

REGULAR CITY COUNCIL STUDY SESSION
TUESDAY, JUNE 2, 2015
LOCATION: BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE NORTH, BAINBRIDGE ISLAND, WA 98110

1. 6:30 PM EXECUTIVE SESSION
Current Litigation (RCW 42.30.110(1)(i)); Review Performance of an Employee (RCW 42.30.110(1)(g))
2. 7:00 PM CALL TO ORDER / ROLL CALL
3. 7:05 PM ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
4. 7:10 PM CITY MANAGER'S REPORT
Comprehensive Plan/Navigate Bainbridge Update
5. 7:15 PM STAFF INTENSIVE
 - A. 7:15 PM Resolution No. 2015-11, City Dock Boating Infrastructure Grant

Documents: [060215 Resolution No. 2015-11.Pdf](#)
 - B. 7:25 PM Consider Approval of Waterfront Park 100% Design

Documents: [060215 Waterfront Park Final Design.pdf](#)
 - C. 7:55 PM Funding Model for Public Art Program

Documents: [060215 Public Art Program Funding Model.pdf](#)
 - D. 8:15 PM Consider Approval of Manitou Beach Drive Parking Project Design

Documents: [060215 Manitou Beach Drive Parking Project](#)

- E. 8:30 PM Ordinance No. 2015-10, Tent Cities as an Allowed Temporary Use Regulations

Documents: [060215 Ordinance No. 2015-10.Pdf](#)

- F. 8:45 PM Ordinance No. 2015-13, Proposal to Consolidate Harbor Commission and Road Ends Committee

Documents: [060215 Ordinance No. 2015-13.Pdf](#)

6. 9:00 PM COMMITTEE REPORTS

- A. Utility Advisory Committee Notes, May 21, 2015

Documents: [060215 Utility Advisory Committee 052115 Notes.pdf](#)

- B. City of Bremerton's Withdrawal from Kitsap Regional Coordinating Council

Documents: [060215 Bremerton Withdrawal From KRCC.pdf](#)

7. 9:05 PM REVIEW OF UPCOMING COUNCIL MEETING AGENDAS

Documents: [060215 Review Upcoming Council Meeting Agendas.pdf](#)

8. 9:10 PM FOR THE GOOD OF THE ORDER

9. 9:15 PM ADJOURNMENT

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

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

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Resolution No. 2015-11 City Dock Replacement Boating Infrastructure Grant	Date: June 2, 2015
Agenda Item: Staff Intensive	Bill No.: AB 15-072
Proposed By: Public Works Director Barry Loveless	

BUDGET INFORMATION

Depart/Fund: 2016 CIP		
Expenditure Req: \$82,000	Budgeted? ☒ Yes ☐ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW

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

DESCRIPTION/SUMMARY

Action Item:

Consider approval of Resolution No. 2015-11 authorizing city matching funds for the Boating Infrastructure Grant.

Background:

In 2013/2014, the City conducted an extensive public outreach search which resulted in the completion of the 30% design efforts for the City dock. At the April 28, 2015 City Council meeting, the Council approved finalizing the design and awarding the contract to PND Engineers.

The City applied for a Washington Recreation and Conservation Office (RCO) Boating Facilities Program (BFP) grant in 2014 for the portion of the replacement dock designed to support trailerable boats (less than 26 feet). The City requested BFP grant funding of \$835,461 and is awaiting final determination of the grant status.

It is recommended that the City pursue additional grant funding through the Federal Boating Infrastructure Grant (BIG) program for the portion of the replacement dock designed to accommodate larger boats (greater than 26 feet). The City can request grant funding of \$243,000 for this portion of the project, which requires a City match of \$82,000. The BIG program requires the governing body to pass an authorizing resolution for the eligibility of receiving grant funds, if the application is successful.

RECOMMENDED ACTION

Motion:

I move that the City Council approve Resolution No.2015-11 authorizing city matching funds of \$82,000 for the Boating Infrastructure Grant if the grant application is successful.

Local Agency
Boating Infrastructure Grant
Authorizing Resolution
Development Type Projects

Organization Name: City of Bainbridge Island Resolution No. 2015-11

Project Name(s) Eagle Harbor City Dock Replacement Project

This is a resolution that authorizes submitting application(s) for grant funding assistance for Boating Infrastructure Grant project(s) to the Recreation and Conservation Office as provided in 50 Code of Federal Regulations (CFR) Part 86, Boating Infrastructure Grant Program: Final Rule; WAC 286 and subsequent Legislative action.

WHEREAS, under the provisions of the Boating Infrastructure Grant (BIG) program, grant assistance is requested to aid in financing the cost of facility development; and

WHEREAS, our organization considers it in the best public interest to complete the project described in the application(s);

NOW, THEREFORE, BE IT RESOLVED that:

1. The **City Manager** is authorized to make formal application to the Recreation and Conservation Office for grant assistance;
2. Any grant assistance received will be used for direct costs associated with implementation of the project referenced above;
3. Our organization hereby certifies that our matching share of project funding will be derived from the City General Fund and that we are responsible for supporting all non-cash commitments to this project should they not materialize.
4. We acknowledge that the grant assistance, if approved, will be paid on a reimbursement basis, meaning we will only request payment from the Recreation and Conservation Office after eligible and allowable costs have been incurred and payment remitted to our vendors, and that the Recreation and Conservation Office will hold retainage until the project is deemed complete.
5. We acknowledge that any facility developed through grant assistance from the Recreation and Conservation Funding Board must be reasonably maintained and made available to the general public at reasonable hours and times of the year according to the type of area or facility unless other restrictions have been agreed to by the Recreation and Conservation Office Director or the Recreation and Conservation Funding Board.
6. We acknowledge that any facility developed with grant assistance from the Recreation and Conservation Funding Board must be dedicated for public outdoor recreation purposes, and be retained and maintained for such use for a minimum of 20 years from the date of final project reimbursement unless otherwise provided and agreed to by our organization, the Recreation and Conservation Funding Board, and the US Fish and Wildlife Service.
7. We have read both the federal guidelines and state policies for the BIG program and agree to abide by those guidelines and policies, and as BIG grants are federal funds, our organization must comply with all applicable federal laws.
8. This resolution becomes part of a formal application to the Recreation and Conservation Office for grant assistance; and
9. We provided appropriate opportunity for public comment on this application.

This resolution was adopted by our organization during the meeting held:

Location: Bainbridge Island, WA Date June 9, 2015

Signed and approved by the following authorized representative:

Signed _____

Title: Mayor Date _____

Attest: _____

Approved as to form: _____

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Waterfront Park Phase 1 Final Design Approval	Date: June 2, 2015
Agenda Item: Staff Intensive	Bill No.: AB 13-025
Proposed By: Public Works Director Barry Loveless	

BUDGET INFORMATION

Depart/Fund: 2015 CIP – Waterfront Park Phase 1 Improvements		
Expenditure Req:	Budgeted? ☒ Yes ☐ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW

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

DESCRIPTION/SUMMARY

Action Item:

Consider approval of the Waterfront Park Phase 1 final design after hearing/viewing presentation and receiving public comments from tonight's City Council meeting.

Background:

The Waterfront Park improvements are included in the Winslow Master Plan and part of the City's Comprehensive Plan. In 2013, the City undertook an extensive public outreach effort that culminated a 30% design for the Park. At the February 10, 2015 meeting, City Council approved the Waterfront Park Phase 1 design with Walker Macy in the amount of \$83,978.

On May 6, 2015, City staff and the Consultant presented the final design at an open house held in the Council Chambers at 6:00 p.m. The design was well received by citizens attending the open house.

RECOMMENDED ACTION

Motion:

I move that the City Council approve the Waterfront Park Phase 1 final design.

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Funding Model for Public Art Program	Date: June 2, 2015
Agenda Item: Staff Intensive	Bill No.: 15-008
Proposed By: Executive	Referral(s):

BUDGET INFORMATION

Department: Executive	Fund:	Munis Contract #
Expenditure Req: Yes	Budgeted? ☐ Yes ☒ No	Budget Amend. Req? ☒ Yes ☐ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A
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DESCRIPTION/SUMMARY

Action Item:

To consider changes to Bainbridge Island Municipal Code Chapter (BIMC) 3.80 related to the City's Public Art Program. These changes are proposed to update the ordinance to reflect current City practice and to prepare for a potential reinstatement of a funding mechanism for the City's Public Art Program.

History:

The City's Municipal Code establishes a Public Art Program and designates BIAHC as the agency to oversee this program. The Code establishes a Public Art Committee (PAC) which is structured such that the Chair of the PAC is a member of the BIAHC Board of Directors (see BIMC 3.80.010, 3.80.020, and 3.80.040). In 2010, the funding mechanism for the Public Art Program was suspended by City Council motion. Funding can be reinstated at any time by motion of the City Council.

At the City Council Study Session on Feb. 3, 2015 the City Council considered options to provide revenues for the Public Art Program and received information from the Public Art Committee. The Council directed staff to prepare a draft of potential changes to BIMC 3.80 and to develop information on how the City might resume funding for the Public Art Program. The following materials provide detail on options for a funding mechanism, estimates of funds required/generated, and implementation issues.

The City Attorney and Deputy City Manager met with the PAC in early May to review the proposed changes, discuss initial funding estimates, and answer questions.

RECOMMENDED ACTION:

Information only. If there is consensus on a funding mechanism, funding rate, and implementation process, the next steps would include (a) to consider approval of proposed changes to the Public Art ordinance at an upcoming City Council meeting, and (b) to consider approval of a motion to reinstate the funding mechanism defined in the revised ordinance.



City of Bainbridge Island
EXECUTIVE DEPARTMENT
MEMORANDUM

TO: Members of the City Council

FROM: Lisa Marshall, City Attorney

DATE: May 28, 2015

RE: Proposed Revisions to BIMC 3.80

Background

Until 2010, BIMC 3.80 required that the City transfer from the general fund to the public art account the equivalent of two percent of the estimated cost of all municipal capital projects. On November 17, 2010, the Bainbridge Island City Council added the following to language to BIMC Section 3.80.020:

”Whenever it determines that the prudent management of city financial priorities or other significant public interest would be served, the city council may, by motion at a city council meeting, suspend city contributions to the public art account.”

BIMC 3.80.020(G).

Also on November 17, 2010, the City Council passed a motion suspending contributions to the public art account. The City Council has determined that it wishes to resume contributions to the public art account; the Council may resume contributions by motion. Additionally, this is an opportunity to consider other changes to BIMC 3.80 in conjunction with the decision to resume contributions. The purpose of this memo is to discuss four proposed changes to BIMC 3.80.

Proposed amendments to BIMC 3.80

The first proposed amendment is to update the information provided in BIMC 3.80.020 Ordinance. This subsection creates a subfund for the restoration and maintenance of public art from the Ordinance. Staff is recommending changes to this section to reflect the current City fund structure and current practice for maintenance of the City’s public artworks. Details on maintenance for artwork are described in a new section BIMC 3.80.020(E).

The second proposed revision is to remove water, sewer, and storm water management facilities from the definition of municipal capital construction projects in BIMC. This recommendation is informed by the Court of Appeals, Division One, decision in *Okeson, et. al v. the City of Seattle*, 130 Wash. App 814 (2005) (hereafter “*Okeson*”). The Court in *Okeson* held that art projects funded with electrical utility’s funds are required to have a sufficiently close nexus to the primary

purpose of furnishing electricity to the ratepayers, and therefore art funded by the utility must be physically located in utility offices or buildings. This holding also extends to water, sewer, and storm water utilities which are funded by ratepayers; accordingly, if the City were to include water, sewer, and storm water utilities in the definition of “municipal capital project,” then art funded from those utilities would be required to be located on the utilities. This would be impossible because the City does not maintain separate buildings for its utilities. Therefore the City is recommending that water, sewer, and storm water utilities not be included in the definition of municipal capital project.

The third proposed amendment is to remove from the definition of municipal capital project the acquisition of equipment that becomes affixed to real property owned by the City. An example of this type of equipment would be a generator. The City is recommending removal of this language to align with the approach that funding for public art is associated with capital projects as opposed to equipment purchases.

The fourth proposed amendment is to establish that the funding source is from specific, eligible capital projects. Prior to the revision, an equivalent of two-percent of the cost of the municipal capital construction project was transferred from the general fund to the public art subfund. The proposed revision would increase the final cost of an eligible municipal capital project by two-percent. That amount would be transferred to the public art account upon project close-out.

Finally, staff is recommending that land and right-of-way acquisition costs not be included in the definition of municipal capital project; because land acquisition costs are usually significant, the inclusion of these costs in the definition of municipal capital project would significantly increase the amount of the corresponding public art contribution.

What other cities are doing

The cities listed in the following table have public art ordinances and contribute the amounts listed subject to the exclusions in the last column of the table. A survey of the municipal codes of all Washington cities revealed that only the cities listed in the table below have public art ordinances:

City	Funding Source	Funding Amount	Excluded from definition of capital facilities projects
Bellevue	capital investment program general fund	\$250,000 annually	none
Bothell	qualifying capital facilities projects	1% of project cost where estimated project cost is \$50,000 or more	Street projects, utility projects and facilities, acquisition of real property, equipment, demolition excluded from definition. Project cost must be over \$50,000 to qualify
Bremerton	municipal capital facilities projects	1% of project cost	Street projects and utility projects and facilities
Issaquah	municipal capital facilities projects	One half of 1% of project cost for projects up to \$5m plus one quarter of 1% of project cost for projects \$5m and over.	Qualifying projects must exceed \$10,000; excludes City's Water and Sewer Capital Funds, unless the City Council finds that the project as installed is accessible to and generally frequented by the general public
Port Townsend	municipal capital facilities projects	1% of project cost	Above ground utility projects (unless specially determined by the city council), below ground utility projects, routine maintenance, the repair of existing public facilities, or the replacement of fixtures in such facilities
Seattle	municipal capital facilities projects	1% of project cost	None
Snoqualmie	"qualifying" municipal capital improvement project	1% of project cost	Applies only to capital projects of \$100k or more and excludes street sidewalk and parking construction projects unless an "integral" part of the renovation or construction of a building. Limit of \$50,000 per capital project and unexpended fund balance NTE \$75,000

ORDINANCE NO. 2015-15

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to funding of public art; amending Section 3.80.020 of the Bainbridge Island Municipal Code (BIMC) to revise the definition of “Project” to exclude water, sewer, and storm and surface water management facilities, and to require that appropriations for qualifying municipal capital projects include two percent for payment directly to the public art account.

WHEREAS, the Court of Appeals of Washington, Division 1, in *Okeson, et. al v. the City of Seattle*, 130 Wash. App 814 (2005) (hereafter “*Okeson*”) held that art projects funded with electrical utility’s funds are required to have a sufficiently close nexus to the primary purpose of furnishing electricity to the ratepayers; and

WHEREAS, the rule, above, articulated in *Okeson* is also applicable to a water utility, sewer utility, and storm water management utility and public art funded from such utilities must bear a sufficient nexus to the furnishing of water, sewer, or storm water services to the utility ratepayers; and

WHEREAS, the City desires to eliminate the risk of utility ratepayer allegation of improper use of utility funds and therefore wishes to eliminate water, sewer, and storm water projects for the definition of “Project” for purposes of calculation of two percent of a project’s capitalized costs;

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

Section 1. Section 3.80.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

3.80.020 Cultural resources subfund.

A. Creation. There is established in the city treasury a fund designated the City of Bainbridge Island cultural resources subfund. ~~Two accounts shall be established in the subfund:~~

- ~~1. A public art account; and~~
- ~~2. An arts and humanities account; and~~
- ~~3. The city’s finance director shall create a third account in the city of Bainbridge Island cultural resources subfund. This account shall be for the maintenance, restoration, renovation, illumination or relocation of existing works of public art in the city’s collection. This account shall be funded by taking a maximum of 10 percent of all new funds added to the public art~~

~~account each year, starting with the contribution recorded in 2000 for capital improvements completed in 1999.~~

- a. ~~Public art commissions that are Artist Made Building Parts (AMBP) shall not be maintained, restored, renovated, illuminated or relocated with funds from this new account. These AMBP become part of the facility in which they are installed and are to be maintained, restored, renovated, illuminated or relocated within general city funds. All new public art works shall be designated as either AMBP or not. A listing of existing public art work indicating AMBP designation is provided in Appendix 1, City of Bainbridge Island Public Art Collection. The list shall be revised administratively from time to time as new public art projects are approved by the city and the public arts committee.~~
- b. ~~This new public art maintenance account is not intended to be used for everyday cleaning or polishing of public art works. This everyday maintenance is to be paid for by the facility where the piece is located.~~

All funds authorized or appropriated pursuant to this chapter shall be deposited into and maintained in the ~~cultural resources subfund~~ public art account ~~in separate accounts established for that purpose.~~ Expenditures from the ~~cultural resources subfund~~ public art account shall be made at the sole discretion of the city council, except as provided otherwise in this chapter or Chapter 3.82 BIMC. The ~~cultural resources subfund~~ public art account shall be administered by the city's finance director.

B. Definitions of Project. "Project" means all capital municipal construction or improvement projects or portions of projects, paid for wholly or in part by the city, including:

1. Construction or renovation of any city street or sidewalk;
2. Construction, renovation or remodel of any public park, building, parking facility or any portion thereof within the city limits;
3. ~~Construction of sewer or water facilities, or other utilities, except those projects which are completely underground; or~~
4. ~~The acquisition of equipment which becomes affixed to real property owned by the city.~~

"Project" for purposes of this section shall not include construction of sewer, water, or storm and surface water management facilities.

C. Source of Funds.

1. ~~For each Project, the city council shall place in the public art account an amount equal to two percent of the Project's capitalized costs to the city regardless of whether the Project is completed. The city's contributions to the public art account pursuant to this chapter shall be funded from the city's current expense general fund.~~ All authorizations and/or appropriations for capital municipal construction projects shall, whenever legally permitted, include an amount equal to two percent of the total capitalized project cost, to be used for the selection, acquisition and/or installation of works of art to be placed in, on, or about appropriate City public facilities.
 2. In computing the amount to place in the public art account, the Project's capitalized costs to the city shall include actual construction costs, architectural and engineering fees, project administration, site preparation, contingency allowances, capitalized project costs of city staff time spent on the project, and any other capitalized amounts paid by the city to third parties in connection with the project.
 3. The project's capitalized costs shall not include land or right-of-way acquisition, financing, furnishings, fixtures or equipment.
 4. The Project's capitalized costs to the city shall not include any portion of the Project's cost which is not funded by the city.
 5. The City's contributions to the public art account pursuant to this chapter may include developer art contributions if the contributions have been approved by the designated agency.
 6. Fund transfers to the public art account will occur as part of the annual year-end financial process, after project close-out.
- D. In the event any law, rule or regulation establishing a source of funds for a Project prohibits, limits or excludes art as a proper expenditure of funds on the part of any other entity participating in the cost of the Project, then the amount of funds acquired from such source shall be limited or excluded to the extent required by law in computing the amount to include in the authorization or appropriation for the Project and to place in the cultural resources subfund.
- E. Maintenance. A listing of existing public art work is provided in Appendix 1, City of Bainbridge Island Public Art Collection. The list shall be revised administratively from time to time as new public art projects are approved by the city and the public art committee. All artwork in the city collection is designated as either free-standing, or as an Artist Made Building Part (AMBP). These AMBP become part of the facility in which they are installed.

1. To the extent possible, routine maintenance of all artwork, both free-standing and AMBP, will be completed by City staff without cost to the public art account.
 2. When required, specialized services to maintain, restore, renovate, illuminate or relocate AMBP shall be supported with general city funds.
 3. When required, specialized services to maintain, restore, renovate, illuminate or relocate free-standing artwork shall be supported with the public art account.
 4. Periodically, the city may engage specialized services to review and assess the condition and maintenance plan for the public art collection. The cost for this periodic assessment shall be supported by the public art account.
- F. Any funds placed in the public art account, which are not spent, shall be carried over automatically from year to year. Upon the approval of the city council and at the request of the designated agency, funds placed in the public art account pursuant to this chapter may be transferred to an arts and humanities account in the cultural resources subfund.
- G. Whenever it determines that the prudent management of city financial priorities or other significant public interest would be served, the city council may, by motion at a city council meeting, suspend city contributions to the public art account.

Section 2. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2015.

APPROVED BY THE MAYOR this ____ day of _____, 2015.

Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK: May 28, 2015
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER: 2015-15

DRAFT

City of Bainbridge Island
EXECUTIVE DEPARTMENT



MEMORANDUM

TO: City Council
Doug Schulze, City Manager

FROM: Morgan Smith, Deputy City Manager

DATE: June 2, 2015

RE: Issues Related to Implementation of a Project Funding Mechanism for Public Art Program

This memo summarizes some issues City staff have identified with respect to how best to resume funding for the City's Public Art Program under BIMC 3.80. The action needed to reinstate funding is fairly straightforward, and requires only that City Council approve a motion to remove the suspension that was implemented in 2010. However the logistics involved within the City's accounting structures to resume this funding mechanism and to maintain going forward are fairly complex and potentially time-consuming.

Connection to Capital Projects

The previous and proposed mechanism share a fundamental element that ties the level of public art funding to the level of capital spending. The proposed model makes public art funding an explicit item within eligible project budgets. This model is the one most typically used by cities, and reflects a common intent to include public art elements in new facilities that are being constructed.

At a smaller city, like Bainbridge Island, the construction of physical facilities is relatively infrequent. As a result, the opportunities to locate public art within new City construction is very limited. This means that, for our city, the source of public art funding (new capital projects) will nearly always be decoupled from the site and timing of public art projects.

Using this approach, the process to compute and then allocate public art funding from a capital project budget is best done: (a) after the project close-out, once final costs are identified and capitalized, and (b) as part of the annual, year-end financial process.

Some key points to highlight with the funding mechanism as currently proposed:

- It is possible to use the City's Capital Improvement Plan (CIP) to estimate the amount and timing of public art funding, but actual funding results will depend on a number of factors and will be variable.
- The City's capital projects are frequently delayed due to changes in grant funding, general financial capacity, seasonal weather, contractor availability and other factors. These shifts in timing and scope will create parallel impacts to public art funding.
- Capital projects are often in progress over multiple years, through design phases, permitting and construction. Public art funding would not be generated until the end of the year in which the project close-out occurred.
- Public art funding would be computed on all eligible, capitalized project costs. These would include items such as project labor and legal costs, which are not typically budgeted but which are capitalized.
- The City's annual road preservation projects would not generate public art funding because they are considered to be maintenance work rather than capital projects.
- Capital project elements supported by Real Estate Excise Tax (REET) would not generate public art funding because public art is not an eligible use of these funds.
- Capital project elements supported by the Transportation Benefit District (TBD) would not generate public art funding because public art is not an eligible use of TBD funds.

The following table provides a rough estimate of the level of funding that might be generated for public art from the eligible capital project plans listed in the City's current 6-year CIP. Funding estimates are provided for several scenarios:

- Current CIP (2015-2020) at 1% funding for public art (roughly \$100,000 over six years)
- Equivalent alternative: flat annual funding of \$15,000 per year
- Current CIP (2015-2020) at 2% funding for public art (roughly \$180,000 over six years)
- Equivalent alternative: flat annual funding of \$30,000 per year
- Current CIP plus estimated construction costs for a planned public safety facility; assumes an additional \$8 million in eligible costs at 1% funding for public art (roughly \$180,000 over six years)
- Equivalent alternative: flat annual funding of \$30,000 per year
- Current CIP plus estimated construction costs for a planned public safety facility; assumes an additional \$8 million in eligible costs at 2% funding for public art (roughly \$360,000 over six years)
- Equivalent alternative: flat annual funding of \$60,000 per year

Current Eligible Projects Included in City Capital Improvement Plan (CIP):

	2015	2016	2017	2018	2019	2020
Transportation	\$935,000	\$870,000	\$1,762,000	\$679,000	\$994,000	\$1,201,000
-- less Annual Roads Pres.	-\$918,000	-\$624,000	-\$637,000	-\$649,000	-\$662,000	-\$676,000
NonMotorized Trans.	\$753,000	\$172,000	\$788,000	\$1,521,000	\$82,000	\$940,000
Facilities	<u>\$1,970,000</u>	<u>\$1,037,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Estimated labor:						
FTE - Trans./NM @ 1.0 FTE						
(1,500 hrs direct charge)	\$89,000	\$92,000	\$95,000	\$98,000	\$101,000	\$104,000
Facilities @ 0.5 FTE	\$45,000	\$51,000	\$0	\$0	\$0	\$0
	<u>\$2,874,000</u>	<u>\$1,598,000</u>	<u>\$2,008,000</u>	<u>\$1,649,000</u>	<u>\$515,000</u>	<u>\$1,569,000</u>

[illegible]

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Manitou Beach Drive Parking Project Final Design	Date: June 2, 2015
Agenda Item: Staff Intensive	Bill No.: AB 14-194
Proposed By: Public Works Director Barry Loveless	

BUDGET INFORMATION

Depart/Fund: General Fund		
Expenditure Req: \$ 53,905	Budgeted? ☐ Yes ☒ No	Budget Amend. Req? ☒ Yes ☐ No

REFERRALS/REVIEW

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

Action Item:

Consider approval of the Manitou Beach Drive Parking project final design, add the project to the Capital Improvement Plan, and approve a budget amendment to provide funds for construction.

Background:

The goal of the new parking area is to facilitate public access to the site and also the adjacent 200' wide City-owned tideland property. Both properties were purchased using funds from the Open Space Bond Initiative and offer unique opportunities for public enjoyment of marine views, access to Puget Sound, native vegetation, and wildlife.

At a City Council Study Session on April 21, 2014, Council discussed options and expressed support for a plan to provide parking on the upland parcel to improve public access opportunities at the site, and directed staff to further investigate the feasibility of providing a limited parking area at the upland site.

Continued on Page 2

RECOMMENDED ACTION

Motion:

I move that the City Council: (1) approve final design for the Manitou Beach Drive Parking project; (2) add the project to the 2015 Capital Improvement Plan; and (3) approve a budget amendment in the amount of \$53,905 from the General Fund increasing the spending authority for this project.

Background - Page 2 Continued

t the City Council Study Session on December 2, 2014, staff presented information on the existing site conditions, the permitting and environmental considerations, and plans illustrating potential preliminary layouts for a parking area for three cars, four cars, and six cars respectively. Council continued to express support for the project and directed staff to gather input from the community and return to Council with a recommendation.

A community meeting was held on March 25, 2015 to discuss the Manitou Beach Drive public access general design including parking size and location and other amenities. At that meeting, a number of issues were discussed and suggestions made to move the parking as close to the road as possible, provide a boardwalk to the tidelands parcel, native plantings, a bench, and bike racks. Other suggestions related to traffic calming, other site furnishings, and signs. These are not a part of this plan for capital improvements.

For more information, please visit the project webpage at www.bainbridgewa.gov/678.



City of Bainbridge Island
PUBLIC WORKS DEPARTMENT
MEMORANDUM

TO: City Council
Doug Schulze, City Manager

FROM: Mark Epstein, Engineering Project Manager

DATE: June 2, 2015

RE: MANITOU BEACH PARKING PROJECT
Design Recommendations

Project History

At the City Council Study Session on April 21, 2014, Council discussed options for the disposition of a City-owned surplus parcel located on Manitou Beach Drive (commonly referred to as the “Manitou Tidelands”), and included consideration of the upland parcel also owned by the City (“Manitou Uplands”). At that meeting Council expressed support for a plan to provide parking on the upland parcel to improve public access opportunities at the site, and directed staff to further investigate the feasibility of providing a limited parking area at the upland site.

At the City Council Study Session on December 2, 2014, staff presented information on the existing site conditions, the permitting and environmental considerations, and plans illustrating potential preliminary layouts for a parking area for three cars, four cars, and six cars respectively. Council continued to express support for the project and directed staff to gather input from the community and return to Council with a recommendation.

The City hosted a public meeting to discuss features of a proposed parking area on March 25, 2015. The results of that meeting are described below.

Community Outreach and Input Received

The community meeting held at City Hall on March 25, 2015 was well attended and provided an open and constructive dialogue among the estimated 60 attendees. Staff provided background information and presented the preliminary six-stall parking option. The ensuing town-hall style discussion among the group and staff considered providing a trash can, picnic table and other recreational furniture (BBQ or fire pit), fencing, traffic calming devices (speed humps, additional signs), and a crosswalk across Manitou Beach Drive. These elements were considered but not included in the recommended plan due to concerns about maintenance, effectiveness, social behaviors, or cost.

Suggestions provided at the meeting, and included in the recommended plan, include the following:

- Parking for between two to four vehicles (four vehicles shown);
- Move parking as close to the road as possible;
- Bike racks;
- Boardwalk to access the tidelands parcel;
- A bench at the parking area or at the end of the boardwalk;
- Native plant restoration;
- Additional signs indicating extent of City property

Staff has received a number of email comments from community members, included as part of this memo (see **Attachment 1**). Staff has also had phone conversations and has met informally with several community members during the course of site investigations.

Project Recommendation

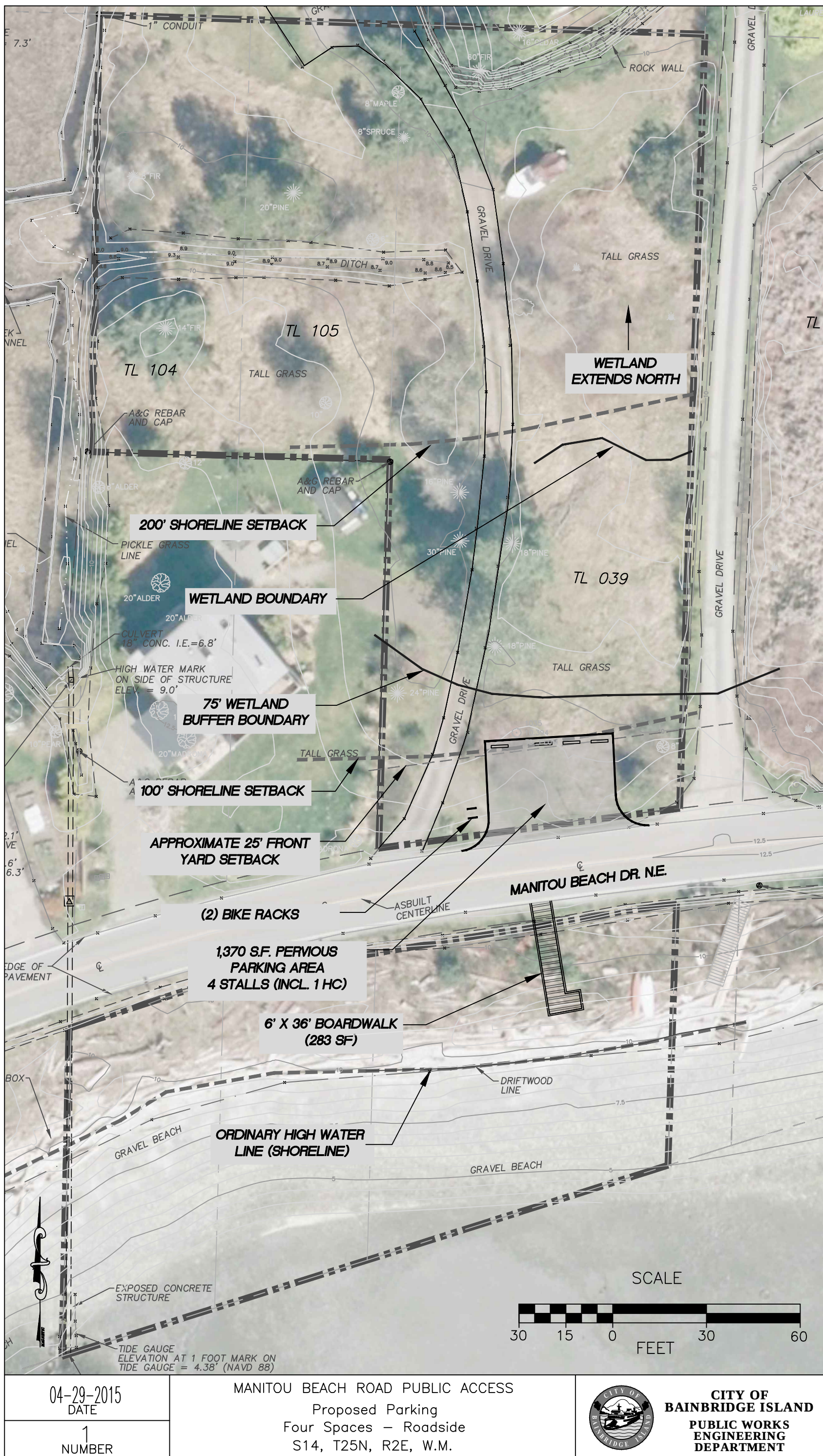
As shown in the Manitou Beach Road Public Access plan (see **Attachment 2**), staff recommends a parking area that would accommodate up to four vehicles accessed directly from Manitou Beach Drive. The parking area would be permeable to allow high water to flow into and out of the structure, provide concrete wheel stops, and would not have surface markings. Two bike racks would be located west of the parking area, and a bench could be placed either to the east of the parking area or at the end of the boardwalk. Native plantings would be installed to the north of the parking area.

Costs

Construction costs for the four-stall parking option shown on the plan are estimated to be approximately \$53,905 if the project were put out for bid to private contractors. Portions of the work, including clearing/grading, the permeable parking lot, bike racks, signs, and bench installation could be performed by Public Works staff, and is within the \$60,000 threshold for multiple-trade work that may be done by public employees. The boardwalk, planting, or paving work would still require a private contractor. Cost savings for having Public Works staff install the portions of work referenced above are in the range of \$15,265 (see **Attachment 3**).

Project Timing

Assuming the project design, permitting, and construction are completed with City staff, the project timeframe is estimated to be eight to twelve months from authorization to proceed. Actual project schedule would be affected primarily by staff resources and prioritization with other capital projects and permit requirements.



ATTACHMENT 3

MANITOU BEACH DRIVE PARKING AREA					
Cost Estimate - Conceptual Plan					
May 26, 2015					
FOUR STALLS (1,370 SF)					
Item No.	Description	Total Quantity	Unit	Unit Price	Total Amount
1	Mobilization	1	LS	\$3,600.00	\$3,600.00
2	SPCC Plan	1	LS	\$500.00	\$500.00
3	Silt Fence	140	LF	\$7.00	\$980.00
4	Project Temporary Traffic Control	2	DAY	\$1,000.00	\$2,000.00
5	Clearing and Grubbing	0.04	ACRE	\$30,000.00	\$1,200.00
6	Concrete Retaining Wall	220	SF	\$40.00	\$8,800.00
7	Construction Geotextile Separation	150	SY	\$3.00	\$450.00
8	Quarry Spalls (2"-4" clean)	115	TON	\$30.00	\$3,450.00
9	Permeable Ballast (3/4"-2-1/2" clean)	50	TON	\$35.00	\$1,750.00
10	Surface Course (3/4" clean crushed)	28	TON	\$35.00	\$980.00
11	HMA Apron	200	SF	\$5.00	\$1,000.00
12	Planting	0.08	ACRE	\$30,000.00	\$2,400.00
13	Bike Rack	2	EA	\$600.00	\$1,200.00
14	Bench	1	EA	\$800.00	\$800.00
15	Boardwalk	283	SF	\$60.00	\$16,980.00
16	Soft Costs (permits, structural review)	1	ALLOW	\$3,000.00	\$3,000.00
17	Minor Change	1	ALLOW	\$500.00	\$500.00
	Base Bid Total				\$49,590.00
	Sales Tax				\$4,314.33
	Total				\$53,904.33
	Savings if PW does portions of the work				(\$15,265.00)
	Total with PW savings				\$38,639.33

Mark Epstein

From: BRIAN BERDAN <bberdan@mac.com>
Sent: Thursday, March 12, 2015 10:36 AM
To: Mark Epstein
Subject: Manitou Beach Drive Parking

Hi Mark,

We used to live up near there and always thought it'd be good to have better access, especially after the City purchased the land. Hoping that this can be done.

Thanks

Brian Berdan
6450 Eagle Harbor Dr.

Mark Epstein

From: Mark Epstein
Sent: Friday, March 27, 2015 10:53 AM
To: 'Dave Bricklin'
Cc: Morgan Smith
Subject: RE: MANITOU BEACH PARKING

Dave,

I confirm the points in your message. Morgan is copied in this reply so she is aware of Tim's wishes. The e-alert is a good way to hear about the progress and upcoming public meetings for the project, thank you.

Best regards,

Mark

Mark Epstein

Engineering Project Manager
206.780.3721
mepstein@bainbridgewa.gov

From: Dave Bricklin [<mailto:bricklin@bnd-law.com>]
Sent: Friday, March 27, 2015 10:45 AM
To: Mark Epstein
Subject: MANITOU BEACH PARKING

Mark,

I'm confirming the gist of our call this morning. I represent Tim Swanson, who owns the lot north of the city property proposed for new parking spaces along Manitou Beach Drive. I indicated Tim had heard rumors that the area slated for the parking spaces had been moved north of the area indicated on slide 8 in your PDF presentation. I indicated this would be of great concern for Tim, if it were true. You responded that there's been no thought given to moving the spaces north and that you would alert Tim or me, if there was any move in that direction. Thank you.

You also said you would mention this issue to Morgan Smith, who is having discussions with Tim about the lot line issue. Thank you for that, as well.

I have signed up for e-alerts about this project on your website.

David Bricklin

Bricklin & Newman, LLP
1001 Fourth Avenue, Suite 3303
Seattle, WA 98154
1-206-264-8600
1-206-264-9300 (fax)
bricklin@bnd-law.com
<http://www.bnd-law.com>

Confidentiality Notice: This e-mail may contain confidential and privileged information. If you have received this message by mistake, please notify me immediately by replying to this message or telephoning me, and do not review, disclose, copy or distribute it. Thank you.

Mark Epstein

From: Peggy Cahill <cahill@bnd-law.com>
Sent: Wednesday, May 06, 2015 9:37 AM
To: Mark Epstein
Cc: City Admin; terry@biparks.org; Dave Bricklin
Subject: Manitou Beach Road Parking Project
Attachments: 2015 05 06 Letter Bricklin to Epstein.pdf

Dear Mr. Epstein:

Attached please find a letter to you from David Bricklin regarding the Manitou Beach Road Parking Project.

Thank you for your attention to this matter.

Peggy S. Cahill
Legal Assistant
Bricklin & Newman, LLP
1001 Fourth Avenue
Suite 3303
Seattle WA 98154
ph.: 206.264.8600
fax: 206.264.9300

Spokane Office:
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Suite 234
Spokane, WA 99201

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Reply to: Seattle Office

May 6, 2015

[VIA E-MAIL TO mepstein@bainbridgewa.gov](mailto:mepstein@bainbridgewa.gov)

Mark Epstein
Engineering Project Manager
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110

Re: Manitou Beach Road Parking Project

Dear Mark:

I spoke with you several weeks ago about the above-referenced project. I have been retained by neighbors in the vicinity of the proposed project to be sure that their concerns are adequately addressed by the City and the Park District as this project moves forward.

My clients are supportive of the City's and Park District's efforts to increase public access to the shoreline. We want to be certain that increased access is accomplished with a minimum of disturbance to critical areas and private property in the area.

We anticipate much of the public access at this location will be via local pedestrian foot traffic and two-wheeled cyclists. Consistent with the City's efforts to minimize carbon footprints, only a minimal amount of land should be devoted to accommodating motorized vehicles. Minimizing the space devoted to motorized vehicles also will reduce the impact on critical areas and adjacent property and likely would also reduce the maintenance requirements for the Park District (assuming it inherits the property).

My clients have developed a list of six basic principles they would like to be addressed in the design of this project:

1. We would like the number of parking spaces limited to 2.
2. We would like the parking spaces to be located adjacent to the road itself, with pull-in parking, with the total parking area limited to the first 30 feet of land off of the road surface.

3. We would like to have a nice fence that would blend in well with the open (logs or similar) constructed within 10 feet of the parking area to indicate the limits of the area that is available for public use.
4. We would like signage provided at the parking area to indicate that the purpose of the parking area is to provide for public access to the beach and not for general recreational use of the remaining open space.
5. We would like a walkway to be constructed on the tidelands part of the City lands that would enable those using the parking area to have ready access to the beach across City property.
6. We would like to retain the remainder of the uplands parcel as open space and limit public use only to those uses set forth specifically above.

The community looks forward to continuing a positive discussion with your department and with the Park District to accomplish a mutually satisfactory design plan for this project. I look forward to good communication between your department and my office as you move forward on this project. Could we arrange to meet in the next week or so with a couple of the neighbors to discuss this further?

Very truly yours,

BRICKLIN & NEWMAN, LLP



David A. Bricklin

DAB:pse

cc: Morgan Smith
Bainbridge Island Park District
Client

Mark Epstein

From: Frank Childers <frachilders@gmail.com>
Sent: Tuesday, April 14, 2015 5:19 PM
To: Val Tollefson
Cc: Anne Blair; Mark Epstein
Subject: Re: Manitou

Many thanks Val. It sounds like it was a matter of language and viewpoint at the time.

Yes, as you can guess it still has the neighborhood's dander up. We all love the activity that the beach (and road) generates. It's fun for all of us to see it used; our community living room so to speak. However as you can imagine we continue to be concerned about the unintended consequences that the parking will generate based on some past experiences.

Frank

On Apr 14, 2015, at 5:06 PM, Val Tollefson <vtollefson@bainbridgewa.gov> wrote:

Frank,

For a topic that clearly has your dander up, your email is to the point and civil. You may be surprised that such a comment is not always the rule, so thanks for that.

I've attached a copy of the minutes from the Dec. 2 meeting. While perhaps not as detailed as might be desirable in this particular case, they confirm my general recollection that (1) the Council had previously expressed a desire to establish some sort of parking at this property, if feasible, and (2) that the December meeting was an update to confirm that was still the desired direction.

As a result, the Planning Department has been moving ahead, addressing all of the issues necessary before bringing a specific solution back to the Council for discussion and approval.

So, I guess "the ship sailed" for the first time last April, but only to the extent that the Council expressed a preference to go ahead with parking of some sort, and asked the Planning Department to figure out if it could be done, and provide us with a plan and budget.

I'm copying Anne Blair and Mark Epstein, in case I've got any of this wrong, but I believe this will be back on the Council agenda before anything is finally approved.

Val

From: Frank Childers [<mailto:frachilders@gmail.com>]
Sent: Tuesday, April 14, 2015 2:39 PM
To: Val Tollefson
Subject: Manitou

Val,

Regarding the proposed parking at the Manitou Beach property, I'm hoping you can clarify something that has been nagging at me.

I attended the study session on the project in Council chambers on Dec 2 and walked away with an understanding that it's merits were still an active discussion. Any final decision would be tabled until funds were available in 2016, although the council wanted to have their design and permitting, etc ready by then should the go-ahead be given. I also attended the meeting on March 25 and I think a majority of our neighborhood was surprised to hear that this meeting was strictly to give design input and that the decision was already made to go ahead with the project.

It was apparent then and now that that ship has already sailed but I'm just curious when it sailed. We all missed that crucial step. Can you fill me in how we got to this point between those two meeting dates?

Many thanks,
Frank Childers
<CC- 120214.pdf>

Mark Epstein

From: Leah Clark <pashi2@comcast.net>
Sent: Tuesday, March 31, 2015 11:43 AM
To: Mark Epstein; Council
Subject: Manitou parcel

I do not support any form of parking lot in the Manitou parcel. In the recent past, myself and 70+ people in and around the area have signed petitions against this very threat. THOSE PETITIONS STILL STAND. How did city lose sight of that? We are all still here AND all still against parking. I am suggesting you sell the parcel to the interested party and put parking for the beach at the top of Manitou on Moran. That way, those who are able, can walk in to the beach and spend some time enjoying it. This is a much safer spot for parking as well. You might consider creating a side walk coming to the beach. This is a very simple solution - it is a win for everyone. From what I can gather at this point, you as an entity of Gov. appear to be in the process of "taking" in order to serve all. You need to remember that we here on Manitou are owners of property and home and pay dearly for it. Shoving in a parking lot on this tiny plot threatens the very value of our homes and property. This is a grossly inappropriate place for cars. The continuation of ensuring the value of our homes and property should be a very high priority - Allow the land to remain in wildlife conservation... do the right thing. Leah Clark 10005 Manitou Beach Dr NE

Mark Epstein

From: Morgan Smith
Sent: Monday, March 09, 2015 1:05 PM
To: Kellie Stickney; Mark Epstein
Subject: FW: Manitou Beach Parking Options

Please see below per public comment on the Manitou project.

-----Original Message-----

From: Council
Sent: Thursday, December 04, 2014 5:59 PM
To: Doug Schulze; Barry Loveless; Morgan Smith
Subject: FW: Manitou Beach Parking Options

-----Original Message-----

From: Robert Dashiell [mailto:rgdimages@aol.com]
Sent: Thursday, December 04, 2014 9:24 AM
To: Council
Cc: Kathy Cook; Terry Lande
Subject: Manitou Beach Parking Options

Members of the City Council,

This is public input to the Manitou Beach Parking options discussed at the 2 December 2104 City Council study session.

The land in question belongs to all Bainbridge Island citizens. This is obviously another NIMBY ... but that conflict can be resolved with some compromises.

As a kayaker, beach naturalist, and photographer, I visit this area about twice a month. Parking is almost impossible along the existing right-of-way.

I strongly advocate a parking lot no smaller than 6 vehicles. I would consider a picnic table and probably also install a composting toilet facility. I would do what is acceptable under the SMP to have kayak access alongside the roadway ... where someone could safely stop, unload a kayak, and get to onto the beach without having to clamber over large rocks or an embankment.

Kayakers need parking while they are out on the water. Oftentimes you kayak with another kayaker or two, and that usually means two or three cars. 2-3 hours of paddling is not unusual.

Do not make the site a day only use. Some of the busiest traffic is at night when there is a full moon over Seattle. There can be a dozen cars with gawkers and photographers parked (almost all in part of the roadway) on full moon nights. Having a safe place to park would be better than what happens now.

Summer low tides almost always has people walking in Murden Cove ... it's very shallow, it great low tide exploring. And it's often loaded with various birds for those who like to look at feathers.

I think one approach could be to set the parameter of six parking spaces and kayak access, and let them work together to come up with design and perhaps location suggestions. They may want the parking farther inland, or maybe certain type screening, or ???

And early on, have a Park District representative involved IF the plan is to turn this over to the Park District (which I strongly advocate).

Finally, I do not like the idea of putting this off until 2016. The City already has a Comp Plan ... the new one is a two year effort that probably is going to be similar to the one already in existence IF the Comp Plan is the heavy burden the City Council places on the Planning staff. And Waterfront Park is pretty much a consultant design and contractor effort ... can't see a major impact on PW or other City staff.

I find it relatively frustrating the City can't plan and permit a small recreational parking lot and maybe a toilet facility in 6-8 months.

Respectfully,

Robert Dashiell
6370 NE Tolo Road

Mark Epstein

From: Kristin Easterbrook <kristin@studiohamlet.com>
Sent: Saturday, March 21, 2015 4:04 PM
To: Mark Epstein
Subject: Proposed Parking on Manitou - Yes!

Hi Mark,

My family is in favor of a small parking lot down at Manitou Beach! We believe it would be a healthy asset for the community.

We live close to Bay Hay and Feed, and can walk to the water easily enough. However, we have two stand-up paddle boards that we'd love to use, but can't because there is zero parking, and zero shoulder. There is nowhere to park and unload them, paddle around for an hour or so, then load them back up. So consequently we are unable to use the awesome amenity, that is so close to where we live. That is Murden Cove.

A small parking lot seems like the right thing to do for the betterment of the community. Those of us who aren't lucky enough to live on the water could legally access the water with boards or kayaks, which need to be loaded and unloaded from temporarily parked cars.

Small Parking Lot w access to Manitou Beach. YAY! Go Community!

Thanks for your effort on this!

Kristin Easterbrook. Scott Easterbrook. Amelia Easterbrook. Anton Easterbrook

206-617-5457

Mark Epstein

From: mike <katehgormley@gmail.com>
Sent: Sunday, March 15, 2015 4:28 PM
To: Mark Epstein
Subject: parking on manitou beach dr

Hello mark,

My wife, Kate, and I live “uphill” from Murden Cove—On Manitou Beach Dr. across from Manitou Park Blvd. Our view is leave it as it is, no parking. We don’t really have a dog in this fight as we are no where near the area in question. I like the concept of small neighborhood parks though; non exclusive, yet not wide open to everyone with a car. That area all the way to Bay Hay and Feed really needs proper walking path/trails beside the two lane blacktops. Pedestrian and bicycle traffic is really increasing in the whole Rolling Bay and Manitou Beach area. Address this first if you please.

Thanks,
Mike Gormley
10595 Manitou Beach Dr.

Mark Epstein

From: john grinter <john_grinter@hotmail.com>
Sent: Thursday, March 12, 2015 6:34 PM
To: Mark Epstein
Subject: Parking on Manitou Bch Dr.

Dear Mark

I fully support the thoughtful development of a few parking spaces for the community to enjoy this piece of beautiful open space. Currently it is difficult to park far enough of the road so that traffic can pass safely.

Thank you,
John

Mark Epstein

From: David Huchthausen <david@huchthausen.com>
Sent: Wednesday, March 25, 2015 11:01 PM
To: Mark Epstein
Cc: Michael Scott; Anne Blair; Roger Townsend; Val Tollefson; Wayne Roth; Sarah Blossom; Steve Bonkowski
Subject: Manitou Beach Parking Project
Attachments: Manitou Comments.pdf; ATT00001.htm

Bainbridge Island City Council

I would like to comment on the proposal to establish public parking and beach access on the Open Space property on Manitou Beach Drive. I own the residence next door at 9865 Manitou Beach Drive. This neighborhood is the most heavily impacted by this proposal. Previous owners and tenants have documented a long history of public abuse of this Open Space site. There is inadequate signage restricting access. There are no hours posted even though access to other publicly owned lands is restricted to the hours between the dawn and dusk. This has resulted in the continual misuse of this Open Space land. The public is often there well past 11:00 pm, illegally burning driftwood, playing loud music, blocking neighbor's driveways and creating a nuisance well past 11 pm. Enforcement is minimal to nonexistent.

More importantly, I do not believe that this proposal could legally be permitted under existing statutes, ordinances and regulations, nor do I believe that COBI has conducted the required studies or provided adequate documentation proving that the proposal does comply. Please see my attached letter citing specific codes and statutes that would seem to prohibit this proposal. Please respond to these questions by explaining to the public exactly what studies have been undertaken, how the results of these studies were documented and explain in detail exactly how this proposal complies with existing codes and statutes. Anything less is a disservice to residents and tax payers of Bainbridge Island.

This proposal would seem to run counter to virtually every other land use action that the City has undertaken in recent years and I believe that it should be rejected or shelved until an adequate assessment of the impacts can be determined and code compliance insured.

Manitou Beach Road Parking Project

There are many regulations and policies that preclude intense public access and the development of a parking lot on the Manitou Beach Open Space property. One would certainly expect the City to abide by its own regulations and policies.

City development is subject to its own regulations and permitting requirements. Apparently the City has not yet even done a regulatory review to determine which permits would be required for the proposed parking area. The following are applicable regulations and policies, mainly excerpted from the Shorelines Management Master Program (SMMP), the Critical Areas Ordinance (CAO), and other Ordinances and Sections in the Bainbridge Municipal Code (BMC).

Text in italics is quoted directly from existing codes.

CRITICAL AREAS ORDINANCE

BMC 16.20.040

A. Applicability.

*This chapter establishes regulations for the protection of sites which contain critical areas or are adjacent to sites which contain critical areas. Development and land use activities proposed on critical area sites shall comply with the provisions of this chapter. **No action shall be taken by any person, company, agency, governmental body (including the city), or applicant, which results in any alteration of a critical area except as consistent with the purposes, requirements, objectives, and goals of this chapter.***

BMC 16.20.010

Purpose and intent:

“The city council finds that aquifer recharge areas, frequently flooded areas, geologically hazardous areas, wetlands, and fish and wildlife habitat conservation areas constitute critical areas that are of special concern to the city. The city’s policies in regard to the natural systems and environment of Bainbridge Island, as well as the Washington Growth Management Act, Chapter 36.70A RCW, require that critical areas of Bainbridge Island be protected by establishing minimum standards for the impact of development of properties which contain or adjoin critical areas. Cumulative impacts to critical areas shall be addressed in the administration of this chapter by assuring there is no net loss of the function and values of the critical areas. It is the intent of this chapter to protect the public health, safety, and welfare by:

A. Avoiding the impact:

B. Minimizing or limiting the degree or magnitude of the impact of an action by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

D. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

E. Compensating for unavoidable impacts by replacing, enhancing or providing substitute resources or environments;

F. Reducing the potential for personal injury, loss of life, or property damage due to flooding, erosion, landslides, seismic events, or soil subsidence;

G. Protecting against publicly financed expenditures due to the misuse of critical areas which cause:

1. Unnecessary maintenance and replacement of public facilities;

2. Public funding of mitigation for avoidable impacts;

3. Cost for public emergency rescue and relief operations where the causes are avoidable; or

4. Degradation of the natural environment;

H. Preserving aquatic resources by ensuring that development activities maintain and protect aquatic resources, natural drainage systems, and water quality;

I. Protecting unique, fragile, and valuable elements of the environment, including wildlife and its habitat;”

The above regulations seem to prohibit the City from incurring expenditures in critical areas that could be avoided and that would require mitigation.

Furthermore, constructing a parking lot and creating an intense use as a result of public access would cause avoidable impacts to the critical area.

Moreover, public access in beach area (which is where most people would go) would inevitable degrade an already compromised vegetative area. Erosion of the shoreline vegetation due to unrestricted use within the native vegetation zone will undoubtedly cause greater risk of flooding and public expenditure in road repair.

Only a thin 20 ft. strip of vegetation offers protection between the beach and the road. Storm surf had broken through the road in an area just beyond the Open Space property where the vegetation has eroded away. In 1996 the cost of repair to the road was over \$ 46,000, in 2006 it was over \$111,000.

WETLANDS

Wetlands are regulated by the Critical Areas Ordinance.

The water quality and habitat buffer width of 110ft. is for moderate uses in moderately functioning Category II wetlands/estuary (as defined in CAO table 4 p.45). The entire 200 ft.wide parcel is thus wholly encumbered by wetland buffers as it is flanked on either side by Category II wetlands.

A park is a regulated use in the wetland buffer and requires a “special use” permit (CAO. p.50 Table 8).

CAO p. 55

*9. Parks. “Development of public park and recreation facilities may be permitted; provided, that no alteration of wetlands or wetland buffers is allowed except for uses allowed in Table 8. For example, enhancement of wetlands and **development of trails may be allowed in wetlands and wetland buffers subject to special use requirements and approval of a wetland mitigation plan.**”*

CAO p. 53

7. Trails and Trail-Related Facilities. “Construction of public and private trails and trail-related facilities, such as benches and viewing platforms, may be allowed in wetlands or wetland buffers”

Trails may be allowed to be built in the buffer and used for passive recreation given a special use permit. The construction of a parking lot, however, qualifies as substantial development and would seem to require a Reasonable Use Exception.

PARKING

Per the SMMP (p.59) matrix of Shoreline Uses, parking as a primary use is prohibited. Parking as an accessory use (to recreational development for example) is permitted.

It is my understanding that despite the City's plan to put in a gravel parking lot on the Open Space property, code requires non-residential parking areas to be paved.

Per the city's code parking (BMC 18.81.020):

D. "All driveways and other parking areas except those serving single-family residences, shall be hard surfaced with permanent materials such as asphalt, concrete, or unit pavers, and shall be designed to dispose of surface water, and pollutants from motor vehicles as provided in the city's code.

G. "...access and parking shall be designed so that no backing movement by a vehicle,...., shall be allowed onto a public right of way."

Moreover the Shoreline Management Master Program (SMMP) requires (p.38) Sec. III F 6 states:

"Parking areas shall include facilities to control quality of surface water runoff to natural water bodies, using best management practices to retain natural flow rates."

A gravel parking area is designated as an impervious surface, and that is why the city prohibited its use for a driveway on the private lot adjacent to the City Open Space property. Gravel parking areas increase run-off and do not staunch the flow of concomitant pollutants (see attached photo of a gravel parking lot serving the Grand Forest public park on Bainbridge that shows oil-slick pollution run-off.)

An area required to accommodate 2 cars and required turn around motion to prevent backing out is at a very minimum 1,000 sq.ft. Based on installation costs of the driveway on the adjacent parcel, using the least expensive pervious pavers on the market, a fair market value for such a parking lot is estimated at \$10,000. As such, construction of this parking lot qualifies as substantial development per RCW 90.58.030 and, notwithstanding exemption, is required to go through SEPA and other permitting process.

It would also seem hypocritical (as well as arbitrary and capricious) to require a more environmentally protective parking area on an adjacent private parcel than on the City's own property.

Moreover, per the City zoning code, BMC 18.81.020 P, in addition to SEPA and other city permitting requirements, the city, as applicant, needs to supply:

- "1. Documentation regarding actual parking demand for the proposed use, or*
- 2. Technical studies prepared by a qualified professional relating to the parking need for the proposed use; or*
- 3. Required parking for the proposed use as determined by other comparable jurisdictions."*

To date, no such documentation is found in the City record.

REASONABLE USE EXCEPTION

It appears that if the City abided by its own code and that of the state, then it would have to apply for a Reasonable Use Exception in order to construct a parking lot and recreation facilities, since these facilities would be wholly within the water quality and habitat buffer widths of 110 ft. from either side of the property.

BMC 16.20.080 (CAO p.21)

G. Reasonable Use Review Criteria. Criteria for review and approval of reasonable use exceptions are as follows:

“1. The application of this chapter would deny all reasonable use of the property;

2. There is no reasonable alternative to the proposal;

3. The proposed impact to the critical area is the minimum necessary to allow reasonable use of the property;”

It is my understanding that an RUE may be granted only if no other reasonable use could exist on the property. Preservation, which precludes the development of any facility, is in itself a reasonable use.

BMC 16.20.080

C. “After receiving the application, the director shall determine whether the property qualifies for inclusion in any program established by the city that would eliminate the need for an RUE including, but not limited to, programs regarding transfer of development rights, mitigation banking, and open space acquisition.”

The city code thus provides for buying and extinguishing property rights to protect areas that would otherwise require an RUE for development. Why would the City choose to develop land that its own code tries to protect from the very development which requires a Reasonable Use Exception in the first place?

WATER QUALITY

Additional water quality considerations are required by in the Shoreline Management Master Plan (SMMP p.), Section 3, K. Water Quality, Regulation

“1. All shoreline development shall minimize any increase in surface run-off through control, treatment, and release of surface water run-off so that the receiving water quality and shore properties and features are not adversely affected. Control measures include, but are not limited to dikes, catch basins or settlement ponds, oil interceptor drains, grassy swales, planted buffers, and fugitive dust controls”

The approved \$2,000 budget for a gravel park lot does not include the required measures to minimize surface run-off. Surface run-off could be abated through the use of pervious pavers, which add substantially to the cost of construction.

PUBLIC ACCESS

Public access is defined as physical and visual:

A. "Purpose. The provisions in this section recognize that there are two types of "public access" to the shorelines of Bainbridge Island. One type is visual public access; that is, the public's ability to see the island's shorelines. The second type is physical public access; that is, the public's ability to reach and touch the water's edge. Possible ways to provide for such visual and/or physical public access include picnic areas, pathways and trails, floats and docks, promenades, viewing towers, bridges, boat launches, street ends, ingress points, and parking."

In the Shoreline Master Program, Section III G. Public Access, Policies:

"4. Intense public use, as opposed to neighborhood use, of the shoreline should be limited to parks and the urban environment."

The City published a "Guide to Walking, Cycling, and Paddling" which indicates the property as having "Beach Access." In 2007, this map was sent to every household on the island, which has over 23,000 residents. The map is also available to tourists and visitors. Directing thousands of people to the beach creates an intense use which is contrary to the limited use permitted in the protected Aquatic Conservancy.

Policy 9. also states that *"Public access should be provided without adversely affecting the shoreline environment."*

Policy 10. *"City-owned shorelines should be reserved for water-dependent or public recreational uses, or maintained as open space."*

The City is also required to clearly mark the boundaries of Open Space properties and hours and conditions of operation. Normal hours of operation for public open space areas are from dawn to dusk, or in some areas from 6:00 a.m. to 6:00 p.m.

Regulations SMMP p.41

12. The standard state-approved logo or other approved sign(s) that indicate the public's right of access and hours of access shall be constructed, installed, and maintained by the city in conspicuous locations at public access sites. In accordance with subsection E.2.a of this section, signs may control or restrict public access as a condition of permit approval.

The City has not posted signs indicating hours of usage nor the public's rights and restrictions of access to that site. The lack of signage has resulted in public misuse of the Open Space land. It has also created a nuisance because the public is there well into the night, often burning driftwood on the beach.

In 2007 the City printed and distributed a "Guide to Walking, Cycling, and Paddling" to each of its 23,000+ residents. The property is designated as "Beach Access" on the guide, which invites the public to roam freely in this highly environmentally sensitive area, which is protected under existing regulations. This would create an intensive and unpermitted public use.

OPEN SPACE

There is no regulatory requirement that the City provide parking or public access in its Open space properties.

Through Ordinance 2001-36 the city created the Open Space commission to:

*“1. Identify and recommend Island forest areas, meadows, beaches, wildlife habitat, critical areas, farms, and agricultural lands to City Council for City purchase, for the purpose of open space acquisition, **preservation, and/or possible development of new trails and amenities**; supported by City Council approved funding.”*

BIMC 18.06.780 Open space definition:

*“**Open space**” means land and/or water area that is predominantly undeveloped, and is set aside to serve the purposes of protecting and conserving critical areas and natural systems and providing park and recreation opportunities. Open space excludes tidelands, shorelands, areas occupied by dwellings, impervious surfaces that are not incidental to open space purposes, such as a parking lot, and areas that were clear cut or extensively logged within five years of submittal. (Ord. 2004-02 § 4, 2004; Ord. 99-30 § 2, 1999; Ord. 98-20 § 13, 1998; Ord. 92-08 § 2, 1992).*

Recreational opportunities can exist without parking (walking, bike racks...).

Open Space Commission operating plan states that each property shall have a stewardship plan. The City has yet to make a stewardship plan for the Manitou Beach property available to the public. The fact that this property was transferred to the Parks Department does not eliminate this requirement.

RECREATIONAL DEVELOPMENT

Shoreline Master Program definitions:

*“**Recreation Development, Active** – activities that generally require the use of **constructed facilities** such as playgrounds, athletic fields, boat ramps, and marinas.*

***Recreational Development, Passive** – activities that require a minimum of facilities such as swimming, picnicking, hiking, canoeing, and fishing.”*

A parking lot is a constructed facility so it seems it would fall under the active recreation definition.

Section V Specific Shoreline Use Policies and Regulations J. Recreational Development (p.84):

“The provision of the SMPP apply to development, not to casual use of undeveloped open space. They also apply to both publicly and privately owned facilities intended for use by the general public, private clubs, groups, associations, or individuals.”

If a parking lot and bike and kayak rack facilities are built, then the provisions pertaining to development apply. Moreover, the cost of constructing a parking area and required mitigation would exceed the RWC/SEPA threshold limit of \$5,000 for substantial development.

Policies:

“6. Recreational developments should be located, designed, and operated to be compatible with and minimize adverse impacts on environmental quality and valuable natural features as well as on adjacent and surrounding land and water uses.

8. Where appropriate, passive recreational uses may be permitted in floodplain areas.”

The property is in an official floodplain area. Passive, but not active, uses are allowed and those uses do not require a parking lot.

“14. Recreational developments and plans should recognize the primacy of preserving the natural character, resources, and ecology of shorelines of state-wide significance (tidelands).”

If the City ignores its own SMP policies, how can it expect private landowners to abide by them?

Regulations – General.

*1. Water-oriented recreational uses shall be permitted in the conservancy, rural, semi-rural, urban, and aquatic environments. Development to accommodate passive (non-intensive) water-dependent and/or water-oriented recreational or educational uses shall be allowed as a conditional use in the natural environment. **Recreational development shall be prohibited in the aquatic conservancy environment.***

3. Valuable shoreline resources and fragile or unique areas such as marshes, bogs, swamps, estuaries, wetlands, and accretion beaches, shall be used only for passive and nondestructive recreational activities.

While a park may be permitted in a semi-rural environmental designation of the upland lot, special protection is given the entire property as it has the rare attributes of valuable Shoreline features.

Parking in this area abuts an aquatic conservancy as well as critical wetland areas. Per the SMMP, the uses in property abutting an aquatic conservancy should be consistent with the aquatic conservancy uses.

4. All permanent, substantial, recreational structures and facilities shall be located outside officially mapped floodways, provided the city may grant administrative exceptions for passive minor accessory uses (e.g., picnic tables, tennis courts, etc.).

***5. Substantial accessory use facilities, such as restrooms, recreation halls and gymnasiums, commercial services, access roads, and parking areas,** shall be set back from the OHWM unless it can be shown that the facilities are essentially water-dependent. These areas may be linked to the shoreline by walkways.*

The code thus defines parking areas as a substantial accessory use facility.

Regulations – Design (SMMP p. 86)

7. Recreational facilities are required to minimize impacts on adjacent and near by private property through the use of screening, native vegetation zone stripes, fences and signs.

The City has not proposed a plan or budget for the minimizing impacts to nearby private property.

ENVIRONMENTAL DESIGNATIONS

The Aquatic Conservancy is the area on the Open Space property where the sand and gravel beach begins and extends out waterward into the tidelands.

SMP Section IV, C. Semi-rural, Management policies (SMMPp.48):

“3. Developments should be permitted only in those shoreline areas that are capable of supporting the proposed use in a manner which protects and enhances the shoreline environment.

7. Developments within the Semi-rural environment should be compatible with uses and activities in adjacent, including aquatic, environments.

The waterfront parcel contains beach and tidelands that are designated as Aquatic Conservancy.

SMMP Section IV, H. Aquatic Conservancy Environment (SMMP p.53)

“The Aquatic Conservancy environment includes marine areas seaward of the ordinary high water mark (OHWM), normally designated Aquatic, that contain unique ecological and cultural features which the City would like to preserve for the public benefit. All uses in the Aquatic Conservancy environment are subordinate to the protection of natural systems.”

Purpose: ***“The Aquatic Conservancy environment is intended to preserve those portions of the marine waters of the City whose existing natural state is relatively free of human influence, or whose resources, biological diversity, or other features are particularly sensitive to human activity, or who unique historical, archeological, cultural, or educational features merit special protection.”***

The Aquatic Conservancy environment requires severe restrictions on the intensity and type of permitted uses to maintain the integrity of the shoreline environment.”

Parking would inherently greatly increase the number of people who would come to the beach area that is wholly encompassed of Aquatic Conservancy, if allowed. Access in excess of the immediate neighborhood would create an intense public use as opposed to neighborhood use.

An increased public use of the beach and mudflats would create a human disturbance to the wildlife, mainly waterfowl, that is prevalent there. Wildlife depends on the tideflats and nearby wetlands for food and shelter.

SMMP Section IV, H. Aquatic Conservancy Environment, Management Policy:

“2. Limited access should be permitted for scientific, historical, educational, and low-intensity recreational purposes, provided that no significant, adverse impact on the area will result.”

The allowed limited access is contrary to advertised public access.

“5. Uses and activities adjacent to shorelines designated Aquatic Conservancy should be compatible with and not compromise the integrity of Aquatic Conservancy environment.”

The use in the land upward of and adjacent to the Aquatic Conservancy should be limited to uses in the Aquatic Conservancy per the SMMP policies. Although the parking area would be in a parcel that has the designation of Semi-rural, a parking lot and intense use resulting from public access facilitated by a parking lot is not compatible with the Aquatic Conservancy environment.

*7. A management study of each area should be conducted with participation by appropriate state agencies **and residents of each area** to determine possible refinements to the adopted regimes, changes in the boundaries of the areas included in the Aquatic Conservancy environment, and inclusion of additional management strategies.*

To my knowledge, the City has no management study of the area, nor has it abided by the comments of the residents who overwhelmingly oppose parking or public access in this area.

NATIVE VEGETATION ZONE

SMMP p.64-65

For passive (nonintensive) recreational development, depending on the type of facility, there is a 50'-200' ft. native vegetation zone setback that extends landward from the ordinary high tide mark (OHWM), demarcated by the sand/gravel beach line,.

For parking there is a 100 ft. native vegetation zone from the OHWM.

For trails there is a 0 ft. native vegetation zone from the OHWM.

7. A path to the shoreline not more than 4 feet in width, constructed by hand and designed to minimize environmental impacts shall be allowed. The path may be wider when required for handicapped access.

It seems that only a 4 ft. wide path may be constructed to the beach area, but walking off the path would be prohibited.

TRANSPORTATION FACILITIES

The property is slated to be the trail head for a Cross Island Trail, As such it is subject to the policies:

Policies L.

2. “Trail and bicycle systems should be encouraged as preferred access to and along the shoreline.” (SMMP p. 90)

These trail and bicycle systems preclude cars and parking.

7. “Non water and water related facilities should be located outside the shoreline jurisdiction.”

This jurisdiction extends 200 ft. from the OHWM as well as the wetlands, and thus this policy precludes the location of any such facilities on the parcels.

Regulations – General (1. & 13 SMMP p.91)

Allows for only trails to be built since there is 0 ft. setback for trails in any environmental designation and are permitted in all upland environments.

SIGNAGE

In the Shoreline Master Program, Section III G. Public Access, Regulations:

12. “The standard State approved logo or other approved sign(s) that indicate the public’s right of access and hours of access shall be constructed, installed and maintained by the City inconspicuous locations at public access sites. In accordance with regulation 2a above, signs may control or restrict public access as a condition of permit approval.”

The only signs that have posted in this area designate the open space boundary. **There are no hours posted, whereas the hours of access at other publicly owned lands are between the dawn and dusk.** This lack of signage has resulted in the continual misuse of this Open Space land. The public is often there well past 11:00 pm, illegally burning driftwood, playing loud music, blocking neighbor’s driveways and creating a nuisance well past 11 pm. Enforcement is minimal to nonexistent. This proposal runs counter to virtually every other land use action that the City has undertaken in recent years and should be rejected or shelved until an adequate assessment of the impacts can be determined and code compliance insured.

Respectfully submitted

David Huchthausen
The Bemis Building Suite 402
55 South Atlantic Street
Seattle WA 98134

206-583-0402
Cell 409-9822

<David@Huchthausen.com>

Mark Epstein

From: Council
Sent: Tuesday, March 31, 2015 1:25 PM
To: Doug Schulze; Morgan Smith; Barry Loveless
Cc: Mark Epstein
Subject: FW: Manitou Beach Parking

From: DJ [mailto:gynormus1@comcast.net]
Sent: Tuesday, March 31, 2015 11:25 AM
To: Council
Subject: Manitou Beach Parking

To COBI-I would like to voice my concern over an issue that Mr. Mark Epstein glossed over at the recent meeting. I have maintained the road adjacent to the proposed parking area for 25 years. In that time there have been numerous occasions when I have not been able to access my property via the road due to high water. I have a large four-wheel drive pick-up and the water gets too deep. I then have to park (illegally) on Beach Crest Dr. and walk through the woods to my home. Mr. Epstein showed photos of built up land fill that might make up a parking lot. When I asked Mr. Epstein how COBI would keep my road safe from displaced water, he said "not to worry"... But, I do worry. The whole area from Manitou Beach Dr. to the Swanson's house has been kayaked and canoed by myself and neighbors on more than one occasion. I have in my hand a pamphlet from Wash. State University- Kitsap County Extension on Rain Gardens. It describes the benefits of rain gardens and encourages everyone who can, to build one with links to Peg Tillery and Colleen Miko for assistance in Kitsap County. I find it ironic that I found this pamphlet at Bainbridge City Hall, when it is COBI that is trying to destroy what is already a beautiful Rain Garden. This action by COBI can only end badly for everyone. I am in the process of conferring with my attorney on my options when my road is adversely affected by the actions of COBI. Thank you for your time. Dennis Johnston, 10005 Manitou Beach Dr.



Manitou Beach Parking

[VIEW SLIDE SHOW](#) [DOWNLOAD ALL](#)

This album has 2 photos and will be available on SkyDrive until 6/29/2015.



Mark Epstein

From: Ann Knight <aknight@resource-fiber.com>
Sent: Monday, March 23, 2015 8:08 PM
To: Mark Epstein
Subject: Manitou Parking Proposal

I am unable to attend the meeting, but please know I am opposed to it, but believe 2 parking spaces max would be tolerable. It's a busy street for pedestrians and cars – and that particular area is near a blind spot in the road. My husband and I walk Manitou Beach 3x a day with our dog and have found traffic is only increasing as is the speed of the cars. I would love to see speed bumps installed if this project is to move forward. Thank you.

Best regards,

Ann J. Knight
9790 NE Murden Cove Drive
Bainbridge Island WA 98110

Chief Communications Officer
Executive Vice President
Direct 206.915.1377

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Mark Epstein

From: Andrew Maron <AMaron@scblaw.com>
Sent: Tuesday, March 24, 2015 11:07 AM
To: Mark Epstein; Morgan Smith
Subject: COBI Open Space Commission Report
Attachments: Open Space Commision Acquisitions Map

Hello:

In reviewing the Manitou Beach lot, I located the enclosed 6-page summary of the COBI Open Space Commission acquisitions. This was prepared in 2010 when the OSC officially went out of business. You might find the map and list interesting background.

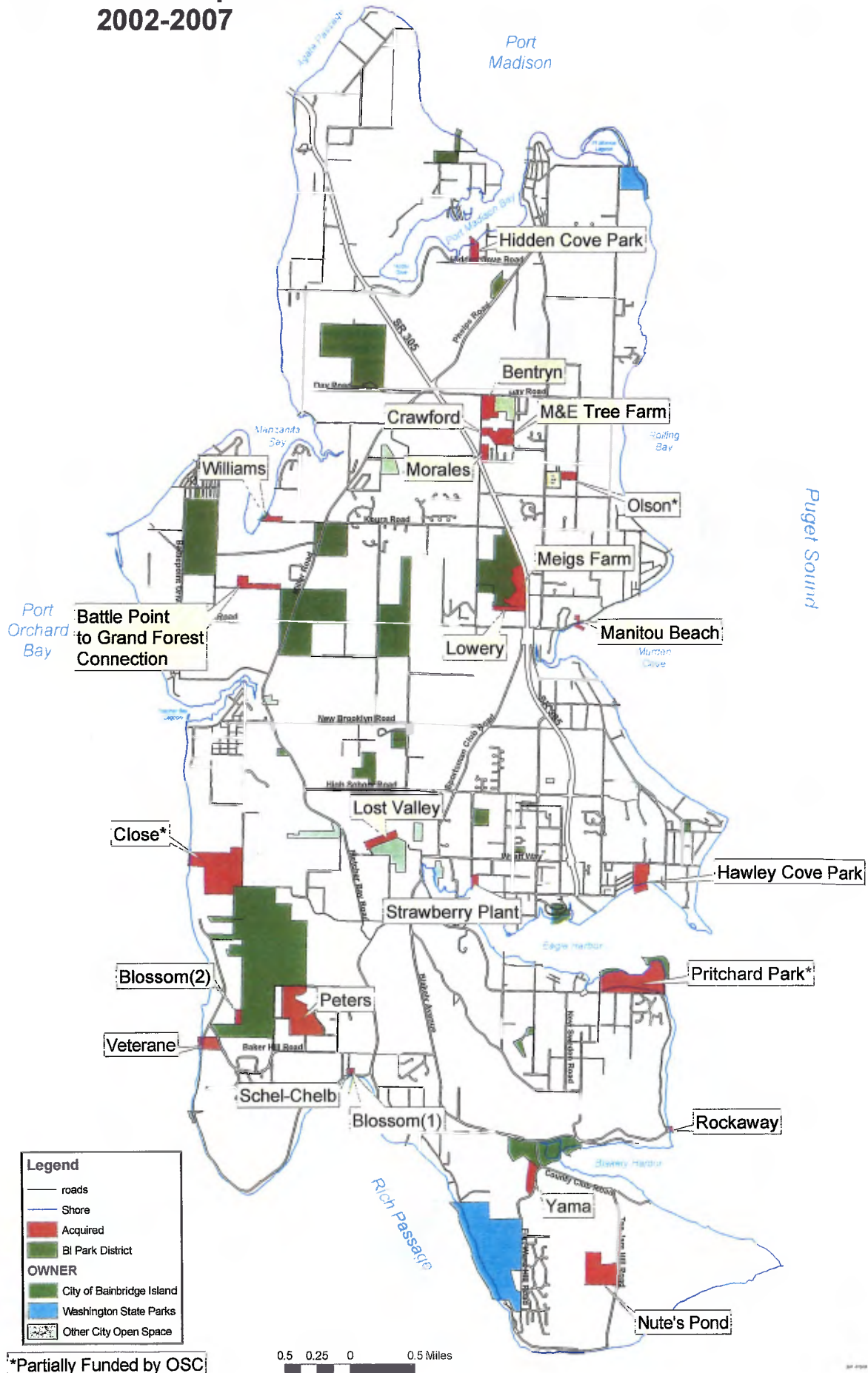
The Manitou Beach property (we called it the Kane property) is #4.

Andy Maron

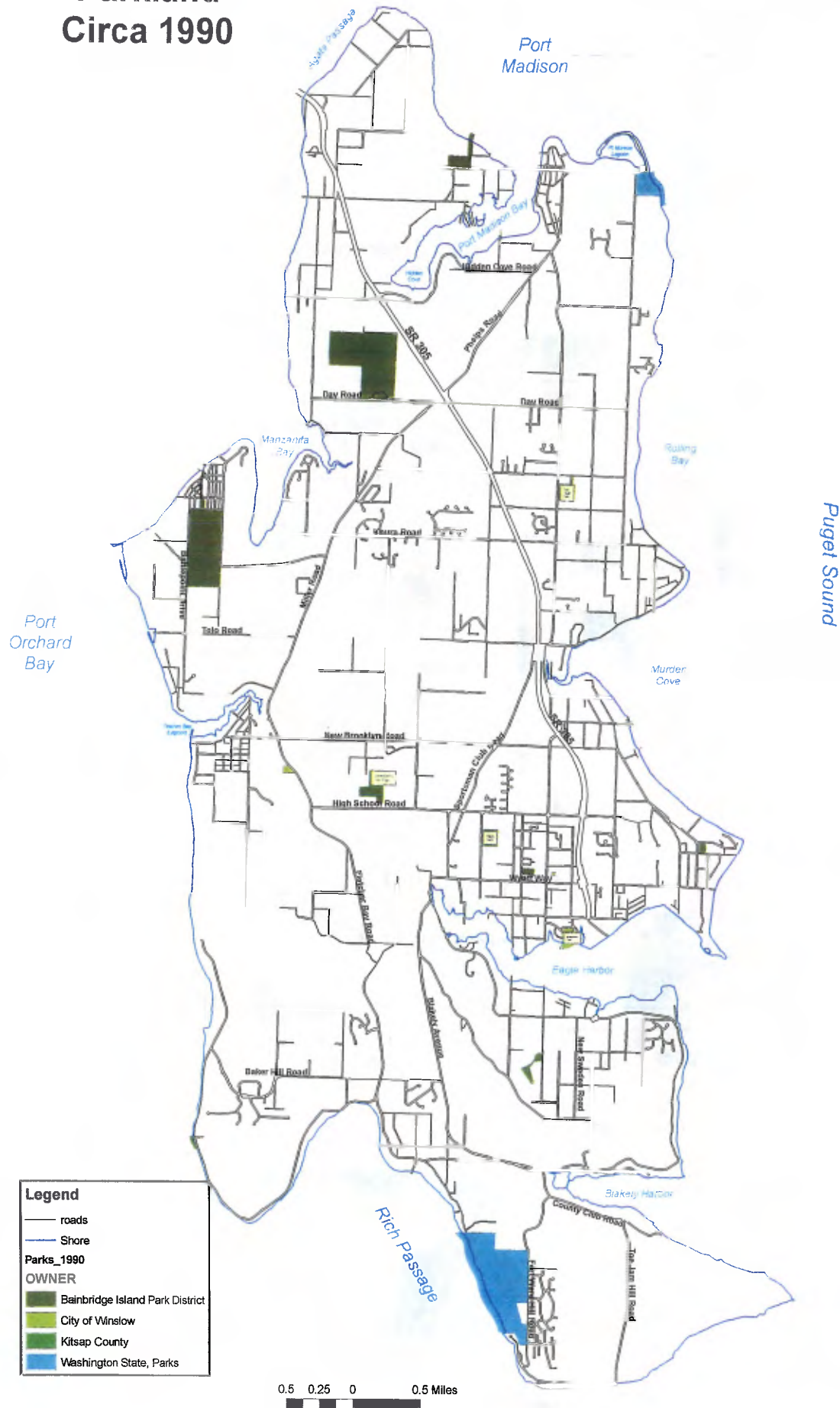
Andrew W. Maron, Attorney | 206.515.2247 (direct) | 206.714.1371 (cell) Short Cressman & Burgess PLLC |
206.682.3333 (main) | 206.340.8856 (fax)
999 Third Avenue, Suite 3000 | Seattle, Washington 98104-4088 | www.scblaw.com

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Open Space Commission Acquisitions 2002-2007



Parkland Circa 1990



OPEN SPACE COMMISSION PROPERTY ACQUISITIONS 2002-2007

PROPERTIES ACQUIRED WITH OPEN SPACE BOND

Property	Council Approval	Size	Features	Price
1. Rockaway Beach	Aug. 28, 2002	0.5 acres	Waterfront/Beach	\$575,000
2. Hawley's Cove Park (Hall Property)	Nov. 20, 2002	12 acres, 600 ft. waterfront	Waterfront/beach/forest/wetlands	\$795,000
3. M&E Tree Farm	Feb. 26, 2003	13 acres	Agriculture	Donated (valued at \$650,000)
4. Manitou Beach	Mar. 12, 2003	1.36 acres, 200 ft. waterfront	Waterfront, wetlands/estuary restoration	\$350,000
5. Morales Farm	Mar. 26, 2003	4.74 acres	Agriculture	\$210,000
6. Crawford Farm	Mar. 26, 2003	2.3 acres	Agriculture	\$150,000 (valued at \$191,140)
7. Pritchard Park*	Sept. 10, 2003	50 acres, 1300 ft. waterfront	Contribution to waterfront/forest	\$500,000 (total value of \$8,000,000)
8. Close Property*	Nov. 12, 2003	64.3 acres, 500 ft. waterfront	Contribution to purchase of forest/trails/waterfront	\$1,250,000 ** (total value of \$2,550,000)
9. Battle Point/Grand Forest Trail properties	Nov. 25, 2003	10.66, 1 mi. trail	Forest/trail connection between parks	\$248,000 (valued at \$423,000)
10. Schel-Chelb Estuary/Beach	Dec. 17, 2003	0.74 acres, 240 ft. waterfront	Waterfront, wetland and trail easement	\$285,000 (valued at \$425,000)
11. Lost Valley	Apr. 14, 2004	6 acres, 402 ft. trail	Forest/wetlands/stream	\$280,000
12. Peters Property	May 26, 2004	49 acres	Forest/trails	\$1,010,000** (valued at \$1,500,000)
13. Yama	June 23, 2004	7.5 acres	Forest/historical	\$150,000
14. Strawberry Plant (Eagle Harbor)	Nov. 10, 2004	4.2 acres, 260 ft. waterfront	Waterfront/estuary	Exchange for COBI's John Nelson Park
15. Bentryn Farm	Dec. 15, 2004	11.5 acres	Agriculture	\$771,000
16. Hidden Cove Park (Spargur)	July 13, 2005	6.0 acres, 330 ft. waterfront	Waterfront/forest	\$815,000 ** (valued at \$1,375,000)
17. Blossom Properties (2)	Aug. 13, 2005	(1) 0.88 acres, 100 ft. waterfront (2) 3.32 acres	Waterfront and forest/wetlands	\$525,000 (valued at \$815,000)
18. Gazzam Beach	Nov. 22, 2005	7.74 acres, 500 ft. waterfront	Waterfront/forest/trails	Donated (valued at \$650,000)
TOTAL		255.74 acres (4,030 feet of waterfront)		\$7,914,000

OSC PROPERTIES ACQUIRED WITH OTHER CITY FUNDS

Property	Council Approval	Size	Features	Price
19. Nute's Pond	Nov. 8, 2006 (approval of Sale Agreement) January 24, 2007 (final approval)	33 acres	Forest/wetlands/pond	\$600,000
20. Olson Park addition*	March 14, 2007	5 acres	Contribution to Forest/trails	\$125,000 (acquired for \$375,000; valued at \$440,000)
21. Meigs Farm and Lowery Properties	April 25, 2007	19.9 acres and 5 acres	Forest/wetlands/pond	\$1,500,000 and \$225,000
22. Williams Property	Oct. 24, 2007	4.04 acres, 381 feet of waterfront	Waterfront/tidelands/forest	\$1,704,000** (valued at \$2,000,000)
TOTAL		66.94 acres		\$4,154,000
ACQUISITION TOTAL		322.68 acres (4,411 feet of waterfront)		\$12,068,000

* OSC funds provided a portion of the acquisition cost. ** - Final price reduced by costs recovered by grant or sale; see chart below.

ACQUISITION COSTS SUBSEQUENTLY RECOVERED BY OSC

Type	Property	Comments	Amount
Land and Water Conservation Fund Grant	Close Property	Used for Meigs Farm purchase	(\$420,000)
RCO Aquatic Lands Enhancement Account Grant	Williams Property		(\$865,970)
Property Sale	Hidden Cove Park "Pistol Piece"	Lot acquired as part of purchase of Hidden Cove Park	(\$195,000)
Property Sale	Baker Hill lot	Lot acquired as part of the Peters Purchase	(\$301,770)
TOTAL			(\$1,782,740)
ACQUISITION TOTAL			\$12,068,000
GRAND TOTAL			\$10,285,260

PROPERTIES ACQUIRED FOR LESS THAN APPRAISED VALUE

Property	Appraisal	Purchase Price	Savings
Blossom	\$815,000	\$525,000	\$290,000
Close	\$2,550,000	\$2,500,000	\$50,000
Crawford	\$191,140 (assessed)	\$150,000	\$41,140
Hidden Cove Park	\$1,375,000	\$815,000	\$560,000
Olsen	\$440,000	\$375,000	\$65,000
Peters	\$1,500,000	\$1,010,000	\$490,000
Schel-Chelb	\$425,000	\$285,000	\$140,000
Battle Point/Grand Forest Trail Properties	\$423,000	\$248,000	\$175,000
Williams Property	\$2,000,000	\$1,704,000	\$296,000
TOTAL SAVINGS			\$2,107,140

PROPERTIES DONATED

Property	Donor	Appraisal
M&E Tree Farm	Elizabeth Grossman	\$650,000
Crystal Springs Shoreline and Property	David and Joyce Veterane	\$650,000
Battle Point/Grand Forest Trail Easement	Daniel Hoeschen and Mary Sarles-Hoeschen	\$10,000
Total		\$1,310,000

FUNDS RAISED FROM OTHER DONATIONS

Property	Donations
Close (BI Land Trust and private sources)	\$1,250,000
Olsen (BI Land Trust and private sources)	\$250,000
Pritchard Park (federal, state, county, and private sources)	\$7,500,000
Total	\$9,000,000

TOTAL AMOUNT OF LEVERAGE FROM BARGAIN SALES, DONATIONS, GRANTS, FUNDRAISING AND PROPERTY SALES: \$14,199,880

Mark Epstein

From: Andrew Maron <andrew@marons.us>
Sent: Sunday, March 15, 2015 1:44 PM
To: Mark Epstein
Cc: Andrew Maron
Subject: Manitou Beach

Hello:

I am Andy Maron; I served as chair of the City's Open Space Commission ("OSC") in 2000-06. As you know, the Manitou Beach property and shoreline were purchased following recommendations from the the OSC. Do you have a copy of the OSC's report? Will that be available at the meeting?

I and other former members are interested in explaining the reason for this purchase. Will there be time on the agenda of the March 25 meeting for us to do so? Thank you.

Andy Maron
842-5306

Mark Epstein

From: Josh G Marx <stacemarx704@gmail.com>
Sent: Saturday, March 28, 2015 7:53 AM
To: Mark Epstein
Subject: Manitou parking project

Dear Mark,

I was not able to attend the meeting the other night but would like to add my support for the project. For amenities I would like to see a honey bucket, dog waste bags, garbage can, place to lock bikes, and most importantly, signage and enforcement of no fireworks near the estuary. I am concerned for the wildlife and blue herons every July 4th. Please do what you can to minimize impact for the wildlife by keeping fireworks as far away as possible.

Thank you,

Stacey Marx
10010 Edgcombe Place

Mark Epstein

From: raea2004@comcast.net
Sent: Friday, April 24, 2015 8:25 AM
To: Mark Epstein
Subject: Manitou Beach Road Parking

Dear Mr. Epstein:

We write to express our full support for proposed parking on Manitou Beach Road. This beautiful area of public beach is currently inaccessible to most members of our community due to the lack of parking. We discovered this spot over seven years ago when we moved to Bainbridge Island with our 7-year-old daughter and 3-year-old son. Unfortunately, it was never safe for us to bring our kids there because there were no areas to park. Walking or biking down Valley or Madison roads with young children is dangerous. Bringing coolers or other items for a picnic also requires a vehicle. Others who live farther away no doubt experience greater challenges. Our children are older now, but I hope the city creates sufficient parking so that all members of our community can enjoy this space, not just those who can afford homes located nearby. If you create this parking, we too will use it. We look forward to the day when we can bring a picnic to this beautiful space that is nearby and yet inaccessible.

Thank you for considering this project. We strongly urge the city to approve it.

Very truly yours,

Robert F. Miller & Anne McElearney
11228 Parkhill Pl. NE
Bainbridge Island, WA 98110

(206) 201-3142



Mark Epstein

From: Tom Nicol <tnicol@qwestoffice.net>
Sent: Monday, March 23, 2015 6:47 PM
To: Mark Epstein
Cc: PCD
Subject: Manitou Beach Drive Parking Lot.

Mr Epstein,

I am hoping that you can help. I saw the Manitou Beach Public Notice about the parking lot that is proposed by the City to be built on Manitou Beach Drive. I followed the link for more information and it took me to a web page that had no more information than what was contained in the Public Notice. Not even basic information about siting, materials, why it is needed, etc. So, hard to be prepared to comment on this proposed parking lot without more information than has been provided.

What is the expected impact on the community. What is the expected impact on the environment. What is the city doing to mitigate undesirable outcomes of the development of this parking lot. How will the City protect the private property that adjoins COBI's 200 feet of beach. These are but a few of the questions that I think that the city needs to be prepared to answer before they spend tax dollars developing a parking lot on Manitou Beach Drive.

I hope to be able to attend the Public Meeting on March 25. But since I just became aware of it, this will prove to be a challenge.

Tom Nicol
9780 Murden Cove Drive
Bainbridge Island, WA 98110
206 660 8267

Mark Epstein

From: Mark Epstein
Sent: Tuesday, March 24, 2015 10:05 AM
To: 'Tom Nicol'
Subject: RE: Manitou Beach Drive Parking Lot.
Attachments: Manitou Beach Parking Alternative--six stall.pdf

Tom,
Thanks for writing! Your comments will be forwarded to the Council when we present our recommendations. Attached is the plan that was last presented to Council. The plan is being revised currently, and may be revised a lot more based on comments received from the meeting and otherwise, but it gives you one idea of the proposed project.

Sincerely,

Mark

Mark Epstein
Capital Projects Coordinator
206.780.3721
mepstein@bainbridgewa.gov

From: Tom Nicol [mailto:tnicol@qwestoffice.net]
Sent: Monday, March 23, 2015 6:47 PM
To: Mark Epstein
Cc: PCD
Subject: Manitou Beach Drive Parking Lot.

Mr Epstein,

I am hoping that you can help. I saw the Manitou Beach Public Notice about the parking lot that is proposed by the City to be built on Manitou Beach Drive. I followed the link for more information and it took me to a web page that had no more information than what was contained in the Public Notice. Not even basic information about siting, materials, why it is needed, etc. So, hard to be prepared to comment on this proposed parking lot without more information than has been provided.

What is the expected impact on the community. What is the expected impact on the environment. What is the city doing to mitigate undesirable outcomes of the development of this parking lot. How will the City protect the private property that adjoins COBI's 200 feet of beach. These are but a few of the questions that I think that the city needs to be prepared to answer before they spend tax dollars developing a parking lot on Manitou Beach Drive.

I hope to be able to attend the Public Meeting on March 25. But since I just became aware of it, this will prove to be a challenge.

Tom Nicol
9780 Murden Cove Drive
Bainbridge Island, WA 98110
206 660 8267



Mark Epstein

From: Mark Epstein
Sent: Monday, March 30, 2015 4:28 PM
To: Gary Palmer
Cc: Doug Schulze; Morgan Smith; Barry Loveless; City Council Distribution Group
Subject: RE: Urgent Message: Community Meeting 3/25/15-Proposed Parking Project on Manitou Beach

Mr. Palmer,

Again, I appreciate your thoughtful and detailed message. I am sorry that you were unable to attend the community meeting held on March 25th. It was a cordial forum for island neighbors to learn about the proposal, talk with each other, and provide recommendations about how public access could reasonably be improved on the property. In attendance were several of your neighbors, members of the Open Space Commission that worked to acquire the property, and other island citizens.

The City Council discussed this project at a Council study session on Dec. 2 (see [City Council Minutes - Dec 2, 2014](#)). At that meeting the City Council was provided with copies of the recent petition from area neighbors expressing opposition to the project. Additionally, there was public comment from neighbors who expressed concerns. The Council heard and understood these concerns, but also considered the broader community's perspective and the goals for increased public access to the shoreline.

We are digesting what we heard at the community meeting and from prior written correspondence. Over the next weeks we will prepare a balanced project recommendation to Council based on the site's physical properties, environmental regulations, and sensible design that improves public access to this special part of the island. Thank you again for your perspectives and comments on the project.

Sincerely,
Mark

Mark Epstein
Engineering Project Manager
206.780.3721
mepstein@bainbridgewa.gov

From: Gary Palmer [mailto:q-lease@msn.com]
Sent: Wednesday, March 25, 2015 2:14 PM
To: Mark Epstein
Subject: Urgent Message: Community Meeting 3/25/15-Proposed Parking Project on Manitou Beach

URGENT MESSAGE TO THE CITY GOVERNMENT OF BAINBRIDGE ISLAND, WA

March 24, 2015

Mr. Mark Epstein,
Capital Project Coordinator
City of Bainbridge Island
Department of Public Works
280 Madison Ave North
Bainbridge Island, WA 98110
206-780-37121

Via Email; mepstein@bainbridgewa.gov

cc: All Members of City Council
cc: Mayor
cc: COBI City Manager
cc; City Clerk
cc: Executive Department
cc: Parks & Recreation
cc: Planning & Community Development
cc: Manitou Beach Neighbors

SUBJECT PROJECT & NOTICE

Notice of Community Meeting 3/25/15 Manitou Beach Parking Project

Dear Mr. Epstein,
Members of City Council
And City Executives,

Thank you for your Community Meeting Notice on the Subject COBI Project. The (Undated Handbill Type Notice) on City Letterhead states the Meeting is scheduled in City Council Chambers Wednesday, March 25, 2015 at 6:30 PM. Unfortunately, the US Post Office did not deliver it to us until Thursday, March 19th; only Three (3) Business Days prior to your Scheduled Meeting. The Notice appears to be late as well being Post Marked PM32 in Seattle on March 11, 2015, but still only 15 Days in advance of your Schedule.

We are among a dozen or so home owners whose property abuts or adjoins the Sites on Manitou Beach Road where the Parking Project and Amenities are being proposed. We are not aware of who is proposing the Project. Can you tell us? Hopefully this Project is still in the Proposal Stage as it must now represent the 3rd or 4th time a public parking lot has been proposed over the past decade or so; all of which Proposals have failed to win community support or final approval by City Council.

The Timing and short notice for this meeting is clearly beyond unreasonable, considering the more than 10 Years or so the controversial nature of City Development Proposals for the Site since COBI first acquired it. All of the proposals have directly contradicted the environmental protection policies and assurances made to the Neighborhood, not to mention the historic residential zoning designation on which every Property Owner who purchased homes behind this shoreline road for the past 100 Years has relied on for a quiet rural homeland unencumbered by the advances of the growing population.

Specifically, how can the City continually propose Vehicular Parking Land-Use on this Single Family Residential Lot that is right smack in the middle and inside this Sensitive Shoreline Area when it was first acquired to Protect & Enhance the Wildlife Habitat & Sensitive Environment that still exists here? There is something wrong with this picture.

We are not alone in this unanswered question... and we request that it be researched thoroughly along with the history for better understanding by the City of 2015 before inviting the Manitou Beach Community to assist the City in planning a project that the same Community has Opposed and Stopped consistently over the past 10 years ago. This doesn't make sense to us along Manitou Beach who hear and feel the Heartbeat of this tiny piece of undisturbed land that any such proposed project will surely destroy.

Out of respect for the current City Staff and City Council, we suspect the long and controversial history of the Property since being purchased by the City and the repeated proposals to convert the property into vehicular land-use (now flagged as Open Space) has faded or been lost from City Memory. It's highly doubtful that the 2015 City Council Members or Senior City Executives were in office a decade or more ago or have personal knowledge of this controversial History of failed projects.

Prior City Council Members did, in the end, represent the Manitou Beach Neighborhood however many times by stopping every City Proposals to convert the land use from single family residential to public use as a public parking lot with or without "amenities". It only took our united efforts to inform and educate them with the facts, practices, policies and laws that guide land use and government business practices on the island to stop them. It's the reason zoning laws exist. It's the reason environmental protection is Policy. Even the Washington State Attorney General and other State Agencies have warned COBI about overstepping and creating policies or practices with land that create property damage or devalue the property of others, but it is not our desire to render judgment or comment further at this stage.

We therefore strongly encourage and request that the City cancel Wednesday's (Today's) Community Meeting and Reschedule it, if necessary, with at least 120 Days an Official Written Notice to all property owners in the Manitou Beach Community. This would hopefully provide the time needed to inform the 2015 City Staff and City Council on the history of the Site and the numerous Community Petitions and other Appearances that factually convey our views and opposition to such Projects; and resulted in stopping all previous City Proposals for this Open Space Site.

Here is a Research Tip for the City of 2015: The Bainbridge Island City Clerks Office and the Bainbridge Island Review Newspaper have on file extensive Community Petitions and other Evidence in Opposition to prior land use changes proposed by the City for this Site. There are no Expiration Dates on any of those Petitions. Signatures numbered the majority of property owners directly and indirectly and negatively impacted around Murden Cove in general and West Manitou Beach specifically. Prior City Councils were persuaded by those Petitions, Press Coverage and other Efforts and circumstances among other things to terminate every City Proposal for this Site to date. We have reason to predict that the 2015 City Council will want to follow suit this time. We certainly hope so once you understand things from our point of view.

We suspect City Policy and Precedent on these matters might better serve this established environment and community if the facts were known by present government leaders before proposing a project that continues to fail at the City Council Level. Bainbridge Island is too small of a community to have bitter relations for homeowners, taxpayers and voters. By the way, does anyone realize that this Site is only a two step off the Regular Public Bus Service that stops at this Site? It would be such a refreshing experience to work this hard to design Projects that property owners can support enthusiastically for a change. We speak for most local residents when we tell you that we are tired of COBI mounting a continuous string of Projects that the Neighborhood has to fight year after year after year.

It would be appreciated if the City would acknowledge in writing what actions will be taken as a consequence of receiving this email and a review of the formal Petitions on file from the Manitou Beach Community. We also are aware that if City Council fails to represent us by relying on the

support from people who choose to drive here, then Council would be neglecting it's duty to protect any property owner on the island from the desires of non-residents over those of us who have many vested interests in our homes and community here in Manitou.

We realize that the City may not have sufficient time to avoid inconveniencing all those residents who are planning to attend this meeting; however your immediate acknowledgement would be a good start toward creating an amicable process of representing all of us on Manitou Beach as well. Please overlook the fact that this letter has only been in the making for three (3) Business Days since we received it. Thank You.

Sincerely,
C Palmer
Manitou Beach

**Transmittal Letter
Distribution Instructions
&
Delivery Receipt**

August 10, 2007

Office of The City Clerk
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110-1812 **Hand Delivered with Receipt Requested**

TRANSMITTAL & DISTRIBUTION: This Transmittal Letter with Distribution Instructions are being hand delivered to your office together with the attachments listed below. You are requested to place this material into the city record and deliver it to the Mayor and each Member of the City Council for the City of Bainbridge Island, WA.

Thank you,

Residents of Manitou Beach/Murden Cove
Bainbridge Island, WA

ATTACHMENTS:

1. This Transmittal Letter, Distribution Instructions & Delivery Receipt.
2. List of Property Owners (with Addresses) petitioning the City in this case.
3. 74 Original Signed Petitions in opposition to Public Parking on Manitou Beach.
4. Map of the relevant Petition Neighborhoods.

DELIVERY RECEIPT: In your capacity as City Clerk for the City of Bainbridge Island we request your acknowledgement of the physical receipt of this material by the City of Bainbridge Island and their distribution to the city officials named above and to whom this material is directed. *Please complete the following RECEIPT and hand it to the person making the delivery to you. A loose copy of this letter is attached for that purpose.*

DELIVERY RECEIPT
(Do not Detach)

(Official City Stamp)

Received By: Roselind D. Wass ff (Signature) Title: City Clerk

Office of The City Clerk
City Of Bainbridge Island, WA

Date: 8/13/07 Time: 1:45 PM

SCANNED



COMMUNITY PETITIONS

To
The City of Bainbridge Island
Opposing Public Parking
On Manitou Beach

By
Manitou Beach & Murden Cove
Property Owners
Bainbridge Island, WA

June 30, 2007

No. 1
ORIGINALS

Page 1 of 3 - Residents (Property Owners)
Opposing Public Parking on Manitou Beach
Original Petitions With Signatures Dated As of June 30, 2007 Attached

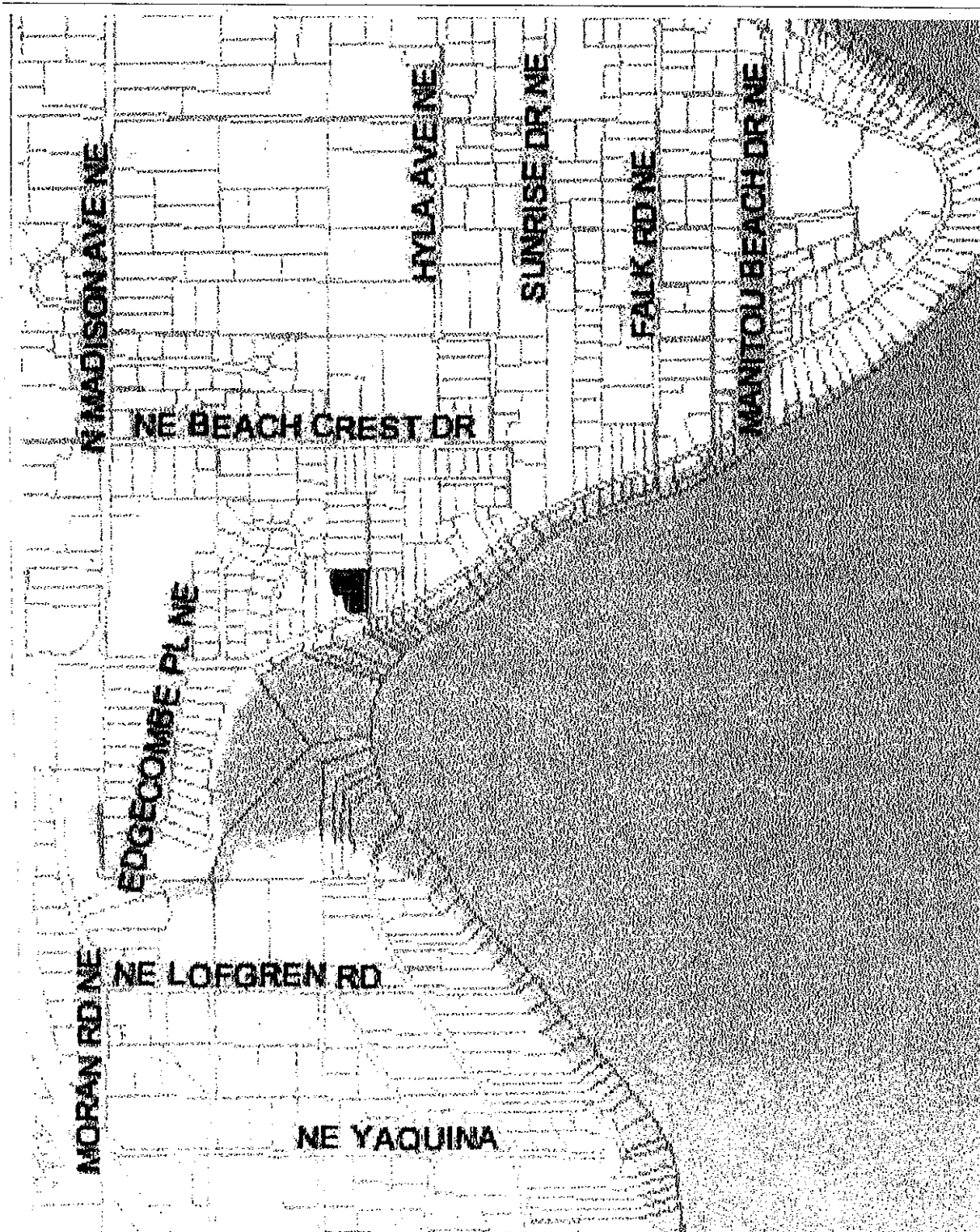
<u>Property Owner</u>	<u>Address</u>
1. Mary Terry	10035 Manitou Beach Drive
2. Frank Childers	10035 Manitou Beach Drive
3. Carolyn Miller	10101 Manitou Beach Drive
4. R.N. Miller	10101 Manitou Beach Drive
5. Robert Ross	10111 Manitou Beach Drive
6. Frances Ross	1011 Manitou Beach Drive
7. Leo Timma	10095 Manitou Beach Drive
8. Margaret Timma	10095 Manitou Beach Drive
9. Charles Palmer	9973 Manitou Beach Drive
10. Dennis Johnston	10005 Manitou Beach Drive
11. Leah Clark	10005 Manitou Beach Drive
12. Patricia Coleman	9884 Manitou Beach Drive
13. Bob Coleman	9884 Manitou Beach Drive
14. Charles Palmer	9975 Manitou Beach Drive
15. Elyce Kane	9865 Manitou Beach Drive
16. Linda Solberg	9999 Manitou Beach Drive
17. Marc Williamson	9999 Manitou Beach Drive
18. Carl Shepard	Undeveloped parcel on Manitou Beach Drive
19. Annette Walker	9811 Manitou Beach Drive
20. Randy Walker	9811 Manitou Beach Drive
21. JoAnne Dillon	9880 Manitou Beach Drive
22. Barbara Babbe	9999 NE Beachcrest Drive
23. Donald Babbe	9999 NE Beachcrest Drive
24. Sylvia Palmer	10010 Beachcrest Drive

**Page 2 of 3 - Residents (Property Owners)
Opposing Public Parking on Manitou Beach
Original Petitions With Signatures Dated As of June 30, 2007 Attached**

<u>Property Owner</u>	<u>Address</u>
25. Leigh Ann Grady	14460 Romedal Road NE
26. Jack Obrien	9581 NE Daniel Court
27. Dana Speer	419 Madrona Way NE
28. Marc Ferrin	Edgecombe Pl NE
29. Ellen Weaver	10018 Edgecombe Pl NE
30. Rachael Alnwick	10078 Edgecombe Pl NE
31. Paul Alnwick	10078 Edgecombe Pl NE
32. Debra Robert	10066 Edgecombe Pl NE
33. Jeff Robert	10066 Edgecombe Pl NE
34. Elden Howard	10052 Edgecombe Pl NE
35. John Grisham	10044 Edgecombe Pl NE
36. Barbara Hollis	10094 Edgecombe Pl NE
37. R. Hollis	10094 Edgecombe Pl NE
38. Thomas Kelly	10034 Edgecombe Pl NE
39. Richard Weaver	10018 Edgecombe Pl NE
40. Robert Chapman	10051 Edgecombe Pl NE
41. Roberta Sitzman	10047 Edgecombe Pl NE
42. Charles Prather MD	10047 Edgecombe Pl NE
43. Makala Anneds	10033 Edgecombe Pl NE
44. Brandie L. Andes	1003 Edgecombe Pl NE
45. Barbara Ferguson	10093 Edgecombe Pl NE
46. Parker Ferguson	10093 Edgecombe Pl NE

**Page 3 of 3 - Residents (Property Owners)
Opposing Public Parking on Manitou Beach
Original Petitions With Signatures Dated As of June 30, 2007 Attached**

<u>Property Owner</u>	<u>Address</u>
47. Steve Webber	9080 Murden Cove Dr
48. Michael Reeder	9813 Murden Cove Dr
49. Joanne Reeder	9813 Murden Cove Dr
50. Heidi Burgin	9800 Murden Cove Dr
51. Dana Webber	9809 Murden Cove Dr
52. Arthur Otter	9797 Murden Cove Dr
53. Hermah Wong	9794 Murden Cove Dr
54. Chris Madison	9802 Murden Cove Dr
55. John Anderson	9772 Murden Cove Dr
56. Pat VanNess	9793 Murden Cove Dr
57. William VanNess	9793 Murden Cove Dr
58. Jonathon Caron	9800 Murden Cove Dr
59. Ann Knight	9790 Murden Cove Dr
60. David Knight	9790 Murden Cove Dr
61. Robert McNeely	9776 Murden Cove Dr
62. Sylvia McNeely	9776 Murden Cove Dr
63. Anthony Kehlhofer	9804 NE Murden Cove Dr
64. Geraldine Fisher	9777 NE Murden Cove Dr
65. Lu Simpson	9785 Murden Cove Dr
66. Altus Simpson	9785 Murden Cove Dr
67. Elizabeth Miller	9789 NE Murden Cove Dr
68. David Miller	9789 NE Murden Cove Dr
69. Thomas Nicol	9780 Murden Cove Dr
70. Eileen Nicol	9780 Murden Cove Dr
71. Amanta Nicol	9780 Murden Cove Dr
72. Katherine Hendrickson	9768 Murden Cove Dr
73. Gary W. Hendrickson	9768 Murden Cove Dr
74. Richard Gill	9805 Murden Cove Dr
75. Bob Grimm	11105 Hyla



Copyright © Kitsap County 2006



COMMUNITY PETITION

"no parking please"

To: The City of Bainbridge Island
Mayor & Members of City Council
280 Madison Avenue North
Bainbridge Island, WA 98110-1812

From: The Residents of Manitou Beach
Opposing Public Parking on Manitou Beach

Petition in Opposition to Public Parking on Manitou Beach: This Petition is in response to our having learned that City Council recently approved and funded a new plan to design and build a Public Parking Lot on the small private Manitou Beach Residential parcel recently reclassified and now marked "City Open Space". This action was apparently taken in conjunction with the transfer of several other Open Space properties to the Parks & Recreation District for development. As a Manitou Beach Property Owner I respectfully petition the City of Bainbridge Island to exercise leadership on behalf of Manitou Beach Property Owners and use your authority to reverse any such plans that would result in Public Parking and/or any other Public Recreational Facilities in or around this site.

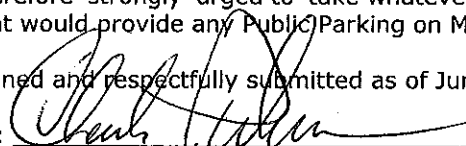
We believe that introducing public parking into the very heart and soul of this neighborhood, and on what has been the front yard of one home, is wholly inappropriate for the long established homes and families that surround the site, and it would impose adverse and unintended consequences on living conditions for those families who live and sleep here. Public parking would also put this sensitive property and the residents at risk of losing value and sovereignty as a private homestead neighborhood first settled nearly a century ago and now home for dozens of families.

While we recognize Manitou Beach is one of the most beautiful scenic drives on the island, this road already provides thru-public access for every conceivable mode of private and public transportation, including the city bus, and convenient access for the hundreds of families living within walking distance of this small island spot. We also believe that peaceful, safer and less crowded living conditions for the residents living here today and in the future are far more important to preserve and protect than expanding transportation choices and visitation facilities for the convenience of tourists and a few more islanders.

From the Environmental perspective we know that Public Parking can only intensify public activity beyond present levels, and increase conflicts and problems inside the neighborhood by people without vested interests, respect for private property or privacy inside this single family home environment. To discover that the City is actually taking an active role to unilaterally promote greater public access onto this environmentally sensitive beachfront completely ignores the high value of its Protected Aquatic Conservancy and encumbers the neighbors with increasing disruptions, additional work and controversy as Litter Patrol & Park Police.

This Petition was sponsored by Residents of Manitou Beach. Time is of the essence. We strongly recommend that the City of Bainbridge Island and those people responsible for advising the City in these matters to respect and support this Property Owner's good faith stand on the issues as expressed in this Petition. You are therefore strongly urged to take whatever urgent action necessary to reverse City plans that would provide any Public Parking on Manitou Beach.

Signed and respectfully submitted as of June 30, 2007

By:  (Signature)

Print Name: CHARLES PALMER

Street Address: 9975 MANITOU BEACH DR.
Bainbridge Island, WA 98110

Mark Epstein

From: Mark Epstein
Sent: Friday, April 03, 2015 11:32 AM
To: 'Gary Palmer'
Cc: Morgan Smith
Subject: RE: Minutes/Video 3/25/15 Community Meeting/Manitou Beach Parking Lot

Mr. Palmer,

As this was an open informal meeting for staff to provide project background information and receive community input, and not make any decisions regarding the project, minutes of the meeting have not been created. The meeting was not recorded, as far as I know. A date to present our findings and recommendations to Council has not yet been set, however I encourage you to subscribe via the Notify Me service on the City's website (<http://www.bainbridgewa.gov/list.aspx>) for project updates. There are too many interested people for me to reliably notify you individually, and I don't want you to miss the next opportunities to participate.

Thank you kindly,

Mark Epstein

Engineering Project Manager
206.780.3721
mepstein@bainbridgewa.gov

From: Gary Palmer [mailto:q-lease@msn.com]
Sent: Friday, April 03, 2015 11:01 AM
To: Mark Epstein
Subject: Minutes/Video 3/25/15 Community Meeting/Manitou Beach Parking Lot

Dear Mr. Epstein..

Would you please email me today the Minutes or Video of the March 25, 2015 Community Meeting about COBI's Proposed Parking Lot on Manitou Beach Open Space?...

We noticed that the Presentation used for that meeting is now on the city website, however I've not seen the Minutes or Video if the meetin. As you recall, we were not able to attend the meeting under such a short Notice.

Also, Have you chosen a date to discuss the results of that meeting at the City Council level?... If not, would you kindly notify us including the Manitou Beach Neighborhood of that date.

Thank you,

C. Palmer

From: mepstein@bainbridgewa.gov

To: g-lease@msn.com

Subject: RE: Urgent Message: Community Meeting 3/25/15-Proposed Parking Project on Manitou Beach

Date: Wed, 25 Mar 2015 22:23:23 +0000

Mr. Palmer,

Thanks for writing! Your comments will be forwarded to the Council when we present our recommendations. I sincerely hope you can attend the meeting tonight.

Best regards,

Mark Epstein

Capital Projects Coordinator

206.780.3721

mepstein@bainbridgewa.gov

From: Gary Palmer [<mailto:g-lease@msn.com>]

Sent: Wednesday, March 25, 2015 2:14 PM

To: Mark Epstein

Subject: Urgent Message: Community Meeting 3/25/15-Proposed Parking Project on Manitou Beach

URGENT MESSAGE TO THE CITY GOVERNMENT OF BAINBRIDGE ISLAND, WA

March 24, 2015

Mr. Mark Epstein,

Capital Project Coordinator

City of Bainbridge Island

Department of Public Works

280 Madison Ave North

Bainbridge Island, WA 98110

206-780-37121

Via Email; mepstein@bainbridgewa.gov

cc: All Members of City Council

cc: Mayor

cc: COBI City Manager

cc; City Clerk

cc: Executive Department

cc: Parks & Recreation

cc: Planning & Community Development

cc: Manitou Beach Neighbors

SUBJECT PROJECT & NOTICE

Notice of Community Meeting 3/25/15 Manitou Beach Parking Project

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Members of City Council
And City Executives,

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Specifically, how can the City continually propose Vehicular Parking Land-Use on this Single Family Residential Lot that is right smack in the middle and inside this Sensitive Shoreline Area when it was first acquired to Protect & Enhance the Wildlife Habitat & Sensitive Environment that still exists here? There is something wrong with this picture.

We are not alone in this unanswered question... and we request that it be researched thoroughly along with the history for better understanding by the City of 2015 before inviting the Manitou Beach Community to assist the City in planning a project that the same Community has Opposed and Stopped consistently over the past 10 years ago. This doesn't make sense to us along Manitou Beach who hear and feel the Heartbeat of this tiny piece of undisturbed land that any such proposed project will surely destroy.

Out of respect for the current City Staff and City Council, we suspect the long and controversial history of the Property since being purchased by the City and the repeated proposals to convert the property into vehicular land-use (now flagged as Open Space) has faded or been lost from City Memory. It's highly doubtful that the 2015 City Council Members or Senior City Executives were in office a decade or more ago or have personal knowledge of this controversial History of failed projects.

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reason environmental protection is Policy. Even the Washington State Attorney General and other State Agencies have warned COBI about overstepping and creating policies or practices with land that create property damage or devalue the property of others, but it is not our desire to render judgment or comment further at this stage.

We therefore strongly encourage and request that the City cancel Wednesday's (Today's) Community Meeting and Reschedule it, if necessary, with at least 120 Days an Official Written Notice to all property owners in the Manitou Beach Community. This would hopefully provide the time needed to inform the 2015 City Staff and City Council on the history of the Site and the numerous Community Petitions and other Appearances that factually convey our views and opposition to such Projects; and resulted in stopping all previous City Proposals for this Open Space Site.

Here is a Research Tip for the City of 2015: The Bainbridge Island City Clerks Office and the Bainbridge Island Review Newspaper have on file extensive Community Petitions and other Evidence in Opposition to prior land use changes proposed by the City for this Site. There are no Expiration Dates on any of those Petitions. Signatures numbered the majority of property owners directly and indirectly and negatively impacted around Murden Cove in general and West Manitou Beach specifically. Prior City Councils were persuaded by those Petitions, Press Coverage and other Efforts and circumstances among other things to terminate every City Proposal for this Site to date. We have reason to predict that the 2015 City Council will want to follow suit this time. We certainly hope so once you understand things from our point of view.

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We realize that the City may not have sufficient time to avoid inconveniencing all those residents who are planning to attend this meeting; however your immediate acknowledgement would be a good start toward creating an amicable process of representing all of us on Manitou Beach as well. Please overlook the fact that this letter has only been in the making for three (3) Business Days since we received it. Thank You.

Sincerely,
C Palmer
Manitou Beach

Mark Epstein

From: Roz Lassoff
Sent: Tuesday, April 21, 2015 2:09 PM
To: City Council Distribution Group
Cc: Doug Schulze; Morgan Smith; Barry Loveless; Mark Epstein; q-lease@msn.com
Subject: 2007 Community Petition Opposing Public Parking (Manitou Beach)
Attachments: Community Petition Opposing Public Parking (Manitou Beach).pdf

Gary Palmer, Manitou Beach resident, requested I forward the attached petition which was initially submitted on August 15, 2007. I did not include every signed petition sheet but included is a list of who signed and one letter with Mr. Palmer's signature – way too much paper.

Roz

Mark Epstein

From: Gary Palmer <q-lease@msn.com>
Sent: Tuesday, April 21, 2015 3:56 PM
To: Roz Lassooff; City Council Distribution Group
Cc: Doug Schulze; Morgan Smith; Barry Loveless; Mark Epstein
Subject: Follow Up to RE: 8/15/2007 Community Petition Opposing Public Parking (Manitou Beach)

April 21, 2015

Thank you Roz, for retrieving and redistributing the 2007 No-Parking Petition on Manitou Beach to the City Leadership including City Council Members.

This historical information will greatly assist all sitting members of City Council and Department Heads in understanding the endurance and strength of the Manitou Beach Homeowners Opposition to Public Parking and Public Recreational Amenities on what is now City Owned Open Space in the middle of our single family zoned shoreline residential subdivision.

We recognize that the City Council votes that stopped all of the previous attempts to dig up the environment there in favor of public use inside this residential zoned parcel are no longer working in or on behalf the City. Those folks are long gone, but responsible for acquiring the property beginning before 2003 and working on it for sometime afterward. This Petition will bring the history current to the Sitting City Leadership.

The latest and most recent 2015 City Revival of a Proposed Public Parking Project on Manitou Beach Drive has also revived the neighborhoods resistance to that project, and we have now revived our opposition to that City Proposal.

We will be asking each member of city council to email their official position and how they will vote asap to the Manitou Beach/Murden Cove Community. Having one of the first formal Petitions in their hands at this time should help them research and understand the problem, the history and most importantly the reasons why they should vote "No" on the present parking proposal. If the City puts us to the test, we have no problem inking all those who have over the years consistently opposed it and no doubt many more since the problems there have only become worse since 2007. We would hope they return the land to it's environmental status as it has been since the community was first subdivided and developed with homes beginning some 100 years ago.

We also hope to speak at the upcoming Public City Business Meeting on April 28, 2015. If not, we suspect City Council will have received numerous emails and other contacts in opposition to the Parking Project.

Thank You,
C. Palmer

PS: It is noteworthy that over the decades, the Property Owners on Manitou Beach are the only people who have worked to preserve the shoreline property there. Now the

City is pressing us back into service to prevent yet more degradation of our community. Amazing!!

From: rlassoff@bainbridgewa.gov
To: CityCouncilDistributionGroup@bainbridgewa.gov
CC: dschulze@bainbridgewa.gov; msmith@bainbridgewa.gov;
bloveless@bainbridgewa.gov; mepstein@bainbridgewa.gov; q-lease@msn.com
Subject: 2007 Community Petition Opposing Public Parking (Manitou Beach)
Date: Tue, 21 Apr 2015 21:08:45 +0000

Gary Palmer, Manitou Beach resident, requested I forward the attached petition which was initially submitted on August 15, 2007. I did not include every signed petition sheet but included is a list of who signed and one letter with Mr. Palmer's signature – way too much paper.

Roz

Mark Epstein

From: Council
Sent: Tuesday, April 21, 2015 8:14 AM
To: Doug Schulze; Morgan Smith
Cc: Mark Epstein
Subject: FW: Opposition To Manitou Beach Road Parking Project

From: Gary Palmer [mailto:q-lease@msn.com]
Sent: Monday, April 20, 2015 9:25 PM
To: Council
Subject: RE: Opposition To Manitou Beach Road Parking Project

URGENT MESSAGE TO THE City Council of BAINBRIDGE ISLAND, WA

Second Request/Second Request/Second Request/Second Request DIRECT EMAIL TO ALL MEMBERS OF CITY COUNCIL 4/20/15

Ladies and Gentlemen.. of City Council

Mr Epstein was kind enough to acknowledge receipt of this email and commented that a copy of it would be attached to the City Parking Committee Recommendation to City Council for Discussion, and Vote Taking after the March 25, 2015 Community Meeting. Without knowing if and when his recommendation will be made we wanted to advise you directly by copy of this email so you are equipped to consider the facts and circumstances surrounding this controversial project. We are afraid that the city memory of this highly controversial project over the decade or more has been lost on the current city council and any vote without the complete history would be voting in the blind. Therefore, we wanted to get you started with our objections once again.... Our home abuts more than the length of the city property.

Our objections have never wavered and been opposed to Parking here since before the City purchased the Kane Property on Manitou Beach in 2003. We were informed that the March 25, 2015 Community Meeting discussed in this email did not allow any discussion of the Zero Parking Option that our entire neighborhood has supported all these many years... it's getting too many years to keep track; so we know that it's not the Manitou Beach Neighborhood that has reignited the city push to build public parking, park, amenities, whatever right outside our doors and windows. It's also odd that the moderator/presenter at the March 25, 2015 meeting refused to accept or discuss the zero parking option. Perhaps you can tell us why that was?

You should also know that any community support for purchasing that property in 2003 was based on false and uninformed information... as witnessed by the city voluntarily abandoning the project originally used to spend what must now be \$1,600,000 by now in land costs, studies, consultant fees, surveys, legal fees and such. This is 2015... and nobody in the community is happy about having to mount yet another effort to block this latest proposal. We are interested in returning the Property to it's environmental significance that is supported by the many environmental and shoreline ordinances that the City has passed in recent years... all of which your Parking Project would violate....

Much more to follow if necessary, but this will get your started or restarted on the issues. By the way, nobody in the west Manitou Beach/Mruden Cove community has ever favored or supported public parking above and beyond the 2 space already existing at both ends of the road and the island public bus stop. There are many more reasons this project should not be pursued or built. The Petitions of over 100 property owners listed some of them. Please look up those petitions with your City Clerk's office... We would appreciate your response and or questions directly should they be necessary.

Thank You. C Palmer

March 24, 2015
Mr. Mark Epstein
Capital Project Coordinator
City of Bainbridge Island
Department of Public Works
280 Madison Ave North
Bainbridge Island, WA 98110
206-780-37121
Via Email; mepstein@bainbridgewa.gov

cc: All Members of City Council
cc: Mayor
cc: COBI City Manager
cc: City Clerk
cc: Executive Department
cc: Manitou Beach Neighbors

SUBJECT PROJECT & NOTICE
Notice of Community Meeting 3/25/15 Manitou Beach Parking Project

Dear Mr. Epstein,
Members of City Council
And City Executives,

Thank you for your Community Meeting Notice on the Subject COBI Project. The (Undated Handbill Type Notice) on City Letterhead states the Meeting is scheduled in City Council Chambers Wednesday, March 25, 2015 at 6:30 PM. Unfortunately, the US Post Office did not deliver it to us until Thursday, March 19th; only Three (3) Business Days prior to your Scheduled Meeting. The Notice appears to be late as well being Post Marked PM32 in Seattle on March 11, 2015, but still only 15 Days in advance of your Schedule.

We are among a dozen or so home owners whose property abuts or adjoins the Sites on Manitou Beach Road where the Parking Project and Amenities are being proposed. We are not aware of who is proposing the Project. Can you tell us? Hopefully this Project is still in the Proposal Stage as it must now represent the 3rd or 4th time a public parking lot has been proposed over the past decade or so; all of which Proposals have failed to win community support or final approval by City Council.

The Timing and short notice for this meeting is clearly beyond unreasonable, considering the more than 10 Years or so the controversial nature of City Development Proposals for the Site since COBI first acquired it. All of the proposals have directly contradicted the environmental protection policies and assurances made to the Neighborhood, not to mention the historic residential zoning designation on which every Property Owner who purchased homes behind this shoreline road for the past 100 Years has relied on for a quiet rural homeland unincumbered by the advances of the growing population.

Specifically, how can the City continually propose Vehicular Parking Land-Use on this Single Family Residential Lot that is right smack in the middle and inside this Sensitive Shoreline Area when it was first acquired to Protect & Enhance the Wildlife Habitat & Sensitive Environment that still exists here? There is something wrong with this picture.

We are not alone in this unanswered question... and we request that it be researched thoroughly along with the history for better understanding by the City of 2015 before inviting the Manitou Beach Community to assist the City in planning a project that the same Community has Opposed and Stopped consistently over the past 10 years ago. This doesn't make sense to us along Manitou Beach who hear and feel the Heartbeat of this tiny piece of undisturbed land that any such proposed project will surely destroy.

Out of respect for the current City Staff and City Council, we suspect the long and controversial history of the Property since being purchased by the City and the repeated proposals to convert the property into vehicular land-use (now flagged as Open Space) has faded or been lost from City Memory. It's highly doubtful that the 2015 City Council Members or Senior City Executives were in office a decade or more ago or have personal knowledge of this controversial History of failed projects.

Prior City Council Members did, in the end, represent the Manitou Beach Neighborhood however many times by stopping every City Proposals to convert the land use from single family residential to public use as a public parking lot with or without "amenities". It only took our united efforts to inform and educate them with the facts, practices, policies and laws that guide land use and government business practices on the island to stop them. It's the reason zoning laws exist. It's the reason environmental protection is Policy. Even the Washington State Attorney General and other State Agencies have warned COBI about overstepping and creating policies or practices with land that create property damage or devalue the property of others, but it is not our desire to render judgment or comment further at this stage.

We therefore strongly encourage and request that the City cancel Wednesday's (Today's) Community Meeting and Reschedule it, if necessary, with at least 120 Days an Official Written Notice to all property owners in the Manitou Beach Community. This would hopefully provide the time needed to inform the 2015 City Staff and City Council on the history of the Site and the numerous Community Petitions and other Appearances that factually convey our views and opposition to such Projects; and resulted in stopping all previous City Proposals for this Open Space Site.

Here is a Research Tip for the City of 2015: The Bainbridge Island City Clerks Office and the Bainbridge Island Review Newspaper have on file extensive Community Petitions and other Evidence in Opposition to prior land use changes proposed by the City for this Site. There are no Expiration Dates on any of those Petitions. Signatures numbered the majority of property owners directly and

indirectly and negatively impacted around Murden Cove in general and West Manitou Beach specifically. Prior City Councils were persuaded by those Petitions, Press Coverage and other Efforts and circumstances among other things to terminate every City Proposal for this Site to date. We have reason to predict that the 2015 City Council will want to follow suit this time. We certainly hope so once you understand things from our point of view.

We suspect City Policy and Precedent on these matters might better serve this established environment and community if the facts were known by present government leaders before proposing a project that continues to fail at the City Council Level. Bainbridge Island is too small of a community to have bitter relations for homeowners, taxpayers and voters. By the way, does anyone realize that this Site is only a two step off the Regular Public Bus Service that stops at this Site? It would be such a refreshing experience to work this hard to design Projects that property owners can support enthusiastically for a change. We speak for most local residents when we tell you that we are tired of COBI mounting a continuous string of Projects that the Neighborhood has to fight year after year after year.

It would be appreciated if the City would acknowledge in writing what actions will be taken as a consequence of receiving this email and a review of the formal Petitions on file from the Manitou Beach Community. We also are aware that if City Council fails to represent us by relying on the support from people who choose to drive here, then Council would be neglecting its duty to protect any property owner on the island from the desires of non-residents over those of us who have many vested interests in our homes and community here in Manitou.

We realize that the City may not have sufficient time to reschedule the meeting and avoid inconveniencing all those residents who are planning to attend; however your acknowledgement would be a good start to begin an amicable process of representing all of us on Manitou Beach as well. Please overlook the fact that this letter has only been in the making for a three (3) Days since receiving it from you. Thank You.

Sincerely,
C Palmer
Manitou Beach

Mark Epstein

From: Charles Schmid <ceschmid@att.net>
Sent: Friday, March 27, 2015 3:33 PM
To: Mark Epstein
Subject: Mud at Murden Cove

Mark -

THat was a good meeting on the Murden Cove site.

Something that's pretty minor - and hence not brought up on Tuesday by me - is the fact that the head of Murden Cove has some deep mud - to the point that my wife and I have seen people get seriously stuck out there. Hence a warning sign to the effect beware of crossing Murden Cove due to pockets of deep mud.

One would think that this is not necessary - likewise to warn tourists thinking they can summit Mt. Rainier from Paradise !

Now you have to remember this about mud - and not me.

Charles

Mark Epstein

From: Mark Epstein
Sent: Friday, March 27, 2015 3:39 PM
To: 'Charles Schmid'
Cc: Morgan Smith
Subject: RE: Mud at Murden Cove

Charles, good to see you at the meeting. Good point about the mud warning. Maybe we could have a competition for best sign graphics!



-----Original Message-----

From: Charles Schmid [mailto:ceschmid@att.net]
Sent: Friday, March 27, 2015 3:33 PM
To: Mark Epstein
Subject: Mud at Murden Cove

Mark -

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Now you have to remember this about mud - and not me.

Charles

Mark Epstein

From: Linda Sohlberg <wyldwooddogs@gmail.com>
Sent: Wednesday, April 01, 2015 5:19 PM
To: Mark Epstein
Subject: Re: Manitou parking lot

HI Mark-

I guess the agenda would be for me (and the neighbors perhaps, depending how on-track you wanted to stay...!) to verify that we are on the same page re location and scope of proposed permit. And, the proposed height of the fill which it appears you are proposing as well, if the lot is in the low, wet portion.

We could also discuss the realities of applying for the variance to locate a less invasive lot closer to the road... and where you see that potentially being located.

It's sorta funny that the big 6 holer lot is almost larger than the entire beach it would be serving!

I see a short on-site conversation as being not adversarial, but to see if there is any way that the 'hood could get behind a proposal. I still hope that that might be on someone's agenda, ya know?

Thanks for your response- Linda

On Wed, Apr 1, 2015 at 4:45 PM, Mark Epstein <mepstein@bainbridgewa.gov> wrote:

Linda, could you give me more information about the purpose and agenda for meeting on the site? I'm happy to do it, however I've walked the site numerous times and interested in what I'm missing.

Sincerely,

Mark

Mark Epstein

Engineering Project Manager

[206.780.3721](tel:206.780.3721)

mepstein@bainbridgewa.gov

From: Linda Sohlberg [mailto:wyldwooddogs@gmail.com]
Sent: Wednesday, April 01, 2015 3:34 PM
To: Mark Epstein
Subject: Manitou parking lot

Hi Mark-

I am wondering if you might have a bit of time sometime to do a site visit out here with me? I think it might help all of better understand the impact, and how best to proceed with this...

Thanks- Linda

--

Linda Sohlberg, Architect
Bainbridge Island WA

"Connecting Lives, Sharing Cultures"
AFS Intercultural Programs Volunteer

US Dept of State Sponsored Programs Coordinator

--

Linda Sohlberg, Architect
Bainbridge Island WA

"Connecting Lives, Sharing Cultures"
AFS Intercultural Programs Volunteer

US Dept of State Sponsored Programs Coordinator

Mark Epstein

From: Dana Webber <dana@danawebber.com>
Sent: Monday, March 23, 2015 2:55 PM
To: Mark Epstein
Subject: Parking Options at Manitou Beach Drive
Attachments: D_Webber Manitou Parking.pdf

Hello Mark,

Thank you for consideration of the neighborhood input on the parking options at the Manitou Beach property.

I am on the Board of the Murden Cove Homeowners Association and am also president of the Bainbridge Island Parks Foundation Board--so I am highly involved in the community.

I am unable to attend the meeting this week, but I have attached a letter that states my input on the discussion. Please consider my input as representative of a number of people in my neighborhood. (This represents my personal opinion and is does not represent the position of the Parks Foundation.)

I am happy to discuss this with you further.

Dana

Dana Webber

Dana Webber Architect LLC
265 Winslow Way E- 202D
Bainbridge Island, WA 98110
voice 206.780.8083
mobile 206.715.4551
www.danawebber.com

Dana Webber
9809 NE Murden Cove Dr.
Bainbridge Island, WA 98110

March 23, 2015

Mark Epstein
Capital Projects Coordinator
City of Bainbridge Island Department of Public Works
280 Madison Avenue N
Bainbridge Island, WA 98110

Re: Manitou Beach Road Parking Project

Dear Mr. Epstein,

I am writing this letter to provide my input toward the Community Meeting scheduled for March 25, 2015 regarding the proposed parking project at the Manitou Beach property. I am a resident and homeowner in the neighborhood. I very much appreciate the fact that this property was purchased as open space. It is an asset to our community and to our city.

My first comment is that there are many reasons why park and open space property owned by the City of Bainbridge Island should be turned over to the BIMPRD. It is redundant for the City and the Park District to duplicate services in this respect. This is a larger discussion beyond the scope of this project, but not unrelated.

As a parent in the neighborhood, I ask you to consider one issue that is very important to this beach community: **traffic**. Manitou Beach Drive is a lovely place for pedestrians. However, there is no shoulder on most of the road that parallels the beach. The drivers on this road tend to drive much faster than the posted 25 mph speed limit. The road crossing at the proposed parking area is behind a blind-curve at the bottom of the hill descending from Madison Avenue. Automobiles coming down the hill off Madison and Highway 305 tend to drive fastest at that particular point.

I know that there is strong neighborhood opposition to plans for parking on this property. There is also strong agreement in the neighborhood that traffic mitigation would be a great improvement to the enjoyment of this beach. I recommend the following:

1) Construct two (2) parking stalls on the proposed property.

The public beach is only 200 feet wide. At high tide, that results in barely 2000 SF of accessible beach. At low tide, the flat beach area extends about 40 wide before it becomes mucky mud flats, so approximately 8000 SF of space is available for occupancy. Providing more than (2) parking stalls would encourage an occupant density that would spill-over and ultimately result in trespassing on adjacent private properties. This could become a liability for homeowners. Even two parking stalls is a much higher ratio of parking, relative to park size, than any other park on Bainbridge Island.

2) Provide speed mitigation on Manitou Beach Drive- between Lower Murden Cove loop and Beachcrest.

Speed mitigation, such as speed bumps or tables, would slow the traffic, improving safety of pedestrians using the beach and walking in the right-of-way. Speed bumps raise the awareness of the slow speed limit and will ensure that drivers are paying attention as they travel that road.

I am unable to attend the meeting on March 25. Please consider my input as you proceed.

Regards,

Dana Webber

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Ordinance 2015-10, Tent Cities as an Allowed Temporary Use Regulations	Date: June 2, 2015
Agenda Item: Staff Intensive	Bill No.: 15-109
Proposed By: City Attorney Lisa Marshall	

BUDGET INFORMATION

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

REFERRALS/REVIEW

Planning Commission, 05-28-15	Recommendation: Approve Ordinance 2015-10	
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☐ Yes ☐ No ☒ N/A

DESCRIPTION/SUMMARY

Action Item:

Consider scheduling public hearing for June 9, 2015

Background:

Please refer to attached staff memo.

RECOMMENDED ACTION

I move the City Council schedule a public hearing on Ordinance 2015-10 for June 9, 2015.



City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT

MEMORANDUM

TO: City Council
City Manager Doug Schulze

FROM: Lisa Marshall, City Attorney

DATE: June 2, 2015

RE: Ordinance 2015-10, Tent Cities as an Allowed Temporary Use

On June 2, 2015, the City Council will conduct first reading on draft Ordinance 2015-10, which makes provisions for “tent cities,” or homeless encampments, as an allowed temporary use on church properties. The City is processing this ordinance to satisfy its insurer, Washington Cities Insurance Authority (WCIA). As a risk management policy, WCIA has required its member cities to enact ordinances providing for temporary use permits for homeless encampments such as Tent City/SHARE. No homeless encampment has applied for a temporary use permit, nor is the City aware of any plans for a homeless encampment to locate within the City or on church property located within the City. However, if in the future, a church within the City limits hosts a homeless encampment, this ordinance provides the City with tools to ensure the health and safety of the residents of the City.

The Planning Commission conducted two study sessions on Ordinance 2015-10 on April 23 and May 14, 2015. The Planning Commission raised a number of questions during their review, which are summarized below with staff responses.

- 1) Why does the draft ordinance exclude children? Are families not allowed in a tent city?** Tent City/SHARE does not allow minors (under age 18) in the organization. Additionally, for risk management reasons, it would not be advisable for the City to issue a permit to a homeless encampment serving minors.
- 2) Will a tent city likely be made up of Bainbridge or Kitsap residents, or could a Seattle tent city come over?** The City has no information regarding where the Tent City/SHARE members come from.
- 3) What is the difference between the terms “Sponsor” and “Managing Agency” as used in the ordinance, and who would be the managing agency? For instance, is the Sponsor the**

church, and the Managing Agency something like HRB? “Sponsor” is the church; “managing agency” is Tent City/SHARE.

4) Why is only a LUPA appeal provided, with no local appeal? Because of the interest in timely decisions regarding homeless encampments, a local appeal process is not recommended. An appeal to the Council and/or Hearing Examiner would add additional administrative processes to the timeline.

5) Are the noticing timelines included in the ordinance specified in state law? Could the City change the noticing timing requirements to be the same as other noticing provisions in BIMC 2.16.020.K for both public participation meetings and public notices? Can we have a longer comment period than 14 days? An extended notice period is discouraged. Tent City/SHARE and sponsoring churches typically don’t have the ability to wait a long time for the permitting process to be completed. The organization moves to a new church every 90 days. If the process is too lengthy, it could be burdensome to the church and therefore a violation of RCW 35.21.915. That said, there aren’t clear standards regarding the point at which a city regulation becomes “burdensome.” See the following link for more information about Tent City/SHARE/WHEEL: <http://www.sharewheel.org/Home/tent-cities>

6) Churches are conditional uses in most zones on the Island and permitted outright in R-14 and the Core, Madison, Ericksen, and High School Rd. districts. Could the City limit the location of tent cities to churches that have gone through the CUP process? Or alternatively, could the City limit tent cities to churches in zones where they are outright permitted? No.

7) Does the Critical Areas Ordinance apply? No. The CAO, SEPA, shoreline regulations, and other land use regulatory mechanisms are not “health and safety” regulations within the meaning of RCW 35.21.915.

8) In terms of responding to public comments, can the City’s ordinance require that the church be responsible for answering community comments and concerns, and/or require that the church maintain an informative website? Tent City/SHARE/WHEEL is very proactive in its community education and outreach efforts. While it is possible to invite Tent City to a public meeting to answer questions and provide information, it would not be permissible to require the hosting religious organization to maintain a website.

9) What types of dimensional requirements and performance standards can the City apply? Could we apply underlying zoning setbacks? Dimension and performance standards, if imposed, must be the minimum necessary for the health and safety of the community and permittees/guests. Examples of dimension requirements/performance standards are minimum setbacks from adjacent lot lines, the requirement that excessive noise not be permitted between certain hours, that litter and trash must be removed from the premises, etc. Generally, these types of requirements are imposed by Tent City/SHARE/WHEEL as a condition of membership in the organization. See the site <http://www.sharewheel.org/Home/tent-cities> regarding the code of conduct for members.

10) Can the City require any specifications on the type and appearance of tents? No.

11) Could we limit the number of tents (and therefore intensity of use) through the lot coverage provisions in different zones? So for instance, the R-1 zone lot coverage is 15%-- would it be possible to say that the lot coverage limit is double (30%) for tents? No.

12) Is the intensity of the use/number of tents only limited by the ability to meet public health and safety standards? Yes. Cities can impose restrictions on numbers of tents/occupants only when imposed as health and safety standards. Tent City/SHARE/WHEEL imposes limitations on members to 100 members for each tent city. Generally, unless cities can show that this number constitutes a health and safety hazard, this number should be allowed.

13) Do tent cities cook outside, for example on camp stoves? Or do they usually use a church's commercial kitchen facilities for cooking? Could we limit cooking to inside only? Outdoor cooking cannot be prohibited if there are no inside facilities available. Cities can impose outdoor cooking restrictions/regulations that are necessary as a health and safety regulations.

14) In applying for the use permit, can we make a church make the case, or prove there is a need for a tent city? No.

15) Is the site obscuring fence part of state law? No. Can the screening intent be met with existing vegetation? There may be cases where a fence is not warranted, or if the neighbors don't want a fence. The ordinance states a fence isn't required if "there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed."

16) Is the 92 day time period that the tent city may be in place in state law? Could it be less? Tent City/SHARE operates on 90 day cycles. It takes the organization this amount of time to locate the next hosting church. Depending upon the reduction in time imposed by the City, such a reduction may "substantially burden" the church and the Tent City. It would depend upon the reduction.\

The Planning Commission conducted a public hearing on Ordinance 2015-10 on May 28, and forwarded it to the Council with a recommendation to approve.

Staff is recommending that the City Council consider scheduling a public hearing for June 9, 2015.

ORDINANCE NO. 2015-10

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to Temporary Homeless Encampments; amending Chapter 18 of the Bainbridge Island Municipal Code (BIMC).

WHEREAS, in 2010, the legislature codified RCW 35.21.915, which, among other things, prevents cities from enacting ordinances or regulations or taking any other action that imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;

WHEREAS, the City desires to enact this Ordinance to set forth the requirements for issuance of a temporary use permit to an applicant wishing to host a homeless encampment;

WHEREAS, the standards and requirements set forth in this Ordinance are the minimum necessary to protect the public health and safety and do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;

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

Section 1. Section 18.09.020 of the Bainbridge Island Municipal Code is amended to add “Temporary Homeless Encampment” to the permitted uses table as shown in Exhibit A.

Section 2. Section 18.09.030.J of the Bainbridge Island Municipal Code, Use Specific Standards, is amended to add the following subsection:

8. Temporary Homeless Encampment

An application for a Temporary Homeless Encampment permit will be reviewed and decided upon by the Director of Planning and Community Development (hereafter “Director”), and must meet the following standards.

- a. A Temporary Homeless Encampment is only allowed on property in conjunction with a Religious Facility. An application for a homeless encampment must include a Religious Facility or other community-based organization as a sponsor or managing agency.
- b. The applicant shall submit an irrevocable, signed, and notarized statement granting the City permission to summarily abate the temporary use and all physical evidence of that use if it is not removed by the applicant within the period specified as part of the permit, and agreeing to reimburse the City for any expenses incurred by the City in abating the temporary use.

- c. The encampment shall meet all setbacks for the zoning districts described in BIMC 18.12.020. The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.
- d. The Director may require a sight-obscuring fence around the perimeter of the homeless encampment unless it is determined that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed.
- e. Exterior lighting for the homeless encampment must meet the requirements of BIMC 18.15.040.
- f. The maximum number of residents within a homeless encampment is 100.
- g. Parking for five (5) vehicles shall be provided.
- h. The applicant shall submit a transportation plan which shall include provision of transit services. The homeless encampment shall be located within one-half (1/2) mile of transit service.
- i. No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.
- j. No animals shall be permitted in encampments except for service animals.
- k. The applicant shall submit a code of conduct for the encampment and described how it is to be enforced by the managing agency. The code shall contain the following as a minimum:
 - i. No drugs or alcohol.
 - ii. No weapons.
 - iii. No violence.
 - iv. No open flames.
 - v. No loitering in the surrounding neighborhood.
 - vi. Quiet hours.
- l. The managing agency shall ensure compliance with Washington State and City codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials. The City shall coordinate review of the Temporary Homeless Encampment permit with the Kitsap Public Health District and Bainbridge Island Fire Department. The managing agency shall permit daily inspections by the City and/or Health Department to check compliance with the standards for homeless encampments.

- m. The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements by the City of Bainbridge Island Police Department related to identified sex offenders or prospective residents with warrants shall be met.
- n. Homeless encampments may be approved for a time period not to exceed 92 days.
- o. The City may grant a temporary use permit only if it finds that the proposed temporary use will not be materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity.
- p. There is no administrative appeal of the Director's decision for a temporary use permit. The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 35.70C.130 in the Kitsap County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision of the City. For more information on the judicial process for land use decisions, see Chapter 36.70C RCW.

Section 3. Section 18.36.030 of the Bainbridge Island Municipal Code is amended to add the following definitions:

Temporary Homeless Encampment

"Temporary Homeless Encampment" means a group of homeless persons temporarily residing out of doors on a site with services provided by a sponsor and supervised by a managing agency.

Managing Agency

"Managing Agency" means an organization that has the capacity to organize and manage a homeless encampment. A "managing agency" may be the same entity as the sponsor.

Sponsor

"Sponsor" means an entity that has an agreement with the managing agency to provide basic services and support for the residents of a homeless encampment and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A "sponsor" may be the same entity as the managing agency.

Section 4. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2015

APPROVED BY THE MAYOR this _____ day of _____, 2015

Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK:	May 28, 2015
PASSED BY THE CITY COUNCIL:	
PUBLISHED:	
EFFECTIVE DATE:	
ORDINANCE NUMBER:	2015-10

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Ordinance No. 2015-13, Proposal to Consolidate Harbor Commission and Road Ends Committee	Date: June 2, 2015
Agenda Item: Staff Intensive	Bill No.: 15-112
Proposed By: Executive	Referral(s):

BUDGET INFORMATION

Department:	Fund:	Munis Contract #
Expenditure Req: none	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☐ Yes ☐ No ☒ N/A
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DESCRIPTION/SUMMARY

Action Item:

To consider a proposal to consolidate two of the City's citizen advisory groups: the Harbor Commission and the Road End Committee.

Background:

At the May 5, 2015 Study Session, the City Council discussed a proposal to create a new citizen advisory committee to consolidate the efforts of two existing groups: the Road Ends Committee and the Harbor Commission. Both groups have a long history of service to the City and share a focus on opportunities for public access to, and engagement with, our community's extensive and unique shoreline.

The City Attorney has prepared a draft ordinance to create a new Public Water Access Committee. The draft ordinance includes a proposed process to transition the current membership of the two groups (seven positions for the Harbor Commission and seven for the Road Ends Committee) to an eventual standard committee size of seven. As proposed, this membership transition would be made over more than one year but would allow the continued participation of all current members who are eligible for reappointment. An illustration of the proposed membership transition is provided for review.

RECOMMENDED ACTION:

I move the City Council schedule approval of Ordinance 2015-13, to consolidate the Road Ends Committee and the Harbor Commission into a new Public Water Access Committee, for the consent agenda on June 9, 2015.

ORDINANCE NO. 2015-13

AN ORDINANCE of the City of Bainbridge Island, Washington, repealing Bainbridge Island Municipal Code Chapter 2.34, Road Ends Committee, repealing Bainbridge Island Municipal Code Chapter 2.46, Harbor Commission, and adopting a Bainbridge Island Municipal Code Chapter 2.35, Public Water Access Committee

WHEREAS, the Road Ends Committee was created in 1992 in order to develop annual work plans to implement recommendations for the appropriate utilization of the City's road ends, thereby assuring the public's access to certain areas of the city's extensive and unique shorelines; and

WHEREAS the Harbor Commission was created in 1998 in order to act on all matters pertaining to the harbors and waters of the city consistent with the provisions of the Bainbridge Island Municipal Code and direction of the city council;

WHEREAS, the appointment of new members to the city's committees and commissions is to be completed by July 1st of each year, and

WHEREAS, the City desires to consolidate the Road Ends Committee and the Harbor Commission because both groups also have a mission that shares focus on opportunities for public access to, and engagement with, our community's extensive and unique shoreline.

WHEREAS, the City Council of the City of Bainbridge Island finds that a valuable benefit related to public access – both to and from the water – will be gained by joining the work of these two groups;

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

Section 1. Bainbridge Island Municipal Code Chapter 2.34, Road Ends Committee, is hereby repealed in its entirety.

Section 2. Bainbridge Island Municipal Code Chapter 2.46, Harbor Commission, is hereby repealed in its entirety.

Section 3. A new Chapter 2.35 of the Bainbridge Island Municipal Code, Public Water Access Committee, is hereby adopted to read as follows:

Chapter 2.35

Public Water Access Committee

Sections:

- 2.35.010 Created – Membership, appointment, term and compensation.
- 2.35.020 Vacancies – Removal.
- 2.35.030 Duties and responsibilities.
- 2.35.040 Meetings, officers, records and quorum.

2.34.010 Created – Membership, appointment, term and compensation.

A. There is created a public water access committee for the city, hereinafter called the committee. The committee shall consist of seven voting members who shall be appointed by the mayor and confirmed by vote of the city council.

B. Members shall not be employees or officers of the city or appointed to another city committee, board or commission, except for specialized committees or task forces of limited duration.

C. To establish the committee, initial committee appointments will include all current members of the Road Ends Committee with unexpired terms and all current members of the Harbor Commission with unexpired terms. This may create a Public Water Access Committee that is temporarily larger than the permanent committee membership of seven. During this transition period, all appointed members will be voting members. If the committee membership during this transition period is greater than seven, a quorum will be a majority of the currently appointed, voting members. Initially, committee members will be appointed for terms for which the expiration date matches the expiration date of the member's current position on either the Road Ends Committee or Harbor Commission. In addition, current members of either the Road Ends Committee or the Harbor Commission who hold position terms that expire on June 30, 2015 and who are eligible for reappointment will be offered an initial appointment to the new committee for a two-year term that expires on June 30, 2017. In subsequent years, the number of committee vacancies will be adjusted as needed to achieve the standard committee size of seven with staggered terms as described in BIMC 2.35.010(D).

D. Members of the committee shall serve for a period of three years, commencing on July 1st and ending on June 30th three years later. Members shall be appointed to a position number, and the terms are to be staggered, with no more than three positions expiring in any given year. A member may be reappointed, and shall hold office until his or her successor has been appointed and has qualified. No member shall serve more than three consecutive terms unless the city council determines that special expertise is required, or there are no other qualified applicants.

E. Members shall serve without compensation.

2.34.020 Vacancies – Removal.

Members may be removed upon a majority vote of the city council. In the event of a vacancy, the mayor, subject to confirmation of the city council, shall make an appointment to fill the unexpired portion of the term of the vacated position in accordance with the city's appointment cycle. Unexcused absence by any member from three consecutive meetings shall constitute grounds for removal.

2.34.030 Duties and responsibilities. The public water access committee, working in collaboration with the city, shall implement recommendations for the appropriate provision of public access to water. The public water access committee shall:

- A. Work to support awareness, management, and enhancement of public access to and from the island's waters and water dependent activities;
- B. Actively seek opportunities for public engagement and public outreach to increase awareness of public water access sites of all type (water access, water view, etc.);
- C. Promote and coordinate opportunities to develop island-wide public water access sites, especially road ends, as appropriate circumstances occur;
- D. Develop and recommend new road end and harbor management policies as needed, for island-wide water access sites;

- E. Coordinate with appropriate City staff to implement the public water access policies and goals of the council through measures which include, but are not limited to, recommendation of ordinances, regulations, and other means;
- F. Initiate, manage, encourage, and support a program for community stewardship of individual water access and road end sites throughout the community;
- G. Actively seek to leverage city resources by identifying donation and grant opportunities and assessing for alignment with City goals and priorities;
- H. Enlist volunteers, neighborhood members, and community organizations to assist with the implementation of approved plans and/or projects adopted by the city council;
- I. Develop an annual work plan in collaboration with appropriate city staff, and submit the proposed work plan to city council for review and approval each year, along with a report on results of the prior year workplan;
- J. Such other duties and responsibilities as may be assigned by the City Council

2.34.040 Meetings, officers, records and quorum.

- A. The committee shall meet at least monthly. Meetings shall be open to the public and held in accordance with the Open Public Meetings Act (Chapter 42.30 RCW).
- B. The committee shall select from among its members a chairperson for a one-year term at the first regular meeting of each year.
- C. For meetings consisting of a majority of the then serving voting members of the committee, the committee shall provide public notice of the meeting and shall keep a record of its meeting minutes. Minutes of each meeting, including a record of attendance, shall be prepared by the secretary and approved and signed at a subsequent meeting. The minutes do not need to reflect the actual discussion, but only the formal actions taken by the committee. The approved meeting minutes shall be posted on the city's web site.

D. The city shall provide city email accounts to voting members and related training on the use of email accounts, including personal computer privacy expectations while serving on the committee.

E. A majority of the voting members then serving on the committee shall constitute a quorum.

Section 4. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this ____ day of ____, 2015.

APPROVED BY THE MAYOR this ____ day of ____, 2015.

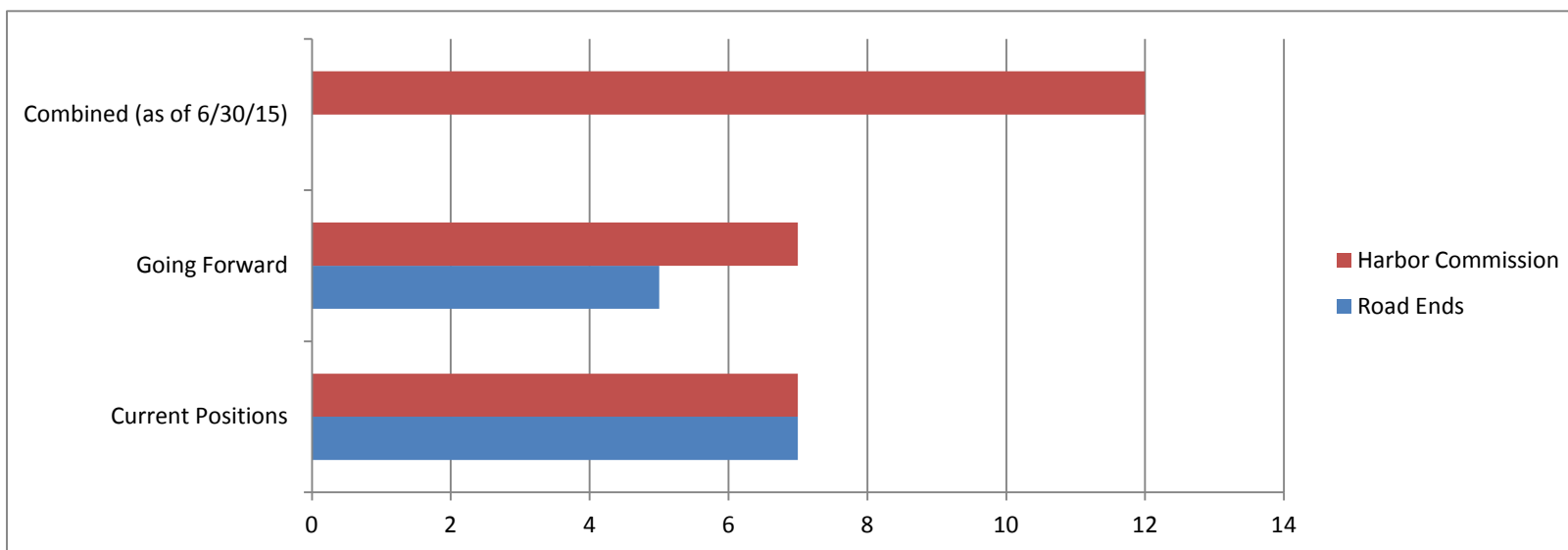
Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK: May 28, 2015
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER: 2015-13

Public Water Access Committee - Initial Appointments



Public Water Access Committee - Membership Transition

	June 2015	June 2016	June 2017
Positions that expire in June 2016	6	0	
Positions that expire in June 2017	6	6	
Positions that expire in June 2018	0	1	2
Positions that expire in June 2019			2
Positions that expire in June 2020			3
Total Members	12	7	7

May 21, 2014 Utility Advisory Committee Notes

Attendees:

All member of the UAC were present

Sarah Blossom was substituting for Val Tollefson

Barry Loveless, PW Director

Member of the public: Robert Dashiell, Randall Samstag, Brian Stahl (Kitsap Conservation District), Janet Grunbok, Patty Dusbabek, Dan Hamlin (Parks), Ken DeWitt (Parks), Steven Leach, Helmut Sassenfeld

Public Comment items:

1. SSWM rate structure and fees assessed on land used for farming/equestrian activities/animal husbandry
2. Parks – gravel should not be considered impervious, question about private roads serving 1 parcel, trails should be exempt
3. Disagreement with conclusions regarding SSWM fees from City Attorney at the last meeting. MS-4 does not include streams unless they have a stormwater outfall greater than 24" diameter (?). Flow monitoring is not necessary, is not used and should be charged to SSWM.
4. SSWM not just MS-4. Streams are included by ordinance. SSWM utility needs a utility business advisor.
5. Brian Stahl handed out a "white paper" written by Kurt Jones

May 4, 2015 meeting notes accepted.

Draft sewer plan

1. South Island sewer connections estimate revisited and new information regarding the swimming pool may cause further revisions.
2. Will place on next agenda.

SSWM capital utilities

1. Feeling by at least one member that the UAC is being pushed hard to change the revenue stream and concern that the push is being driven by projects that are on the table but are not really ready to go. Question about what is really driving the push for new revenue.
2. Comment that if SSWM is not fully funded then they City may need to bond in the future.
3. Comment that UAC needs to look at revenue after looking at how fees are applied.
4. PW Director – the \$237k and \$341k projects are budget balanced and can be done but after that only policy reserves will remain. No capital program after 2016 if nothing changes.
5. Question about the possibility of connection fees. Per PW Director they must be based on a capital program and not many capital programs are growth related.

SSWM rate structure

1. 1 type of impervious surface (includes gravel). Discussion about whether gravel should be included and if it is should it be charged the full rate or continue to receive a discount.
 - A. UAC – keep gravel at 80%
 - B. Discussion about differentiating between gravel used for vehicles vs gravel used for paths, animal paddocks, etc.
 - C. UAC – 2 types – impervious 100%, gravel for vehicle use 80%
2. Discounts and rate reductions

- A. Qualifying features that exceed requirement –how do you measure the benefit and calculate the discount
- B. Low intensity site for non-residential sites with less than 15% impervious surface on parcel – no consensus reached, comment that you are already paying less for not having as much impervious surface.
- C. How to charge farms combined w/ SFR
 - i. Business license only?
 - ii. What about SFR with sports courts/shops/greenhouses/etc?
- D. 2 issues to discuss further
 - i. Discounts for low intensity
 - 1. Can the City allow this for parks, schools and/or churches but not others (Barry will check with City Attorney)
 - 2. How to define farms

Next meeting May 28th at 5:30

Notes prepared by Councilmember Sarah Blossom



CITY COUNCIL 345 6th Street, Suite 600, Bremerton, WA 98337 ☐ Phone (360) 473-5280

May 22, 2015

Commissioner Robert Gelder, Board Chair
Kitsap Regional Coordinating Council
PO Box 1934
Kingston WA 98346

RE: City of Bremerton Withdrawal from Kitsap Regional Coordinating Council (KRCC)
Interlocal Agreement

Dear Commissioner Gelder and Members of the KRCC Executive Board:

At Bremerton's May 20, 2015 City Council meeting, the City Council voted unanimously to withdraw from KRCC. This decision was not made lightly. Bremerton recognizes the valuable role KRCC has performed on behalf of the communities of Kitsap County. KRCC has fulfilled an important part of its mission, ensuring that smaller jurisdictions and rural areas have had an effective voice in matters of regional significance. After thoroughly discussing this issue and carefully considering the City's options, though, the City Council made a decision that it believes will help the City focus its time and energy on the complex issues and unique challenges facing Bremerton.

According to Article 8 of the KRCC Interlocal Agreement (ILA), "any member agency has the right to withdraw from this Interlocal Agreement by giving the Executive Board six (6) months prior written notice". This letter serves as the City of Bremerton's written notice of withdrawal as required by the ILA. Consistent with the ILA, the City's membership in KRCC will end effective November 30, 2015.

Article 8 of the ILA also states that "any member agency that withdraws shall remain responsible for its financial and other obligations with regard to Council activities until the effective date of withdrawal". The City of Bremerton intends to comply with its obligations as set forth in the ILA.

The City understands, however, that it might be in the best interest of KRCC that the City's withdrawal occurs earlier. If that is the case, the City is willing to have this discussion with KRCC.

The City's decision to withdraw from KRCC should not be viewed as unwillingness on its part to cooperate with other local governments in Kitsap County. The City of Bremerton intends to continue to collaborate with other local governments to address the important issues facing our community, including growing our economy and addressing our communities infrastructure needs.

Please feel free to contact me if you have questions about this decision. Bremerton is dedicated to finding solutions that work for everyone.

Sincerely,

Greg Wheeler
City Council President

2015 PROPOSED COUNCIL CALENDAR ITEMS

Absences	Clerk	Department	Timing (min)	Study Session 7 pm		Absences	Clerk	Department	Timing (min)	Business Meeting 7 pm	
Matt Doug	Kelly		25	2-Jun		Matt	Roz		25	9-Jun	
				Executive Session - Current Litigation; Review Performance of an Employee (30 minutes)						Executive Session - Property Acquisition (30 minutes)	
		PW	30	Waterfront Park 100% Design Update (Consider Action)				EXEC	30	Public Safety Facility Site Selection (Consider Action)	
		EXEC	20	Funding Model for Public Art Program (Info.)				PCD	20	Ordinance 2015-10 Tent Cities as an Allowed Temporary Use Public Hearing (Consider Action)	
		EXEC	15	Ordinance No. 2015-13 Consolidating the Harbor Commission and Road Ends Committee - 1st Reading (Info.)				EXEC	15	Discussion of Home Sharing Regulations - Airbnb (Info.)	
		PCD	15	Ordinance 2015-10 Tent Cities as an Allowed Temporary Use - 1st Reading (Info.)				EXEC	10	Approve Professional Services Agreements Associated with SMP Monitoring Program with University of Washington for LIDAR Monitoring	
		PW	15	Manitou Beach Drive Parking Project Update (Consider Action)				EXEC	10	Approve 2015 City Manager Goals - added	
		PW	10	Resolution No. 2015-11 City Dock Boating Infrastructure Grant (BIG Authorizing Resolution (Consider Action)				PD	10	Force Analysis System™ and COPS Grant Opportunity - added	
			130					EXEC	CA	Ordinance No. 2015-13 Consolidating the Harbor Commission and Road Ends Committee (Consider Action)	
								PW	CA	Resolution No. 2015-09 Establishing Electric Vehicle Charging Station Fees (Consider Action)	
									120		
										Work Session	
								PW	45	Storm and Surface Water Management Utility Overview and Utility Advisory Committee Recommendations	
										Transportation Benefit District Regular Meeting	
										- Approve Spending Plan	

2015 PROPOSED COUNCIL CALENDAR ITEMS

Absences	Clerk	Department	Timing (min)	Study Session 7 pm		Absences	Clerk	Department	Timing (min)	Business Meeting 7 pm	
	Kelly		25	16-Jun			Roz		25	23-Jun	
				Executive Session - Review Qualifications of an Applicant for City Employment (30 minutes)				EXEC	30	Public Safety Facility Discussion	
		EXEC	30	Public Safety Facility Discussion				CC	10	Appointments to City Commissions and Committees (Consider Action)	
		EXEC	20	Proposal for Allocation of Funds for Health, Housing, and Human Services (Info.)				PCD	CA	Ordinance No. 2015-04 (Formerly 2014-07), Landscaping and Tree Ordinance - Public Hearing (Consider Action)	
		CC	20	Discussion of Suzuki Property (Info.)				PCD	CA	Resolution No. 2015-05, Amending the PCD Administrative Manual (Consider Action)	
		PCD	15	Resolution No. 2015-05, Amending the PCD Administrative Manual (Info.)				PCD	CA	Ratification of Revisions to Countywide Planning Policies (Consider Action)	
		PCD	15	Ordinance No. 2015-04 (Formerly 2014-07), Landscaping and Tree Ordinance - 1st Reading (Info.)				PD	CA	WestNET Interlocal Agreement (Consider Action)	
		EXEC	15	Community Identity Update (Info.)					65		
		PD	10	WestNET Interlocal Agreement (Info.)							
		PCD	5	Ratification of Revisions to Countywide Planning Policies						Work Session	
			155								
				30-Jun							
				5th Tuesday - no meeting							

2015 PROPOSED COUNCIL CALENDAR ITEMS

Absences	Clerk	Department	Timing (min)	Study Session 7 pm	Absences	Clerk	Department	Timing (min)	Business Meeting 7 pm
Ellen	Kelly		25	7-Jul	14-Jul				
		EXEC	30	Ordinance Related to Public Safety Facility (1st Reading)					
		EXEC	20	Franchise Fee Options (Info.)					
		PW	20	Ordinance No. 2015-07 Traffic Impact Fees - 1st Reading (Info.)					
		PCD	15	Ordinance No. 2015-14 ADU Regulations - 1st Reading (Schedule public hearing 7/21)					
		PCD	10	Comprehensive Plan Update (Info.)					
		FIN	10	Budget Calendar and Financial Policies (Info.)					
		PW	10	Construction Administrative Services PSA (Info.)					
			140						
	Kelly		25	21-Jul	28-Jul				
		EXEC	30	Ordinance Related to Public Safety Facility (2nd Reading) Consider Action					
		PW	30	Ordinance 2015-__ Update to SSWM Code BIMC 13.24, 1st Reading (consider forwarding to 8/11 Unfinished Business)					
		PCD	15	Ordinance No. 2015-14 ADU Regulations (Public Hearing)					
		PW	10	Ordinance No. 2015-07 Traffic Impact Fees - 2nd Reading/Unfinished Business (Consider Action)					
		PW	5	Construction Administrative Services PSA - Unfinished Business (Consider Action)					
			115						

2015 PROPOSED COUNCIL CALENDAR ITEMS

Study Session 7 pm					Business Meeting 7 pm				
Absences	Clerk	Department	Timing (min)		Absences	Clerk	Department	Timing (min)	
4-Aug						Roz		25	11-Aug
							FIN	15	2015 Mid-Year Financial Update/Preliminary 2016 Forecasts
							FIN	10	Q2, 2015 Budget Amendments - 1st Reading (Info.)
							PW	10	Ordinance 2015-__, Update to SSWM Code BIMC 13.24, 2nd Reading (Consider Action)
								60	
18-Aug						Roz		25	25-Aug
							FIN	CA	Q2, 2015 Budget Amendments (2nd Reading) (Consider Action)
								25	
									Work Session
							FIN	30	Utility Tax Discussion

2015 PROPOSED COUNCIL CALENDAR ITEMS

[illegible]

2015 PROPOSED COUNCIL CALENDAR ITEMS

[illegible]