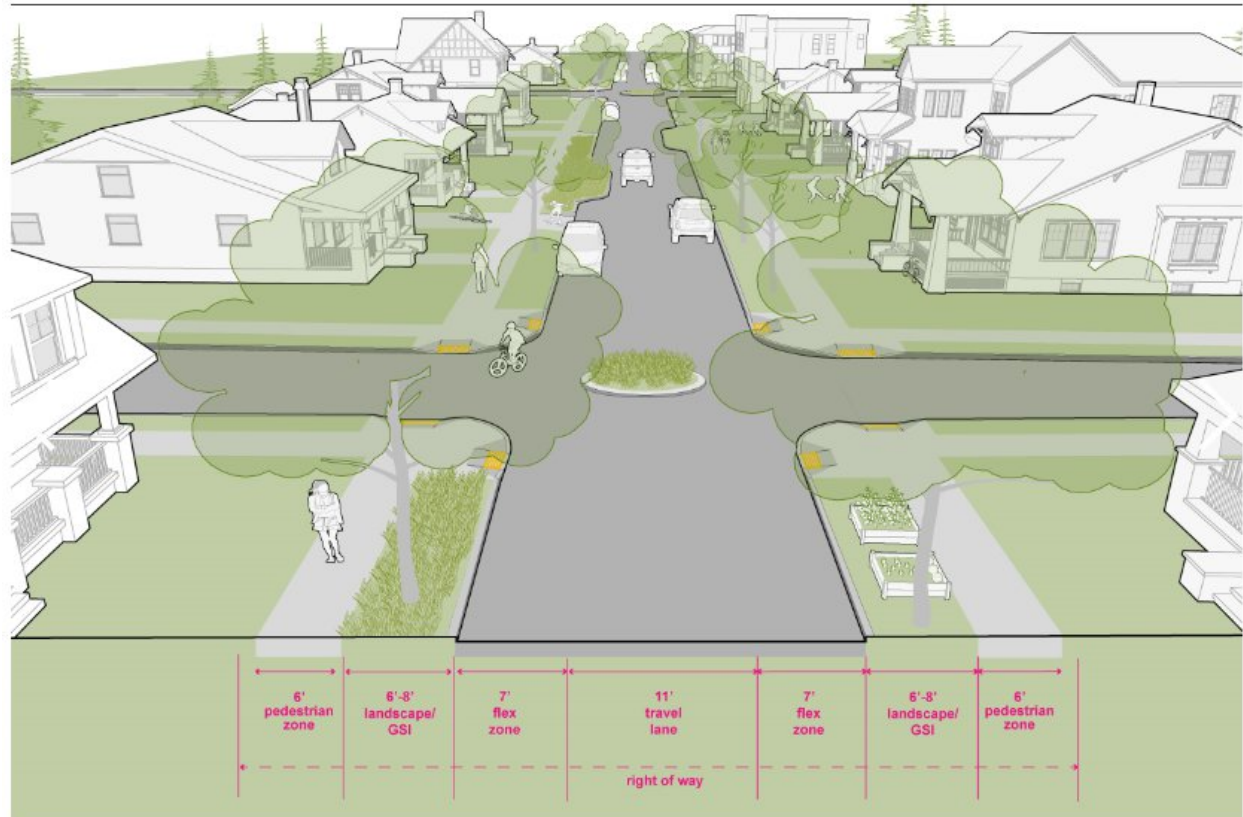
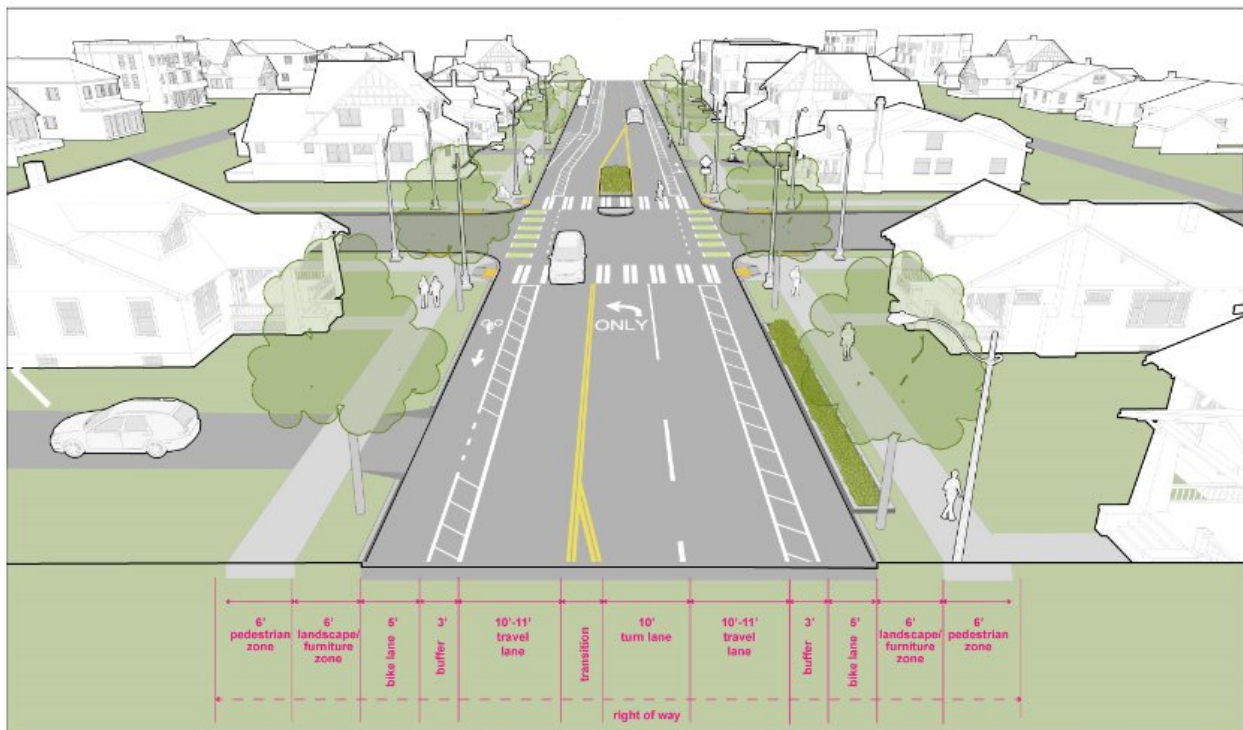


VI. What is the “Right-of-way”?

In general, “right-of-way” (“ROW”) refers to easements, held by the City, over private property for public travel and use. In the graphic below from MRSC, the ROW begins at the dashed red line and includes the sidewalk, planting area, and roadway:



The graphics below further illustrate the various components of typical ROWs found within city limits (*Illustrations Courtesy of Seattle's Right-of-Way Improvements Manual*):



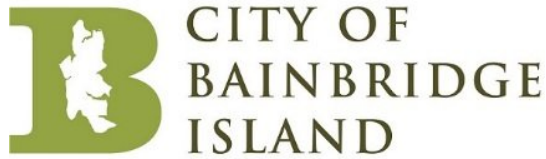
VII. When is a Sandwich Board Sign “Temporary”?

A sandwich board sign is “temporary” when it is not displayed 24 hours a day, seven days a week, 365 days a year. If the Council desires to allow “temporary” sandwich board signs—for example, within the City’s right-of-way—then the Council could decide that “temporary” means that the sandwich board sign is only displayed:

- During daylight hours;
- During working hours;
- On certain days of the week (e.g., during the weekend);
- During certain times of the year (e.g., Summer); or
- For up to a maximum number of days per year, per month, or per week (e.g., 60 days in a calendar year).

VIII. When is a Sandwich Board Sign “Permanent”?

A sandwich board sign is “permanent” when it is displayed 24 hours a day, seven days a week, 365 days a year.



Department of Planning and Community Development

Memorandum

Date: July 12, 2019
To: City Council; Morgan Smith, City Manager
From: Aaron Pool, Code Compliance Officer
Subject: Sign Code Enforcement and Permit Options

Code compliance on Bainbridge Island predominantly follows a model of complaint-based enforcement seeking voluntary compliance. This means that once a complaint is received and a violation is confirmed residents are informed of the Bainbridge Island Municipal Code (BIMC) violation and provided education on the BIMC and encouraged to work collaboratively with staff to obtain compliance before punitive action is taken.

Enforcement of a revised sign code is expected to follow the same voluntary compliance format of enforcement. Signs are unique due to their highly visible nature and the possibility of safety issues surrounding placement. For this reason, sign enforcement would benefit from a City self-initiated form of code compliance in place of complaint-based enforcement.

I. Implementation Period – One Month

The revised sign code will be a change for residents and business owners. An implementation period will be needed to educate the public. This period will be crucial to educate sign users and allow time for those users to work through what compliance with the new regulation looks like. A period of one month would allow time for the City to provide public information. Outreach efforts may include information on our website, personal interaction with the business community, mailings and/or publication.

II. Continuing Enforcement

Although City staff strive to obtain voluntary compliance for code violations there are situations where additional enforcement is needed. Signs on the City right of way typically have two options for enforcement. One, City staff could issue a Notice of Infraction carrying a civil penalty for noncompliance or two, the signs can simply be removed from the City right of way and recovered from the City for a fee. Signs that are not claimed or signs repeatedly violating code would be disposed of.

III. Permit Options

Requiring a permit is one way to monitor and assure compliance of sign code regulations. The anticipated volume of temporary signs, like sandwich boards, that would require a permit could result in considerable staff time to review permits.

One option, in lieu of permitting, would be to designate locations or parameters for temporary sign display that do not require a permit. Businesses would then be held accountable for properly displaying signs without the continuing expense of permitting. One example of this process in practice is BIMC 12.36,

Retail Use of Sidewalks. This regulation allows for limited use of the public right of way without a permit and could easily be adopted to allow the safe display of sandwich board signs without the additional time/costs of permitting. For example, sandwich boards could be allowed within three feet of a commercial building so long as five feet of sidewalk remain clear for pedestrian travel. These signs could be limited by commercial frontage allowing for multiple signs so that out of the way establishments may work with their commercial neighbors to display in prime areas.



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: July 16, 2019

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (8:20 PM) Update on Moratorium - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Report

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION:

Moratorium work program and status update. Respond to City Council questions and discussion.

SUMMARY:

City staff have been working to address the issues identified in the development moratorium (Ordinance No. 2018-02, amended by Ordinances Nos. 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, and 2019-10).

On March 26, 2019, after conducting another public hearing regarding the current moratorium on certain development, the City Council adopted Ordinance No. 2019-10 (effective date April 3, 2019) which will extend the moratorium for an additional six months, unless the Council decides to terminate the moratorium earlier based on new information or on completion of remaining tasks on the moratorium work plan. The development moratorium is scheduled to expire on October 3, 2019, unless the Council takes further action before such date.

See attached Work Program Status Report, Ordinance No. 2019-10, and summary.

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[20190625 Moratorium work program status report.docx](#)

[Ordinance No. 2019-10 Extending the Development Moratorium](#)

[Development Moratorium Summary Effective April 3, 2019](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

Moratorium on Accepting Certain Development Applications: Work Program Status Report – June 25, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

Moratorium Topic	Status	Timeline
Critical Areas Ordinance (CAO)	The development moratorium was amended by the City Council on April 24, 2018 to continue to apply within the City's shoreline jurisdiction areas (Ordinance 2018-14). This effectively applied the aquifer recharge protection area (ARPA) requirement in the shoreline, although the change did not apply other provisions of the CAO update within the shoreline. At its October 16, 2018 study session, the Council made the policy decision to not include the ARPA requirement in the shoreline area. This policy decision means that "Part B" of the moratorium could be removed. On November 13, 2018, the Council adopted Ordinance 2018-43 (effective date November 21) removing "Part B" (i.e., the ARPA requirement) from the moratorium. The City has a Shoreline Master Program (SMP) Amendment in process to integrate the updated critical areas regulations into the SMP.	Staff anticipates a response from the Dept. of Ecology in mid-July. On September 11, 2018, the City Council held a public hearing on the SMP amendment. The Council held study sessions on October 2 and 16, 2018, and is continuing to consider the amendment at subsequent Council meetings (see below). The Public Comment Period expired on November 9, 2018. The joint state/local review process requires that the draft amendment and a summary of response to comments be transmitted to the Department of Ecology within 30 days after the end of the Public Comment Period. City staff has requested an extension for this transmittal until January 31, 2019. In the meantime, comments are still being accepted and considered by staff and the Council as part of the Council's ongoing consideration of the SMP amendment. On November 27, 2018, the Council discussed the SMP amendment relating to integration of critical area regulations and regarding nonconforming structures, uses, and lots. On

Moratorium on Accepting Certain Development Applications: Work Program Status Report – June 25, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

Moratorium Topic	Status	Timeline
		December 11, 2018, the Council discussed this matter and instructed staff to prepare a resolution to transmit the SMP amendment to the Department of Ecology for its SMA consistency review. On January 8, 2019, the Council passed Resolution No. 2019-05 approving the draft amendment and authorizing staff to transmit the proposed SMP amendment to the Department of Ecology for initial review. The draft SMP amendment was transmitted to Ecology in April 2019. Ecology then sends back the draft amendment with recommended changes and the Council locally adopts the amendment. It is then sent back to Ecology for final approval. The amendment process is expected to be completed in summer 2019.
Status on June 25, 2019:	Complete: CAO update effective outside shoreline jurisdiction. Incomplete: Applicability of CAO update within shoreline jurisdiction.	

Moratorium on Accepting Certain Development Applications: Work Program Status Report – June 25, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

Moratorium Topic	Status	Timeline
Subdivisions	The subdivision update includes three components: • Revisions to review process, decision criteria, and decision-making authority • Creation of new design guidelines • Revisions to subdivision standards The Planning Commission completed its review of all three components. The Council accepted the Planning Commission recommendations related to the role of the Planning Commission and Design Review Board in reviewing and making recommendations on preliminary decisions on subdivisions. However, the Council did not agree to the Planning Commission's recommendation that the Council be the decision-maker for preliminary decisions on subdivisions (i.e., preliminary plat approval). On September 25, 2018, the Council removed two-lot short subdivisions in which there is an existing single-family residence from the moratorium with the adoption of Ordinance 2018-41.	July 23: City Council discussion May 28: City Council discussion April 2 and 16: City Council discussion March 26: City Council discussion March 19: City Council first reading (staff transmittal of Planning Commission recommendation) On September 27, October 25, and November 8, 2018, the Planning Commission met to discuss subdivision standards and the review process. The Planning Commission continued its discussion in November and December 2018, and in January 2019. On October 23, 2018, the City Council held a public hearing related to Planning Commission/DRB review and recommended roles. The Council deferred taking action until receiving all of the forthcoming Planning Commission recommendations on subdivision design guidelines, standards, review process, and decision criteria.

Moratorium on Accepting Certain Development Applications: Work Program Status Report – June 25, 2019

Note: Substantive changes to this document since the last version to the City Council are included in blue text.

	The second two components of the subdivision update – new design guidelines and revised standards – are being discussed by the City Council. It is anticipated the City Council will hold a public hearing related to the subdivision update in late May or early June.	On December 4, 2018, the Council discussed Ordinance 2018-20, related to revisions to land use review procedures for major projects, including subdivisions, and on December 11, 2018, held a public hearing and approved the ordinance. On January 8, 2019, the Council adopted Resolution No. 2019-02, updating the administrative manual to address development review process code amendments in Chapter 2.16, BIMC.
Status on June 25, 2019:	Complete: Ordinance 2018-20 approved by the City Council on December 11, 2018, related to revisions to land use review procedures for major projects, including subdivisions. Planning Commission review of revised subdivision standards. Incomplete: City Council review and approval of subdivision update – new design guidelines and revised standards.	

Moratorium on Accepting Certain Development Applications: Work Program Status Report – June 25, 2019

Note: Substantive changes to this document since the last version to the City Council are included in blue text.

Moratorium Topic	Status	Timeline
Design Guidelines Update (related to Site Plan and Design Review and Conditional Use Permits).	A RFQ for professional services was published and closed on August 17, 2018. On October 23, 2018, the City Council authorized a professional services agreement with Framework to produce an updated set of design guidelines (Chapter 18.18 BIMC).	The DRB discussed draft design guidelines on June 17 and will discuss further on July 15. A City Council briefing was provided June 4. Draft design guidelines were presented at the second public meeting on May 22. The DRB discussed draft design guidelines on May 6. The consultant met with the Design Review Board (DRB) on March 18 to discuss the existing conditions report and draft design guidelines. The existing conditions report should be available to the public by mid-April. On November 13, 2018, a kick-off meeting with the consultant was held with the DRB. On December 19, 2018, focus groups met to discuss design guideline perceptions, issues, problems, and ideas. On January 30, 2019, a Design Guideline Update Open House was held. On February 5, 2019, the Design Guideline Update project consultant briefed the Council.

Moratorium on Accepting Certain Development Applications: Work Program Status Report – June 25, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

		The update to the City's Design Guidelines is expected to be completed before mid-year 2019.
Status on June 25, 2019:	Complete: Consultant professional services agreement approved, kick-off meeting held with the DRB, design guideline open house held, City Council briefed. Briefing to the DRB scheduled for July 15, 2019. Incomplete: Updated design guidelines.	

Moratorium on Accepting Certain Development Applications: Work Program Status Report – June 25, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

Moratorium Topic	Status	Timeline
Review Process for Land Use Permits (related to Subdivisions, Site Plan and Design Review, and Conditional Use Permits).	The Planning Commission and Design Review Board discussed this topic at their meetings beginning in May and continuing through December 2018. The Planning Commission provided recommendations to the City Council related to roles and responsibilities for the Planning Commission, Design Review Board, and the Council and the legislative review process for amending the BIMC. The Planning Commission will continue its review of site plan and design review and conditional use permit decision criteria as part of a larger housekeeping ordinance for all of BIMC 2.16 and hold a public hearing in May.	On October 23, 2018, the City Council held a public hearing related to the Planning Commission and Design Review Board's land use review roles and responsibilities (Ordinance 2018-20). The Council deferred taking action until receiving all of the forthcoming Planning Commission recommendations on land use review procedures. At its December 4, 2018 meeting, the Council discussed Ordinance No. 2018-20, regarding revisions to BIMC Title 2 related to land use review approval bodies and procedures. On December 11, 2018, the Council held a public hearing and approved the ordinance. On January 8, 2019, the Council adopted Resolution No. 2019-02, updating the administrative manual to address development review process code amendments in Chapter 2.16, BIMC. On March 14, 2019, the Planning Commission reviewed site plan and design review and conditional use permit decision criteria.

Moratorium on Accepting Certain Development Applications: Work Program Status Report – June 25, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

		Proposed revisions to decision criteria have been incorporated into a larger housekeeping ordinance for all of BIMC 2.16, which the Planning Commission will discuss and hold a public hearing on in August .
Status on May 28, 2019:	Complete: Ordinance 2018-20 approved by the City Council on December 11, 2018, related to new roles and responsibilities for the Planning Commission and Design Review Board, review procedures for subdivisions, site plan and design review, and conditional use permits, and revisions to the legislative review process for amending the BIMC. Incomplete: Revisions to Chapter 2.16 BIMC related to decision criteria for site plan and design review and conditional use permits. The Planning Commission is currently reviewing a Land Use Code “Housekeeping” ordinance that includes review of these chapters. Staff estimates that the “Housekeeping” ordinance may come before the City Council in September .	

Moratorium on Accepting Certain Development Applications: Work Program Status Report – June 25, 2019

Note: Substantive changes to this document since the last version to the City Council are included in blue text.

Moratorium Topic	Status	Timeline
Affordable Housing	The Affordable Housing Task Force completed review of its draft final report to the City Council at its meeting on July 11, 2018. On June 12, 2018, the Council approved a contract with ECONorthwest to conduct an economic market analysis and feasibility study regarding a new inclusionary zoning program and updates to the City's Transfer of Development Rights program. On November 13, 2018, the Council dissolved the Affordable Housing Task Force and created a Council Ad Hoc Committee for Affordable Housing. On January 22, 2019, the City Council Affordable Housing Ad Hoc Committee met. On February 5, 2019, the Committee reviewed a draft of the ECONorthwest final report.	The Affordable Housing Task Force Report with recommendations was presented to the City Council on July 24, 2018 and was discussed further at the August 21, 2018 Council Study Session. Council study sessions were held on October 2 and December 4, 2018, to receive an update on the economic market analysis from ECONorthwest. On February 19, 2019, the City Council reviewed and provided staff direction on the ECONorthwest / Forterra final report, the Affordable Housing Task Force report recommendations, and discussed the status of the City Council Affordable Housing Ad Hoc Committee. On April 23 and May 14, the City Council discussed the affordable housing work plan, and endorsed the City Manager's ideas for staffing and implementation.
Status on June 25, 2019:	Complete: City Council discussion and endorsement of <i>Priority</i> and <i>Quick Wins</i> recommendations from the AHTF Report and City Manager's approach for implementation. Incomplete: Implementation/approval of AHTF recommendations, including adoption of inclusionary zoning regulations. <i>The City has secured additional consultant services to assist with this task, and is working to schedule a "deep dive" meeting with the City Council.</i>	

Moratorium on Accepting Certain Development Applications: Work Program Status Report – June 25, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

Moratorium Topic	Status	Timeline
Business/Industrial (B/I) zoning district	The Council revisited the inclusion of the B/I zoning district in the moratorium and determined that the results of the moratorium work plan would not have a significant impact on land use applications in that zoning district. On October 23, 2018, the Council made the policy decision to remove from the moratorium certain restrictions related to the B/I zoning district. On November 13, 2018, the Council adopted Ordinance 2018-43 (effective date November 21) exempting from the moratorium B/I zoning district Major Site Plan and Design Review and Major Conditional Use permit proposals.	During their November 13, 2018 discussion of Ordinance 2018-43, and their March 26, 2019 discussion of Ordinance 2019-10, the Council discussed whether commercial subdivisions in the B/I zone should be subject to the moratorium. The Council will discuss at a future meeting whether B/I zoning district commercial subdivisions should also be exempt from the moratorium.* * The City has not held any preapplication conferences for commercial subdivisions in the B/I zone that would indicate a commercial subdivision application is being prepared. Currently, the draft proposed revisions to subdivision standards regarding commercial subdivisions remain the same as the existing municipal code (the noted revisions represent updated code citations).
Status on June 25, 2019:	Complete: Ordinance 2018-43 adopted, which exempted B/I zoning district Major Site Plan and Design Review and Major Conditional Use permit proposals from the moratorium. Incomplete: Policy decision regarding whether B/I zoning district subdivisions should be exempt from moratorium. The Council has not directed staff to bring make a revision to the development moratorium to exempt commercial subdivisions in the B/I zone.	

Moratorium on Accepting Certain Development Applications: Work Program Status Report – June 25, 2019

Note: Substantive changes to this document since the last version to the City Council are included in blue text.

Moratorium Topic	Status	Timeline
Accessory Dwelling Units	On October 23, 2018, the City Council considered whether the City can prohibit, regulate, or otherwise discourage property owners from making condominiums out of accessory dwelling units (ADUs) located on their property.	At the June 18, 2019 meeting, the City Council directed staff to bring back a draft ordinance that required common ownership of both the ADU and primary dwelling, unless one of both of the units were designated as affordable housing. On October 23, 2018, the Council directed staff to prepare for the Council's consideration an ordinance to require common ownership of ADUs.
Status on June 25, 2019:	Complete: Began discussions on ADU condominiums. Incomplete: The topic is scheduled to be discussed by the City Council again on July 23, 2019.	

ORDINANCE NO. 2019-10

AN ORDINANCE of the City of Bainbridge Island, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; amending Ordinance No. 2018-43; providing for severability; leaving the effective date of the moratorium unchanged; and extending the moratorium for six months until October 3, 2019.

WHEREAS, on January 9, 2018, the City Council enacted Ordinance No. 2018-02 and thereby established a temporary emergency moratorium on the acceptance and processing of certain Permit Applications, as defined in Section 2 of Ordinance No. 2018-02; and

WHEREAS, the City Council and City staff received feedback and comment from individuals related to the moratorium and, based partly on that feedback and comment, the Council determined that certain exclusions to the moratorium needed to be amended to clarify the Council's intent regarding such exclusions; and

WHEREAS, on January 16, 2018, the Council enacted Ordinance No. 2018-03, which amended Ordinance No. 2018-02 to clarify some of the exclusions; and

WHEREAS, the Council and City staff received additional feedback and comment from individuals related to the moratorium and, based partly on that feedback, the Council determined that further amendment was necessary to clarify which types of activities are subject to the moratorium, and which activities are excluded from the moratorium; and

WHEREAS, on February 15, 2018, the Council enacted Ordinance No. 2018-05, which amended and restated Ordinance No. 2018-02 and Ordinance No. 2018-03; and

WHEREAS, based on additional information and consideration related to educational facilities and preschools, as well as related to the applicability of the moratorium in the Mixed Use Town Center/Central Core Overlay District, on March 13, 2018, the Council approved Ordinance No. 2018-09 to further clarify which types of activities are subject to the moratorium, and which activities are excluded from the moratorium; and

WHEREAS, this moratorium was imposed, in part, to allow the City Council and City staff adequate time to complete the Critical Areas Ordinance Update process, and to address the Council's concerns about the City's development review process, standards, and guidelines, as well as regarding affordable housing related issues; and

WHEREAS, the Council adopted the Critical Areas Ordinance Update (Ordinance No. 2018-01) on February 27, 2018, and the updated Critical Areas Ordinance took effect on April 23, 2018; and

WHEREAS, critical areas within the City's shoreline jurisdiction are regulated by the City's shoreline master program (see, e.g., Chapter 16.12 BIMC, RCW 36.70A.480(3)(b)); and

WHEREAS, integration of applicable critical areas regulations into the shoreline master program is essential to ensuring adequate protection of critical areas within the shoreline jurisdiction and no net loss of shoreline ecological functions; and

WHEREAS, regulations for critical areas within the City's shoreline jurisdiction are in the process of being updated through an amendment of the City's shoreline master program consistent with the Shoreline Management Act and that amendment process was ongoing as of July 9, 2018, which was the original date that the moratorium was set to expire, and that process continues to be ongoing; and

WHEREAS, the City Council approved Ordinance 2018-14 on April 24, 2018, amending the development moratorium in order to have the provisions of Section 3.B. only apply within the City's shoreline jurisdiction areas (Chapter 16.12 BIMC); and

WHEREAS, a number of moratorium priorities were identified at a joint meeting of the City's Design Review Board and Planning Commission on February 22, 2018, including the following:

(1) Revise review procedures for preliminary subdivisions to include the Design Review Board and Planning Commission in process; and

(2) Analyze alternatives to decision-making authority for the Design Review Board, Planning Commission, and Hearing Examiner for subdivisions, conditional use permits, and site plan and design review; and

(3) Identify specific development standards to review/revise in Chapters 18.12 and 18.15 of the Bainbridge Island Municipal Code; and

(4) Initiate rewrite of subdivision design standards in Chapter 17.12 of the Bainbridge Island Municipal Code; and

WHEREAS, at the April 3, 2018, City Council study session, the City's Department of Planning and Community Development provided a briefing on the Design Review Board and Planning Commission joint meeting wherein the Council authorized staff to proceed with a work plan addressing the priorities identified at the joint meeting; and

WHEREAS, on April 2 and 23, May 7 and 21, June 4 and 18, August 6 and 20, September 4 and 17, and October 15, 2018, the City's Design Review Board discussed alternatives for revisions to the City's land use review procedures and/or subdivision design guidelines; and

WHEREAS, on March 22, May 10, June 7, 14, and 21, July 12 and 26, August 9, 23, and 30, September 13 and 27, October 25, November 8 and 29, and December 13, 2018, as well as on January 10, and February 13 and 28, 2019, the City's Planning Commission discussed alternatives for revisions to the City's land use review procedures, subdivision design guidelines, and/or subdivision standards; and

WHEREAS, the City provided legal background on the roles of land use bodies, presented in a memorandum from attorney James E. Haney (outside legal counsel for the City) entitled, “*Roles of City Council, Planning Commission, Design Review Board, and Hearing Examiner in Land Use Permits*,” dated June 1, 2018, and the City Council had a special workshop related to land use review procedures on August 27, 2018; and

WHEREAS, the City’s Planning Commission completed their review of land use review procedures and forwarded their recommendations on those issues to the City Council, and on December 11, 2018, the Council enacted Ordinance No. 2018-20 related to revisions and updates to the City’s land use review procedures; and

WHEREAS, as part of the Planning Commission’s review and consideration of the City’s subdivision review procedures, design guidelines, and standards, the Commission has been considering a proposed ordinance, Ordinance No. 2019-03; and

WHEREAS, on February 13, 2019, and continuing to February 28, 2019, the Planning Commission conducted a public hearing on Ordinance No. 2019-03, and subsequently forwarded the proposed ordinance and their recommendations to the City Council; and

WHEREAS, each of the multiple Design Review Board and Planning Commission meetings as described above included an opportunity for public comment on the alternatives for revisions to the City’s subdivision guidelines, standards, dimensional standards, and/or land use review procedures; and

WHEREAS, the City Council reviewed and considered proposed updates to the City’s subdivision regulations at regularly scheduled meetings on September 4 and 11, October 9, and December 4, 2018, and January 22, 2019; and

WHEREAS, the City Council is in the process of considering the Planning Commission’s recommendations related to proposed updates to the City’s subdivision regulations as included in Ordinance No. 2019-03, including at the Council’s meeting on March 19, 2019, and the Council will consider those subdivision regulations further at subsequent meetings; and

WHEREAS, City staff is working with the Design Review Board and a consultant team related to updating the City’s Design Guidelines (BIMC 18.18.030) more generally (i.e., the design guidelines that aren’t included in the separate effort described above related to design guidelines for subdivisions), and that work is not expected to be completed until the end of July 2019; and

WHEREAS, on June 12, 2018, the City Council authorized the execution of a professional services agreement to conduct an economic market analysis and feasibility study regarding a new inclusionary zoning program and updates to the City’s Transfer of Development Rights program, both of which address affordable housing related issues; and

WHEREAS, on July 24, 2018, the Affordable Housing Task Force (“AHTF”) presented its final report to the City Council and the Council discussed the recommendations more thoroughly on August 21, 2018; and

WHEREAS, on October 2 and December 4, 2018, the City Council received a project update on the economic market analysis from the consultant (ECONorthwest/Forterra) related to inclusionary zoning and possible updates to the City’s Transfer of Development program; and

WHEREAS, on February 19, 2019, the City Council reviewed and provided direction to staff related to the ECONorthwest/Forterra final report and the AHTF report recommendations, and the Council discussed the status of the Council’s Affordable Housing Ad Hoc Committee; and

WHEREAS, City staff members are currently working on prioritizing and organizing work on the inclusionary zoning and other AHTF report recommendations which were endorsed by the Council at its February 19, 2019, meeting and work is ongoing in this effort; and

WHEREAS, on February 27, 2018, the City Council was provided with a moratorium work program; and

WHEREAS, on April 10, May 22, June 5, June 19, July 17, August 21, September 4 and 18, October 2 and 16, November 6 and 20, and December 4, 2018, as well as on January 15, February 5 and 19, and March 5 and 19, 2019, the City Council was provided further moratorium work program status report updates; and

WHEREAS, on June 26, 2018, the City Council held a public hearing and approved Ordinance 2018-23, extending the development moratorium for another 90 days until October 9, 2018; and

WHEREAS, on September 25, 2018, the City Council held a public hearing and approved Ordinance 2018-41, and thereby extended the development moratorium for another six (6) months, and in so doing narrowed the moratorium to remove two-lot short subdivisions in which there is an existing single-family residence from the moratorium; and

WHEREAS, on October 16, 2018, the City Council discussed integrating critical area regulations into the Shoreline Master Program (Chapter 16.12 BIMC) and made the policy decision to not apply new Aquifer Recharge Protection Area regulations (BIMC 16.20.100) within the City’s shoreline jurisdiction areas; and

WHEREAS, as a result of that policy decision, and the City Council’s affirmation on October 23, 2018, that the moratorium should be narrowed in that manner, the Council directed staff to prepare an ordinance to entirely remove Section 3.B. (which, in effect, applied the Aquifer Recharge Protection Area regulations in the City’s shoreline jurisdiction areas) from the moratorium; and

WHEREAS, on October 23, 2018, the City Council discussed additional revisions to the development moratorium, including related to excluding from the moratorium certain permit applications for development in the Business/Industrial zoning district, and the Council directed staff to prepare an ordinance to narrow the moratorium accordingly; and

WHEREAS, on October 23, 2018, the City Council also discussed potentially further narrowing provisions of the moratorium related to applications for new short subdivisions that the Council had previously narrowed, and the Council decided to not take such action at that time pending the Planning Commission's ongoing but not yet completed work related to subdivisions, including new subdivision design guidelines and revised subdivision standards and review procedures; and

WHEREAS, on October 23, 2018, the City Council also discussed issues related to making condominiums out of accessory dwelling units ("ADUs") and common ownership of ADUs, and the Council directed staff to work on possible revisions to the BIMC to allow the Council to further consider the common ownership issue related to ADUs; and

WHEREAS, given that the Washington State Legislature is considering in the current legislative session bills that would impact the regulation of ADUs, the City is awaiting possible action by the Legislature because such action could impact the City's efforts on this issue; and

WHEREAS, on November 13, 2018, the City Council approved Ordinance 2018-43, and thereby narrowed the moratorium as requested by the Council and described above related to entirely removing Section 3.B. (which, in effect, applied the Aquifer Recharge Protection Area regulations in the City's shoreline jurisdiction areas) from the moratorium, and broadening an exclusion related to certain Major Site Plan and Design Review and Major Conditional Use Permit proposals to include in that exclusion such proposals for properties located in the Business/Industrial District; and

WHEREAS, although the City has been working to address the land use issues identified in the development moratorium, as described above, the work is ongoing and not yet completed; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, the moratorium promotes the public good and is necessary for the protection of public health, property, safety, and welfare, and the public emergency on which this moratorium was imposed continues to exist and this ordinance does not change the basis for that declaration of emergency, except as described above, nor the effective date of the moratorium, which is January 9, 2018.

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

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as additional and supplemental findings of fact to the City Council's initial findings of fact in support of the moratorium, as established by Ordinance Nos. 2018-02, 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, and 2018-43.

Section 2. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council conducted a public hearing on this extension of the moratorium at its meeting on March 26, 2019, and took public testimony and considered further findings of fact.

Section 3. Moratorium Amended. The moratorium is hereby amended, as also stated in Section 6 below, to extend the moratorium until October 3, 2019, which is six (6) months beyond the current duration of the moratorium, based on an effective date of this ordinance of April 3, 2019.

Section 4. Moratorium Work Plan. As provided for under RCW 35A.63.220 and RCW 36.70A.390, the City may renew a moratorium for one or more six-month periods if a work plan has been developed, a public hearing has been held, and findings of fact have been made, and the City has thereby previously extended the moratorium as described herein based on the work plan that has been developed and the findings of fact that have been made in this ordinance and the previous ordinances related to this moratorium, and the City is hereby renewing and extending the moratorium for an additional six months based on an updated work plan (see attached Exhibit A), conducting another public hearing, and adopting additional findings of fact as stated in this ordinance.

Section 5. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. No Change to Basis for Declaration of Emergency; Effective Date; Duration. This ordinance shall take effect and be in force five (5) days from and after its passage and publication as required by law. Provided, that this ordinance is not intended to change the basis of the emergency declarations stated in the moratorium ordinances which preceded this ordinance, Ordinance Nos. 2018-02, 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, and 2018-43, except as described in the "Whereas" clauses of this ordinance. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support the emergency declarations adopted as part of the enactment of this moratorium were included in the "Whereas" clauses of Ordinance No. 2018-02 and Ordinance No. 2018-03, and were restated and supplemented in Ordinance No. 2018-05 and Ordinance No. 2018-09, and Ordinance Nos. 2018-14, 2018-23, 2018-41, and 2019-43, as well as in this ordinance, and those "Whereas" clauses are adopted as findings of fact. This ordinance amending the moratorium shall remain effective for the updated period as established for the moratorium, which is currently scheduled to expire based on this ordinance on October 3, 2019, unless terminated earlier by the City Council. This ordinance does not change the effective date of the moratorium, which is January 9, 2018. The Council may, at its sole discretion, renew the

moratorium for one or more six (6) month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

PASSED by the City Council this 26th day of March, 2019.

APPROVED by the Mayor this 26th day of March, 2019.



Kol Medina, Mayor

ATTEST/AUTHENTICATE:



Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK	March 15, 2019
PASSED BY THE CITY COUNCIL	March 26, 2019
PUBLISHED:	March 29, 2019
EFFECTIVE DATE:	April 3, 2019
ORDINANCE NO:	2019-10

Attached: Exhibit A (Work Plan)

Exhibit A

Moratorium on Certain Developments Work Plan Schedule, Ordinance No. 2019-10 (April – October 2019)

Work Program Item	Description
Subdivision Standards	Revise the subdivision standards to result in residential development that reflects Comprehensive Plan goals and policies included in the land use, housing, and environmental elements.
Design Guidelines	Update and improve the design guidelines and review process to result in higher quality development that reflects the Island's values and character.
Conditional Use / Site Plan Decision Criteria	Revise criteria to reduce subjectivity in decision-making and better ensure outcomes consistent with the Comprehensive Plan.
Affordable Housing	Develop an affordable housing work program in response to Inclusionary Zoning / Transfer of Development Rights and Affordable Housing Task Force reports.

April 3, 2019

DEVELOPMENT MORATORIUM SUMMARY: Effective beginning January 9, 2018 until October 3, 2019. (Ordinance No. 2018-02, amended by Ordinance Nos. 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, 2018-43 and 2019-10).

Development Activity PROHIBITED During the Moratorium:

- A. All applications for new short subdivisions (BIMC 2.16.070), except two-lot short subdivisions in which there is an existing single-family residence, new preliminary long subdivisions (BIMC 2.16.125), and new large lot subdivisions (BIMC 2.16.080).
- B. Major Site Plan and Design Review and Major Conditional Use Permit proposals that are not otherwise subject to this moratorium and that did not, before the effective date of the moratorium, have a pre-application conference on the Planning Department's calendar. Provided, that the moratorium does not apply to Major Site Plan and Design Review and Major Conditional Use Permit proposals for properties located in the Mixed Use Town Center/Central Core Overlay District or the Business/Industrial District.

EXCEPTIONS to the Above Development Activities Prohibited During the Moratorium:

- A. Permits and approvals for affordable housing projects that qualify as Housing Design Demonstration Project (HDDP) Tier 3 projects pursuant to BIMC 2.16.020.Q. and Table 2.16.020.Q-1, and
- B. Permits and approvals for government facilities and structures; educational facilities and preschools; wireless communication facilities; and emergency medical and disaster relief facilities.



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: July 16, 2019

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: (8:30 PM) Consideration of Options Related to Shade Covenant on the Crawford Property - Executive,

STRATEGIC PRIORITY: Healthy and Attractive Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Discussion

SUMMARY:

The City of Bainbridge Island owns three parcels for which a shade covenant applies.

- The City and Bentryns executed a shade covenant in 2004 ("Shade Covenant").
- The Shade Covenant requires that the City prevent any tree located within 100 feet of the northern boundary line of the City's Crawford Property ("Buffer Area") from growing taller than 30 feet. The Shade Covenant applies the same requirement to both of the City's M&E Properties and also to the Bentryns' property. However, it appears that neither party has previously attempted to enforce the Shade Covenant.
- In early 2018, the Bentryns contacted the City to request that the City comply with the Shade Covenant and remove and/or prune certain trees on the Crawford Property.

Staff requests Council guidance on how to respond to the request. In addition, staff seeks guidance related to potential future application of the Shade Covenant to the City's M&E properties and the eastern portions of the Bentryns' property, all of which contain a number of large trees.

FISCAL IMPACT:

Amount:	TBD
Ongoing Cost:	TBD
One-Time Cost:	TBD
Included in Current Budget?	Yes

BACKGROUND: Additional information is provided in the attached memo.

ATTACHMENTS:

[Shade Covenant Memo](#)

[Crawford Property Goals Policies Practices from Master Lease](#)

FISCAL DETAILS: The 2019-2020 Adopted Budget includes \$51,000 for costs related to complying with the shade covenant. Depending on the option that the City pursues, the one-time and ongoing costs will vary.

Fund Name(s): General Fund

Coding:



Executive Department Memorandum

Date: July 12, 2019

To: City Council
Morgan Smith, City Manager
Joe Levan, City Attorney

From: Ellen Schroer, Deputy City Manager
Robbie Sepler, Deputy City Attorney

Subject: Bentryn Shade Covenant

The City of Bainbridge Island has been in discussion with a neighboring property owner in regards to an agreement related to trees growing within 100 feet of the property line between two parcels on the Island. The City-owned parcel in question is a parcel of City-owned farmland called the Crawford Property, which is included in the master lease with Friends of the Farms. The neighboring property owner has requested that the City comply with a 2004 Shade Covenant. The Shade Covenant applies to a total of five parcels, including the City-owned Crawford and M&E Properties and privately-owned property. To respond to the request for compliance on the Crawford Property, the City consulted with staff, Friends of the Farms, and engaged an arborist to review the property and trees. The City has several options for moving forward to respond to this request.

The following are two options that the City could immediately and unilaterally pursue to comply with the requirements of the Shade Covenant.

- Option No. 1: Remove all 93 trees over 30 feet tall from the Buffer Area.
- Option No. 2: Comply with the plain language of the Shade Covenant and top all 93 trees over 30 feet tall located in the Buffer Area.

In addition, the following is one potential alternative that the City could pursue. However, the Bentryns' consent would be required in order to comply with the requirements of the Shade Covenant:

- Potential Alternative: Pursue arborist's recommendation of selective removal of 27 trees, pruning of 13 trees, and active management of the Buffer Area. Only possible if the Bentryns provide their written approval.

Staff requests Council guidance on which option to pursue to implement this City agreement on the Crawford Property. In addition, staff would like guidance related to potential future application of the Shade Covenant to the City's M&E properties and the eastern portions of the Bentryns' property, all of which contain a number of large trees.

Key Facts:

- The City and the Bentrins executed a shade covenant in 2004 ("Shade Covenant").
- The Shade Covenant requires that the City prevent any tree located within 100 feet of the northern boundary line of the City's Crawford Property ("Buffer Area") from growing taller than 30 feet. The Shade Covenant applies the same requirement to both of the City's M&E Properties and to the Bentrins' property. However, it appears that neither party has previously attempted to enforce the Shade Covenant.
- In early 2018, the Bentrins contacted the City to request that the City comply with the Shade Covenant and remove and/or prune certain trees on the Crawford Property.
- The Crawford Property is a total of 2.3 acres, which is 100,188 square feet. The property line shared with the Bentrins is roughly 320 feet long.
- The Friends of the Farm ("FOF") believe that the Buffer Area alone, if cleared, would not be suitable for agriculture. In contrast, the FOF believe that the entire Crawford Property, if cleared for agricultural use, would be suitable for agriculture. However, additional information is necessary to determine if the entire property could be cleared under the current land use code.
- In all cases, the City must comply with the Bainbridge Island Municipal Code. Relevant citations are included in the descriptions of the options below.

To prepare to respond to the request from the adjacent property owners, the City hired a professional arborist to assess the trees located within the Buffer Area. The results of that assessment are as follows:

- There are 93 trees taller than 30 feet located within the Buffer Area.
- Based on the arborist's report, the preferred management of the Buffer Area would involve removal of 27 trees (7 significant) and pruning for another 13 significant trees.

The following table summarizes the species, size, and legal status of the 93 trees taller than 30 feet located in the Buffer Area.

TREE SIZE AND SPECIES SUMMARY						
DIAMETER (INCHES)	Big Leaf Maple	Red Alder	Western Red Cedar	Douglas Fir	Other	Key
0 to 9.9	14	2	4	2	4	Non-Significant Trees
10 to 11.9	3	4	2	1	0	Significant Trees
12 to 23.9	11	12	4	0	1	
24 to 29.9	0	1	5	6	0	
30 to 35.9	0	0	8	1	0	
36 +	0	0	7	1	0	
TOTAL	28	19	30	11	5	= 93 trees taller than 30 feet

I. Other Considerations

- Strict compliance with the Shade Covenant requires topping every tree taller than 30 feet within the Buffer Area.
- The Bentrins proposed the removal of a majority of the trees taller than 30 feet within the Buffer Area.
- The arborist's recommendation is selective removal with ongoing active management.
- As shown in Figure 1 below, the Shade Covenant applies to both the Bentrins' property as well as the City's Crawford and M&E properties. Staff recommends working with the Bentrins now to resolve any potential future disputes related to the application of the Shade Covenant to the City's M&E properties and the eastern portions of the Bentrins' property, all of which contain a number of large trees.

II. Possible Next Steps

The following are two options that the City could immediately pursue to comply with the requirements of the Shade Covenant.

A. Option No. 1: Remove all 93 trees over 30 feet tall from the Buffer Area.

- Summary: The arborist hired by the City identified 93 trees taller than 30 feet located within the Buffer Area. Under this option, the City would remove all 93 trees. The City would incur additional expense in maintaining the Buffer Area.
- Estimated Cost: The City does not have a cost estimate for this option.
- Permitting Path:
 - o Site Assessment Review (Chapter 15.19 BIMC)
 - o Designation of an ARPA (Chapter 16.20 BIMC)
 - o Critical Areas Permit (Chapter 16.20 BIMC) and/or Tree Removal/Vegetation Maintenance Permit (Chapter 16.18 BIMC), depending on presence of critical areas in the Buffer Area.
 - o Forest Practices Permit from DNR (Chapter 76.09 RCW), depending on board feet of timber removed.

B. Option No. 2: Comply with the plain language of the Shade Covenant and top all 93 trees over 30 feet tall located in the Buffer Area.

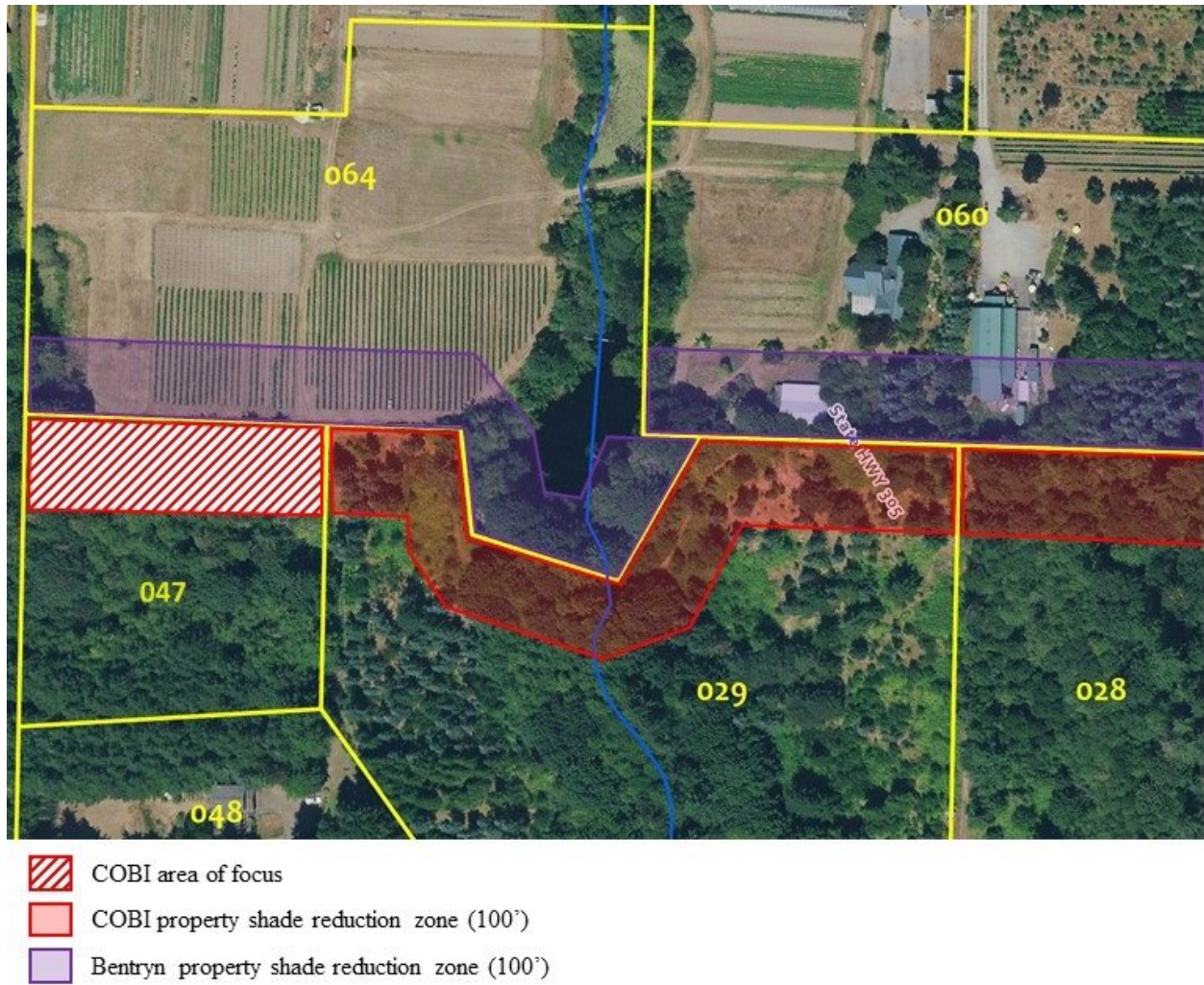
- Summary: The Shade Covenant states that the City cannot let vegetation in the Buffer Area grow higher than 30 feet. Under this option, the 93 trees over 30 feet tall located in the Buffer Area would be topped at or around 30 feet. The City would incur ongoing maintenance costs to prevent regrowth of the trees in the Buffer Area.
- Estimated Cost: The City does not have a cost estimate for this option.
- Permitting Path:
 - o Site Assessment Review (Chapter 15.19 BIMC)
 - o Designation of an ARPA (Chapter 16.20 BIMC)

III. Potential Alternative

The following is one potential alternative that the City could consider pursuing. However, this potential alternative would require the agreement of the Bentrins before the requirements of the Shade Covenant could be met.

- A. Pursue arborist's recommendation of selective removal of 27 trees, pruning of 13 trees, and active management of the Buffer Area.
- Summary: The arborist hired by the City proposed a preferred management option in which she recommended removal of 27 trees (7 significant) and pruning for another 13 significant trees. This option would retain 66 trees in the Buffer Area taller than 30 feet. The City would incur ongoing maintenance costs to prevent regrowth and maintain the pruned trees. Under the Shade Covenant, this option is only possible if the Bentrins provide their written approval.
 - Estimated Cost: One-time costs for the preferred removal and pruning is estimated to be approximately \$35,000–\$45,000. Ongoing management expenses for the Buffer Area are unknown at this time.
 - Permitting Path:
 - o Site Assessment Review (Chapter 15.19 BIMC), unless selective clearing occurs on less than 7,000 square feet of the site.
 - o Designation of an ARPA (Chapter 16.20 BIMC), unless selective clearing occurs on less than 7,000 square feet of the site.
 - o Critical Areas Permit (Chapter 16.20 BIMC) and/or Tree Removal/Vegetation Maintenance Permit (Chapter 16.18 BIMC), depending on presence of critical areas in the Buffer Area.
 - o Forest Practices Permit from DNR (Chapter 76.09 RCW), depending on board feet of timber removed.

Figure 1: Map of Subject Properties



The map above shows the parcels under discussion. The options presented above refer to the red and white area and costs refer to addressing trees taller than 30 feet in that area. The Shade Covenant applies to all of the purple and red shaded areas.

GOALS, POLICIES AND PRACTICES

CRAWFORD PROPERTY

I. General Property Description

The Crawford property is a forested property that was purchased by the City with open space funds for agricultural purposes.

Acreage: 2.3

Tax Parcel No.: 102502-1-047-2006

Location: Mid-point of Farm District, the Crawford property lies south of Suyematsu West, North of the Lempriere property, and east of M & E.

II. Management Goals and Practices

Goal: As a forested property in a community with a significant dedication to conservation values it is essential that planned uses of the Crawford Property be sensitive to these values. This parcel was purchased with the primary intent of converting it to agricultural purposes. Once converted from a forested land into agricultural land the Crawford Property will follow the Day Road Farm Management Plan as this property is adjacent to the Day Road farms and will likely be put to the same or similar uses.

Practices: the following management practices should be followed in this plan:

1. All timber removal shall be done using best management practices for timber harvest as timber is removed from the property. Removal of lumber shall be phased to allow for minimal environmental impact as the forest is removed. For instance, timber removal should not be undertaken during species mating, nesting, hibernation, or reduced food availability periods for wildlife currently reliant on the property for habitat. Harvest methods involving low impact such as the use of animals and hand logging shall be considered.

2. Opportunities for harvest of forest products and forest dependent crops should be considered as part of the phased removal of timber. Forest products are a valuable Northwest commodity as are plants that grow under the forest canopy. For instance, salal and Oregon grape undergrowth is used by florists, cedar and fir trimmings are common holiday decorations, and burnt out stumps and logs are valuable for landscaping.

3. Timber harvest of the Crawford Property shall exercise maximum sensitivity with regard to surface water run-off, as removal of timber will inevitably increase downhill stormwater runoff. Planning shall include mitigation for stormwater impacts

such as silt barriers and a stormwater collection pond that could be converted to irrigation uses in the future.

4. Maximum public benefit shall be identified for uses for harvested timber. Harvested timber may yield board lumber and logs. These wood resources may be utilized for community projects such as farm property structures, bus stops, bird blinds in public parks, benches, or artistic creations, or may be sold to fund public or agricultural related activities.

5. Local labor and artisans should whenever possible be consulted and hired to undertake the work of harvesting and using materials removed from the property.

6. All forestry and clearing activities shall comply with local and state laws governing such activities such as securing a City of Bainbridge Island Clearing Permit and a Department of Natural Resources Forest Practices Application.

7. Timing of timber harvest shall be undertaken with consideration to first eliminating any shading of adjacent farmland.

8. Tree harvest plans shall include consideration of community education opportunities e.g., best practice logging demonstrations and hands-on activities.

9. Wood that cannot be utilized for a more constructive purpose shall be collected for fire wood. Fire wood sales can be used to fund farmland management and activities.

10. Upon completion of timber removal and clearing of the Crawford Property the use of the land shall be governed by the Management Goals, Policies and Practices adopted for the Day Road Farm area. However, it is recognized that the Crawford Property currently has no water rights and that any plans contemplating long-term farming must address this issue.



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: July 16, 2019

ESTIMATED TIME: 20 Minutes

AGENDA ITEM: (9:00 PM) Discussion of Definition of Task Force and Committees in Governance Manual - Councilmember Schneider,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: City Council

RECOMMENDED MOTION:

Discussion.

SUMMARY:

Council will discuss the task force and committee definitions in the Governance Manual.

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[Resolution No. 2018-13, Approving the Manual of City Governance Policies, Procedures, and Guidelines - Approved 041018](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



**CITY OF
BAINBRIDGE ISLAND**

**MANUAL OF CITY GOVERNANCE
POLICIES, PROCEDURES AND GUIDELINES**

RESOLUTION NO. 2018-13

ADOPTED APRIL 10, 2018

A COMPREHENSIVE COLLECTION OF
GOVERNANCE PRINCIPLES, POLICIES, PROCEDURES,
STANDARDS OF CONDUCT, MEETING RULES
AND REFERENCES TO APPLICABLE LAW

INTRODUCTION

The Bainbridge Island Manual of City Governance gathers standards for Bainbridge Island governance practices into a single document. It is a comprehensive collection of policies, meeting rules, coordination procedures, administrative references, public outreach guidelines and procedures. Included, by reference, are relevant provisions of applicable state and local law. Also included are principles to guide the Council/Manager form of government.

This manual can be a valuable resource for Bainbridge Island, the City's citizens, the City Council and City management as we continue to work together for effective and efficient local government. The City Council and City management should be familiar with the contents of this manual and keep it close at hand.

This manual (as adopted by Resolution) is a legislative act and is intended to remain in force except to the extent that any portion may be subsequently be amended or rescinded by act of Council.

RESOLUTION NO. 2018-13

**A RESOLUTION of the City of Bainbridge Island
Adopting a Manual of City Governance
Policies, Procedures and Guidelines
for the Council-Manager Form of Government.**

WHEREAS, the City Council desires that city government be transparent and accountable to the public; and

WHEREAS, the City Council seeks to govern in a manner that is responsive to the community, in collaboration with City management, and in a business-like and professional manner; and

WHEREAS, written principles, policies and procedures best assure an atmosphere conducive to principled, accountable and transparent governance,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND
DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. There is hereby adopted by reference, "City of Bainbridge Island Manual of City Governance Policies, Procedures and Guidelines" dated April 10, 2018 which is attached hereto as Exhibit "A".

PASSED by the City Council of the City of Bainbridge Island, Washington at the regular meeting of the City Council on the 10th day of April, 2018.

APPROVED by the Mayor of the City of Bainbridge Island, Washington on the 10th day of April, 2018.



Kol Medina, Mayor

ATTEST/AUTHENTICATE:



Christine Brown, City Clerk

FILED WITH THE CITY CLERK: April 6, 2018
PASSED BY THE CITY COUNCIL: April 10, 2018
RESOLUTION NUMBER: 2018-13

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Exhibit B – Local and Regional Board / Committee Assignments
Exhibit C – Scalable Public Process System
Exhibit D – Sample Order of Business

ARTICLE 1: USE OF THIS MANUAL AND ITS RULES

1.1 Purpose

This manual, and its governance policies and rules of procedure, are designed to provide guidance for the Council and City Administration. They are not to be considered restrictions or expansions of Council authority. These rules have been prepared from review of many statutes, ordinances, court cases and other sources but they are not intended to be an amendment or substitute for those statutes, ordinances, court decisions or other authority.

1.2 Waiver, Amendment, or Suspension of Portions of this Manual

Failure of the Council, acting in an open public meeting, to follow any of these rules shall be considered a Council decision to waive such rule. No notice of such waiver need be given. Amendments of all or any part of these rules may be made by resolution or temporarily suspended by motion until changed, provided there is no conflict with any superior statute.

ARTICLE 2: PRINCIPLES

It is hereby the policy of the City to establish the principles stated in this Article 1 as core values of City governance:

2.1 Values

2.1.1 City Leaders Listen to the Community

City leaders listen to the community in a way that represents the community's interests and goals.

2.1.2 Collaboration is Valued

Council and staff should use their best efforts to collaborate in every endeavor, seeking consensus as far as possible.

2.1.3 City Leaders Lead and Reason Together

Council members should, individually and collectively, demonstrate the ability to lead and reason together.

2.1.4 The City Exemplifies Professionalism in City Management

City leaders exhibit respect for the professionalism and ethical conduct of the City Manager and staff.

2.1.5 Sustainability

Leaders strive to achieve sustainable outcomes in City policies and administration, with sustainable bottom lines for the community, environment, and for city finances, and the local economy.

2.2 Relationship between Council, City Manager, Staff, and Public

2.2.1 Council Oversees City Organization But Does Not Interfere With Management

Council establishes budgetary authority for departments and positions, and may determine the duties and compensation of each, but does not interfere with the City Manager's management of City employees.

2.2.2 Council and City Manager Roles and Responsibilities Differentiated

Leaders adhere to the separate and distinct policy and management roles of Council and City Manager. Administrative policy and complaints are handled by the City Manager and Department Heads; legislative policy is established by Council.

2.2.3 Performance-Driven Management

Council reviews the City Manager's performance annually. The City Manager is responsible for performance reviews of subordinates.

2.2.4 City Attorney Is Legal Counsel to the City and Its Officials Collectively

The City Attorney is hired by the City Manager and represents the City and in that capacity, provides legal advice to the Council, City Manager, and staff to the extent their interests coincide with the City's.

2.2.5 Staff Provides Adequate Information for Council Policy-Setting

Information is sufficient for effective decisions.

2.2.6 Council Will Not Request Unnecessary Information

In recognition of the limitations of staff time and resources, the Council will not request unnecessary information.

2.2.7 Public Documents Ensure Open And Transparent Government

The Council and Administration will adhere to laws on public access to documents.

2.2.8 Communications to the Public are Essential

The City Manager shall be responsible for the City communications function, but controversial communications shall be promptly copied to Council.

2.3 Functioning of City Council

2.3.1 Importance of Open Public Meetings

The City shall comply with the Open Public Meetings Act under Washington law.

2.3.2 There is a Council-Selected Mayor

The Council-selected Mayor presides at Business Meetings of the Council.

2.3.3 The Mayor Also Embodies Other Leadership Roles

The Mayor serves as: the City's ceremonial head; the main liaison for the Council with the City Manager; a team leader; a goal-setter; an organizer who helps stabilize Council relationships; a champion of the City.

2.3.4 Citizen Volunteers Play an Important Role

For citizen advisory committees, boards, and commissions, the Mayor shares the role of seeking and interviewing volunteers, and appoints citizens to these committees, boards, and commissions subject to Council confirmation.

2.3.5 The Role of Deputy Mayor is Rotated

Council members take turns serving as Deputy Mayor, presiding at meetings, and coordinating with City Manager when Mayor is unavailable or absent.

2.3.6 Service on Regional Bodies is Shared Among Council Members

Council selects individual Council liaison roles based on the desire, qualifications, and skills of interested Council members.

2.3.7 Representatives of City Act in Accordance with City Policies

It is a duty of staff and Council who represent the City to advocate positions that are consistent with City policies, projects, and plans.

2.3.8 Councilors Serve in Liaison Roles to Community Organizations

Council approves liaison duties to community organizations for arts, human services, business community, tourism organizations, etc., based on desire and qualifications.

2.3.9 Councilmembers Have Opportunity to be Leaders and Innovators

One or more Council members may "sponsor" an ordinance or resolution.

2.3.10 Council is Mindful of Limited Resources

Council expense reimbursement is limited to budget and requires receipts. There are other limits on types and amounts of reimbursements.

2.3.11 Council Authorizes Certain Grant Applications Before Submittal

If a grant would require material matching dollars or impact policy, the Administration will seek Council approval prior to applying. The administration will bring grant opportunities it becomes aware of to the full Council. The Council may also initiate the process of pursuing a grant.

2.3.12 Fewer Standing Committees

Because staff time and resources are limited, the Council will use Study Sessions of the whole Council rather than numerous Standing Committees. The Council will consider utilizing a Standing Committee only if needed to provide ongoing oversight in a prescribed area, as described in Section 3.1.2 below.

2.4 Efficiency and Effectiveness of Council Decision-Making

2.4.1 Council Makes Effective Use of Time

Council differentiates among four types of public meetings: (1) goal-setting retreats (sometimes called “advances”); (2) Study Sessions; (3) Business Meetings; (4) single-issue workshops; (5) public communications meetings and forums.

2.4.2 Opportunity for Public Interaction

Typically, during Business Meetings public comments on any topic relating to City business are taken at the outset of the meeting and public comments are taken in the course of consideration of each matter under study at the meeting. Each public comment should usually be limited to three minutes. In order to allow the Council to more efficiently and effectively study issues during its limited Study Session time, public comment is generally not taken during Study Sessions. Councilmembers may also receive public comments via email or other written communications.

2.4.3 Council’s Business Meetings Will Be Efficient and Businesslike

The information exchange, review, deliberation and vetting of issues during the prior Study Session enables Council business meetings to be expeditious.

2.4.4 Effective Decision Making Requires Finality

Rules shall limit the prerogative to reconsider a Council decision; effective decision-making results in finality and “moving on”.

2.4.5 Council Dialog Calls For “Sticking to the Point”

The Presiding Officer’s role, especially at the business meeting, is to keep Council business focused and expeditious.

2.4.6 Council Meeting Agendas Are Set by a Team

Agendas for Council meetings are generally developed and refined by the Council and Administration at Study Sessions and are then arranged by the City Manager and City Clerk in consultation with the Mayor, Deputy Mayor, or both, who provide final approval prior to being publicly posted. Items for draft meeting agendas are submitted to the City Clerk, Mayor, and City Manager, and after team review are finalized by the Mayor, Deputy Mayor, or both, for public notice and distribution.

2.5 Functioning of City Manager and Staff

2.5.1 ICMA Standards are Respected

City leaders respect the ICMA standards and model documents (e.g. ICMA Code of Ethics and the City Manager’s employment terms/conditions).

2.5.2 Council-Manager Governance Depends on a Strong City Manager Role

The City Manager prepares the proposed budget; administers code and policy; appoints and removes city employees; serves as the City’s chief executive officer.

2.5.3 Regular and Understandable Financial Reporting

The City's regular financial reports enable the Council and community to understand the City's financial condition, and are in harmony with accounting standards for governmental organizations, applicable law, and municipal best practices, taking into account brevity, cogency, salience, and clarity.

2.5.4 Council and Administration are Mindful of Risk Management

There will be periodic reviews of risk management with WCIA (Washington Cities Insurance Authority). The Council empowers the City Manager with a dollar authority level to settle minor claims.

2.5.5 Public Information is Enhanced by Audio, Video, Website & Notes

There is a full audio and video recording on the city website for each Council meeting. Video and local radio may be used for Business Meetings and bi-weekly Study Sessions. Minutes of meetings are concise and are approved and posted online in as timely a manner as possible.

ARTICLE 3: DEFINED TERMS AND BASIC RULES

3.1 Types of Governing Bodies, and Advisory or Supporting Groups

3.1.1 City Council (or "Council")

The Council consists of 7 officials, each elected to four-year terms. The terms are staggered with 3 or 4 terms expiring at the end of even-numbered years. Individual Council members do not have governing power as individuals, but only when meeting as a Council, when a quorum (4 or more) is present. A special-purpose meeting of the Council when a quorum is present is sometimes referred to as a meeting of the Committee of the Whole.

3.1.2 Council Standing Committee

A Council Standing Committee consists of Councilmembers (not more than three, approved by the full Council for a calendar-year term), with staff support appointed by the City Manager. The Council may, but is not required to, establish one or more Standing Committees. A Standing Committee is a body with no established expiration date, and which has jurisdiction over a Council-prescribed ongoing policy area, such as finance. The purpose of a standing committee is to perform oversight functions in the prescribed area, and to develop and recommend actions in that area to the Council.

3.1.3 Council Ad Hoc Committee

An Ad Hoc Committee is a temporary committee established by Council to investigate and advise Council on a specific policy or issue for future Council action, or to develop a legislative or policy proposal for Council on a particular topic. The Council determines the purpose of an Ad Hoc Committee at the time of establishing it. The Council may appoint up to three Councilmembers to an Ad Hoc Committee, and, if applicable, one or more citizens or subject matter experts who are not city employees. Furthermore, each Ad Hoc Committee shall include the City Manager (or his or her designee) and any City staff that the City Manager

chooses to assign to the Committee. An Ad Hoc Committee shall be dissolved upon completion of the Council-assigned task.

3.1.4 Citizen Board, Citizen Committee, or Citizen Commission

As defined by ordinance or resolution, a citizen board, committee, or commission is generally a standing (rather than temporary) body with prescribed authority to perform a recurring advisory or decision-making role on behalf of the City as a municipal corporation. The list of such bodies, as that list may be amended from time to time, is found in Exhibit B. Procedures and rules that apply to such bodies are described in Article 6: CITIZEN COMMITTEES, BOARDS AND COMMISSIONS.

3.1.5 Citizen Advisory Committee

A Citizen Advisory Committee consists of a group of citizens, established and appointed by the Council or by the City Manager, which is tasked with the responsibility of advising the appointing body or Manager regarding some activity or pending decision of City government. Such a committee is normally formed on an ad hoc temporary basis to advise either the Council or City Manager (or a Council standing or ad hoc committee) on a particular topic relating to city legislation, policy, or practices, or the means to carry out a proposed project or city activity. The list of such bodies, as that list may be amended from time to time, is found in Exhibit B.

3.1.6 Steering Group

The City Manager or the Council may establish a Steering Group to perform a temporary ad hoc task or project prescribed by the Council or the City Manager – such as organizing one or more forms of citizen engagement on a public issue or providing direction and oversight for the implementation of a City project or program.

3.1.7 Small Task Group

The Council may, from time to time, create, and appoint members to a small task group for the purpose of examining issues and making recommendations important to the City but not requiring the more formalized process of a larger task force, which may require a steering committee. The small task group may consist of one or more Councilmembers, one or more citizens or experts familiar with the issue or project, and the City Manager (or designee). In all cases, the instrument appointing a task force shall set forth a clear task assignment and provide for dissolution of the group upon completion of the task.

3.1.8 Multi-Agency or Regional Task Group

When a major regional effort involves key agencies outside of City government but vital to a project's coordination, the Council may create by motion, legislative directive, or intergovernmental agreement, an appropriately named multi-agency or regional task group (and may create a Steering Group to guide the task group effort). Membership shall consist of one to three Councilmembers and may include the City Manager (or designee), typically one representative from each partner agency, and, if applicable, representation from any private consultant or non-profit agency with a key interest or resource vital to the issue or project.

3.1.9 Scalable Public Process Planning System

For public issues of high interest or high impact or those that require a lengthy public process, a Public Process Steering Group may be formed. For issues that are less controversial, have less far-reaching impacts, or are suited to a shorter process, an Ad Hoc Committee or Task Force

may be more appropriate. The purpose of the committee, task force, or steering group is to strategize and facilitate appropriate public process for a particular community subject or issue. See Exhibit C for more details on the use of this Scalable Public Process Planning System.

A Public Process Steering Group typically consists of one to three Councilmembers, the City Manager (or designee), and the City's Communications Coordinator. The Councilmember(s) shall be appointed by the Mayor and confirmed by Council. The City Manager shall appoint additional staff as needed to provide technical support and may appoint one or more citizens to provide community input. Representatives of outside agencies may also be included where appropriate. These appointments shall identify the task(s) of the Steering Group. The group shall be dissolved when the task is completed. A similar approach may be taken in assembling an Ad Hoc Committee or Task Force, except that the group make-up may be smaller and simpler, and it may have one or just a few meetings, or even "meet" by email.

The committee, task force, or steering group shall serve as a collection point for information and activity pertaining to the task or issue assigned and shall advise on the design for public processes. Public process activities may incorporate a range of tools such as press releases, newspaper columns, Q & A's, fact sheets, presentations to community organizations, focus groups, neighborhood meetings, ward meetings, and public forums, as described in the City's public participation guidelines. The Council Liaison will inform the Council of the group's activity at Council meetings (when appropriate).

3.1.10 Nonprofit Service Agency

A nonprofit organization may perform a function for the City as defined by contract with the City or as prescribed by ordinance. An example of such a nonprofit entity designated by ordinance is the Bainbridge Island Arts and Humanities Council (for oversight of the Cultural Element of the Comprehensive Plan).

3.2 City Officials and Adjudicators

3.2.1 Mayor

See the definition and duties stated in Section 5.3.

3.2.2 Deputy Mayor

See the definition and duties stated in Section 5.4.

3.2.3 Presiding Officer

The term Presiding Officer means the Councilmember who is to chair, or is in fact chairing, a Council meeting. Unless otherwise stated in the meeting agenda, the Presiding Officer shall be the Mayor unless the Mayor is absent, in which case the Presiding Officer shall be the Deputy Mayor (or, in the absence of both, the Councilmember who is elected by the quorum to preside at the meeting).

3.2.4 City Manager

See the definition and duties stated Article 7: CITY ADMINISTRATION.

3.2.5 Appointive Officers

The City's Appointive Officers consist of the City Manager and those persons (who may or may not be City employees) who occupy any of the appointive offices stated in Section 2.08.030 of the COBI Code.

3.2.6 Council Liaison

With Council approval, a Councilmember may serve for a calendar year as the Council's Liaison (i.e. representative), to an organization. A Liaison is responsible for facilitating communication, collaboration and coordination with the designated organization, and with regular reporting and accountability to the Council. There are typically Councilmember Liaisons to four types of organizations:

- A county-wide or regional policy or governing body or intergovernmental organization (such as the Kitsap Regional Coordinating Council)
- A community organization (such as an arts, business, or social service organization)
- A governing or inter-agency board functioning in the city (such as the Parks Board or the Intergovernmental Working Group – IGWG); and
- A citizen board, commission, or committee of the City, whether or not the charter calls for an ex officio Council member (such as the Utility Advisory Committee or Lodging Tax Advisory Committee)

3.2.7 Hearing Examiner

The City regulates and adjudicates land use matters using a Hearing Examiner system set forth in BIMC 2.14.030. The Hearing Examiner is appointed by the City Manager and confirmed by Council. Under BIMC 2.14.030, the Hearing Examiner is "responsible for conducting hearings on and adjudicating quasi-judicial cases involving a variety of complex land use and regulatory compliance issues, and other issues which the city council may designate to the hearing examiner by ordinance or resolution." The Hearing Examiner has the authority to adopt rules and procedures for proceedings before the Hearing Examiner. Additionally, many of the procedures for hearing various matters and appeals before the Hearing Examiner are found in BIMC 2.16.

3.3 Types of Meetings of Council

3.3.1 Regular Meeting

A Regular Meeting of the Council is a meeting convened on a regular series of dates (and at a time) stated in City ordinance. At a Regular Meeting, the Council may conduct any business stated on the agenda that is publicly posted prior to the meeting, or the Council may approve additions or deletions to the agenda at the meeting.

3.3.2 Special Meeting

A special meeting is a Council meeting called at a date or time other than the time prescribed by ordinance for a Regular Meeting. At a special meeting, the Council may conduct any business stated on the agenda that is publicly posted prior to the meeting, or the Council may approve deletions or additional items for discussion (but not additional action items) to the agenda at the meeting.

3.3.3 Business Meeting

A business meeting is a regular or special meeting of the Council that is primarily for the purpose of voting on the City's business, generally in the form of motions, resolutions or ordinances. A business meeting typically includes a public comment period for a limited period of time stated in advance on the agenda, during which a member of the public may address the Council on any matter of public concern (whether or not on the agenda).

3.3.4 Study Session

A study session is a regular or special meeting of the Council that is generally held in a more informal manner or setting than a business meeting, and where the purposes may be, for example, (i) to study, deliberate, or review one or more topics or emerging issues for potential action at a future date, (ii) to vet the status of matters that are intended to be presented on the agenda of an ensuing business meeting unless exceptional circumstances apply, (iii) to engage in public comment or dialog, or (iv) to participate in presentations with City staff or other subject matter experts. In general, final votes are not taken at a study session, but there are commonly procedural votes on the disposition of various matters. Any regular or special Council meeting may be adjourned to a Study Session.

3.3.5 Workshop

A study session on a single topic or subject is sometimes referred to as a workshop.

3.3.6 Public Hearing on Ordinance

A formal public hearing may be required by statute or City ordinance as a portion of the prescribed public process for the Council's adoption of the City budget, the City's Capital Facilities Plan, and certain other legislative actions. In such a case, a public hearing is conducted according to certain formal public hearing rules prescribed by law. The public hearing typically occurs during a publicly noticed portion of a regular or special meeting of Council, where the time of the hearing has been stated in the prior public notice.

3.3.7 Public Hearing on Quasi-Judicial matter

Certain Council reviews and actions that are akin to a judicial decision affecting a particular party or a particular set of one or more properties require that the Council conduct a formal public hearing of a "quasi-judicial" kind. Such a hearing is typically conducted by Council during a prescribed portion of a regular or special meeting and is performed in such a manner as to establish a clear record of proceedings, facts presented, and the decision process according to judicial standards. A detailed discussion of quasi-judicial hearings can be found in Section 9.14.

3.3.8 Retreat

A retreat (sometimes referred to as an "advance") is generally a Special Meeting called for the purpose of very informal discussion dealing with goals, objectives, and guidelines for future activity of the organization. At a retreat, the Council may, for example, develop goals and objectives for its own organization for the year, consider priorities for the Council work plan, or set goals for the City Manager which may be elements of an annual performance evaluation in accordance with the employment agreement. Although a detailed listing of the City's activity plan for a coming year may result from informal consensus, formal adoption should be made in a regular Council meeting by motion or resolution.

3.4 Types of Public Participation in Government

3.4.1 Public Comment Period at Business Meetings

At Council Business Meetings, the agenda shall generally include a period of time known as the Public Comment Period. Within that time period, any member of the public may be recognized by the Presiding Officer and may address the full Council on any public issue – whether or not on the agenda. Unless Council determines otherwise, the Public Comment Period at a Business Meeting is reserved for comments by the public rather than responses from Council or Administration. For further guidelines, see Sections 5.6 (Respect and Decorum) and 9.12 (Procedures for Public Comment at Business Meetings).

3.4.2 Limited Dialog with the Public at Study Sessions

Council Study Sessions will usually not include time for public comments. However, the Presiding Officer, with the consent of Council, may allow limited public comments from, and dialog with, members of the public who have information to share that would be pertinent to the issue that the Council is studying. In general, the Presiding Officer may allow more flexibility than is generally allowed at a Business Meeting in accommodating responses and interactive dialog with Councilmembers, the Administration, and other presenters.

3.4.3 Other Meetings with the Public Outside of City Hall

The Council may organize other meetings with the public in various forums outside of City Hall – in various settings such as public forums, neighborhood meetings, presentations to community organizations, ward meetings, town halls, and so on. In such settings, the meeting shall ideally include one or more Council members and one or more members of the Administration.

3.4.4 Public Forum

*When major public policy development warrants, and after adequate preparation of issues and alternatives, a steering group (see Sections 3.1.6 to 3.1.9) may conduct **larger citizen forums** to help develop a public consensus on the issues. The general procedure would be to provide basic information, to explore alternatives and options and to receive verbal and written public comments. The Steering Group shall summarize the conclusions and recommendations of such **forums** for presentation to the City Council prior to the customary City Council deliberations (i.e., agenda actions, public hearings, etc.) which could normally result in final action.*

3.4.5 Neighborhood or Ward Meetings

Neighborhood or ward meetings may be scheduled as part of a larger public process as designed by an Ad Hoc Committee, Steering Group, or Task Force (see Sections 3.1.6 to 3.1.9), however, any member of the Council may convene a citizens' neighborhood meeting or series of meetings for the purpose of providing a general forum on City matters. Such meetings shall, when convened, provide information pertaining to specific issues as well as an opportunity for citizens to ask questions or express views on any subject. The Councilmember may request that the City Manager or his or her designee attend these meetings to answer questions on administrative matters. Because such meetings typically involve three or fewer Council members and are therefore not official Council meetings, Councilmembers who attend shall report issues or conclusions to the Council as such meetings occur. At any such meeting, a Councilmember should avoid discussion or comments that pertain to current or potential lawsuits or other quasi-judicial proceedings that might later come before the Council. Councilmembers should exercise care to avoid claiming to speak for the City or Council on any issue on which the Councilmember is not expressly authorized to speak for the Council.

3.4.6 Additional Avenues for Public Participation

Public process activities may also incorporate a range of tools such as press releases, newspaper columns, fact sheets, Q&A's, etc. as described in the City's documents and guidelines pertaining to public participation in various projects and processes.

3.4.7 Committees and Other Citizen Participation Opportunities

For descriptions of other potential participation opportunities for citizens relating to City governance, see Sections 3.1.3 to 3.1.9.

3.5 Types of Governing Actions

3.5.1 Motion

An adopted motion is a form of action taken by the Council to direct that a specific course of action be taken or executed on behalf of the municipality. A motion is similar to a resolution but is generally much shorter and worded in a more informal manner than a resolution. A motion, once approved and entered into the record, is the administrative equivalent of a resolution in those instances where a resolution is not required by law, and where such motion is not in conflict with existing State or Federal statutes, City ordinances, or resolutions.

3.5.2 Resolution

An adopted resolution is an administrative act which is less formal than an ordinance and is a statement of legislative policy or direction concerning matters of special or temporary character. Council action shall be taken by resolution when required by law or in those instances where an expression of legislative policy that is lengthier or more meticulously worded than a motion is desired. While resolutions are often just a statement of policy, a resolution may have the force of law (e.g., a resolution setting permit fees, or a resolution declaring certain City property to be surplus).

3.5.3 Ordinance

*An enacted Ordinance is a local law (legislative act) prescribing general rules of conduct. Council action shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty. An ordinance is a legislative act within its sphere as much as an act of the State Legislature. The general guiding principle is that actions relating to subjects of a permanent and general character are usually regarded as legislative and should be addressed through an ordinance, and those providing for subjects of a temporary and special character are regarded as administrative and should be addressed through a resolution. (See *Durocher v. King County*, 80 Wn.2d 139, 153, 492P2d 547 (1972).*

3.5.4 Comprehensive Plan Amendment

Such an amendment is a legislative act in which the Council amends all or part of the Comprehensive Plan after the Planning Commission has deliberated, held public hearings and made recommendation(s) to the Council. The Council likewise holds a public hearing before passage.

3.5.5 Budget Adoption or Amendment

Legislative acts adopting or amending the budget document for the City on an annual or biennial basis. Although the budget is a maximum spending plan, it must be managed by the City Manager to operate within actual revenue received for each fund.

3.5.6 Capital Facilities Plan (CFP) Adoption or Amendment

The CFP is a 6-year plan which is a companion to the budgeting process and which establishes priorities for construction or replacement of capital facilities of the City.

3.5.7 Quasi-Judicial Ruling

Such a ruling is similar to a "judicial act" taken by an agency or authority that is not constituted as a "court" of law. A quasi-judicial ruling is an administrative ruling made by the Council, Hearing Examiner, or Planning Commission where the process and facts to be heard and judged are prescribed by regulatory laws or ordinances and are appealable to a higher authority or court of law.

3.5.8 Best Practices

Best Practices, as used in this manual, means methods of conducting certain activities of local government which have become widely accepted standards for a given local government activity. Best practices are often imported as a result of professional networking or from another similar agency that discovered a way to "do it better".

ARTICLE 4: STANDARDS OF CONDUCT

4.1 Sources and References

In this Article, the following references are frequently cited as sources of law or explanations of applicable law and standards of conduct:

- "KTT": Association of Washington Cities (AWC) and Municipal Research & Services Center of Washington (MRSC): "Knowing the Territory: Basic Legal Guidelines for Washington City, County and Special Purpose District Officials"
- "CMH": AWC and MRSC: "Councilmember's Handbook"
- "RCW": Revised Code of Washington
- "COBI Code" (or "BIMC"): Codified Ordinances of the City of Bainbridge Island (or Bainbridge Island Municipal Code)

4.2 Standards of Conduct for Officials under Washington Law

A summary of various Washington state statutes and case law that impose duties and standards of conduct on a city's elected and non-elected officials is found in the AWC/MRSC handbook called "Knowing the Territory" (referred to herein as "KTT"). For a summary of ethical standards of conduct under City ordinance, see, for example, Section 4.9 and the sections which follow it.

4.3 Oath of Office

A Council member, when sworn into office by the City's Municipal Court Judge or City Clerk, swears that "I will...":

- comply with the constitution and laws of the United States and the State of Washington, and
- ... I will faithfully and impartially discharge the duties of this office to the best of my ability."

The City Manager, Department Heads and certain other City employees in key positions are likewise considered city officials and, when hired or promoted to officer status, are likewise sworn in with a similar oath that calls for compliance with those constitutions and laws.

4.4 Public Trust and Fiduciary Duty

"Courts have held public office to be synonymous with public trust and that a public officer's relationship with the public is that of a fiduciary." KTT (pp 6-7). Public trust is a guiding concept in state statutes relating to avoidance of conflict of interest in contracting (RCW 42.23), and in the Open Public Meetings Act (RCW 42.30).

The people themselves, in a 1972 ballot initiative relating to public campaign law, declared trust to be the public policy of the State of Washington, stating in part: "That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty and fairness in their dealings" and "That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interests."

4.5 Stewardship of Public Funds

The state law imposes the highest of duties on public officials who are custodians of public funds, such as treasurers. (KTT, p. 7). By analogy, there are provisions of law that impose other high standards for public funds on City officials generally, such as: (i) the State Constitution's prohibition against making gifts to an individual or a for-profit or nonprofit corporation or association (KTT p. 22-24); (ii) the state law prohibitions against using public facilities or property for political campaign purposes (RCW 42.17.130); and state law requirements for bidding of public works projects (RCW 35.22.620) (MRSC, "Bidding Book for Washington Counties") and for the giving of notice when seeking suppliers for other major purchases (e.g. RCW 39.80).

4.6 Conflicts of Interest under State Law

As the state Supreme Court has ruled, a Councilmember may not vote on a matter where he or she would be especially benefitted. And, with some exceptions noted below, Washington law forbids a city official from having a financial interest in a City contract, regardless of whether or not s/he votes on the matter. (KTT, p.9).

Furthermore, the public campaign laws require public elected officials (in addition to candidates) to make financial disclosures at least annually (through the Washington Public Disclosure Commission (PDC)) so that the public can be informed about potential conflicts. These annual disclosures are in addition to those required by COBI's Ethics Code (see below).

4.6.1 State Code of Ethics

The RCW 42.23 includes a Code of Ethics for state and local officials that generally prohibits (with some specified exceptions) four types of conduct by a City official:

- (a) using one's City official position to obtain special privileges for oneself or others;
- (b) giving or receiving a gift in connection with a City matter;
- (c) accepting employment or engaging in a business that would require disclosing confidential information gained as a City official; and
- (d) disclosing confidential information gained as a City official or using such confidential information for personal gain.

Legal advice should be sought on such questions as:

- (a) Is a very small gift, such as a coffee, small enough as to be "de minimus" and therefore not intended to be prohibited?
- (b) Should a gift from an out of town dignitary be handed over from an official to the city as a whole?
- (c) Under what circumstances can an official accept expense-paid travel to a meeting or a fact-finding visit?

4.6.2 Prohibition Against Private Interest in a Public Contract

- (a) The RCW 42.23 also broadly prohibits the following conflicts of interest regarding a city contract (including, among other things, employment contracts):

"No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through, or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein ..."

- (b) This prohibition applies even if the official doesn't vote on or otherwise approve the contract that presents a conflict. (KTT, p. 11-13)
- (c) Unlike the COBI Ethics Code (which applies to both financial interests and other personal interests), this State conflict of interest standard prohibits only financial conflicts.
- (d) There are exceptions to the prohibition, and there is a qualified set of exceptions for certain "remote interests". (KTT, p. 11-13)

4.6.3 Limitations on Holding Multiple Offices

There are state law prohibitions against an official appointing himself or herself to a second office or employment with the city ("dual office holding"), and there are certain combinations of public office that are considered to be incompatible and therefore not eligible to be held concurrently. (KTT, p. 16-18)

4.6.4 “Appearance of Fairness” Doctrine under State Law

- (a) The Appearance of Fairness doctrine applies only in those instances when a Councilmember is a decision-maker in a “quasi-judicial” matter (e.g. a spot rezoning, or a long-form plat development approval). It doesn’t apply to a Councilmember’s various legislative and policy decision-making. (KTT, p. 19-21)
- (b) As stated in the RCW 42.36, the “appearance of fairness” requires that the Councilmember not engage in “ex parte” communications with a party interested in the outcome of the quasi-judicial matter.
- (c) See Section 9.14 for a further discussion of the Appearance of Fairness Doctrine as applied to quasi-judicial hearings that are conducted by the Council.

4.7 Open Public Meetings under Washington Law

The Open Public Meetings Act is summarized in the KTT, and is also described in greater detail in the MRSC publication, “The Open Public Meetings Act – How it Applies to Washington Cities, Towns, and Counties.

4.7.1 All Deliberations and Actions Must Be At Noticed Public Meetings

As stated in RCW 42.30 (Open Public Meetings Act or “OPMA”), all meetings of city governing bodies (i.e., where a quorum or more of Council members, or members of some other “governing body” of the City, assemble to discuss or otherwise act on City business) must be open and public.

4.7.2 Applies to Sub-Agencies of the City

The OPMA applies to a “subagency” of the City, which may mean that a City board, commission, or similar entity created by or pursuant to state or local legislation is subject to elements of the OPMA, such as the Planning Commission. RCW 42.30.020(2) states that a “governing body” to which the OPMA applies includes a committee of the Council or other governing body “when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.” The OPMA does not apply to court proceedings, quasi-judicial proceedings (such as Civil Service Commission hearings), or collective bargaining and related labor relations meetings. It does not apply to purely social meetings where city business is not discussed.

4.7.3 Two Kinds of Meetings: “Regular” and “Special”

A “regular” meeting is one with regular dates, times, and locations set by ordinance, resolution or rule. Any business may be conducted at a regular meeting, but RCW 35A.12.160 states that “every city shall establish a procedure for notifying the public of upcoming hearings and the *preliminary agenda* for the forthcoming Council meeting.”

A “special” meeting is a meeting other than a “regular” meeting, which may be called by the Presiding Officer (e.g. the Council’s Mayor) or a majority of Council members. The notice of a special meeting must be posted at least 24 hours prior to the meeting and must state the items of business on the agenda. Unless an exception applies, the Council may not add to the agenda of a special meeting without giving 24 hours’ notice of the added item.

4.7.4 Open to the “Public”

Under RCW 42.30.050, all persons must be permitted to attend a public meeting except unruly persons. Attendance may not be conditioned upon registration or similar requirements. The Act does not prohibit a requirement that persons identify themselves prior to testifying at hearings. In cases of disorderly conduct, disorderly persons may be expelled, and if that is insufficient to restore order, the meeting place may be cleared or relocated. However, non-offending members of the news media may not be excluded.

4.7.5 Executive Sessions

An “executive session” is a portion of a public meeting that is conducted on a topic that is permitted by law to be discussed by a governing body or sub-agency in a non-public setting. As further provided by the RCW 42.30.110 in greater detail, an executive session may, in general, be conducted to discuss matters such as the following:

- (a) Real estate acquisition, lease or site selection; or deliberations on the price at which to offer real estate for sale or lease;
- (b) Negotiations on publicly bid contracts;
- (c) Evaluation of complaints or charges brought against a public officer or employee;
- (d) Evaluation of qualifications of an applicant for public employment or to review the performance of a public employee;
- (e) Evaluation of the qualifications of a candidate for appointment to elective office; or
- (f) To discuss with the City's legal counsel City enforcement actions or litigation or potential litigation.

Council members shall not disclose confidential information learned or confidential documents provided during an executive session unless waived by the full Council.

4.7.6 Unintended Meetings; Electronic Meetings

An unintended meeting may occur in violation of the OPMA if, without the requisite public notice, a quorum or more of a public body or sub-agency meets for an in-person or telephonic discussion or conducts an interactive discussion of city business through email, social media, or other electronic communication. (See 4.8.2 below for more discussion of email, social media, and other electronic communications).

4.8 Open Government and Public Records

As a result of a statewide ballot in 1972, strong public protections were put in place relating to (1) political campaign disclosure; (2) disclosure of lobbying; (3) disclosure of the financial interests of a candidate or elected official; and (4) openness of public records. The topic of open access to public records is summarized in pages 36-41 of the KTT, and in greater detail in the MRSC electronic publication: “Public Records Act for Washington Cities, Counties and Special Purpose Districts” (available at <http://mrsc.org/>).

4.8.1 Purpose of the Public Disclosure Law

"The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. [The law] ... shall be liberally construed . . . to promote this public policy." (See, RCW 42.56.030)

It is hereby the policy of the City that elected and other city officials shall do nothing to hinder the City's obligation to possess, retain and store public records. Under RCW 42.56.010(2), a "public record ... includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." Furthermore, and under RCW 42.56.010(3), a writing means "handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents, including existing data compilations from which information may be obtained or translated."

4.8.2 Emails, Text Messages, Social Media, and Other Electronic Records

Under the state law definitions (above), an email, text message, or an entry on a website, blog, twitter, or a social media internet site) is a "writing", and it is likewise a "public record" if it meets the definition above.

Additional regulations have been adopted which further elaborate on the legal duty of a city to store and archive not only public records of traditional hard-copy kinds but also electronic public records. (See Chapter 434-662 of the Washington Administrative Code (WAC))

In recognition of the legal duty and desire to maintain open and transparent government, and to support the City's duty to accessibly store and archive electronic public records, it is the policy of the City that in the case of each public record, Council members shall conform to the following practices:

(a) Policies on Email Platforms

- (i) Councilmembers not use any private, public, or proprietary email service other than the City's email system for the sending or receiving emails that meet the definition of public record. Council members shall take all reasonable steps to ensure that each email that is a public record sent or received by him or her is sent or received on the City-maintained email system utilizing the individual's email address at bainbridgewa.gov or another email address provided by the City,
- (ii) If a Councilmember receives an email that is a public record at an email address other than an address provided by the City, the Councilmember shall promptly forward that email to the Councilmember's email address at bainbridgewa.gov or another email address provided by the City, and advise the email sender that any

and all emails pertaining to City matters are to be sent to the Councilmember at the City-provided email address;

(b) Policies on Text Messages

Council members shall promptly forward any text message that is a public record to the member's email address at bainbridgewa.gov or another email address provided by the City; or in the alternative take a screen shot of the text message and promptly forward the screen shot to the member's email address at bainbridgewa.gov or another email address provided by the City;

(c) Policies on Electronic Communications and Compliance With Open Public Meetings Law

- (i) Any electronic communication sent by a Councilmember that is a public record as defined above shall not be sent or copied to more than two other Councilmembers. Councilmembers shall not engage in any discussion of City business through email, social media, blog comments, or any other electronic forum or medium with more than two other Councilmembers.
- (ii) Any Councilmember who receives an electronic communication that is a public record that has been received by two other Councilmembers shall not forward the communication to any other Councilmember.

(d) Policies on The Use of Personal Accounts and Devices to Conduct City Government

- (i) The City shall provide a personal computer and mobile phone to any Councilmember who desires a City-issued device for use in conducting City government.
- (ii) In the alternative, a Councilmember may use a personal device to conduct City government, provided that the Councilmember complies with all the policies stated in this Manual.
- (iii) Any Councilmember who uses any personal email account or personal electronic device (such as a computer, mobile phone, or tablet) to create or receive information relating to the conduct of City government, or the performance of any function of City government, shall use best efforts to save all such public records in a labeled, designated folder or other location in the account or on the device. The Councilmember shall, upon request of the City Attorney, and in any event prior to leaving office as a Councilmember, transfer all public records from his or her personal account or device to the City. The Councilmember shall not delete any public records from any account or device until all such public records have been transferred to the City. Once the transfer has been completed, and so long as there is no pending request relating to the public records, the Councilmember may delete the transferred records from the account or device.
- (iv) If a Councilmember chooses to use a personal account or device to conduct City government, the Councilmember consents to the City or its agent searching the

account or device to locate and copy all public records, subject to reasonable safeguards to protect the privacy of information that is not a public record, if a court finds that a search is necessary.

4.8.3 Duty to Act in the Interests of the City

- No elected person shall use his or her position, or the knowledge gained therefrom, in such a manner that a conflict arises between the interests of the City of Bainbridge Island and his or her personal interests, or the interests of other organizations.
- ***Each elected person has a duty to place the interests of the City of Bainbridge Island foremost*** in any dealings with the City and has a continuing responsibility to comply with the requirements of this policy.
- If an elected official has a financial interest a proposed transaction with the City; or has a financial interest in any organization involved in the transaction; or has an immediate family member with a financial interest in such transaction; or holds a position of trustee, director, officer or employee of any organization involved in the transaction; then he or she must make full disclosure of such an interest before any discussion or negotiation of such transaction, shall abstain participating in any Council discussion of such matter, and shall abstain from any vote on such matter.

4.9 Duties to Act Consistently with City Policy When Representing City Elsewhere

Both elected City officials and non-elected City officials are frequently called upon to participate in policy bodies and decision-making forums at the county and regional level. It is hereby the policy of the City that, whenever any City official (whether elected or staff) is directly or indirectly representing the City on a policy making or decision-making body at the county or regional level, it shall be the primary duty of that individual to act in a manner consistent with the interests of the City, as embodied in City policy, budget, capital facilities plan or other action of Council or directive of the City Manager. In short, a City official who is serving on a county or regional body as a City representative must place his or her fiduciary duties to the City above any fiduciary duties owed to the county or regional body.

4.10 Role of City Attorney

The City Attorney's ultimate client is the City itself – a municipal corporation. The City Attorney's relationship to the local government is similar in a number of respects to that of an attorney who represents a corporation. In that capacity, the City Attorney provides legal advice to the City Council, the City Manager, the Department Directors, and City staff. (See KTT (footnote 39).)

The City Attorney may represent the City in actions brought by or against the City or against City officials in their official capacity. However, other attorneys may be hired to handle specific cases because of the nature of the case, because the City Attorney has a conflict or other reason he or she cannot become involved, or due to limited resources of the City Attorney's office. In rare cases, the City Attorney may have a conflict and not be in a position to advise both the City Council and the City Manager. (See MRSC "Knowing the Territory.")

In those rare cases where either the City Council or the City Manager perceive such a conflict, the City Attorney should be consulted directly in order for him or her to make a decision about whether it is possible for the City Attorney to adequately represent the City in that situation. If the City Attorney determines that he or she cannot do so, then it is the responsibility of the City Attorney to secure alternate legal assistance.¹

The City Manager cannot prohibit the Council from having access to the City Attorney's advice. For reasons of efficiency or cost effectiveness, the City Manager may decide that certain legal questions should be channeled to the City Attorney through the City Manager, to ensure that questions are clearly worded and communications back to Council are consistent. (See MRSC "Councilmember Handbook".)

The Council can determine as a policy matter whether the City shall obtain legal advice from an on-staff City Attorney or by reliance on a law firm, but the Council may not direct the appointment of an individual to the position of City Attorney – that being the role of the City Manager. (See MRSC "Code City Handbook".)

4.11 Process for Officials to Question the Legality of City Actions

City officials, including elected officials, may be indemnified by the City (or by insurance purchased by the City) for actions taken by an official within the scope of his or her duties. An official should therefore take care to act within the scope of his or her duties, and not cause City or personal liability by virtue of individual actions taken in the absence of legal advice.

An unfounded assertion by a City official that the City is acting in violation of law can cause undue risk and liability to the City and may therefore constitute a breach of that official's duty to the City. Therefore, it is hereby the policy of the City that the following steps shall be followed if a City official questions the lawfulness of the conduct (or proposed conduct) of the City, or of any of its officials or staff.

1. Consult the City Attorney and fully describe the facts and issues which raise a question of illegality.
2. If the advice of the City Attorney does not resolve the concern, consult the City Manager.
3. If steps "1" and "2" do not resolve the concern, the official may request an executive session of the full Council, if the matter rises to the level of presenting a risk of litigation.
4. Prior to completing steps "1" through "3", it is a violation of the Official's duty to the City to assert in public the opinion that the City is in violation of law.

¹ There are two scenarios in which a city council has the implied authority to hire outside counsel. One, if the council hires counsel to represent it, and it prevails on the substantive issue to the benefit of the city, a court may direct the town to pay the reasonable fees and costs of outside counsel. *State v. Volkmer*, 73 Wn. App. 89, 95 (1994) (citing *City of Tukwila v. Todd*, 17 Wn. App. 401, 563 P.2d 223 (1977)). Two, if extraordinary circumstances exist a court may determine that a contract with outside counsel is both appropriate and necessary. *State v. Volkmer*, 73 Wn. App. 89, 95 (1994) (citing *Wiley v. Seattle*, 7 Wn. 576, 579, 35 P. 415 (1894)). Extraordinary circumstances may exist where there is a vacancy in the office of city attorney; or where the city attorney is ill, disqualified, absent, or unavailable; or where the legal official of the corporation refuses to appear and perform the necessary services; or where he has, or represents, adverse interests. *City of Tukwila v. Todd*, 17 Wn. App. 401, 406, 563 P.2d 223 (1977) (citing McQuillin, *The Law of Municipal Corporations* §29.12 at 262-63 (3d ed. 1966)).

4.12 Conduct of Officials with Regard to Litigation Against City

It is hereby the policy of the City that, once an individual or organization has filed a legal proceeding against the City, no City Council member shall engage in discussions or other communications with such individual (or the officers or directors of the organization) about the subject of the lawsuit without first disclosing the intent to do so to the Council, either in public or in executive session. It is also hereby the policy of the City that its conflict of interest rules shall apply to elected officials with regard to individuals or organizations threatening or pursuing a lawsuit against the City.

4.13 Prohibition Against Making Gifts of Public Funds

Article 7, section 1 (Amendment 14) of the Washington State Constitution requires that taxes and other public funds be spent only for public purposes. See also *State ex rel. Collier v. Yelle*, 9 Wn.2d 317, 324-26, 115 P.2d 373 (1941); AGO 1988 No. 21.

Article 11, section 15 further provides as follows:

The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

Article 8, section 7 of the constitution states:

No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation.

A city may contract with private organizations to provide services to the public if those are services that the city is authorized to provide. The private organization provides the services in question as an agent or contractor for the city. For instance, a city, having authority to provide recreational programs for its residents, may do so by contracting with a youth agency or senior citizens' organization to operate recreational programs for those groups, under appropriate city supervision. The contract should be carefully drawn, however, so that the program or project remains the city's own operation and is not an unlawfully broad delegation of city authority, or grant of city funds, to a private agency. Payments should be made pursuant to vouchers reflecting the satisfactory performance of services, as provided in Chapter 42.24 of the RCW. (KTT p. 22-24).

4.14 Duty to Avoid Interfering with City Manager

Neither the Council nor any Councilmember shall interfere with the authority of the City Manager to appoint and remove any and all department heads, officers, and employees of the City (except Councilmembers), subject to the provisions of applicable law, rule, or civil service regulation. Nor shall the Council or any Councilmember give orders to any subordinate of the City Manager. (See RCW 35A.13.120).

4.15 Duty to Bargain in Good Faith with Collective Bargaining Representatives

Unions have a significant presence in Washington cities. Most city employees have the right to organize under state law and have joined state-wide unions or formed local associations. The city must negotiate labor contracts with these unions over wages, hours and working conditions.

In particular, most police ... departments are unionized. Except for very small cities, police ... unions have access to interest arbitration when an impasse in bargaining occurs. This can create a unique dynamic in police ... negotiations, given the potential for an outside arbitrator to make decisions regarding wages, benefits and contract language. (Councilmember's Handbook, p. 13)

Certain City employees are represented by the International Association of Machinists (IAM) and police officers are represented by the Police Guild.

It is the policy of the City that it shall be the responsibility of the Council to set policy for collective bargaining, and the responsibility of the City Manager to engage in such collective bargaining.

4.16 Immunity and Indemnification of Officials For Individual Actions in Good Faith

An appointed or elected official or member of the governing body of a public agency is immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within his or her official capacity, but liability shall remain on the public agency for the tortious conduct of its officials or members of the governing body. (See RCW 4.24.070(1))

It is important to note that an official's immunity applies solely to actions taken in good faith in the course of performing within the scope of the official's duties.

The City is insured through the Washington Cities Insurance Authority (WCIA). WCIA provides broad coverage for damage claims and/or lawsuits brought against the City and its officials. If a damage claim involves a covered claim against a City official, then WCIA will retain legal counsel to defend the City official and will generally pay any resulting judgment or settlement amount. Please note WCIA coverage is only available if the situation is the result of a City official acting within the scope of her or his official duties and (if the matter is) not otherwise excluded from coverage through WCIA's compact with the City (i.e., hazardous waste claims are generally excluded from WCIA coverage).

Additionally, in the event that a damage claim or lawsuit is brought against a City official that is related to the performance or failure to perform his or her official duties and the matter is not covered through WCIA, BMC 2.68 provides that the City shall provide legal representation to defend the City official and shall indemnify the City official for the payment of the claim (if warranted) or any resulting judgment. The City will not indemnify and defend a City official acting outside the scope of his or her official duties, or if the claim or lawsuit is based upon a dishonest, fraudulent, criminal or malicious act.

ARTICLE 5: CITY COUNCIL – THE ELECTED GOVERNING BODY

5.1 Council Meeting - Time and Location

Regular Meetings of the Council in the form of Business Meetings and Study Sessions shall be held on the dates and times as adopted by Council ordinance, unless cancelled or postponed in accordance with

applicable State or local procedures. Special meetings may be called by the Mayor or by four Councilmembers.

5.2 Council Meetings Open to the Public

All meetings of the Council and of any Committees thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140.

5.3 Mayor – Election – Chair to be Mayor – Duties (“Mayor”)

Biennially at the first meeting of the new Council the members thereof shall choose a chair from among their number. The chair of the Council shall have the title of Mayor and shall preside at meetings of the Council. In addition to the powers conferred upon him or her as Mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the Council. The Mayor shall be recognized as the head of the city for ceremonial purposes. He or she shall have no regular administrative duties. (See RCW 35A.13.030)

5.4 Deputy Mayor or Mayor Tempore (“Mayor Pro Tem”)

Biennially at the first meeting of a new Council, or periodically, the members thereof, by majority vote, may designate one of their number as deputy mayor or mayor for such period as the Council may specify, to serve in the absence or temporary disability of the Mayor; or, in lieu thereof, the Council may, as the need may arise, appoint any qualified person to serve as Mayor Pro Tem in the absence or temporary disability of the Mayor. (See RCW 35A.13.035)

Meetings of the Council shall be presided over by the Mayor, if present, or otherwise by the Deputy Mayor or Mayor Pro Tem if one has been appointed, or (in the absence of both of them) by a member of the Council selected by a majority of the Councilmembers at such meeting. Serving as Presiding Officer of the meeting shall not in any way abridge the right of the Presiding Officer to vote on matters coming before the Council at such meeting.

In the event of the extended excused absence, disability or resignation of a Councilmember, the remaining members by majority vote may appoint a Councilmember pro tempore to serve during the absence or disability.

5.5 Quorum

As provided under State law, at all meetings of the Council, four Councilmembers shall constitute a quorum for the transaction of business. A lesser number may adjourn from time to time, provided that written notice of the adjournment is posted on the exterior Council Chamber doors (pursuant to RCW 42.30.090).

5.6 Respect and Decorum

It is the duty of the Presiding Officer and Councilmembers to maintain dignity and respect for their offices, City staff, and the public. While the Council is in session, the Councilmembers shall preserve civility, order and decorum. No member of the public shall, by conversation or otherwise, delay, disrupt or interrupt the proceedings of the Council, nor disparage any person while speaking. Councilmembers and the public shall obey the proper orders of the Presiding Officer of the meeting.

5.6.1 Orderly Behavior and Civility in Remarks

Any person disrupting the business of the Council, either while addressing the Council or attending the proceedings, shall be asked to leave, or be removed from the meeting. Continued disruptions may result in a recess, forced removal, or adjournment as described elsewhere in this manual.

5.6.2 Permission Required to Address the Council

Persons other than Councilmembers and Administration shall be permitted to address the Council only upon recognition and introduction by the Presiding Officer of the meeting.

5.7 Telephonic or Video Participation from a Remote Location

Requests by a Councilmember to participate and vote by telephonic or audio-visual connection shall be granted by the Presiding Officer provided technical capability exists and adequate notice is given.

5.8 Attendance; Excused Absences

A Councilmember may forfeit his or her office by failing to attend three consecutive regular meetings without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Mayor, Deputy Mayor, or Mayor Pro Tem prior to the meeting and state the reason for his or her inability to attend the meeting. If the member is unable to contact the Mayor, Deputy Mayor, or Mayor Pro Tem, the member shall contact the City Manager or City Clerk, who shall convey the message to the Presiding Officer. Near the beginning of the Council meeting, the Presiding Officer shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is any objection to excusing the member. If there is any objection, the Presiding Officer shall call for a motion to excuse the member. This motion shall be non-debatable. In such a case, the outcome of the vote shall determine whether the member shall be considered excused. (See RCW 35A.12.060)

5.9 Filling Council Vacancies

If a vacancy occurs, the Council will follow the procedures provided in RCW35A.12.050 in order to fill the vacancy with the most qualified person available until an election can be held. The Council will publish a notice of the vacancy, the procedure, and distribute the application form for soliciting candidates. The Council will draw up an application, which contains relevant information to answer set questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Councilmember.

5.10 Continuity of Government Act

In the event that the executive head of the City is unavailable by reason of enemy attack to exercise the powers and discharge the duties of the office, the provisions of RCW 42.14.050 shall apply. The same policy shall be applied in the case of a natural or man-made disaster.

ARTICLE 6: CITIZEN COMMITTEES, BOARDS AND COMMISSIONS

6.1 Approval of Appointees

6.1.1 Citizens on Standing Governing Bodies

All members of standing citizen committees, citizen boards, and citizen commissions which are, or which may hereafter be, required by State law or City ordinance or resolution, shall be appointed by the Mayor with confirmation by the Council.

6.1.2 Citizens on Temporary Governing Bodies

Any citizen members of any other committees – such as Ad Hoc Committees, Citizen Advisory Committees or Steering Committees – shall be appointed and approved in the manner described in Section 3.1 (Types of Governing Bodies, and Advisory or Supporting Groups) of this Manual. With regard to any appointments that would normally be subject to Council approval, the Council may choose to waive confirmation in the instrument creating said committee or group.

6.1.3 Removal

Members of any committee, board, or commission which has been appointed by the Council or the Mayor and confirmed by the Council, may be removed without cause by a majority vote of the Council unless otherwise provided for in the Code, ordinance, or resolution that authorized creation of the committee, board, or commission.

6.2 Establishment and Review of Citizen Governing Bodies That Are Temporary

Council-established governing bodies that are intended to be temporary -- such as Ad Hoc Committees or Citizen Advisory Committees – shall be commissioned for a time certain and provided with a clear task description and term (i.e. a “sunset” provision). Such temporary committees shall be subject to review whenever a new Council is seated following elections, so as to determine whether the committee and its functions continue to be appropriate and necessary.

Other special ad hoc committees and Council liaisons for a particular purpose may be appointed by the Mayor, with confirmation of Council, for a time certain along with a clear task description and “sunset” provision.

Citizen Committees, Commissions, and Boards; liaisons; and citizen advisory or taskforce groups should be given an opportunity to make a recommendation, when appropriate, on proposed ordinances, resolutions, and motions within their area of responsibility or interest, before action is taken by the Council. The appropriate spokesperson may present the recommendation(s) during discussion of that business item on a Council agenda.

To the extent that the City Attorney has determined that a citizen committee, commission, or board is a “governing body” that is subject to the State open meetings laws, no such body shall take votes for final action outside of a noticed open public meeting.

6.3 Relations with Boards, Commissions and Citizen Advisory Groups

Boards, commissions, and citizen advisory bodies of the City shall provide the City with minutes, or a summary report of all meetings. Communications from such boards, commissions, and advisory bodies shall be acknowledged by the Council. Any member of the Council may also bring such communication to the Presiding Officer's attention under the agenda item "Committee Reports." Should any member of the Council determine that such communication be officially answered by the Council, the Presiding Officer shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting.

ARTICLE 7: CITY ADMINISTRATION

7.1 City Manager

The City Manager is the chief administrative officer of the City. The City Manager is appointed by and directly accountable to the Council for the execution of the Council's legislative policy directives, and for the administration and management of City departments. The powers and duties of the City Manager are defined by State law and a variety of City ordinances. Such duties may be expanded or clarified by job description, resolution, or Council directive (motion). Balanced with the City Manager's accountability to the Council for policy execution is the need for the Council to allow the City Manager freedom to perform those duties and responsibilities in his or her day-to-day management. The City Manager appoints and removes City employees and may delegate such powers to department heads, provided, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager, anything pertaining to appointments and removals of City officers and employees and City affairs. (See RCW 35A.13.)

7.2 Role of the City Manager

The City Manager shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager may recommend for adoption by the Council such measures as he or she may deem necessary or expedient, prepare and submit to the Council such reports or proposals as may be required by the body or as the City Manager deems advisable to submit; keep the Council fully advised as to the business and finances of the City; and when appropriate, shall take part in the Council's discussion on all matters concerning the welfare of the City. In the event that the City Manager is unable to attend a Council meeting, the City Manager shall appoint a key staff member to attend the meeting as the representative of City Administration.

During Council meetings, the Presiding Officer should rely on the City Manager to introduce the administrative participation on agenda items and should offer opportunity for comment or recommendation of the City Manager before final vote on important matters.

7.3 Informal Communications Encouraged

Members of the Council are encouraged to interact informally and casually with City staff for the purpose of gathering information, obtaining progress reports on policies and programs, or providing information to staff relevant to their Council office. Such informal contacts can serve to promote better understanding of specific City functions and problems. However, Councilmembers should be careful, in

such interaction, to avoid giving direction or advice to members of City staff, which may conflict with the City Manager's directives. City staff should provide their supervisor with the same information shared with the Councilmember.

7.4 City Manager – Interference by Councilmembers

As provided by RCW 35A.13.120, neither the Council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the City Manager or any of his or her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any committee or member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. The provisions of this section do not prohibit the Council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

7.5 Complaints to Councilmembers

When performance complaints are made by citizens about staff actions or non-action directly to an individual Councilmember or in a Council or committee meeting, the Council or Councilmember should then refer the matter directly to the City Manager for review and, if appropriate, action. The individual Councilmember or the Council may request to be informed by the Administration of the action or response made to the complainant.

7.6 Administrative Complaints - "Best Practice"

Although citizens' direct access to elected officials is to be encouraged to help develop public policy, City Councilmembers should not develop a "personal intervention" pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. The best policy is to get the citizen into direct contact with the appropriate department or the City Manager, unless an unsatisfactory result has occurred. In that case, refer to Section 7.5 above.

7.7 City Clerk - Minutes - Public Information Access

The City Clerk shall adhere to the requirements of Washington law, and shall be the ex-officio Clerk-of-the-Council. The City Clerk shall keep minutes as required by law and shall perform such other duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk, the City Clerk shall appoint a replacement to act as Clerk-of-the-Council. The Clerk-of-the-Council shall keep minutes which identify the general discussion of the issue and complete detail of the official action or consensus reached, if any. The City Clerk shall make an audio and video recording of the proceedings of all public hearings, regular business meetings, study sessions and workshops, and quasi-judicial proceedings. The Clerk shall keep, and make available, an agenda and date for each recording, which will facilitate location of the recorded proceedings. The audio and video recordings shall be posted publicly on the City website, ideally within 48 hours after the meeting.

7.8 The Three Touch Rule

Decision-makers and citizens at all levels of the City should have adequate time to thoughtfully consider the issues prior to final decisions. The Council and Administration should abide by the "Three Touch Rule" whenever possible (unless an exception applies). The following procedural guidelines are designed to avoid "surprises" to the Council, citizens, and administrative personnel.

Any pending request or proposal for adopting or changing public policy, ordinances, resolutions, or directives that will require a decision of the City Council or Administration should normally “**touch**” (through oral or written communication, or any combination thereof) the decision makers at least **three separate times**. Quasi-judicial matters and any subject discussed in executive sessions are excluded from application of the “Three Touch Rule.”

The hands of Decision-makers should not be unnecessarily encumbered. Unexpected circumstances may arise such that observance of the “Three Touch Rule” is impractical. However, when unusual circumstances arise which justify a “first discussion” decision, the persons requesting the expedited decision should also explain the need for expedited timing. The Three Touch Rule excludes staff reports and other general communications not requiring a future Council decision.

7.9 City Staff – Attendance at Meetings

Attendance at meetings by City staff shall be at the discretion of the City Manager. It is the intent of the Council that the City Manager schedule adequate administrative support for the business at hand but also to protect the productive capability of department heads. When sound system or other monitoring capabilities exist, the City Manager may allow personnel to utilize time in their offices or other areas while waiting for the item of business for which appearance before the Council is required.

7.10 Administrative Presentations and Briefings

In order to enhance public understanding of complex issues being presented, City Administration is encouraged to include the use of visual communication tools whenever possible, such as:

- Overhead projection summaries or PowerPoint bullet points;
- Flow charts or box diagrams to illustrate complex organizations, sequences or systems;
- Bullet point or summary handouts for the public and the press, when appropriate;
- Slide projector or video-cam clips to show actual situations or settings;
- Large maps to help pinpoint specific locations or parcels;
- Use of color to highlight important elements;
- White board for illustration; and/or
- Configuring the room/display so as to allow the public to follow and understand issues.

ARTICLE 8: PREPARATION FOR COUNCIL MEETINGS

8.1 Council Meeting Agendas

Agenda preparation shall have 3 stages: a **preliminary** stage, a **proposed** stage and a final **Council agenda** stage.

The City Clerk, under the direction of the City Manager, and in consultation with the Mayor, Deputy Mayor, or Mayor Pro Tem, shall arrange a list of proposed matters deemed ready for Council consideration according to the “3 touch” rule (Article 7.8) and shall prepare a “**preliminary agenda**”

for the next Council meeting. When the **“preliminary agenda”** has been reviewed by the Mayor or other Presiding Officer, he or she shall have the option of adding (or deleting) any item from such agenda.

When the Mayor executes approval of the preliminary agenda it shall then become the **“proposed agenda.”** Copies of the “proposed agenda” shall be posted on the City website at least 24 hours prior to the Council meeting and shall be subject to the notice provisions stated in the City Code.

Upon convening a Council meeting and before any other business, the Council shall accept or modify the agenda by motion. The agenda shall then be officially the **“Council agenda”** for that meeting.

Requests for presentations to be scheduled on the formal agenda imply that the presentation is an official business consideration of the City. The Presiding Officer shall have the authority to rule on whether or not a graphic presentation, video, or other audio-visual presentation by non-City personnel is appropriate to be presented at the meeting.

The Presiding Officer, a majority of Councilmembers present, or the City Manager may propose a new item for the agenda at a meeting when extraordinary circumstances require, or for the purpose of information touches, excepting that items for action may not be added to a Special Meeting agenda.

8.2 Consent Agenda

The City Clerk or City Manager, in consultation with the Mayor or other Presiding Officer, may place matters on the consent agenda that:

- have been previously discussed by the Council; or
- based on the information delivered to members of the Council by Administration, can be reviewed by a Councilmember without further explanation;
- are so routine, technical, or "housekeeping" in nature, that passage without discussion is likely; or
- are otherwise deemed in the best interest of the City.

8.3 Study Session Agendas

The City Clerk, under the direction of the City Manager and in consultation with the Mayor, Deputy Mayor, or other Presiding Officer, shall arrange a preliminary study session agenda worksheet for the meeting. Councilmembers may request items to be placed on the agenda by contacting the City Clerk.

The Study Session worksheet shall, for each item, contain the following elements:

- Subject: The project designation or descriptive name for the item. The person requesting the item should use the same title in any subsequent business.
- Discussion Leader: The person who will introduce the item and lead the discussion as in 8.3.1 below.
- Activity: A brief description and time estimate of the discussion necessary for the Council to speak to the question posed in the “Goal” column.
- Goal: The reasonable outcome contemplated, whether a final action, advancement to a future agenda, just a “touch,” according to the 3 touch rule, or for general information.

When the **“preliminary study session agenda”** has been reviewed by the Presiding Officer for the Study Session, he or she shall have the option of deleting any item from such agenda until the next Council meeting when the full Council may vote on whether to re-introduce the item on the agenda or for a subsequent Council meeting. When the Mayor has approved the preliminary study session agenda, it shall then become the **“proposed study session agenda.”** The proposed agenda shall be published on the City website not less than 24 hours prior to the Study Session.

Upon convening the Study Session and before any other business, the Council shall accept or modify the agenda by motion. The agenda shall then officially be the **“Council study session agenda”** for that meeting.

8.4 Study Session Procedure

During a Council Study Session or Workshop, the discussion leader introduced by the Presiding Officer should:

- Introduce the subject and give background information;
- Identify the discussion goal;
- Act as facilitator to keep the discussion focused toward the goal; and
- Alert the Presiding Officer when it is appropriate to call for consensus or a motion.

The Presiding Officer shall retain the option of assuming the function of the discussion leader at any time in order to keep the discussion properly focused. The City Clerk shall keep notes of the discussion subjects with special attention to Council consensus or administrative direction which may need more formal action in a later meeting (i.e. agenda, future budget changes, etc).

8.5 Process for Preparing Legislation or Policies for Adoption

8.5.1 Draft Documents

Prior to consideration or final passage of all Ordinances, Resolutions, or pre-written Motions, draft documents or proposals shall be designated as drafts and shall contain the date of revision and the name of the author. Proposed Ordinances and Resolutions shall be accompanied by a “bullet” summary for possible later publication.

- “Proposed Drafts” shall contain the date, name of the group or individual originating or sponsoring the proposal, prior to the first presentation to the City Council.
- “Council Drafts” shall be documents or proposals which have been presented in open public session and held over by the City Council for further consideration or revision.

8.5.2 Preparation of Ordinances.

The procedures for ordinances are as follows:

(a) Proposing an Ordinance

A Councilmember may, in open session, request of the Presiding Officer that the Council consider enacting an ordinance. The Council then may assign the development of the proposed ordinance to the Administration, an Ad Hoc Committee, an Advisory

Committee or the Council for consideration. The committee or Administration shall report its findings to the Council. The City Manager, the City Attorney, or any of the citizen boards, committees, or commissions may propose that Council consider an ordinance or resolution.

(b) Sponsorship Encouraged

When a Councilmember wishes to assume sponsorship or advocacy of an ordinance or resolution, he or she should so announce, make the initial motion, provide an introduction and advocate the measure before the Council.

(c) Two (2) Readings

Although State law requires only one reading in most cases, all City ordinances shall normally have two (2) separate readings at separate Council meetings. At each reading, the title of the ordinance and a simplified summary or title of the ordinance shall be read prior to a vote. Not later than the date of the meeting at which the reading occurs, the full text of the draft ordinance shall be posted on the City website. A printed copy of the ordinance shall be made available by the City upon request by a member of the public.

(d) Waiver

The provision requiring two (2) separate readings of an ordinance may be waived at any meeting when the Council determines that the ordinance is simple, non-controversial, or administrative in nature or that the interests of the City are best served by one reading.

(e) Motion failure

If a motion to "continue an ordinance to a second reading" fails, the ordinance shall be considered lost, unless a subsequent motion directs its revision and resubmission to second reading.

(f) Repealer.

Any ordinance repealing any portion of the Municipal Code shall also repeal the respective portions of the original ordinance(s). Ordinances repealing earlier ordinances shall not apply to acts, incidents, transactions or decisions occurring before such repeal.

8.5.3 Preparation of Resolutions

A resolution may be put to its final passage on the same day on which it was introduced. However, the Council may invoke the two (2) reading procedure, described in Section 8.5.2(c) above, to facilitate public understanding and opportunity to comment on the resolution. The title of each resolution and a simple text summary, if available, shall be read prior to its passage. Not later than the date of the meeting at which the reading occurs, the full text of the draft resolution shall be posted on the City website. A printed copy of a resolution shall be made available upon request by a member of the public.

8.6 Council Packets

Councilmembers shall receive their agenda packets from the City Clerk. Councilmembers and affected staff should read the agenda material and ask clarification questions prior to the Council meeting, when possible.

ARTICLE 9: RULES OF ORDER FOR COUNCIL MEETINGS

9.1 Parliamentary Procedure

Rules of order not specified by statute, ordinance, or this Manual shall be governed by Robert's Rules of Order (<http://www.robertsrules.com/>). A simplified summary of some of the most frequently used motions under Robert's Rules is shown in Exhibit A.

9.2 Motions and Discussion

All items of business placed before the Council that require the expenditure of Council or Administration resources or changes in land use shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent "approval by default" of a failed negative motion.

9.3 Voting

The votes during all meetings of the Council shall be transacted as follows:

- Unless otherwise provided by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Councilmember, a roll call vote shall be taken and recorded by the City Clerk. The order of the roll call vote shall be determined by the Presiding Officer.
- In case of a tie vote on any proposal, the motion shall be considered lost.
- Every member who was in the Council chamber when the question was put, shall give his or her vote unless the Council, for special reasons, shall excuse the member by motion. If any Councilmember refuses to vote "aye" or "nay" (for example, due to a conflict of interest), the result shall be determined in accordance with Robert's Rules, which generally means that it shall be as if the individual who abstained from voting was not present for the vote.

9.4 Reconsideration

Any action of the Council, (including without limitation a final action on applications for legislative changes in land use status), shall be subject to a motion to reconsider, *except for*:

- any action previously reconsidered,
- motions to adjourn or motions to suspend the rules, or
- a vote electing to office one who is present and does not decline.

A motion for reconsideration can be made only by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next regular Council Business Meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of

a motion to reconsider, the subject matter is returned to the table immediately or at the next regular Council meeting (as determined by the wording of the motion to reconsider) for any action the Council deems advisable. Any motion for reconsideration of a matter which was the subject of a required public hearing or which is a quasi-judicial matter may not be discussed or acted upon unless and until the parties or their attorneys and the persons testifying have been given at least five (5) business days advance notice of such discussion or action.

9.5 Dissents and Protests

Any Councilmember shall have the right to express dissent from or protest, orally or in writing, against any Motion, Resolution, or Ordinance of the Council, and have the reason therefore entered or retained in the minutes.

9.6 Complaints and Suggestions to Council

When citizen complaints or suggestions, not on the agenda, are brought before the Council at a meeting, the Presiding Officer may, if circumstances warrant it, attempt to direct the citizen matter to an appropriate channel for resolution. In such a case, the Presiding Officer shall, in consultation with the City Manager, first determine whether the issue is legislative or administrative in nature and then:

- If legislative, and a complaint is about the language or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Presiding Officer may refer the matter to Administration, or the Council for study and recommendation.
- If administrative, and a complaint regarding administrative staff performance, execution of legislative policy or administrative policy within the authority of the City Manager, the Presiding Officer should then refer the complaint directly to the City Manager for review, if said complaint has not been so reviewed. The Council may direct that the City Manager brief the Council when the City Manager's response is made.

9.7 Prior Permission Required for Certain Elaborate Presentations

No overhead projection, photographs, motion pictures, or video that require the use of flood lights or similar continuous artificial illumination, shall be used by the public at City Council meetings without the prior consent of the Presiding Officer or the City Manager.

9.8 Conduct of Business Meetings

The Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the Council's business more expeditiously. Business Meetings of the Council may generally include many or most of the following agenda elements (which need not occur in the order stated below). Council may, by motion, formally approve a "Sample Order of Business," which, if adopted, shall be appended to accompany the published body of this manual as information. Such "Sample Order of Business" shall serve as a guideline, subject to change by motion of the City Council, in accordance with the procedures described in Article 8.1 and this article.

Examples of Business Meeting agenda elements include:

- **Executive Session**

The Council may hold an executive session during a regular or special meeting. Before convening in executive session, the Presiding Officer shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session shall be concluded. If the Council wishes to adjourn or take action at the close of a meeting from executive session, that fact will be announced. The announced time limit for executive sessions may be extended by announcement of the Presiding Officer made to those waiting in the nearest public area. No final action may be taken in executive session. (See RCW 42.30.110) Councilmembers shall not disclose any confidential oral and written information provided during executive sessions or otherwise obtained in the course of their duties in order to protect the best interests of the City. (See RCW 42.23.070(4), Article II(C) of the City's Code of Ethics.)

- **Summary Reports**

Short summary reports may be presented near the end of the meeting. Short summary reports may, for example, be presented by the Presiding Officer, the City Manager, or the chair of an Ad Hoc Committee or Steering Group.

- **Public Comment Period or Public Hearing**

The routine public comment period at a Business Meeting is conducted as described in Section 9.12 below. By contrast, a public hearing is governed by different rules of procedure than a public comment period and may either be (a) a quasi-judicial review of a land-use matter, or (b) an opportunity for public comments to be heard and recorded on a legislative matter. Special opportunities for public comment apply to a public hearing (see Section 9.13 below), and special rules and procedures apply to a quasi-judicial hearing (see Section 9.14 below).

- **Consent Agenda**

The proper Council motion on the consent agenda is as follows: *"I move adoption of the consent agenda"*. This motion shall have the effect of moving to adopt all items on the consent agenda. Any member of the Council shall have the right to remove ("pull") any item from the consent agenda. Therefore, prior to the vote on the motion to adopt the consent agenda, the Presiding Officer shall inquire if any Councilmember wishes an item to be "pulled" from the consent agenda. If any matter is pulled, the Presiding Officer shall entertain discussion and a motion on any pulled item after the vote on the passage of the unpulled items of the consent agenda.

- **Discussion of Matters for Future Meetings**

The purpose of such a discussion is to offer Council members (an opportunity) to express preferences regarding the setting of the agenda for a future Council meeting, subject to the prerogatives of the agenda-setting process described in Section 8.1.

- **Other Common Agenda Elements**

The agenda of a Business Meeting may also include other elements such as: Unfinished Business; Ordinance Reading; and New Business.

9.9 Conduct of Study Sessions and Workshops

Regular or Special Meetings of the Council, or portions thereof, may be designated as Study Sessions. The definition and the basic rules for Study Sessions are stated in Section 3.4.4 and for a Workshop in Section 3.3.5.

A Study Session may consist of any or all of the following elements:

(a) Public Comment Period

In general, because a Study Session is more informal and more interactive than a Business Meeting, the Presiding Officer may have greater latitude to seek public comment on a particular issue being discussed. Therefore, the Presiding Officer may invite public comment and dialog from time to time during the Study Session. In general, public comment shall be sought solely or primarily on matters on the Study Session agenda.

(b) Vetting of Agenda Items:

This element of a Study Session involves a vetting and review of agenda items that are expected to appear for Council action on the agenda of the next ensuing Council Business Meeting. This element of the Study Session may include: review of clarity and completeness of issues presented; discussion of the merits of the proposal; and a procedural vote to determine whether the agenda item shall be advanced to an ensuing Business Meeting of the Council.

(c) Study of Emerging Issues

This element of the Study Session involves emerging issues that are not initially expected to appear for action at the next Council Business Meeting, and it may include: (i) staff or third-party presentations; (ii) Council and Administration study, discussion and analysis; and/or (iii) interactive public comments and Council responses to comments.

(d) First Touch and Second Touch Updates

The agenda may provide time for short updates by the City Manager, staff, Councilmembers, or a member of an Ad Hoc Committee or Steering Group.

(e) Referral to Committee, Steering Group or Further Public Process

At a Study Session, the Council may choose to refer an issue to an Ad Hoc Committee or Steering Group, or schedule a Public Forum, before the issue returns to a future agenda.

9.10 Workshops

The purpose of a Workshop (i.e., a single-topic Study Session) is to allow Councilmembers to do concentrated preliminary work with Administration or the public on a single subject (i.e., budget, complex legislation, or reports, etc.). Workshops shall be in a less formal setting but shall not discourage public observation. Public comment is not normally allowed at Workshops although the Council may allow, or request, participation in the same manner as other Council Study Sessions.

9.11 Adjournment Due to Emergency or Disruption

In the event of emergency, such as a fire, threatened violence, or inability to maintain order, the Presiding Officer shall declare the meeting adjourned or continued and Councilmembers shall immediately leave the meeting area.

9.12 Procedures for Public Comment at Business Meetings

9.12.1 In General

The City Council desires to allow a maximum opportunity for public comment at various public forums and meetings. However, at a Business Meeting, the business of the City must proceed in an orderly, timely manner, and in that setting, the open Public Comment period is generally limited in overall time on the agenda (e.g. 30 minutes), and is further limited in the amount of time per speaker (3 minutes, or such lesser time determined by the Presiding Officer if a large number of individuals wish to speak). At any time the Presiding Officer in his or her sole discretion, may set such further limitations as are necessary to progress through the agenda and to prevent disruption of other necessary business.

The City will utilize a sign-in procedure for public comments, but, if time permits, the Presiding Officer may also invite comments from individuals who failed to sign in. The Presiding Officer may require a member of the public to state their name, address, and the subject of their comments.

These rules are intended to promote an orderly system of holding a public meeting, to give persons opportunity to be heard and to create an environment in which no individuals are embarrassed or uncomfortable by exercising their right of free speech.

9.12.2 Subjects – Whether or Not on the Current Agenda

Public comments received during the public comment period may be on any public topic, whether or not on the agenda, but a comment on the subject that is covered by a public hearing at that meeting must be made during the period of the public hearing.

9.12.3 Use of Microphones

Comments shall be made directly into the microphone, as it is necessary for the public record and for the audience to hear all proceedings. No comments shall be made from any other location.

9.12.4 Civility

The Presiding Officer is responsible for maintaining order and civility among those addressing the Council. There will be no demonstrations during, or at the conclusion of, any person's presentation. Any disruptive behavior, as determined by the Presiding Officer, shall be cause for removal from the meeting room.

9.12.5 Council May Overrule the Presiding Officer

Any ruling by the Presiding Officer relative to the conduct of the public comment period may be overruled by a vote of a majority of Councilmembers present.

9.13 Public Hearings – In General

9.13.1 Sign in Procedure

Prior to the start of the public hearing, the Presiding Officer may require that all persons wishing to be heard sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing, persons who have signed in and wish to be heard shall be given an opportunity to be heard.

9.13.2 Time Limits

The Presiding Officer shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings, (i.e., proponents, opponents, adjacent owners, vested interests, etc.).

9.13.3 Other Rules

The rules applicable to a Public Comment period under Sections 9.12.3, 9.12.4, and 9.12.5 shall likewise apply to legislative public hearings.

9.14 Council Quasi-Judicial Hearings

Quasi-judicial hearings and actions of the Council are those proceedings which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions or hearings do not include the hearings pertaining to legislative actions adopting, amending, or revising a general governmental policy or ordinance, or a comprehensive, community, or neighborhood plan or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance."

9.14.1 Appearance of Fairness Doctrine Applies to Quasi-Judicial Actions

If a proceeding is quasi-judicial, the "appearance of fairness doctrine" under Washington state law is generally applicable. See RCW 42.36.010 and Section 4.6.4 of this Manual. If a proceeding contains both legislative and adjudicative functions, it is recommended that the appearance of fairness doctrine rules be followed by the Council.

9.14.2 Obligations of Councilmembers in Quasi-Judicial Proceeding

In the event of a quasi-judicial proceeding of the Council, a Council member should immediately disclose any interests that may appear to constitute a conflict of interest. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve a Councilmember's business associate, or a member of the Councilmember's immediate family. It could involve *ex parte communications* (that is, communications with one party to the quasi-judicial matter without notice to or argument from the other party). Or it could involve ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the

Councilmember's employer with the proponents or opponents, announced predisposition, and the like. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember should disclose such fact to the City Attorney.

Anyone seeking to disqualify a Councilmember from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known, or reasonably should have been made known, prior to the issuance of the decision. Upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Councilmember shall state, with specificity, the basis for disqualification.

In the case of the Council sitting as a quasi-judicial body, the Presiding Officer shall have authority to request a Councilmember to excuse him or herself on the basis of an Appearance of Fairness violation. Further, if two Councilmembers believe that an Appearance of Fairness violation exists, such individuals may move to request a Councilmember to excuse him or herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Presiding Officer or other Councilmembers shall give due regard to the opinion of the City Attorney.

9.14.3 Avoid Ex Parte Communications with Quasi-Judicial Parties

During the pendency of any quasi-judicial proceeding, no Councilmember may engage in **ex parte** communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember: (1) places on the record the substance of such oral or written communications concerning the decision or action; and (2) provided that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. Under RCW 42.36.060(2), this does not prohibit correspondence between a citizen and his or her elected official, if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding.

EXHIBIT A - SIMPLIFIED SUMMARY OF PARLIAMENTARY PROCEDURE

PARLIAMENTARY PROCEDURE AT A GLANCE

To do this:	You say this:	May you interrupt speaker?	Must be seconded?	Is motion debatable?	Vote required
Introduce business	"I move that ..."	NO	YES	YES	MAJORITY
Amend a motion	"I move to amend this motion"	NO	YES	YES	MAJORITY
Request information	"Point of information"	YES	NO	NO	NO VOTE
Suspend further discussion	"I move we table it"(until when?)	NO	YES	NO	MAJORITY
End debate	"I move the previous question ..."	NO	YES	NO	MAJORITY
Postpone discussion	"I move we postpone this matter until ..."(when?)	NO	YES	YES	MAJORITY
Have something further studied by a committee	"I move we refer ..."	NO	YES	YES	MAJORITY
Ask for a vote count to verify a voice vote	"I call for a division of the house"	NO	NO	NO	NO VOTE
Object to considering some matter	"I object to consideration"	YES	NO	NO	MAJORITY
Take up a matter previously tabled	"I move to take from the table ..."	NO	YES	NO	MAJORITY
Reconsider something already disposed of	"I move we reconsider action on ..." (time-date?)	YES	YES	YES	MAJORITY
Consider something in unscheduled order	"I move we suspend the rules and ..."	NO	YES	NO	MAJORITY
Vote on a ruling by the chair	"I appeal the chair's decision"	YES	YES	YES	MAJORITY
Object to procedure or personal affront--chair decides	"Point of order"	YES	NO	NO	NO VOTE
Complain about noise, room temperature, etc.	"Point of privilege"	YES	NO	NO	NO VOTE
Recess the meeting	"I move that we recess until ..."	NO	YES	NO	MAJORITY
Adjourn the meeting	"I move that we adjourn"	NO	YES	NO	MAJORITY

EXHIBIT B – CURRENT LIST OF CITIZEN COMMITTEES, COMMISSIONS AND BOARDS

Legend:

RCW: Required by state statute (Revised Code of Washington)

Ord: Required by City ordinance.

Res: Required by Council resolution.

COUNCIL WORKING COMMITTEES

- **Public Safety Committee:** 3 Councilmembers, Police Chief and City Manager.
- **Ad Hoc Tree & Low Impact Development Committee:** Research and recommend legislation modifying regulations relating to trees and low impact development

COUNCIL STANDING ADVISORY COMMITTEES

- **Climate Change Advisory Committee:** 9 members; Councilmember is liaison; serves as a technical and planning advisory committee on issues related to climate change. (Ord)
- **Cultural Organization Funding Committee:** 7 members; Councilmember is liaison; develops funding recommendations to support cultural activities in the community. (Ord)
- **Environmental Technical Advisory Committee:** 7 members; Councilmember is liaison; provides technical and scientific advice on environmental management issues and projects. (Ord)
- **Human Services Funding Advisory Committee:** 7 members; Councilmember is liaison; develops funding recommendations for human services funding. (Ord)
- **Lodging Tax Advisory Committee:** 6 members – four from the community plus Councilmembers as chair and co-chair; reviews proposals for contracts for tourism promotion or tourism facilities, funded by the lodging tax. (RCW)
- **Marine Access Committee:** 7 members; Councilmember is liaison; supports awareness, management, and enhancement of public access to the Island's water and water dependent activities. (Ord)
- **Multi-Modal Transportation Advisory Committee:** 7 members; Councilmember is liaison; advise on transportation issues.
- **Utility Advisory Committee:** 7 members; Councilmember is liaison; Public Works Director is principle support staff; advise on issues relevant to the operation and maintenance of the City's water, sanitary sewer, stormwater, and other utilities. (Ord)
- **Youth Advisory Committee:** Unspecified number of members; Councilmember is liaison; provides youth perspective on selected issues.

STANDING COMMISSIONS AND BOARDS

- **Civil Service Commission:** 5 members; administers Police Department advancements, demotions, suspensions, discharges and employment. (RCW)
- **Design Review Board:** 7 members; Councilmember is liaison; advises on commercial / mixed-use land use applications, makes recommendations based on design guidelines. (Ord)
- **Ethics Board:** 7 members; Councilmember is liaison; promotes understanding of ethical standards for elected officials, and for major contractors working with City. (Ord/Res)
- **Historic Preservation Commission:** 7 members; Councilmember is liaison; provides technical advice on historic preservation to property owners, reviews applications to National Historic register.
- **Planning Commission:** 7 members; Planning Director is staff liaison; reviews applications for amendments to comprehensive plan, official zoning map and official zoning ordinance and other land use and city planning matters. (RCW)

The committees, commissions and boards listed above shall be subject to the following general guidelines, except to the extent stated to the contrary in the applicable resolution or ordinance.

(a) Meetings

Committee meetings (when held) must be open to the public, including the media, unless discussing matters which would qualify for an executive session (under the state law defining eligible executive session issues that apply to the Council).

(b) Council Liaison to Citizen Committees, Commissions and Boards

Liaisons shall be appointed by the Mayor and confirmed by the Council for specific purposes and for a time certain (normally a term of one calendar year, which may repeat if Council so determines). Liaisons may attend assigned citizen group meetings and report to the Council on matters of public concern.

(c) Liaison Procedures

Individual members of the Council may be assigned as liaisons whose duties involve keeping current with a group or activity by either attending meetings or conferring with members, and keeping Council informed. Liaisons may advocate Council actions on behalf of their assigned group or activity. Care must be taken to avoid an Appearance of Fairness Doctrine violation, or conflict of interest possibilities (i.e.: in the unusual case of a quasi-judicial proceeding). Liaisons' functions and duties may be further defined and/or directed by the Mayor or Mayor Pro Tem with concurrence of Council.

EXHIBIT C - SCALABLE PUBLIC PROCESS PLANNING SYSTEM

Getting the right people in the right place at the right time making the right decisions to keep the residents of Bainbridge Island well-informed and engaged

Level of Public Interest/Impact	Who and How	Sample Outreach Activities/Tools
Straightforward issue • Information only • Low controversy • One-time event	• Staff "expert" • Communications Coordinator ➤ A few emails	Information (2.4.6) • Press release • Calendar announcement
More complex issue • Multiple public "touches" • Public input helpful • Low controversy • Longer term impact	Ad Hoc Committee (2.1.3, 2.1.9) • Director/designee • Staff "expert" • Communications Coordinator ➤ One or more meetings	Small-scale campaign may include above, plus: • Display ad • ListServ notification • FAQ • Presentations to Key Influencers (ie., Rotary, Men's Oatmeal, 2.4.3)
Complex, and/or controversial issue • Lasting policy and/or land use impacts • High interest for multiple community elements • Public input desired • Longer process	Small Task Force (2.1.7, 2.1.9) • City Council liaison • City Manager/designee • Director/designee • Staff "experts" • Communications Coordinator ➤ Multiple meetings	Longer, more complex strategy may include above, plus: • Multiple press releases/ announcements • Targeted outreach to potential stakeholders • Stakeholder meetings (2.4.3) • Neighborhood meetings (2.4.5) • One or more public forums (2.4.4) • Built-in, iterative feedback loop to evaluate results and alter course as needed

EXHIBIT D – SAMPLE ORDER OF BUSINESS

Business Meetings of the Council shall be conducted as follows: provided, however, that the Mayor may, during a Council meeting, rearrange items on the agenda to conduct the business before the Council more expeditiously (article 8.8).

Call to Order by the Mayor (7:00 PM)

Pledge of Allegiance

Roll Call

Acceptance or Modification of Agenda / Conflict of Interest Disclosure

Public Comment

Mayor's Report

City Manager's Report

Presentations

Public Hearing (if any)

Unfinished Business

New Business

Consent Agenda

Committee Reports

For the Good of the Order

Adjournment



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: July 16, 2019

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (9:20 PM) Future Council Agendas,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Discussion only.

SUMMARY:

Council will review future Council agendas.

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[City Council Regular Business Meeting 072319.pdf](#)

[City Council Study Session 080619.pdf](#)

[City Council Regular Business Meeting 081319.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, JULY 23, 2019**

**BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE N.
BAINBRIDGE ISLAND, WASHINGTON**

AGENDA

- 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE - 6:00 PM**
Councilmember Nassar will be absent.
- 2. APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
- 3. PUBLIC COMMENT**
- 4. MAYOR'S REPORT**
- 5. CITY MANAGER'S REPORT**
- 6. PRESENTATION(S)**
 - 6.A Update from Kitsap Economic Development Association (KEDA), 15 Minutes
- 7. UNFINISHED BUSINESS**
 - 7.A (X PM) Biosolids Contract - Public Works, 10 Minutes
Proposed Biosolids Contract - Clean
Proposed Biosolids Contract - Track Changes
Staff Memo
 - 7.B (x:xx PM) 2019 Chip Sealing Project Contract Award - Public Works, 10 Minutes
Bid Form - 2019 Chip Sealing Project
Contract for Construction - 2019 Chip Sealing Project
2019 Chip Sealing Map
 - 7.C (XX PM) Ordinance No. 2019-09 Relating to Accessory Dwelling Units (ADUs) - Planning, 45 Minutes
Tiny Homes Handout from WA Building Officials
20190705_Ordinance_2019-09 (6).docx
20190627_Staff_Memo re tiny home appendix Q adoption.docx
20190705_Staff_Memo_on_ADUs_and_Tiny_Homes_RVs.docx

7.D (x PM) Review and Assessment of Critical Area Regulations, BIMC Chapter 16.20 - Planning, 15 Minutes
[20190723_CC_Staff_Memo.docx](#)
[20190509 PC Staff Memo.docx](#)

7.E (x PM) Ordinance No. 2019-03, Relating to Subdivision Update - Planning, 20 Minutes
[20190723 CC Staff Memo Subdivision Update.docx](#)
[Ord 2019-03 Exhibit A.docx](#)
[Ord 2019-03 Exhibit B.docx](#)
[Ord 2019-03 Exhibit C.docx](#)
[Ord 2019-03.docx](#)

8. NEW BUSINESS

8.A Memorandum of Understanding with the Suquamish Tribe for \$20,000 in Impact Mitigation Grant Funding - Police, 5 Minutes
[2019 Impact Mitigation Grant MOU](#)

8.B (x:xx PM) Ordinance No. 2019-19 Related to Model Traffic Ordinance Revisions - Public Works, 10 Minutes
[Ordinance_No._2019-19_Model_Traffic_Ordinance_Revisions.docx](#)
[ORD 92-25 MODEL TRAFFIC ORDINANCE.pdf](#)

8.C Mid-Year Report on 2019 Workplan Priorities and Comprehensive Plan Implementation - Executive, 15 Minutes

8.D Request for Proposals for 2020-2021 Cultural Funding Award Cycle - Executive, 15 Minutes
[2020-21 Cultural Funding RFP for CC 07232019.](#)
[2020-21 Cultural Funding RFP-Slides for CC 07232019](#)

9. CITY COUNCIL DISCUSSION

9.A (x PM) Discussion of Potential Changes to Ethics Program - (Placeholder), 45 Minutes

10. CONSENT AGENDA

10.A Agenda Bill for Consent Agenda 5 Minutes

10.B Accounts Payable and Payroll

10.C City Council Study Session Minutes, July 2, 2019

10.D City Council Regular Business Meeting Minutes, July 9, 2019

- 10.E Request for Proposals for 2020 Lodging Tax Projects - Executive, 5 Minutes
2020_LTAC_RFP_for_CC 07092019
LTAC Presentation for CC 9 July 2019
MRSC - Lodging Tax (Hotel-Motel Tax)
- 10.F Interlocal Agreement for Navigator Behavioral Health Support - Police, 5 Minutes
Navigator Services ILA
Poulsbo Navigator Policy - Updated 03.01.2019
- 10.G Resolution No. 2019-23, Adopting a Vehicle License Fee Rebate Program - Finance, 5 Minutes
Resolution No. 2019-23, Adopting a Vehicle License Fee Rebate Program
TBD Vehicle License Fee Rebate Program Summary
Vehicle License Fee Rebate Application Form
- 10.H Olympic Drive Design Professional Services Agreement Amendment No. 1 - Public Works, 5 Minutes
Amendment No. 1 to PSA with MIG SvR Design
Exhibit A to Amendment No. 1
Original PSA With MIG SvR Design - Executed April 15, 2019
- 10.I Municipal Court Lease Extension - Public Works, 5 Minutes
Amendment No. 2 to the Commercial Lease Agreement for the Municipal Court Building
- 10.J Police Vehicle Procurement - Public Works, 5 Minutes
POLICE Vehicle DES WA Specifications
- 10.K Resolution No. 2019-22, Supporting a County-Wide Ban on the Aerial Spray of Glyphosate and Stating the City's Intent to Pursue a Ban on the General Use and Sale of Glyphosate on Bainbridge Island - Councilmember Nassar, 5 Minutes
Resolution No. 2019-22 Supporting Ban on Aerial Spraying of Glyphosate

11. COMMITTEE REPORTS

- 11.A Committee Reports 5 Minutes

12. FOR THE GOOD OF THE ORDER

13. ADJOURNMENT

GUIDING PRINCIPLES

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

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

Guiding Principle #3 - Foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources.

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

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

Guiding Principle #6 - Nurture Bainbridge Island as a sustainable community by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Guiding Principle #7 - Reduce greenhouse gas emissions and increase the Island's climate resilience.

Guiding Principle #8 - Support the Island's Guiding Principles and Policies through the City's organizational and operating budget decisions.



City Council meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the City Clerk's Office at 206-780-8604 or cityclerk@bainbridgewa.gov by noon on the day preceding the meeting.



**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL STUDY SESSION
TUESDAY, AUGUST 06, 2019**

**BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE N.
BAINBRIDGE ISLAND, WASHINGTON**

AGENDA

- 1. CALL TO ORDER / ROLL CALL - 6:00 PM**
- 2. APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**
- 3. MAYOR'S REPORT**
- 4. PRESENTATIONS**
- 5. UNFINISHED BUSINESS**
 - 5.A Parking Study Short Term Implementation - Public Works, 30 Minutes
 - 5.B Sustainable Transportation Plan Goals - Public Works, 30 Minutes
- 6. NEW BUSINESS**
 - 6.A Transportation Concurrency Review - Public Works, 30 Minutes
[Traffic Impact Analysis August 2019.pptx](#)
- 7. CITY COUNCIL DISCUSSION**
 - 7.A Revisions to the Ethics Program 60 Minutes
- 8. FUTURE COUNCIL AGENDAS**
 - 8.A Future Council Agendas 10 Minutes
- 9. FOR THE GOOD OF THE ORDER**
- 10. ADJOURNMENT**

GUIDING PRINCIPLES

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

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

Guiding Principle #3 - Foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources.

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

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

Guiding Principle #6 - Nurture Bainbridge Island as a sustainable community by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Guiding Principle #7 - Reduce greenhouse gas emissions and increase the Island's climate resilience.

Guiding Principle #8 - Support the Island's Guiding Principles and Policies through the City's organizational and operating budget decisions.



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**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, AUGUST 13, 2019**

**BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE N.
BAINBRIDGE ISLAND, WASHINGTON**

AGENDA

- 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE - 6:00 PM**
- 2. APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
- 3. PUBLIC COMMENT**
- 4. MAYOR'S REPORT**
- 5. CITY MANAGER'S REPORT**
- 6. PRESENTATION(S)**
- 7. CLOSED RECORD PROCEEDING**
 - 7.A Wallace Way Cottages Final Subdivision**
- 8. PUBLIC HEARING(S)**
- 9. UNFINISHED BUSINESS**
 - 9.A Dave Ullin Open Water Marina (DUOWM) Buoy Removal and Install Contract Award - Public Works, 10 Minutes**
[BID_FORM_100818.docx](#)
[Norwest Marine LLC Contract AC.docx](#)
[DUOWM_PLANS_.pdf](#)
[MAC Rec Memo_012819.docx](#)
 - 9.B Ordinance No. 2019-07, Updating the City's General Code Enforcement Process Contained in Chapter 1.26 BIMC 15 Minutes**
 - 9.C Resolution No 2019-25, Opposing Initiative 976 Concerning Motor Vehicle Taxes and Fees 20 Minutes**

9.D Review Letter relating to Small Cell Issues - Deputy Mayor Tirman and Councilmember Nassar, 10 Minutes

9.E Small Wireless Facility Design Standards - 10 Minutes

10. NEW BUSINESS

10.A Sewer Treatment Plant Upgrades Feasibility Study Professional Services Agreement - Public Works, 10 Minutes

10.B Ordinance No. 2019-XX Relating to 2019 2nd Quarter Budget and Updated Capital Improvement Plan Amendments - Finance

10.C 2019 Annual Drainage Project 10 Minutes

10.D Resolution No. 2019-24 Updating the City's Procurement Policy - Public Works, 10 Minutes

[Resol No. 2019-24 - Procurement Manual Update.docx](#)

[5418-S.E HBA LG 19.pdf](#)

[FINALProcurementPolicyUpdates_KGRedlinesREADIBLE COPY.docx](#)

10.E Sidewalk Cutting and Replacement Contract - Public Works, 10 Minutes

10.F 2019 Midyear Report - Finance 20 Minutes

11. CITY COUNCIL DISCUSSION

12. CONSENT AGENDA

12.A Agenda Bill for Consent Agenda 5 Minutes

12.B Accounts Payable and Payroll

13. COMMITTEE REPORTS

13.A Committee Reports 5 Minutes

14. FOR THE GOOD OF THE ORDER

15. ADJOURNMENT

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