



**PLANNING COMMISSION SPECIAL MEETING
THURSDAY, JULY 29, 2021**

THE PLANNING COMMISSION WILL HOLD THIS MEETING USING A VIRTUAL ZOOM WEBINAR PLATFORM. MEMBERS OF THE PUBLIC WHO DO NOT WISH TO VIEW THE MEETING VIA THE CITY'S WEBSITE STREAMING WILL BE ABLE TO CALL IN TO THE ZOOM MEETING.

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:

[HTTPS://BAINBRIDGEWA.ZOOM.US/J/93919490652](https://bainbridgewa.zoom.us/j/93919490652)

OR

IPHONE ONE-TAP: US: +16699009128,,99093163225# OR +12532158782,,99093163225#

OR

TELEPHONE (FOR HIGHER QUALITY, DIAL A NUMBER BASED ON YOUR CURRENT LOCATION):

US: +1 669 900 9128 OR +1 253 215 8782 OR +1 301 715 8592 OR +1 312 626 6799 OR

+1 346 248 7799 OR +1 646 558 8656

WEBINAR ID: 990 9316 3225

INTERNATIONAL NUMBERS AVAILABLE: [HTTPS://BAINBRIDGEWA.ZOOM.US/J/93919490652](https://bainbridgewa.zoom.us/j/93919490652)

AGENDA

1. CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW - 6:00 PM

We would like to begin by acknowledging that the land on which we gather is within the aboriginal territory of the Suquamish, "People of Clear Salt Water." Expert fishermen, canoe builders and basket weavers, the Suquamish live in harmony with the lands and waterways along Washington's Central Salish Sea as they have for thousands of years. Here, the Suquamish live and protect the land and waters of their ancestors for future generations as promised by the Point Elliot Treaty of 1855.

2. PUBLIC COMMENT - 6:05 PM

Public comment on off-agenda items.

3. PUBLIC HEARING - 6:15 PM

- 3.a (6:15 PM) - Public Hearing on Ordinance 2021-10 (formerly 2020-16) Amending Bonus Floor Area Ratio (FAR) Options, BIMC 18.12.030.E.** 30 Minutes
PC Staff Memo
Ordinance No. 2021-10 formerly 2020-16
Exhibit_A Ord. 2021-10.docx
MUTC and HS Rd Zoning Districts Map.pdf

4. UNFINISHED BUSINESS - 6:45 PM

4.a (6:45 PM) - Shoreline Management Program - Periodic Review 60 Minutes

SMP Staff Memo to PC

Memo Attachment 1 - Project Log

Memo Attachment 2 - Ecology Periodic Review Rule Summary

Memo Attachment 3 - Public Participation Plan & Work Plan 5/4/2021

Memo Attachment 4 - Planning Commission Review Process 7/29/2021

Memo Attachment 5 - Ecology Checklist Draft (v1) 7/29/2021

Ordinance 2022-01 - Department Draft 7/29/2021

Ordinance Exhibit 1 - Baseline SMP (Ch.1-3) Department Draft 7/29/2021

Ordinance Exhibit 1 - Baseline SMP (App.A) Department Draft 7/29/2021

Ordinance Exhibit 3 - Map Amendments - Department Draft 7/29/2021

Ordinance Exhibit 6 - BIMC 12.40.060 - Department Draft 7/29/2021

Ordinance Exhibit 7 - BIMC Title 17 Department Draft 7/29/2021

Ordinance Exhibit 8 - BIMC Title 18 Department Draft 7/29/2021

SMP Ord-2 Change Matrix - DRAFTv1 2021-07-29.pdf

4.b (7:45 PM) - Schedule Revision to PSE Noise Variance for Bucklin Hill RD Pole Replacement - Planning and Community Development, 10 Minutes

Bucklin Hill RD Noise Variance Master-Land-Use-Application.pdf

Bucklin Hill RD Noise Variance Aerial.pdf

Bucklin Hill RD Noise Variance Map.pdf

Bucklin Hill Pole Replacements Parcels Within 500 Feet.pdf

5. PLANNING DIRECTOR'S REPORT - 7:55 PM

6. FOR THE GOOD OF THE ORDER - 8:00 PM

7. ADJOURNMENT - 8:05 PM

GUIDING PRINCIPLES

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

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

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

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

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

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

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

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



Planning Commission meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the Planning & Community Development Department at (206) 780-3750 or pcd@bainbridgewa.gov by noon on the day preceding the meeting.

Public comment may be limited to allow time for the Commissioners to deliberate. To provide additional public comment, email your comment to pcd@bainbridgewa.gov or mail it to Planning and Community Development, 280 Madison Avenue North, Bainbridge Island, WA 98110.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: July 29, 2021

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: (6:15 PM) - Public Hearing on Ordinance 2021-10 (formerly 2020-16) Amending Bonus Floor Area Ratio (FAR) Options, BIMC 18.12.030.E.

AGENDA CATEGORY: Ordinance

PROPOSED BY: Jennifer Sutton

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): February 27, March 12, May 14 and 28, June 11, June 25, July 9, August 27, September 10 and 24, October 8, and November 19, 2020; July 22, 2021.

PREVIOUS COUCIL REVIEW DATE(S): February 4, 11, 25, March 3, 10, & April 14 & 28, August 25, and November 17, 2020

RECOMMENDED MOTION:

Hold public hearing.

I move to approve Ordinance 2021-10.

SUMMARY:

The Planning Commission recommendation is reflected in Draft Ordinance 2021-10 to provide Bonus FAR for providing affordable housing, purchase from the Islander Mobile Home Park, and in the Ferry Terminal District, relocating ferry surface parking to underground or within a building. Historic buildings continue to not count towards FAR. In addition, the Bonus FAR table has been amended to reflect the FAR reductions for commercial and mixed use projects in the MUTC and High School Road zoning districts.

BACKGROUND: The City Council has engaged in multiple discussions regarding bonus FAR density options. The following is a chronological legislative history summary of discussions and decisions made by the Council and the Planning Commission thus far related to Ordinance No. 2020-10, as well as related to consideration of FAR density options more generally. The summary is based on the agenda packet materials and the minutes of the meetings as below described.

At the February 4, 2020 City Council study session, Councilmembers expressed an interest in discussing whether to eliminate the option to purchase bonus FAR. The fees for FAR have been established by resolution (Resolution Nos. 2001-02 & 2006-50) and are included within the City's Fee Schedule. The fees are \$18 per square foot for residential

development, \$25 per square foot for mixed use development, and \$34 per square foot for commercial development. The funds are split between public amenities (40%) and farm/agriculture (60%).

Options considered by the Council at the February 4 meeting included pursuing a suspension of the bonus FAR regulations via adoption at a future meeting of an interim control ordinance that would be effective immediately (if adopted on an emergency basis) or five days after passage and publication (if enacted on a non-emergency basis). The Council also discussed the option of seeking to otherwise consider revisions to or elimination of the FAR bonus option by referring the matter to the Planning Commission for review and recommendation, and the Council would then consider that recommendation before taking action.

At the February 11, 2020 City Council business meeting, the Council passed a motion directing the City Manager to pursue an interim zoning control related to BIMC 18.12.030.E. to suspend that section (relating to bonus FAR). A motion to direct the Planning Commission to review Chapter 18.12 BIMC relating to FAR and Chapter 18.21 BIMC relating to affordable housing was tabled. Following further discussion, the Council decided to revisit the first motion and approved a motion to reconsider that motion relating to the development of an interim control ordinance at the Council's February 25, 2020 meeting.

At the February 25, 2020 City Council meeting, the Council reconsidered the motion directing the City Manager to develop an interim control ordinance related to suspending BIMC 18.12.030.E. regarding use of bonus FAR density. That motion failed. Other motions also failed related to directing the City Manager to pursue an interim zoning control that would suspend BIMC 18.12.030.E. in different ways. However, the Council passed unanimously (6-0, with Councilmember Pollock absent) the following motion:

I move to direct the City Manager to work with the Planning Commission and any other appropriate City committees or commissions to bring back to Council as quickly as possible an ordinance that will reform the City's bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation, and Transfer of Development Rights.

At the February 27, 2020 Planning Commission meeting, City staff briefly discussed with the Planning Commission the City Council's action directing the City Manager to work with the Planning Commission to bring back to the Council as quickly as possible an ordinance to reform the City's bonus FAR programs so as to only allow bonus FAR in relation to affordable housing, historic preservation, and transfer of development rights.

At the March 3, 2020 City Council meeting, Councilmember Medina was absent and Councilmember Pollock, who was absent for the February 25 meeting, was present. Councilmember Pollock moved and Councilmember Deets seconded a motion to add a discussion regarding an interim zoning control related to BIMC 18.12.030.E. to that night's agenda under Unfinished Business. The Council approved the agenda as amended. The Council then unanimously passed a motion to suspend the rules for the purpose of taking up this motion again after having voted on it at the last meeting on February 25. The Council then unanimously passed the following motion:

I move to direct the City Manager to prepare an interim zoning control ordinance for consideration at the Council's March 10 meeting related to BIMC 18.12.030.E. to suspend the applicability and use of that Section E., except that subsections

E.1. (related to Optional Affordable Housing) and E.6. (related to Historic Structure Preservation) would not be suspended and waiving any procedural requirements that would otherwise apply to the motion that was passed.

At the March 10, 2020 City Council meeting, the Council considered the interim control ordinance that was prepared as directed by the Council at its March 3, 2020 meeting related to suspending the applicability and use of BIMC 18.12.030.E., except that subsections E.1. (related to Optional Affordable Housing) and E.6. (related to Historic Structure Preservation) would not be suspended. The ordinance was prepared as an emergency ordinance, meaning that it would be effective immediately upon passage. The ordinance also included suspension of the applicability and use of BIMC 18.27.080 and footnote three of Table 18.12.020-3 because those provisions relate directly to the provisions that were being suspended in BIMC 18.12.030.E.

As part of that March 10, 2020 Council meeting, the Council passed various motions to revise the ordinance as drafted. The first such motion was to add an additional exclusion to the interim zoning control as follows:

I move to amend Ordinance No. 2020-10, Section 2.B., to add an exclusion to the interim zoning control for development projects that filed a complete land use permit application with the City and have purchased from the City or otherwise acquired development rights, including related to bonus floor area ratio, through an executed covenant, development agreement, or contract, prior to the effective date of this ordinance.

The Council then adopted motions to remove two recital “Whereas” clauses in the draft ordinance. The Council then voted unanimously to approve Ordinance No. 2020-10 with the following motion:

I move to approve Ordinance No. 2020-10, relating to an interim zoning control to hereby suspend BIMC 18.12.030.E. and related provisions as described in the ordinance regarding floor area ratio bonus density options, except for Sections E.1. and E.6. of BIMC 18.12.030.E. as amended.

At the March 12, 2020 Planning Commission meeting, the Planning Commission (“Commission”) had an item on their agenda entitled “FAR Discussion.” Included as part of the materials for that agenda item was the February 27, 2020 memorandum written by Planning Director Heather Wright that is referenced above in relation to the Commission’s February 27 meeting. Under the “Council Action” section of the memorandum, it states:

On February 25, 2020, the City Council approved a motion that the City Manager work with the Planning Commission and appropriate City Committees or Commissions to bring back to Council as quickly as possible an Ordinance that will reform the City’s bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation and Transfer of Development Rights.

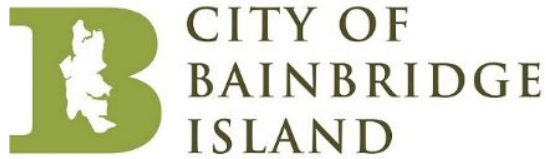
Based on the draft minutes for this Commission meeting on March 12, 2020 (attached as Attachment B below), Planning Director Heather Wright introduced the interim zoning control ordinance. Following, there was public comment, including from Councilmember Pollock. After the public comment, the Commission unanimously passed a motion that recommended changes to the interim control to the City Council.

At the April 14, 2020 City Council meeting, the Council scheduled a public hearing regarding Ordinance No. 2020-10 for April 28, 2020. The Council took action to set the public hearing pursuant to RCW 35A.63.220 and RCW 36.70A.390, which require the Council to hold a public hearing within 60 days of adoption of Ordinance No. 2020-10 (i.e., by May 10, 2020) in order to take public testimony and to consider adopting further findings of fact.

On April 28, 2020, the City Council held a public hearing on Ordinance 2020-10 and no changes to the Ordinance were made.

The Planning Commission formed a subcommittee of 3 members (Chester, Paar, Quitslund) to begin working on a revised FAR ordinance. The Planning Commission discussed Subcommittees information and recommendations on changes to bonus FAR regulations on at their May meetings and on June 11. City Staff integrated the June 11 recommendations into DRAFT Ordinance No. 2020-16 (now Ordinance 2021-10). Those changes were discussed and refined by the Planning Commission on July 9, August 27 and September 10 and 24, and October 8, 2020. The Planning Commission sought City County feedback on their recommendation to date on November 17, 2020, and then debriefed on that Council discussion at the Planning Commission meeting on November 19, 2020. See attached staff memo and past staff memos and DRAFT Ordinance No. 2021-10 for additional information.

ATTACHMENTS:



Department of Planning and Community Development

Memorandum

Date: July 29, 2021
To: Planning Commission
From: Jennifer Sutton, AICP
Senior Planner
Subject: Planning Commission Review of DRAFT Ordinance No. 2021-10 (formerly No. 2020-16)
Bonus FAR Program

I. BACKGROUND

On March 10, 2020, the City Council approved an [interim zoning control ordinance](#) related to Floor Area Ratio ("FAR") bonus options in the municipal code, [BIMC 18.12.030.E](#), ([Ordinance No. 2020-10](#)). The interim control became effective immediately and paused the use of bonus FAR, except for subsections E.1. (related to Optional Affordable Housing) and E.6. (related to Historic Structure Preservation), which increases the amount of residential, commercial, or mixed-use development that can be built for some types of projects in some instances.

The FAR and Bonus FAR development provisions only apply within the Mixed Use Town Center (MUTC) and High School Road zoning districts, otherwise known as downtown Winslow or Winslow. See attached map and excerpt of [BIMC Table 18.12.020-3](#). See definitions of *Floor Area* and *Floor Area Ratio* below ([BIMC 18.12.050](#)).

F. Floor Area. Floor area is measured as the total area of all floors within the exterior vertical walls of a building. If any room has a sloping ceiling, no portion of the room measuring less than five vertical feet from the finished floor to the finished ceiling shall be included in the computation of total area.

G. Floor Area Ratio (FAR). "Floor area ratio" is a figure that expresses the total floor area as a multiple of the lot area. This figure is determined by dividing the floor area of all buildings on a lot by the lot area prior to removal of lot area for dedication. Portions of parking located underneath a building footprint are not counted in floor area ratio calculations.

The City's Bonus FAR program was created in the late 1990's as part of implementing the [Winslow Master Plan \(WMP\)](#); as described in the [WMP](#), bonus FAR incentivizes developers to provide or integrate a variety of community benefits as a way to earn bonus FAR. Each district has different FAR standards for residential, commercial, and mixed-use FAR, and in several districts, the program has a "built-in" incentive for mixed-use development by having a higher mixed-use FAR standard than straight commercial or residential development.

In addition, the Bonus FAR could be purchased from the City to support public farmland and improved amenities downtown. As a result of the interim zoning control, Bonus FAR choices were limited and can now only be obtained or used currently under the following circumstances:

- Providing affordable housing as defined in Chapter 18.36 BIMC in accordance with BIMC 18.12.030.E.1.a;
- Transferring unused FAR from the Islander Mobile Home Park to another parcel or parcels in the Mixed Use Town Center District for residential development in accordance with BIMC 18.12.030.E.1.b; or
- Preserving an historic structure located on a state, local, or federal register in accordance with BIMC 18.12.030.E.6. such that, when an historic structure is preserved, the square footage of that structure will not count toward the FAR calculation.

[Ordinance No. 2020-10](#) includes an exclusion recognizing development rights that were purchased from the City or otherwise acquired prior to the effective date of the ordinance, as well as a provision recognizing vested rights. At their [August 25, 2020 meeting](#), the City Council held a public hearing on [Ordinance No. 2020-20](#) and voted to extend the Interim Zoning Control until March 10, 2021. On [February 23, 2021](#) the City Council extended the interim control again, approving [Ordinance No. 2021-09](#).

In response to the interim control ordinance, the Planning Commission began work on changes to the bonus FAR program in the Spring of 2020 and discussed through Summer and Fall 2020. On July 9, 2020 the Commission also discussed how to pursue eliminating the sale of Islander Mobile Home Park residential FAR. This would eliminate all of the options for achieving Bonus FAR except for building new affordable housing (BIMC 18.12.030.E.1.a).

On August 27, 2020, the Planning Commission discussed a memo from staff that provided analysis on the proposal to the Bonus FAR program to the Comprehensive Plan. On October 8, 2020 the Planning Commission completed their recommendations for Ordinance No. 2020-16, including adding back in Section 18.12.030.E.7 related to ferry parking. The Planning Commission also included a cover letter to the City Council for the November 17, 2020 check-in (see attached). The Planning Commission sought City Council feedback on their recommendation to date on November 17, 2020. At the November 17 City Council meeting, the Council directed the City Manager to contact the Islander Mobile Home Park Association regarding purchasing the remaining mobile home park FAR. The City is continuing to discuss this option.

II. DRAFT Ordinance No. 2021-10 (formerly 2020-16)

As directed by the City Council on February 25, 2020, the Planning Commission has been tasked to bring back to Council as quickly as possible an ordinance that will reform the City's bonus FAR program so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation, and Transfer of Development Rights. The Planning Commission began their discussion on [March 12, 2020](#), and it continued on [May 14 and 28, June 11, June 25, July 9, August 27, and September 10 and 24, and October 8, 2020](#). The Planning Commission had formed a subcommittee that came back with recommendations on revising the Bonus FAR program on June 11. The Commission affirmed the committee's recommendations for revising the Bonus FAR program, and those recommendations were integrated into DRAFT Ordinance No. 2020-16.

DRAFT Ordinance No. 2021-10 removes all the bonus FAR provisions of BIMC 18.12.030.E except the [Subsection E.1 and Subsection E.7](#), related to affordable housing and relocating surface ferry parking under a building or below ground, respectively. The Planning Commission recommends relocated the FAR provisions related to preserving historic buildings to the [BIMC Chapter 18.24 Historic Preservation](#)

[Program](#). By removing all of the ways of achieving bonus FAR except through the provisions of affordable housing, DRAFT Ordinance No. 2021-10 de facto eliminates all of the ways to achieve bonus FAR for commercial-only developments- (except for those properties with historic buildings- see above).

This change means that there would not be a base AND bonus FAR for commercial development, only a FAR standard for commercial development. This change would be made BIMC Table 18.12.020-3- see EXHIBIT A to DRAFT Ordinance No. 2021-10. The [staff memo prepared for the September 24, 2020 Planning Commission meeting](#) had a staff Comprehensive Plan analysis of the changes to the Bonus FAR program.

The Planning Commission has indicated that this ordinance is an interim step, while the City works to improve its affordable housing and transfer of development rights (TDR) programs. To that end, Section 8 of Ordinance No. 2021-10 provides for the ordinance to sunset after 2 years.

III. NEXT STEPS

The Planning Commission must hold a public hearing on Draft Ordinance No. 2021-10. After closing the public hearing, the Planning Commission can further discuss the ordinance, and complete its recommendation on the ordinance.

Staff is planning on taking the Planning Commission's recommended Ordinance No. 2021-10 to the City Council on August 10, 2021. The Council may be able to take action on this ordinance prior to the interim control expiring on September 10, 2021.

ORDINANCE NO. 2021-10
(formerly Ordinance No. 2020-16)

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to bonus floor area ratio and amending Sections 18.12.030.E, 18.12.050, 18.24.010, 18.27.040, and 18.27.080.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim zoning controls related to land uses; and

WHEREAS, the City Council of the City of Bainbridge Island (“City”) updated the City’s Comprehensive Plan in February of 2017; and

WHEREAS, balancing affordable housing, historic preservation, growth management, and sustainable development continues to be a local, regional, and national challenge due to many social and economic factors; and

WHEREAS, the City has encouraged affordable housing construction by adopting “bonus density” programs that allow for increases in density above the underlying zoning if the additional density creates affordable homes; and

WHEREAS, the intent of the Comprehensive Plan is to place residential density, inclusive of affordable housing, in the Winslow core area near infrastructure such as transportation hubs (e.g., ferry service, bus service, highway access), sewer, water, reliable electrical power, and retail stores; and

WHEREAS, the intent of such policies is to manage growth consistent with the Growth Management Act, reduce infrastructure costs, and follow general principles of sustainable community development; and

WHEREAS, the City Council is interested in evaluating the applicability, use, and effectiveness of the bonus density options provided for and as described in BIMC 18.12.030.E. and Table 18.12.020-3, including related to the purchase of development rights, the provision of public amenities and/or infrastructure, the provision of community open space, floor area ratio transfers related to the Mixed Use Town Center and High School Road districts, and ferry-related parking; and

WHEREAS, on February 25, 2020, the Council passed unanimously the following motion: I move to direct the City Manager to work with the Planning Commission and any other appropriate City committees or commissions to bring back to Council as quickly as possible an ordinance that will reform the City’s bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation, and Transfer of Development Rights; and

WHEREAS, on March 10, the City Council approved an interim zoning control

ordinance related to Floor Area Ratio ("FAR") density bonus options (Ordinance No. 2020-10); and

WHEREAS, the Planning Commission discussed these policies on February 27 and March 12, 2020 and formed a subcommittee of Commissioners Chester, Paar and Quitslund to work on this topic; and

WHEREAS, the subcommittee brought back their recommendations to the full Planning Commission for discussion on May 14 and 28, 2020 met again, and brought back revised recommendations for the June 11, 2020 Commission meeting and the full Planning Commission came to consensus on a set of amendments to bonus FAR regulations; and

WHEREAS, the Planning Commission and City Council held a joint meeting on June 22, 2020 to discuss the bonus FAR regulations and how they are interrelated with other land use issues such as improving affordable housing and transfer of development rights programs; and

WHEREAS, the Planning Commission discussed Ordinance No. 2020-16 on June 25 and July 9, 2020 and made additional recommendations on revising BIMC 18.12.030.E; and

WHEREAS, the Planning Commission recommends retaining and revising Subsection E.1.a and Subsection E.7 and eliminating all other provisions related to obtaining Bonus FAR; and

WHEREAS, the Planning Commission recommends that Subsection E.2, related to obtaining Bonus FAR through the City's Transfer of Development Rights (TDR) program, be deleted at this time and reconsidered at a later date as part of updating the TDR program; and

WHEREAS, the Planning Commission recommends moving Subsection E.6 Historic Structure provisions to BIMC 18.24 Historic Preservation and to BIMC 18.12.050; and

WHEREAS, the Planning Commission recommends that the City pursue eliminating the Bonus FAR provisions related to the Islander Mobile Home Park, Subsection E.1.b, and selling its unused residential FAR, if legally and economically feasible; and

WHEREAS, on August 25, 2020 the City Council approved Ordinance No. 2020-20 extending the interim zoning control on the City's bonus FAR program for six additional months; and

WHEREAS, the Planning Commission continued discussion of, Ordinance No. 2020-16 revising the Bonus FAR Program on September 10, 24, and October 8, 2020; and

WHEREAS, in fall 2020, the Planning Commission recommended adoption of Ordinance No. 2020-16 as an interim measure while the City Council, the Planning Commission and Planning Staff address broader revisions to the zoning code, including base FAR and whether to replace it with other measures such as form-based zoning; and

WHEREAS, in recommending Ordinance No. 2020-16 as an interim ordinance, the

Planning Commission recommended that the ordinance should sunset or end after 2 years; and

WHEREAS, on November 17, 2020 the City Council discussed Ordinance No. 2020-16, the current amendments to the City's bonus FAR program recommended by Planning Commission together with representatives from the Planning Commission, and the City Council provided policy guidance to the Planning Commission on outstanding policy questions, including directing the City Manager to contact Islander Mobile Home Park regarding potential purchase of its floor area ratio by the City; and

WHEREAS, on November 19, 2020, the Planning Commission discussed the City Council feedback from November 17 and indicated that the City could move forward with Ordinance No. 2020-16 without any changes to BIMC 18.12.030.E.1.b related to Islander Mobile Home Park FAR; and

WHEREAS, on February 23, 2021, the City Council approved Ordinance No. 2021-09 extending the interim zoning control ordinance related to Floor Area Ratio ("FAR") density bonus options (Ordinance Nos. 2020-10 and 2020-20) for six additional months, until September 10, 2021, to allow time to complete work on Ordinance No. 2021-10 (formerly Ordinance No. 2020-16); and

WHEREAS, on July 22, 2021, the Planning Commission reviewed an updated version of Ordinance No. 2021-10; and

WHEREAS, after holding and closing a public hearing on July 29, 2021, the Commission recommended of approval of Ordinance No. 2021-10 to the City Council; and

WHEREAS, notice was given on July 16, 2021, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

WHEREAS, the City Council considered Ordinance No. 2021-10 at its meeting on XXXX, 2021; and

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

Section 1. Table 18.12.020-3 of the Bainbridge Island Municipal Code is hereby amended as shown in Exhibit A.

Section 2. Section 18.12.030.E of the Bainbridge Island Municipal Code is hereby amended to read as follows:

BIMC 18.12.030

E. Bonus Density to incentivize affordable housing in Winslow Mixed Use and High School Road Districts. Eligible properties may increase achieve a maximum level of development above the base FAR, as provided for in Table 18.12.020-3, by using one, or a combination of, the following FAR bonus provisions. The FAR bonus provisions may be combined to achieve

the maximum level of development established for each district. In no case shall the total commercial, residential or mixed use FAR exceed the maximum FAR as provided for in Table 18.12.020-3.

1. Optional Affordable Housing.

- a. FAR Bonus. Up to 100 percent of the maximum residential FAR bonus may come from providing affordable housing as defined in Chapter 18.36 BIMC; provided, that the difference between the base residential FAR and the maximum residential FAR shall be dedicated to affordable housing. A portion of the total floor area that is of common use and benefit to the entire residential development (for example, interior halls, stairwells, laundry rooms, exercise rooms) may be included in the calculation of the affordable housing component. This portion shall be the same percentage as the affordable housing provided. For example, if 20 percent of the living unit floor area is for affordable housing, then 20 percent of the common floor area may be included in the total affordable housing calculation. Development of the optional affordable housing shall be in accordance with Chapter 18.21 BIMC and Table 18.12.030.

Table 18.12.030: Optional Affordable Housing Bonus Summary Table

Size of Development	Residential development less than 10,000 sq. ft.	Residential development of 10,000 sq. ft. but less than 60,000 sq. ft.	Residential development more than 60,000 sq. ft.
Affordable Housing FAR Bonus	Must provide 100 percent of bonus square footage for extremely low, very low, or moderate income groups.	Must comply with following ratios: (a) 100 percent of bonus for all moderate; OR (b) 0.2 of bonus for extremely low, very low, or low income groups; 0.5 of bonus for moderate income group; and 0.3 of bonus for middle income group.	Must comply with following ratios: 0.1 of bonus for extremely low, very low or low income groups; 0.6 of bonus for moderate income group; and 0.3 of bonus for middle income group.

b. Preservation of the Islander Mobile Home Park. Preservation of the Islander Mobile Home Park as an existing park site for manufactured homes shall be encouraged through the following provisions.

- i. Unused FAR from the parcel on which the mobile home park is located may be transferred to another parcel or parcels within the Mixed Use Town Center. For example, the base FAR for the mobile home park would be calculated, less the FAR of the mobile homes. In exchange for permanently preserving the mobile home park, the owner of the property may transfer the unused FAR to another parcel or parcels in the Mixed Use Town Center, where it may be used as bonus FAR above the base FAR for that district.
- ii. Permanent preservation of the mobile home park may be used as an affordable housing bonus on another parcel or parcels within the Mixed Use Town Center. For example, in exchange for preserving the mobile home park, the owner of the

property would be deemed to have met the affordable housing bonus provisions of subsection A.1 of this section, and could achieve the maximum FAR bonus for residential development on another parcel or parcels in the Mixed Use Town Center. The owner of the mobile home park may either apply the FAR bonus to another parcel(s) he or she owns, or transfer or sell the bonus to another property owner in the Mixed Use Town Center.

~~2. Purchase of Development Rights. Up to 100 percent of the maximum residential, commercial or mixed use FAR bonus may come from the purchase of development rights as provided for in Chapter 18.27 BIMC. The cost of development rights shall be established by resolution of the city council.~~

~~3. Public Amenities and/or Infrastructure. At the applicant's option, a portion of the bonus may be earned through the provision of public amenities, infrastructure, and/or preservation of a heritage tree(s) on site, pursuant to an adopted city council resolution clarifying the amount of credit awarded for different provision of different public amenities and/or infrastructure, as follows:~~

~~a. Up to 40 percent of the maximum residential, commercial or mixed use FAR bonus may come from monetary contributions toward public amenities and/or infrastructure beyond that required for SEPA mitigation. The amount of the contribution shall be established by resolution of the city council. Funds contributed to the public amenities and/or infrastructure shall be used exclusively in the Mixed Use Town Center or High School Road districts, for projects identified in the six-year capital facilities program, or approved by the city.~~

~~b. In lieu of the contribution of funds as provided for in subsection E.3.a of this section, and subject to approval by the director or designee, the public amenities FAR bonus may be achieved by the preservation of a heritage tree(s) on site, construction of public amenities and/or infrastructure beyond that required to mitigate the impacts of development. Public amenities and/or infrastructure projects shall be located in the Mixed Use Town Center or High School Road districts, and shall be chosen from projects identified in the six-year capital facilities program, or approved by the city.~~

~~4. Community Open Space. In the ferry terminal district, up to 60 percent of the maximum residential, commercial or mixed use FAR bonus may be achieved by providing community open space of one acre, or 20 percent of the parcel area, whichever is greater. The community open space shall be located in or in the immediate vicinity of locations~~

identified in Figure 4.1 of the Winslow master plan. The open space must be located on the same parcel that is being developed, and must be on land that would be otherwise buildable. Adequate public access to the community open space must be provided. The city shall consider approving the bonus, taking into consideration the configuration, public use and accessibility of the proposed open space. In cases where a development project utilizes the community open space bonus provision in conjunction with the purchase of development rights bonus provision, all funds collected from the purchase of development rights shall go toward the preservation of agricultural lands fund.

5. Winslow Town Center Mixed Use/High School Road FAR Transfers. Up to 20 percent of the maximum residential, commercial or mixed use FAR bonus may come from transfers of FAR from parcels within the Mixed Use Town Center and the High School Road districts. The transfer shall create permanent open space through open space preservation covenants on sending parcels that contain critical areas as defined in Chapter 16.20 BIMC. For example, development potential in the ravine of the gateway district may be shifted to the upland area; provided, that the requirements of Chapter 16.20 BIMC are satisfied.

6. Historic Structure Preservation. When an historic structure is preserved on site, the FAR of that historic structure shall not be included in the calculation of total FAR for the site. The historic structure must be included on a state, local or federal register.

2 7. Ferry-Related Parking. In the ferry terminal district, an additional 0.2 FAR may be achieved by relocating existing legal surface ferry commuter parking on site (as shown on Figure 6.2 of the Winslow master plan) to under-building or below-grade parking. The percentage of the additional FAR that is achieved shall be dependent upon the percentage of parking that is relocated. For example, if 50 percent of existing surface ferry commuter parking on site is relocated under-building or below grade, then 50 percent of the total additional FAR (or 0.1 FAR) may be achieved.

Section 3. Section 18.12.050 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

G. Floor Area Ratio (FAR). "Floor area ratio" is a figure that expresses the total floor area as a multiple of the lot area. This figure is determined by dividing the floor area of all buildings on a lot by the lot area prior to removal of lot area for dedication. Portions of parking located underneath a building footprint are not counted in floor area ratio calculations. When an historic structure is preserved on site, the FAR of that historic structure shall not be included in the calculation of total FAR for the site. The historic

structure must be included on a state, local or federal register.

Section 4. Section 18.24.010 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

C. Zoning Code Relief. Designated local register properties may be authorized for a use not otherwise permitted in a certain zone. The planning director may approve said use through an administrative conditional use (BIMC [2.16.050](#)). The planning director may also waive or modify development standards such as: setbacks, open space, lot coverage, landscape buffers and parking requirements. When an historic structure is preserved on site, the FAR of that historic structure shall not be included in the calculation of total FAR for the site.
The historic structure must be included on a state, local or federal register.

Section 5. Section 18.27.040 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

18.27.040 Receiving areas for development rights.

~~A. Winslow Mixed Use Town Center and High School Road Districts. Developments in the Mixed Use Town Center (MUTC) and the High School Road districts are eligible for increases in floor area ratio as provided for in BIMC [18.12.030](#).E.1.~~

~~B. NC Districts. The neighborhood centers (NC) are eligible for increased density through the purchase or transfer of development rights in accordance with BIMC [18.12.030](#).D.1 and D.3, as amended.~~

~~C. R-8 Districts. The urban single family overlay district (R-8SF) is eligible for increased density through the purchase or transfer of development rights for specified lots in the R-2.9, R-3.5, and R-4.3 zone districts.~~

Section 6. Section 18.27.080 of the Bainbridge Island Municipal Code is hereby repealed as follows:

~~18.27.080 Use of development rights in Mixed Use and High School Road districts.~~

~~A. In order to use development rights to increase floor area ratio within the Mixed Use Town Center or High School Road districts as provided in BIMC [18.12.030](#).E, an applicant must out an application in a form approved by the city. The application shall include the amount of the requested increase in floor area ratio, and the fee, if any, of the increased floor area ratio. The fee for development rights to increase floor area ratio shall be established by resolution of the city council.~~

~~B. The approved application to utilize development rights to increase floor area ratio within the receiving area must be part of a site plan and design review application under BIMC Title 2. The site plan must indicate the increase in floor area ratio (FAR).~~

~~C. The use of development rights shall be reviewed for conformance with the design review provisions of BIMC 18.18.030.~~

Section 7. Effect on Vested Rights. This Ordinance No. 2021-10 shall operate, as of its effective date, to prohibit the applicability or use of some sections of BIMC 18.12.030.E, for all properties and development in the Mixed Use Town Center and High School Road Districts. However, nothing in this Ordinance No. 2021-10 shall be construed to extinguish, limit, or otherwise infringe on any property owner's or property leaseholder's vested development rights as defined by state law and City of Bainbridge Island regulations.

Section 8. the amendments to the Bainbridge Island Municipal Code approved by Ordinance No. 2021-10 on [INSERT DATE] will sunset or end after 2 years, [INSERT SUNSET DATE].

Section 9. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2021.

APPROVED BY THE MAYOR this _____ day of _____, 2021.

, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK: XXX, 2021
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER: 2021-10

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]	
Basic Maximum						
Commercial and Other Nonresidential Uses	0.6	0.4	0.3	0.15	0.1	0.3
Residential	0.4	0.4	0.3	0.5	0.4	0.3
Mixed Use [2]	1.0	0.5	0.5	0.5	0.5	0.3
Maximum with Bonus	Bonus densities require compliance with BIMC 18.12.030.E					
Commercial and Other Nonresidential Uses	1.0	0.6	0.6	0.3	0.2	0.6
Residential	1.0	0.6	0.6	1.0	1.1	0.6
Mixed Use [2]	1.5	1.0	1.0 0.9	1.0	1.3 1.2 (1.5 1.4 pursuant to note [3])	1.0 0.9

[1] If the existing FAR for a developed property as of May 21, 1998, is higher than the base FAR for that district, then the existing FAR will be considered the base FAR for that developed property. Total FAR may not be exceeded.

[2] In mixed use development, the established FAR in the residential and commercial components shall not be exceeded. For the residential FAR bonus provisions for qualifying housing design demonstration project, refer to the bonus density provisions in BIMC [2.16.020.S.8](#).

[3] In mixed use development in the ferry terminal district, an additional 0.2 FAR is permitted in accordance with BIMC [18.12.030.E.27](#). The additional FAR may be applied to either the residential or commercial component of the mixed use development.

[illegible]



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: July 29, 2021

ESTIMATED TIME: 60 Minutes

AGENDA ITEM: (6:45 PM) - Shoreline Management Program - Periodic Review

AGENDA CATEGORY: Ordinance

PROPOSED BY: Peter Best

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): In May, June, and July of 2019, the Planning Commission held study sessions during a prior iteration of the periodic review process. The Planning Commission more recently participated in two workshops on 3/25/2021 and 4/8/2021 during the early policy input phase of this project. Additional briefings to the Planning Commission related to this project occurred on 1/28/2021, 4/22/2021, and 5/13/2021. See Memo Attachment 1 for a full project log.

PREVIOUS COUCIL REVIEW DATE(S): City Council action on this project thus far has focused on the adoption and revision of the Public Participation Plan and Work Plan. The most recent revisions to the PPP/WP were adopted on 5/4/2021 and is provided as Memo Attachment 3. See Memo Attachment 1 for a full project log.

RECOMMENDED MOTION:

- * Staff Presentation - Intro to scope, process, and documents (10 minutes)
- * Planning Commission Q&A regarding scope, process, and documents in general (5 minutes)
- * Select PC members to serve on an SMP subcommittee (5 minutes)
- * Walk through & discuss: Ordinance, Ex. 1 (ch. 1-3, App. A), and Exhibits 3, 6, 7, 8 (20 minutes)
- * Receive public comments (15 - 20 minutes)

SUMMARY:

The Planning Commission is beginning formal review of the Department Draft of the SMP Periodic Review which will follow a process outlined in Memo Attachment 4 and is anticipated to include:

- * Up to 7 Planning Commission sessions.
- * A Planning Commission subcommittee,
- * Active collaboration between the Planning Commission and staff.
- * A public hearing and a 30-day public comment period.

Please review the materials prior to the meeting.

BACKGROUND: See attached memo.

ATTACHMENTS:

Memorandum

Date: July 29, 2021
To: Planning Commission
From: Heather Wright, Planning Director
Peter Best, Senior Planner
Subject: SMP Periodic Review – Planning Commission Review Process

A. BACKGROUND

What is the Periodic Review?

The City is required by the Shoreline Management Act (SMA) to complete a periodic review of the Shoreline Management Program (SMP) every eight years (Attachment 2 provides a summary of the SMA periodic review rule). The periodic review mandate is to keep the SMP current and effective, it is not a cover-to-cover comprehensive substantive update like the SMP adopted in 2014.

What is the Scope of the Periodic Review?

On May 4, 2021, the City Council approved changes to the Public Participation Program and Work Plan (PPP/WP; Attachment 3). These changes are reflected in the scope of the project, the Planning Commission review process, and the deliverables. The majority of the changes proposed for the SMP Periodic Review are non-substantive reorganization, reformatting, and clarifications intended to make the SMP easier to understand and use for all parties. Substantive changes necessary to keep the SMP consistent with changes in state law (one of the core mandates of the Periodic Review process) are documented in Attachment 5. Other changes proposed as part of this project are outlined in Attachment 3.

Community Outreach and Engagement

The PPP/WP (Attachment 3) also describes how the City will conduct outreach and engage the community in the SMP Periodic Review process. Central to that effort is the new interactive “Engage Bainbridge” [project website](#), which the City first acquired and developed for this project.

A novel early policy input and public engagement phase of the project wrapped up in April 2021, which included:

- Mass notifications about the project
- The development of policy white papers on aquaculture and flooding risk from sea level rise
- Public engagement through surveys
- 3 SMP Stakeholder Focus Group meetings
- 2 Agency Group meetings
- 2 Planning Commission workshops

Attachment 1 contains a log of key project activities to date.

B. PLANNING COMMISSION REVIEW PROCESS

In response to Planning Commission and Department input, the City Council provided clarity regarding expectations for the Planning Commission review process for this project. The process outlined in Attachment 4 was co-developed by the Planning Commission Chair and the Department to implement Council's directions. This process is intended to be as focused and efficient as possible considering the large volume of content under review and includes the following:

- The clear identification of issues by Planning Commissioners and the public;
- A subcommittee of Planning Commissioners working with staff to frame potential solutions to those issues which will then be considered and decided upon by the full Planning Commission; and
- Technical writing completed by Staff.

C. DOCUMENTS

Ordinance

The ordinance adopts changes in Section 3, which is further divided into subsection organized by the specific nature of the action being taken. The following is a summary of Ordinance Section 3.

Sub-Sect.	Description
A.	• Renames the SMP to "Shoreline Management Program". • Amend the existing SMP by replacing it with the Baseline SMP in Exhibit 1. • Clarifies that reorganization, reformatting, and other non-substantive revisions should not be subject to substantive review by Ecology or by appeal. • Publishes the full SMP via a hyperlink in BIMC 16.12. There will no longer be two different versions of the SMP. • Authorizes the Department to update the non-regulatory "information boxes" in the SMP as needed without an SMP amendment.
B.	• Amends the existing Shoreline Designation Map in SMP Appendix A (Exhibit 1) with the non-substantive changes proposed in Exhibit 3. • Updates all versions of the Shoreline Designation Map consistent with the above changes and adds the disclaimer language recommended by Ecology. • Removes the shoreline designations from the Zoning and Comprehensive Plan Future Land Use Maps to avoid inconsistencies and instead adds an informational cross-references to the Shoreline Designation Map.
C.	• Amends the existing Priority Aquatic provisions in SMP 3.3 (Exhibit 1) with the changes proposed in Exhibit 4.
D.	• Amends the existing administrative permitting procedures in BIMC 2.16.
E.	• Amends the vessel speed provisions in BIMC 12.40.060 for clarity and consistency.
F.	• Removes an optional and out-of-date State Environmental Policy Act (SEPA) rule regarding critical areas.
G.	• Amends BIMC Title 17 (Subdivisions and Boundary Line Adjustments) for clarity and consistency.
H.	• Amends BIMC Title 18 (Zoning) for clarity and consistency.

Baseline SMP

Due to extensive reorganization, reformatting, and clarifications in the SMP, showing all changes in strikeout/underline format is not feasible and would make the document unusable. Therefore, the proposed SMP is presented with non-substantive changes in clean formatting in order to provide a new “baseline” document upon which only substantive changes are then shown in strikeout/underline format.

Tracking Changes & Reasons for Changes

All changes are tracked in the Department of Ecology Periodic Review Checklist (Attachment 5) and all non-substantive changes to the Baseline SMP (Ord. Ex. 1) are trackable in a change matrix provided as Ordinance Exhibit 2. The change matrix is available digitally in both PDF and Microsoft Excel formats. To aid in the use of this large matrix, both versions can be searched and the Excel version can be sorted and filtered.

Substantive changes to the SMP are shown either:

- In the Baseline SMP using strikeout/underline formatting when the change is narrow in scope; or
- In a separate ordinance exhibit using strikeout/underline formatting on top of the applicable Baseline SMP section(s) when the change is broader in scope and it will be easier to review when presented in a more focused document.

Non-substantive and substantive changes to other chapters of the Bainbridge Island Municipal Code (BIMC) are all presented in strikeout/underline format

Changes are being proposed for a variety of reasons, which are documented as follows:

- In the Department of Ecology Periodic Review Checklist (Attachment 5)
- In the change matrix (Ord. Exhibit 2) for non-substantive changes in the Baseline SMP.
- As comment bubbles alongside the strikeout/underline text in the Baseline SMP.
- In an introduction at the beginning of Ordinance Exhibits 3 through 8.

Future of Chapter 16.12 BIMC

Currently, the SMP is adopted as a fully formatted stand-alone document containing regulations, policies, and other content from which only the regulations are extracted and reformatted into Chapter 16.12 BIMC. To avoid the confusion and frustration caused by these two different formats, only the full version of the SMP will exist following the adoption of Periodic Review. To do this, Chapter 16.12 BIMC will consist of a hyperlink to the full PDF version of the SMP.

Delivery Schedule

To keep the process moving forward and not overwhelm the Planning Commission with too much material to review, the Department will provide the Department Draft of the SMP Periodic Review documents to the Planning Commission in three batches as they are finalized. Below is a table of anticipated documents and the dates we expect to deliver them to the Planning Commission.

Document	7/29	8/26	9/9	TBD
Department of Ecology Periodic Review Checklist	v1	v2	v3	
Ordinance 2022-01	X			
Ord. Exhibit 1 - Baseline SMP				
• Chapter 1 – Introduction	X			
• Chapter 2 – Shoreline Inventory & Characterization	X			
• Chapter 3 – Shoreline Designations	X			
• Chapter 4 – Environmental Quality & Conservation			X	
• Chapter 5 – General Uses			X	
• Chapter 6 – Specific Uses		X		
• Chapter 7 – Specific Shoreline Modifications		X		
• Chapter 8 – Definitions			X	
• Appendix A – Shoreline Designation Map	X			
• Appendix B – Single-Family Residence Mitigation Manual			X	
Ord. Exhibit 2 – Baseline SMP Change Matrix	v1	v2	v3	
Ord. Exhibit 3 – Maps	X			
Ord. Exhibit 4 – Priority Aquatic Provisions		X		
Ord. Exhibit 5 – BIMC 2.16 (Land Use Review Procedures)		X		
Ord. Exhibit 6 – BIMC 12.40 (Watercraft and Floating Homes)	X			
Ord. Exhibit 7 – BIMC Title 17 (Subdivisions & Boundary Line Adjustments)	X			
Ord. Exhibit 8 – BIMC Title 18 (Zoning)	X			
Aquaculture Amendment				X

D. DOCUMENT REVIEW

During meetings, staff will introduce each batch of documents, summarize the scope of the changes and applicable overarching themes, and then walk through the proposed substantive changes. At this point in the process, we hope there will be a more informal collaboration between staff and the Planning Commission which might include:

- Q&A regarding context and alternatives.
- Early identification of issues to be compiled by staff for later consideration by the subcommittee.

In-between meetings, staff are available to support Planning Commissioners individually as you review materials. This is an opportunity to develop a deeper background understanding and get clarifications in preparation for future meetings and the identification of issues for later consideration by the subcommittee.

E. ATTACHMENTS

1. SMP Periodic Review Project Log
2. Ecology Periodic Review Rule Summary
3. Public Participation Program and Work Plan
4. Planning Commission Review Process
5. Ecology SMP Periodic Review Checklist

Note: You can find recordings and documents for CC and PC meetings here:
<https://www.bainbridgewa.gov/1101/City-Council-Agendas>

Acronyms

CC = City Council
ECY = Washington State Department of Ecology
PPP = Public Participation Program
PC = Planning Commission
SMP = Shoreline Master Program
WP = Work Plan

Date	Notes
Relevant History	
7/14/2014	CC adopted 2014 SMP (Ord 2014-04)
7/16/2014	ECY approved 2014 SMP (Ord 2014-04)
7/30/2014	2014 SMP (Ord 2014-04) goes into effect
10/7/2014	2014 SMP appealed Central Puget Sound Growth Management Hearings Board - Case #14-3-0012 (City upheld; currently in appeal) - Case #14-3-0011 (Dismissed)
	Limited amendments developed to address some of the appeal issues, included: - Critical Areas & Nonconforming (Ord 2020-17; Effective 3/5/2021) - Aquaculture (Ord 2016-06; Withdrawn by City from Ecology review to address topic during the SMP periodic review)
Current SMP Periodic Review	
1/22/2019	CC meeting (removed from agenda)
2/26/2019	CC study session deferred to a future meeting
3/5/2019	CC study session on PPP/WP
3/12/2019	CC approved the SMP periodic review PPP/WP
5/23/2019	PC study session (introduction and PC sub-committee formed)
6/27/2019	PC study session on vegetation management
7/11/2019	PC study session on vegetation management
10/8/2019	CC authorized City to apply for SMP grant
8/17/2020	SMP grant agreement executed
9/1/2020	CC approved PPP/WP update
9/8/2020	Res. 2020-16 withdraws aquaculture amendment (Ord. 2016-06) from state review and integrate an amendment on aquaculture into the Periodic Review
1/28/2021	PC briefing on PPP/WP and next steps
2/26/2021	Engage Bainbridge project site launched with: - SMP Stakeholder Focus Group application open until 3/14 - Public surveys open until 3/26/2021 on: - Aquaculture - Flooding from sea level rise - SMP Improvement suggestions
2/26/2021	Project Message #1 sent (project launch, new web site, public participation opportunities)

Date	Notes
2/26/2021	City Manager Report email includes SMP announcement (project launch, new web site, public participation opportunities)
3/5/2021	SMP Periodic Review – Frequently Asked Questions published
3/9/2021	COBI Connects newsletter mailed to all households with SMP front page article
3/20/2021	Policy White Paper on Aquaculture published
3/24/2021	SMP Stakeholder Focus Group meeting #1
3/25/2021	PC workshop #1
3/25/2021	Project Message #2 sent (survey deadline reminder)
3/26/2021	City Manager Report email includes SMP announcement (survey deadline reminder)
3/28/2021	Policy White Paper on Flooding from Sea Level Rise published
3/30/2021	SMP Agency Group meeting #1
3/31/2021	Aquaculture survey results published
3/31/2021	SMP Stakeholder Focus Group meeting #2
4/1/2021	Flooding from Sea Level Rise survey results published
4/5/2021	SMP Agency Group meeting #2
4/6/2021	CC meeting (project schedule changed due to new CC study session scheduled for 5/18)
4/7/2021	SMP Stakeholder Focus Group meeting #3
4/8/2021	PC workshop #2
4/13/2021	Schedule update posted on project website
4/22/2021	PC updated on action items to be clarified by CC on 5/4/2021
5/4/2021	CC revised scope of work and process
5/13/2021	PC updated on scope of work and process changes adopted by CC on 5/4/2021
7/23/2021	Project website updated

SHORELINE MASTER PROGRAM PERIODIC REVIEW

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

Introduction

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

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

Section 1: Locally initiated review

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

Section 2: Periodic review requirements

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

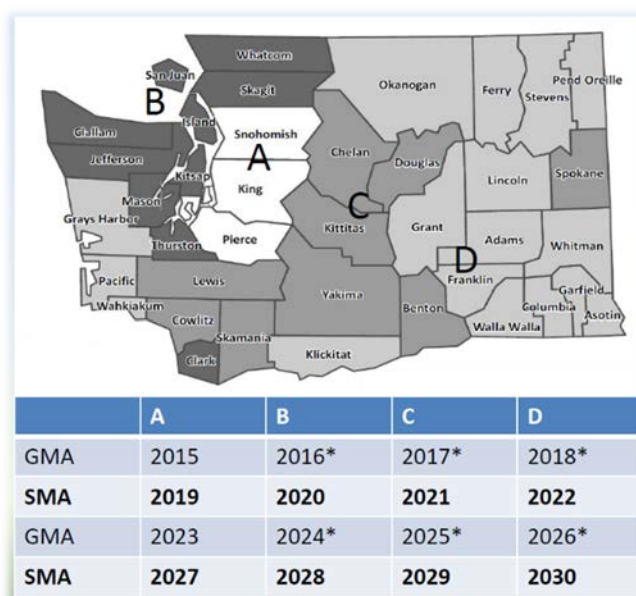


Figure 1. Periodic review schedules under the SMA and GMA.
(NOTE *For GMA reviews, the law gives an extra 2 years for smaller, slower-growing jurisdictions in groups B, C, and D.)

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

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

¹ RCW 90.58.080(4)

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

Shorelands and Environmental Assistance Program, September 20, 2017

Section 3: Procedures

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

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

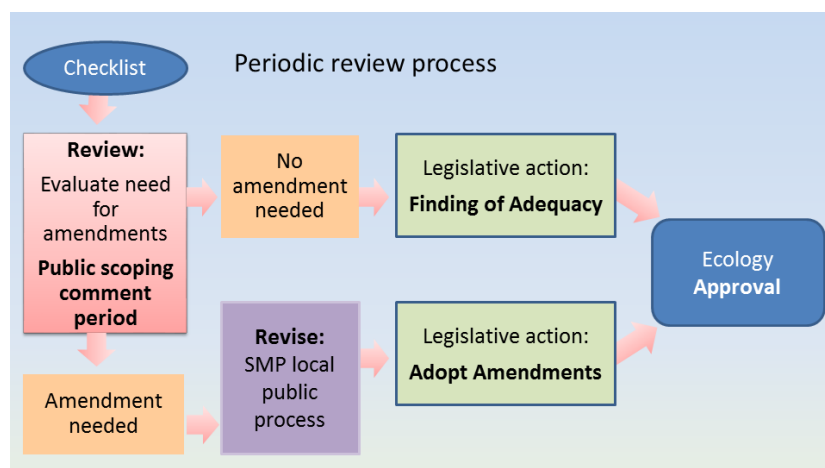


Figure 2. Schematic outline of SMP periodic review process. Ecology final approval triggers an appeal period.

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

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

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

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

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

(1) Locally initiated master program reviews

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

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

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

(2) Periodic review requirements.

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

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

(2)(b) Deadlines for periodic review.

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

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

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

* And every eight years thereafter.

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

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

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

(2)(c) Taking legislative action.

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

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

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

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

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

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

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

(A) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

(B) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

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

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

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

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

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

(3) Procedures for conducting periodic reviews.

(3)(a) Public participation program.

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

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

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

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

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

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

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

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

(ii) Review relevant comprehensive plans and regulations.

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

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

(iii) Additional review and analysis.

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

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

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

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

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

(3)(c) Take legislative action.

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

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

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

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

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

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

(3)(d) Submittal to the department.

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

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

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

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

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

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

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

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

(e) State process for approving periodic reviews.

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

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



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

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

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

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



Shoreline Master Program Periodic Review Public Participation Program and Work Plan

Edited to Reflect Changes Adopted
by City Council on May 4, 2021

Updated September 1, 2020

Action Item #1 – 2014 SMP “PRSM” Appeal IssuesMotion (passed unanimously)

- Direct staff to address review topics in the 3/12/2019 work plan and 2018 guiding themes.
- Amend the topics as needed based on Planning Commission and public input.
- Direct staff to revise the SMP for clarity and readability when addressing these topics.
- Do not specifically work from the 2015 settlement discussion matrix while developing the draft, but appellant can raise issues during the process.

Action Item #2 – Aquaculture AmendmentMotion (passed 6-1)

- Direct staff to incorporate the 2016 amendment into the Periodic Review.
- Amending as need to comply with the SMA and Ecology guidance for consistency with the Pierce County SMP decision.
- Solicit consulting professional services to provide scientific and technical information and GIS spatial analysis, as needed, to support the amendment.
- Friendly amendment to motion: Incorporate bull kelp restoration into the 2016 amendment

Action Item #3 – Sea Level Rise Flooding AmendmentMotion (passed unanimously)

- Remove the sea level rise amendment from the Periodic Review process.
- Assign project to the new Climate Change officer for 2022 with assistance from Climate Change Advisory Committee.

Action Item #4 – Joint Review ProcessMotion (passed unanimously)

- Follow a public participation plan that includes review and recommendation by the Planning Commission including noticed public comment opportunities before the joint public hearing/public comment period.



Shoreline Master Program Periodic Review Public Participation Program and Work Plan

Table of Contents

Introduction	2
Goals	2
Scope of Periodic Review	2
Periodic Review Process Steps	3
Anticipated Timeline	5
Participation Opportunities	5
Outreach Methods and Tools	6
Potential Groups for Outreach	7
Attachment A – Anticipated Revisions	8

Stay Informed

- **Sign up** on [Notify Me](#): Members of the public can sign up to receive email or text notifications about public meetings and other aspects of the SMP periodic review. Select the “Shoreline Master Program” list.
- **Sign up** for the [City Manager’s Report](#).
- **Website**: The City maintains a [Project Webpage](#) on its website with updates, important dates, background materials, and draft documents. This is where you can review prior activity on this project and find out what to anticipate next.
- **Invite**: Members of the public can request City staff to give a presentation and take Q&A on the SMP periodic review to community groups or any public forum.

Get Engaged

- **Attend** public meetings, including workshops, Planning Commission, and City Council meetings. Planning Commission and City Council meetings are also recorded and available for later viewing on the City website.
- **Comment**: Public comments can be submitted during the public comment period:
 - Online: Check the [Project Webpage](#) during the public comment period
 - By email: pcd@bainbridgewa.gov
 - By mail: Planning & Community Development
Attn: SMP Periodic Review
280 Madison Avenue N
Bainbridge Island, Washington 98110

Questions?

- **Contact**: Peter Best, Senior Planner
(206) 780-3719
pbest@bainbridgewa.gov

Introduction

The City of Bainbridge Island (City) is conducting a periodic review of its Shoreline Master Program (SMP), which is required every eight years by the Washington State Shoreline Management Act (SMA) [RCW 90.58.080(4); WAC 173-26-090(2)]. This document outlines the scope and timing of the amendment process and describes opportunities for public participation throughout.

The following are important notes regarding this periodic review:

- This periodic review is expected to result in amendments to the SMP, however it is not a cover-to-cover substantive comprehensive update like that completed by the City in 2014. Therefore, the process will be significantly more focused.
- The City is required to adopt this SMP periodic review by June 30, 2021. The process also requires initial review and final approval by the Washington State Department of Ecology (Ecology).
- The City and Ecology must “make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, tribes, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program.” [WAC 173-26-090(3)(a)(i)]
- The SMA requires the City to establish and distribute a public participation program with procedures that will “provide for early and continuous public participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments.” [WAC 173-26-090(3)(a)(ii)]
- The City has chosen to use the optional joint state/local review process in WAC 173-26-104. This joint review process means that the comment periods held by Ecology and the City will run concurrently and will include at least one joint public hearing.

Goals

Overall goals of this Public Participation Program are to:

- Provide objective information to assist the public in understanding issues and solutions related to the SMP itself and the periodic review process.
- Provide opportunities for interested parties to contribute ideas and provide feedback through the periodic review process.
- Make the periodic review process accessible and engaging to interested parties by using a variety of media, plain language, and easy-to-understand materials.

Scope of Periodic Review

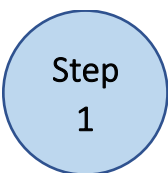
The required minimum scope of the periodic review as established by the SMA [RCW 90.58.080(4)(a)] is:

- To assure the SMP complies with applicable law and guidelines in effect at the time of the review; and
- To assure consistency of the SMP with the City’s comprehensive plan and development regulations adopted under the Washington State Growth Management Act [RCW 36.70A], if applicable, and other local requirements.

The periodic review process provides the method for bringing the SMP into compliance with any requirements of the SMA that have been added or changed since the last SMP review and for responding to changes in guidelines adopted by the state, together with a review for consistency with any amendments to the City’s comprehensive plan and regulations. The periodic review also provides an opportunity to incorporate amendments to reflect changed circumstances, new information, or improved data.

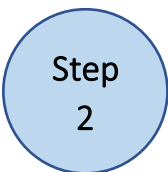
The anticipated revisions to be addressed during the periodic review are described in Attachment A. The City will focus mostly on meeting the minimum requirements described above with revisions that can be characterized as clarifying edits or substantive revisions consistent with existing policy or law. A limited number of new substantive revisions are also described in Attachment A.

Periodic Review Process Steps



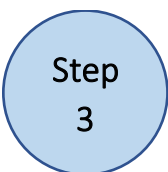
Staff Review

- Audit SMP consistency with State legislative changes
- Audit SMP consistency with the 2016 Comprehensive Plan and development regulations in the Bainbridge Island Municipal Code (BIMC)
- Audit for internal inconsistencies within the SMP
- Audit definitions
- Administrative program evaluation, including process improvement survey of former applicants
- Present results with Step 2



Baseline Draft SMP

- Prepare a full baseline draft of the SMP including all:
 - Clarifying Edits
 - Substantive Revisions Consistent with Existing Policy or Law
- Flag sections where new substantive revisions will interact
- Government Agency focus group (online)
- Present draft to Planning Commission, City Council, and public
- Refine based on initial feedback as necessary



New Substantive Revisions and Early Public Engagement

- Prepare issue papers and policy outlines for new substantive changes
- Public outreach effort (mailings, etc)
- Public Workshop (online)
- Focus groups (2 online meetings each)
- Workshop with the Planning Commission
- Finalize Department proposal



Planning Commission Review

- Formal review of the Baseline Draft SMP and New Substantive Revisions
- Public comments accepted during Planning Commission meetings
- Planning Commission Recommendations

Planning Commission will hold its own public hearing before Step 6

~~Step
5~~

~~City Council Endorses Draft SMP for Public Hearing~~

- ~~• City Council reviews the Planning Commission recommendations and endorses a draft SMP amendment to put forward for the joint public comment period and hearing~~

Step
6

Joint Public Comment Period and Hearing

- 30-day public comment period
- Public hearing jointly held by the City Council, ~~Planning Commission~~, and Ecology
- Written comment and oral testimony is received ~~by all three bodies~~
- Staff prepares a comment and response summary

Step
7

Draft SMP Periodic Review Submittal Package

- Staff prepares recommendations for modifications resulting from public comment
- City Council determines what modifications will be considered
- Planning Commission may be asked to advise the City Council
- A Draft SMP amendment submittal package is sent to Ecology

Step
8

Initial Determination of Consistency from Ecology

- Ecology evaluates the Draft SMP periodic review submittal package, including proposed modifications resulting from public comment
- Ecology makes an initial determination regarding consistency with the SMA, noting areas of concurrence and concern with possible required and/or recommended changes.

Step
9

Final SMP Periodic Review Submittal Package

- If necessary, staff prepares recommendations related to Ecology's recommended or required changes
- City Council reviews and adopts a Final SMP amendment
- Planning Commission may be asked to advise the City Council
- The City Council may hold an additional public hearing, but is not required to do so
- A final SMP submittal package is sent to Ecology

Step
10

Ecology Reviews and Approves SMP Periodic Review

- Ecology reviews the Final SMP periodic review submittal package and approves, approves with conditions, or denies the SMP amendment.

Step
11

Update Administrative Documents Consistent with Final SMP Periodic Review

- Update: COBI Administrative Manual for Planning Permits
- Update: COBI Guidance for a Site-Specific Analysis
- Update: COBI Qualified Specialist List
- Create: Summary sheets, checklists, and worksheets for the most common types of activities in shoreline jurisdiction

Step 12

Appeals

- An SMP amendment may be appealed to the Central Puget Sound Growth Management Board

Anticipated Timeline

Year	2020					2021							
Month	8	9	10	11	12	1	2	3	4	5	6	7	8
Step 1													
Step 2													
Step 3													
Step 4													
Step 5													
Step 6													
Step 7													
Step 8													
Step 9													
Step 10													
Step 11													
Step 12													→

This timeline is now out of date. See project website for latest schedule.

Participation Opportunities

The City is committed to providing the following participation opportunities during the SMP periodic review process.

Focus Groups

The Department of Planning and Community Development will facilitate two focus groups, one for interested stakeholders and the other for interested government agencies. The focus groups will:

- Provide early input to staff before new substantive amendments to the SMP are drafted; and
- Review new substantive amendment language drafted by staff.

The stakeholder focus group is intended to include diverse perspectives with up to 15 members from industry, professional organizations, and civic groups that have an interest in shorelines. This focus group will likely meet twice.

The government agency focus group is intended to include representatives from tribal, federal, state, and local government agencies, including City departments and advisory committees. The government agency focus group will also help identify administrative improvements that will make multi-jurisdictional permitting more efficient. This focus group will likely meet four times.

Public Workshop

Public online surveys were used instead due to COVID-19 restrictions.

The Department of Planning and Community Development will facilitate a public workshop on new substantive amendments to the SMP prior to finalizing the Department's recommendations to the Planning Commission. This early public engagement will help shape the Department's proposed recommendations.

Planning Commission Meetings

Planning Commission meetings are held on the second and fourth Thursday of the month. Special meetings may be held at an earlier time or on a different day, as needed. Public comment is accepted at all Planning Commission meetings. Meeting materials are provided in the agenda packet, which is usually published on the City's website on the Friday prior to the meeting:

<https://www.bainbridgewa.gov/AgendaCenter>.

Joint Local/State Public Comment Period and Public Hearing

The periodic review process requires a 30-day public comment period during which at least one public hearing must be held. A joint public hearing will be held by the ~~Planning Commission~~, City Council, and Ecology staff. The public comment period provides an opportunity to provide written comment and the public hearing provides an opportunity to provide testimony. All comments are reviewed, cataloged, summarized, and summary responses are prepared. Modifications to the draft SMP resulting from public comments are also identified. The public hearing must be advertised on the City's website and in the local newspaper at least 10 days prior to the hearing.

City Council Meetings

City Council meetings are held the first through fourth Tuesdays of each month. Special meetings may be held at an earlier time or on a different day. Public comment is accepted at all City Council Business Meetings, which are held on the second and fourth Tuesdays of each month. Meeting materials are published in the agenda packet, which is published on the City's website on the Friday prior to the meeting: <https://www.bainbridgewa.gov/1101/City-Council-Agendas>.

Outreach Methods and Tools

The overall objective of this Public Participation Program is to describe how the City will engage the public during the course of the periodic review process. Public participation methods and tools may vary during the periodic review process. This Public Participation Program may continue to be reviewed and refined throughout the review process, if needed. The City will utilize a variety of modes of communication to engage the public. Public outreach will consist of interactive outreach efforts, traditional media and advertising, and outreach efforts utilizing technology and social media. Public meetings will be noticed as far in advance as possible.

Interactive Outreach Methods

- Stakeholder groups
- ~~Public workshop (via webinar format)~~ Public online surveys
- Video call presentations at group meetings, e.g., Bainbridge Island Watershed Council, realtor groups

Traditional Media and Advertising

- Press releases to local papers, blogs and newsletters
- Utilize community organization email lists, newsletters, and social media
- U.S. postal mail flyer to shoreline property owners
- Announcements in the *Bainbridge Island Review*
- Emails to current City email listservs, volunteer lists, and citizen advisory groups

Technology and Social media

- City website – An online open house with background information, existing SMP, useful weblinks to planning resources, and materials prepared for public meetings will be available to the public on the City's SMP [project page](#) and as hard copies at City Hall
- [Notify Me](#) – There is a listserv for the public to sign up for Shoreline Master Program announcements
- Updates related to the SMP periodic review process will be posted on Facebook
- Posting SMP periodic review meetings to the calendar on the City website
- City Manager's Report – updates and announcements of meeting dates included as needed in the weekly report

Potential Groups for Outreach

The following is an initial list of groups for outreach. Additional groups may contact staff to be added.

City Citizen Advisory Groups Climate Change Advisory Committee Environmental Technical Advisory Committee Marine Access Committee Planning Commission Utility Advisory Committee	Other Public Agencies Bainbridge Island Fire District Bainbridge Island Metro Park and Recreation District Bainbridge Island School District Kitsap Public Utility District Kitsap Public Health District Puget Sound Regional Council Washington State Ferries
Community Groups Association of Bainbridge Communities Bainbridge Island Japanese American Exclusion Memorial Organization Bainbridge Island Land Trust Bainbridge Island Watershed Council Chamber of Commerce Housing Resources Board Rotary Club of Bainbridge Island Sustainable Bainbridge	Other Organizations Bloedel Reserve Cooke Aquaculture Kitsap Building Association Kitsap County Association of Realtors SEPA review agencies Yacht clubs and marinas Tribal governments

Attachment A - Anticipated Revisions

Clarifying Edits

Clarifying edits are changes that will improve the administration of the SMP without modifying the effect of existing provisions. Examples of clarifying edits include:

- Integrate current administrative interpretations
- Correct scrivener's errors and incorrect cross-references
- General plain talking of complex provisions
- Add informational text and graphics that will facilitate the efficient use of the SMP
- Improve (and add) tables, footnotes, and graphics to consolidate and simplify the presentation of requirements
- Remove text that is redundant to tables, footnotes, and graphics, as appropriate
- Consolidate, reorganize, and cross-reference text as needed, particularly to avoid "surprise" requirements buried across multiple sections of the SMP
- Remove definitions for words that do not appear in the text of the SMP
- Republish the Shoreline Designation Map (Appendix A) in a tiled format at larger scale based on Shoreline Management Areas (no changes to designations)
- Combine Appendix A (Shoreline Designation Map) and Appendix E (Special Area Maps)
- Remove Appendix C (Buffer Recommendation Memorandums)
- Add shoreline example graphics to rules of measurement (BIMC 18.12.050)
- Replace BIMC 16.12 with a hyperlink to the full version of the SMP

Substantive Revisions Consistent with Existing Policy or Law

These substantive revisions will modify the effect of existing SMP provisions for the purpose of achieving existing policy or law and will be color coded in the draft SMP for easy identification. Some changes will be required because of a change in state law, to resolve an inconsistency, or to comply with a court ruling. Other changes may propose alternative approaches to regulations that have proven difficult to administer or propose new regulations to improve administration. Examples of substantive revisions consistent with existing policy or law include:

- Required by state law
 - As needed for consistency with state legislative changes since 2014 (see [Ecology's checklist of legislative changes](#))
 - As need to resolve internal inconsistencies
 - As needed for consistency with the 2016 COBI Comprehensive Plan and development regulations in BIMC, such as 2016 stormwater regulations and 2019 subdivision regulations
 - As needed for compliance with court rulings, including the outcomes of the 2014 SMP appeals
 - Note: There are two ongoing appeals. If they are not resolved before the adoption of the periodic review, then COBI will need to adopt a separate compliance amendment following the periodic review.
- As needed to improve consistency with other state/federal shoreline regulations and permit agency procedures

- Address deficiencies identified during an administrative program evaluation
- Clarify what “modifications” are addressed by the regulations in Section 6.1
- Update definitions, as necessary
- Shoreline Designation Map corrections, if any
 - Note: “Corrections” are only to fix (1) an inconsistency between the published Shoreline Designation Map and the final decision of the City Council as clearly documented in the official record or (2) designations that are clearly erroneous compared to their designation criteria.

New Substantive Revisions

These substantive revisions will change or add policies to the SMP as well as change or add related regulations and will be color coded in the draft SMP for easy identification. Such amendments can be a major undertaking and may need to be addressed through their own SMP amendment following the periodic review. The City’s capacity to complete new substantive revisions during the periodic review is significantly limited by resource and time constraints due to the COVID-19 pandemic and statutory deadline for adopting the periodic review. In particular, any new substantive amendment that would change the underlying assumptions used in the SMP cumulative impacts analysis would require the City to update that analysis which would add significant cost and time to this periodic review process. The following are the new substantive revisions proposed for consideration during this periodic review:

- Integrate the ongoing aquaculture limited amendment
- ~~Incorporate climate adaptation/sea level rise into goals, policies and regulations with the focus being on flooding (future amendments will address other risks from sea level rise, such as bluff erosion)~~
- Review and clarify procedures for updating Priority Aquatic environment designations
- Update Aquatic environment designations on the Shoreline Designation Map based on available information, if applicable

Note: The current SMP amendment regarding critical areas and non-conforming provisions is anticipated to be adopted and take affect before the Fall 2020. Therefore, they will be included in the baseline SMP.

These critical area and non-conforming amendments were adopted by Ordinance No. 2020-17

2018 Guiding Themes

The work plan includes items that have been identified by staff, project applicants, and others as the most in need of review and revision. The work plan is presented in two formats: (a) a list of guiding themes under which most, if not all, of the anticipated revisions can fit, and (b) a detailed list of specific language or sections of the SMP that need to be revised. The detailed work plan assigns each proposed topic to consider to one or more of these guiding themes.

1. Vegetation management – Existing landscaping (“established yard”): Staff, shoreline property owners, and vegetation maintenance providers continue to struggle with what can or cannot be done in terms of existing landscaping. There are endless variations on what shoreline property owners may consider their “yard” and what constitutes “normal or routine maintenance” or “ongoing maintenance.” Clarity is needed as to if/when/which vegetation management provisions apply to existing landscaping.

2. Vegetation management – other: A number of vegetation management regulations need to be simplified and clarified, and with that, some policy direction is needed. Examples include: removal of significant trees, “1/3-2/3” provision where a structure is allowed to encroach into up to 1/3 of Zone 2 of the shoreline buffer with the remaining 2/3 of Zone 2 (and all of Zone 1) planted with native vegetation.

3. Consistency with no net loss standard: The current conditions of the shorelines, including existing development, are the starting point or baseline for determining no net loss. Regulations and provisions need to be reviewed for consistency with the no net loss standard. For example, do any vegetation management regulations result in “restoration” vs. “mitigation” for identified impacts? Examples of means to achieve the no net loss standard would also be helpful for project applicants and qualified professionals completing site specific impact analysis reports to clarify the concept of no net loss.

4. Integration of other codes/policies (stormwater, climate change): The City’s stormwater regulations have been updated since the SMP update (Chapter 15.20 BIMC). These should be integrated. A direct discharge criteria should be considered and consistency with the Single-Family Mitigation Manual can be improved. ~~The Planning Commission may consider incorporating sea level rise and climate change adaptation.~~

5. Specific regulations or performance standards: While staff does not recommend any changes to current thresholds or performance standards, the Planning Commission may review and consider revisions to specific regulations. Any revisions would likely trigger the need to review and update background documents (e.g., Cumulative Impacts Analysis). Examples include:

- a. Limits/requirements on bulkhead repair/replacement (SMP Section 6.2)
- b. Prohibition of docks (SMP Section 6.3)
- c. Buffer widths (SMP Section 4.1.3; Table 4-3)
- d. Limit on liveaboards (SMP Section 5.3)
- e. New construction limit lines for Manzanita and Fletcher Bays (Special Area Maps)

6. Mitigation manual: The mitigation manual needs to be updated to reflect current standards of other agencies (e.g., U.S. Army Corps of Engineers), provide alternatives for impervious surface impacts, and improve consistency/integration with the text of the SMP.

7. Applicability: The applicability of the SMP in general needs to be clarified. The use of terms such as “development, use or activity,” “human activity,” “whether it requires a permit or not,” among others, is confusing. Complexity and redundancy could be reduced by eliminating the applicability subsection in every section of the SMP.

8. Readability: Shorten document, improve clarity, simplify and reduce complexity; correct errors and omissions

3/12/2019 Work Plan

SMP Section	Topic	Summary of Topics to Consider	Guiding Theme(s)
4.1.5	Critical Areas	Consistency audit with SMP amendment	4,8
4.2.1	Existing Development (Nonconforming)	Consistency audit with SMP amendment	3,7,8
4.0	Table 4-1 Table 4-2 Table 4-3	Table 4-1 (Use and Modification Table) - Clarify footnotes (revisit #22 re: mixed use physical separation) - Correct inconsistencies between table and text (e.g., subdivisions) - Revisit requirement for shoreline conditional use permit for all retaining walls - Clarify primary vs. accessory utilities - Clarify allowance of overwater structures when used as public trails Table 4-2 (Dimensional Standards) - Address missing footnotes (#5 and 7) - Clarify utilities setbacks Table 4-3 (Buffers) - Revise for improved readability and ease of administration - Clarify when “expands to include existing native vegetation applies” - Clarify that all shallow lots (<200 feet deep) are assigned narrower buffer - Clarify how buffer is measured for high bluff properties (i.e., what is between Zone 1 at OHWM and top of bluff) - Clarify criteria for Category A and B lots - Add figure reference and reference to Section 4.1.3 - Clarify what geomorphic classes are or where information about them is located - No change in required buffer widths is anticipated	8
4.1.2	Environmental Impacts	- Clarify that mitigation follows a sequence/“when mitigation is required” language – if an impact cannot be avoided, mitigation is required - Simplify and clarify applicability section, clarify “development, use, activity” - Move vegetation management regulations to Section 4.1.3 (e.g., 4.1.2.5, Revegetation Standards) - Clarify and emphasize that either use of the Single-Family Mitigation Manual or submittal of a site-specific impact analysis is required; clarify when manual can be used - Delete references that don’t exist - Revisit “in perpetuity” requirement when mitigation is required (SMP 4.1.2.7) - Clarify mitigation and monitoring requirements (SMP 4.1.2.8), consider threshold (e.g., not required for > \$1000) for performance, mitigation/monitoring	3,6,7,8

SMP Section	Topic	Summary of Topics to Consider	Guiding Theme(s)
		- Clarify that new impervious surface area requires mitigation (only mentioned in Single-Family Mitigation Manual); better tie to manual - Consider new language that requires prioritizing where mitigation planting is located – has to go where it will have most ecological benefit	
4.1.3	Vegetation Management	- Relocate and revise, if needed, vegetation management-related regulations from SMP 4.1.2.5 - SMP 4.1.2.5.1 – Revegetation Standards – improve clarity - SMP 4.1.2.5.3 – Clarify what “altered or reduced” means; when applicable? - SMP 4.1.2.5.4 – Revise for clarity; remove requirement for offsite mitigation to be in Zone 1 - Clarify applicability section, non-retroactive nature of regulations - Clarify which requirements apply to new development vs. existing development - SMP 4.1.3.4 – Exceptions – clarify what is allowed without City review or approval, replace this section with tree and vegetation regulations (including exemption for yard and garden activities) from critical areas ordinance, remove requirement to leave downed hazard tree on site (if left, considered sufficient mitigation) - SMP 4.1.3.5 – Create new section that just explains establishment of shoreline buffers (2 options); revisit HMP requirement and review process; remove references to documents that don’t exist or consider programmatic approach to vegetation maintenance by City or other land managers (SOP manual, also referenced in SMP 4.1.3.7) - Provide mechanism for some level of significant tree removal (e.g., develop significant tree removal criteria) - Revisit requirements for vegetation removal/replacement outside shoreline buffer (native and non-native, significant trees) - SMP 4.1.3.6 – Clarify “1/3 2/3” provision; applicable to new development only? - SMP 4.1.3.7 – Clarify applicability, provide consistency with other vegetation maintenance provisions, define “modified area,” delete minor pruning section, refer to critical areas tree and vegetation regulations, revisit requirement for clearing permit, clarify connection to SMP 4.1.4, Land Modification, as referenced, clarify utilities - SMP 4.1.3.7.2 – Consolidate with new section relating to just shoreline buffers, clarify what “dimensions altered” means, clarify requirement for when Zone 1 must be restored - SMP 4.1.3.7.3 – Clarify what “minimum necessary for public use” means, improve connection to Single-Family Mitigation Manual, clarify whether stairs need to be grated and type of mitigation required if not grated - SMP 4.1.3.8.1 and 3 – Revise entire sections for clarity; no changes to size thresholds anticipated - SMP 4.1.3.8.4 – View maintenance – clarify and simplify; reference critical areas tree and vegetation requirements?, delete requirement for Bluff Management Plan	1,2,3,5, 6,7,8

SMP Section	Topic	Summary of Topics to Consider	Guiding Theme(s)
		SMP 4.1.3.11 – Shoreline Structure Setback View Requirements – Clarify applicability, relocate option to build in Zone 2 language, correct figure references, simplify language, clarify what constitutes “most waterward point”	
4.1.4	Land Modification	- Eliminate requirement for clearing permit for “all clearing” to allow for nominal landscaping activities (e.g., 25 cubic yards/200 square foot thresholds) - Clarify language, better integrate with other sections	7,8
4.1.6	Water Quality and Stormwater Management	- Integrate new (2016) stormwater regulations (BIMC 15.20) - Add direct discharge criteria (i.e., when is one allowed? Considered necessary?) - Update wood treatment regulations per agency guidelines - Improve consistency with Single-Family Mitigation Manual	4,8
Appendix D	Single-Family Mitigation Manual	- Better integrate into code language – when it can be used and how it relates to vegetation management requirements - Provide alternatives to rain garden for new impervious surface area; clarify where rain garden must be located when required (inside or outside shoreline buffer) - Update per current agency guidance/requirements (e.g. Corps of Engineers, WDFW)	2,3,4, 6,7,8
5.3	Boating Facilities	- Revisit liveaboard threshold (currently 10 percent) - Revisit management and operations (implementation)	6,8
6.3	Overwater Structures	- Improve consistency with Single-Family Mitigation Manual and other agency mitigation requirements - Clarify grammar in prohibitions section - Clarify length thresholds (how to determine) - Clarify buoy density	5,6,7,8
8.0	Definitions	- Add missing definitions (e.g., significant tree, alteration, redevelopment) - Clarify definitions	8
Appendix A	Shoreline Designation Map	- Correct inconsistencies between paper and GIS maps (one identified) - Correct error (one identified) - No changes to shoreline designations anticipated other than corrections	8
Appendix E	Special Area Maps	- Include corrected maps - Consider construction limit lines for Manzanita Bay and Fletcher Bay	5,8
All	Global edits	Clerical and implementation efficiency edits anticipated in every section	8
	Climate Change/Sea Level Rise	• Incorporate climate adaptation/sea level rise into goals, policies and regulations.	4
5.2	Aquaculture	Pending outcome of current limited amendment.	5,8

Planning Commission Review Process

Meeting	Gantt Sequencing														Time	Objective	Packet Materials	
PC Meeting #1A (SS)	7/29														1 hour	Intro to process, scope, & documents; Public input	Memo; Updated PPP/WP; Ecology Background Info; Ecology Checklist; Department Draft Ordinance, including: Ex.1-Baseline SMP (ch 1-3; App. A); Ex.2-Change Matrix; Ex.3-Maps; Ex.4-Priority Aquatic; Ex.6-BIMC 12.40.060; Ex.7-BIMC Title 18	
PC Meeting #1B (SS)		8/26													1-2 hours	Chapter-by-Chapter review of substantive changes	Same as meeting #1A, plus: Ex.1-Baseline SMP (ch 6-7); Ex.5-BIMC 2.16	
PC Meeting #1C (SS)			9/9												1-2 hours	Chapter-by-Chapter review of substantive changes	Same as meeting #1B, plus: Ex.1-Baseline SMP (ch 4-5; App. B)	
PC Members complete individual review to identify issues																PC Members submit issues to staff to compile for subcommittee process	N/A	
Optional: Staff provides 1:1 support to PC Members during review				As needed											as needed	Opportunity to discuss possible issues and get background to help inform PC members as they identify issues and develop possible recommendations	N/A	
Staff holds online open houses to support public review				TBD											3-4 sessions	Multiple opportunities for the public to get background information and clarification regarding proposed changes	N/A	
30-day Comment Period				9/24-10/17												Public input	N/A	
PC Meeting #2 (Public Hearing)							10/14								90 min	Public input	Same as meeting #1	
Staff prepares a draft issue matrix and public comment summary								Oct										N/A
PC Subcommittee (Issue Review and Recommendations)										Oct-Nov					as needed	PC Subcommittee reviews issues, staff input, and proposes recommendations to the PC	Same as meeting #1; Draft issue matrix; Public comment summary	
PC Meeting #3 (Issue Review and Recommendations)													TBD		1-2 hours	Issue-based review; Adopt recommendations (chapter-by-chapter)	Same as meeting #1; Issue matrix; Public comment summary	
Possible continuation of PC Meeting #3														TBD	1-2 hours	same as above	same as above	
PC Meeting #4 (Final Recommendation)															TBD	1-2 hours	Adopt final recommendations	PC Draft Ordinance; PC Recommendation Matrix; PC Recommendation Form

Periodic Review Checklist

Contents

Contents.....	1
Instruction.....	2
How to use this checklist.....	2
Table 1 - State Legislative Changes.....	3
Table 2 – Other Substantive Revisions for Consistency.....	7
Table 3 – New Locally Initiated Substantive Revisions	10
Table 4 – Non-substantive Revisions	10

Prepared By	Jurisdiction	Version	Date
Peter Best, Senior Planner	City of Bainbridge Island	1	7/29/2021

Instruction

This document is intended for use by counties, cities and towns subject to the Shoreline Management Act (SMA) to conduct the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the SMA at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2019 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language.

At the **beginning of the periodic review**, use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.

At the end of your review process, use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.

Table 1 - State Legislative Changes

Row	Summary of change	Review	Action
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	N/A – COBI does not have freshwater shorelines	None required
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites (<i>applies to 9 jurisdictions</i>)	N/A – COBI is not an affected jurisdiction	None required
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	No revision needed, BIMC 2.16.165(C)(2) incorporates this change by reference to WAC 173-27-040	None required
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	No revision needed, BIMC 2.16.165(C)(2) incorporates this change by reference to WAC 173-27-040	None required
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	Revision recommended to definition of “development” (SMP 8.0)	In development
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	New subsection recommended in BIMC 2.16.165(C) to reference WAC 173-27-044 clarify what developments are not required to obtain shoreline permits or local reviews New subsection recommended in BIMC 2.16.165(C) to reference WAC 173-27-045 and clarify what developments are not subject to the SMA	In development
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	Revision needed to BIMC 2.16.165(I)(2)	In development

Row	Summary of change	Review	Action
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	Clarification recommended to SMP 5.5.3(3) and (4) New subsection recommended in BIMC 2.16.165(C) to reference WAC 173-26-241(3)(e) and clarify that certain non-conversion forestry practices that involve only timber cutter are not “development” under the SMA and are not required to obtain shoreline permits or exemptions	In development
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	N/A – COBI does not have lands under exclusive federal jurisdiction	None required
g.	Ecology clarified “default” provisions for nonconforming uses and development .	No revision needed, COBI has adopted local non-conforming provisions and is updating them through a locally initiated amendment with final adoption and approval anticipated in 2020.	None required
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	Revision recommended to BIMC 2.16.200(B) to add reference to RCW 90.58.080 and removed reference to WAC 173-26-100	In development
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	No revision needed, BIMC 2.16.200 does not exclude the use of the optional SMP amendment process	None required
j.	Submittal to Ecology of proposed SMP amendments.	No revision needed, BIMC 2.16.200 incorporates this change by reference to WAC 173-26-110	None required
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act .	No revision needed, BIMC 2.16.165(C)(2) incorporates this change by reference to WAC 173-27-040	None required
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	No revision needed, BIMC 16.20 (Critical Areas) was updated in 2018 and critical area provisions in the SMP were updated in 2020.	None required

Row	Summary of change	Review	Action
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	Revision recommended to BIMC 2.16.020(L) to add reference to WAC 173-27-125 and RCW 47.01.485(1) to ensure staff awareness of this local review time target	In development
2014			
a.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	No revision needed, COBI has no qualifying “floating on-water residences” that were legally established before 7/1/2014.	None required
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	N/A – prior to 2014 SMP	None required
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	N/A – prior to 2014 SMP	None required
b.	Ecology adopted rules for new commercial geoduck aquaculture .	N/A – prior to 2014 SMP	None required
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	N/A – prior to 2014 SMP	None required
d.	The Legislature authorizing a new option to classify existing structures as conforming .	N/A – prior to 2014 SMP	None required

Row	Summary of change	Review	Action
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.	N/A – prior to 2014 SMP	None required
2009			
a.	The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	N/A – prior to 2014 SMP	None required
b.	Ecology adopted a rule for certifying wetland mitigation banks.	N/A – prior to 2014 SMP	None required
c.	The Legislature added moratoria authority and procedures to the SMA.	N/A – prior to 2014 SMP	None required
2007			
a.	The Legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	N/A – prior to 2014 SMP	None required
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	N/A – prior to 2014 SMP	None required
c.	Ecology’s rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	N/A – prior to 2014 SMP	None required

Table 2 – Other Substantive Revisions for Consistency

These changes are documented in **orange** ~~strikeout~~/underline formatting in ordinance exhibits. Some new provisions that may not technically be substantive changes, but could appear substantive to some readers because they are new, have been included here and shown in the document in order to highlight these changes.

Row	Ord. Ref.	SMP/BIMC Section	Summary of change	Discussion
1.	Ex.1	SMP 1.4.3(3)	New provision which states the location of shoreline jurisdiction is governed by applicable definitions and criteria where a map may conflict.	Since shoreline jurisdiction is based on bio-physical lines (e.g. OHWM; associated wetland boundaries), this is long-established practice under the SMA and provides clarity to the user.
2.	Ex.1	SMP 3.1.1 (3) – (6)	New provisions allowing the Department to update the Shoreline designation to reflect documented changes in shoreline jurisdiction without an SMP amendment.	Since shoreline jurisdiction shifts with bio-physical boundaries (OHWM, associated wetlands) - see SMP 1.4.3 - this proposed change will allow the Department to make administrative updates to the map which only shifts existing shoreline designations and does not change shoreline designations. This will keep the map reasonable accurate for the benefit of all users without each update needing a long SMP amendment process.
3.	Ex.1	SMP 3.1.2(1)	Removes shoreline “jurisdiction” from this provision that is intended to only govern how uncertain shoreline designation boundaries are to be interpreted.	Map/criteria conflicts regarding shoreline jurisdiction are addressed in SMP 1.4.3(3).
4.	Ex.1	SMP 3.3.1.2(2)	Removes erroneous criteria for how wetlands are designated Island Aquatic.	Removed because this is not applicable. If a wetland is below OHWM, then it is either already designated Priority Aquatic or, per 3.3.1.2(1), gets designated Island Aquatic. Therefore, the only wetlands that do not fall under 3.3.1.2(1) are <u>landward</u> of the OHWM and therefore would not qualify for an aquatic designation by definition (because they are not waterward of OHWM).
5.	Ex.6 #1	BIMC 12.40.060 (B)(1)	Changes the aquatic designation in which speed restrictions apply from the Priority Aquatic A designation to all priority aquatic designations.	Clarifies that both of the Priority Aquatic designation categories are vessel speed restricted areas consistent with existing priority aquatic policies and how this section on vessel speed was intended

Row	Ord. Ref.	SMP/BIMC Section	Summary of change	Discussion
				to function with the prior Aquatic Conservancy designation and where the City has installed signage buoys.
6.	Ex.7 #1	BIMC 17.12.050 (3)(d)	Adds reference to BIMC 16.12 (SMP) to accompany existing reference to BIMC 16.20 (Critical Areas) with regards to the location of critical area provisions.	Clarifies that applicable critical area provisions are in both the SMP and BIMC 16.20.
7.	Ex.7 #2	BIMC Table 17.12.070-1	Adds reference to BIMC 16.12 (SMP) to accompany existing reference to BIMC 16.20 (Critical Areas) with regards to the location of critical area provisions.	Clarifies that applicable critical area provisions are in both the SMP and BIMC 16.20.
8.	Ex.7 #3	BIMC 17.12.090 (a)	Adds reference to BIMC 16.12 (SMP) to accompany existing reference to BIMC 16.20 (Critical Areas) with regards to the location of critical area provisions.	Clarifies that applicable critical area provisions are in both the SMP and BIMC 16.20.
9.	Ex.7 #4(A)	BIMC 17.28.020 (9)	Adds reference to BIMC 16.12 (SMP) to accompany existing reference to BIMC 16.20 (Critical Areas) with regards to the location of critical area provisions.	Clarifies that applicable critical area provisions are in both the SMP and BIMC 16.20.
10.	Ex.7 #4(B)	BIMC 17.28.020 (60)	Adds reference to BIMC 16.12 (SMP) to accompany existing reference to BIMC 16.20 (Critical Areas) with regards to the location of critical area provisions.	Clarifies that applicable critical area provisions are in both the SMP and BIMC 16.20.
11.	Ex.8 #1	BIMC 18.09.020 (B)	Adds reference to BIMC 16.12 (SMP) to accompany existing reference to BIMC 16.20 (Critical Areas) with regards to the location of critical area provisions.	Clarifies that applicable critical area provisions are in both the SMP and BIMC 16.20.
12.	Ex.8 #2(A)	BIMC 18.09.030 (F)(2)	Adds reference to BIMC 16.12 (SMP) to accompany existing reference to BIMC 16.20 (Critical Areas) with regards to the location of critical area provisions. Also corrects cross-references.	Clarifies that applicable critical area provisions are in both the SMP and BIMC 16.20. Corrects out-of-date cross-references.

Row	Ord. Ref.	SMP/BIMC Section	Summary of change	Discussion
13.	Ex.8 #2(B)	BIMC 18.09.030 (I)(12)	Adds reference to BIMC 16.12 (SMP) to accompany existing reference to BIMC 16.20 (Critical Areas) with regards to the location of critical area provisions. Also corrects a cross-reference and changes “fish and wildlife habitat conservation areas” to “critical areas”.	Clarifies that applicable critical area provisions are in both the SMP and BIMC 16.20. Corrects out-of-date cross-references and clarifies that all critical area provisions apply, not just those for fish and wildlife habitat conservation areas.
14.	Ex.8 #3	BIMC Table 18.12.020-2	Adds reference to BIMC 16.12 (SMP) to accompany existing reference to BIMC 16.20 (Critical Areas) with regards to the location of critical area provisions. Also corrects cross-references.	Clarifies that applicable critical area provisions are in both the SMP and BIMC 16.20. Corrects out-of-date cross-references.
15.	Ex.8 #4(A)	BIMC 18.12.050 (M)	Adds language about how lot width is measured in the presence of an ordinary high water mark. Replaces existing graphic with better examples of how to measure lot width.	Provides a more clear explanation of how existing code works.
16.	Ex.8 #5	BIMC 18.15.020	Corrects cross-reference.	N/A
17.	Ex.8 #6	BIMC 18.15.050	Adds reference to BIMC 16.12 (SMP) to accompany existing reference to BIMC 16.20 (Critical Areas) with regards to the location of critical area provisions. Also corrects cross-references.	Clarifies that applicable critical area provisions are in both the SMP and BIMC 16.20. Corrects out-of-date cross-references.
18.	Ex.8 #7	BIMC 18.36.030	Adds reference to BIMC 16.12 (SMP) to accompany existing reference to BIMC 16.20 (Critical Areas) with regards to the location of critical area provisions. Also corrects cross-references. Replaces definition of Ordinary High Water Mark with a cross-reference to the SMP.	Clarifies that applicable critical area provisions are in both the SMP and BIMC 16.20. Corrects out-of-date cross-references and replaces a definition that originates from the SMA/SMP with a cross-reference to the SMP to avoid potential inconsistencies now or in the future.

Table 3 – New Locally Initiated Substantive Revisions

These changes are documented in **red** ~~strikeout~~/underline formatting in ordinance exhibits.

Row	Ord. Ref.	SMP/BIMC Section	Summary of change	Discussion
1.	Sect. 3(F)	BIMC 16.04.190	Removes the entire section, which mandates a SEPA determination for any site containing critical areas, even if the project would otherwise be exempt.	This section was adopted in 1998 and is optional for local governments under WAC 197-11-908 . It is now out-of-date since the City has extensive critical area regulations in BIMC 16.20 (last updated in 2018) and the SMP (last updated in 2020). Repealing this section would be consistent with current City practice.

Table 4 – Non-substantive Revisions

These changes are documented in **green** ~~strikeout~~/underline formatting strikeout/underline formatting in ordinance exhibits except in Ordinance Exhibit 1 (Baseline SMP) because such formatting would make the document unreadable due to the extensive reorganization, reformatting, and clarification. Ordinance Exhibit 2 documents all non-substantive changes to the Baseline SMP and should be considered an addendum to this document. Changes to section numbering and headings are not listed here since they are non-regulatory in nature.

Row	Ord. Ref.	SMP/BIMC Section	Summary of change	Discussion
1.	Sect. 3(A)(1) and 3(I)	SMP 1.4.1 and throughout the SMP and BIMC	Rename the SMP to “Shoreline Management Program” from “Shoreline Master Program”	This change is proposed for two reasons: 1. The word “management” better describes the purpose of the document and is consistent with how many other local jurisdictions have titled their SMP. 2. Members of our community and City leadership have requested the change to avoid potential connotation of past racial injustices.
2.	Ex.6 #1	BIMC 12.40.060 (C)(3)	Changed “aquatic conservancy” to “priority aquatic”.	Correction to update terminology from the 1996 SMP (aquatic conservancy) to the current SMP (priority aquatic).

Row	Ord. Ref.	SMP/BIMC Section	Summary of change	Discussion
3.	Ex.8 #4(B)	BIMC 18.12.050(I)	Rephases existing language for how “grade” is measured differently in shoreline jurisdiction.	Provides a more clear explanation.

ORDINANCE NO. 2022-01

AN ORDINANCE of the City of Bainbridge Island, Washington, adopting the City of Bainbridge Island Shoreline Master Program (SMP) Periodic Review, including amending the SMP with a retitled and fully reformatted version; amending the Shoreline Designation Map, Zoning Map, and Comprehensive Plan Map; and amending Chapters 2.16, 12.40, 16.04, 16.12, 18.12, and 18.36 of the Bainbridge Island Municipal Code.

Recital of Procedural Findings

WHEREAS, the Washington State Shoreline Management Act (Chapter 90.58 RCW, referred to herein as the “SMA”) recognizes that shorelines are among the most valuable and fragile resources of the state, and requires the City of Bainbridge Island (“City”) and the Washington State Department of Ecology (“Ecology”) to jointly adopt, update, and amend the Shoreline Master Program (“SMP”) pursuant to Chapter 173-26 WAC; and

WHEREAS, the City adopted a comprehensive update to its SMP (Ordinance No. 2014-04) on July 14, 2014, which was approved by Ecology on July 16, 2014 and went into effect on July 30, 2014; and

WHEREAS, Ordinance No. 2014-04 was appealed on the subject of aquaculture to the Central Puget Sound Growth Management Hearings Board (Case No. 14-3-0011), which dismissed the case on August 31, 2020; and

WHEREAS, Ordinance No. 2014-04 was appealed on a variety of subjects to the Central Puget Sound Growth Management Hearings Board (Case No. 14-3-0012), which upheld the City’s ordinance on every issue; and

WHEREAS, the Central Puget Sound Growth Management Hearings Board decision in Case No. 14-3-0012 was appealed to the Kitsap County Superior Court; and

[Placeholder for potential additional procedural findings related to the ongoing appeal]

WHEREAS, the City adopted a locally initiated amendment to its SMP regarding aquaculture (Ordinance No. 2016-06) on October 11, 2016, which was submitted to Ecology for approval and later withdrawn on September 8, 2020 pursuant to Resolution 2020-16; and

WHEREAS, the City adopted a locally initiated amendment to its SMP (Ordinance No. 2020-17) on November 24, 2020, which was approved by Ecology on February 19, 2021 and went into effect on March 5, 2021; and

1 **WHEREAS**, the SMP must undergo a periodic review pursuant to WAC 173-26-090 and
2 the City has determined that amendments are necessary; and

3
4 **WHEREAS**, Ecology has provided the City with \$22,400 in grant funding to support the
5 periodic review process pursuant to RCW 90.58.250; and

6
7 **WHEREAS**, the City's periodic review deadline in 90.58.080(4) is June 30, 2020, which
8 was extended by Ecology to June 30, 2021 due to the delayed availability of grant funds; and

9
10 **WHEREAS**, the City's periodic review schedule has been significantly delayed due to
11 staffing vacancies and the COVID-19 pandemic; and

12
13 **WHEREAS**, the City has chosen to utilize the optional joint public hearing process for
14 the periodic review pursuant to WAC 173-26-104; and

15
16 [Placeholder for additional procedural findings related to public participation]

17
18 [Placeholder for additional procedural findings related to agency coordination]

19
20 [Placeholder for additional procedural findings related to local review]

21
22 [Placeholder for additional procedural findings related to Ecology review]

23
24
25 **Recital of Substantive Findings**

26
27 [Placeholder for substantive findings related to the various amendments]

28
29
30 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE**
31 **ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

32
33
34 **SECTION 1. PURPOSE.** The purpose of this amendment is to:

- 35 A. Comply with the mandatory requirements in WAC 173-26-090 for the 8-year periodic
36 review of the SMP.
37 B. Reformat the SMP so that it is easier to use and understand.
38 C. Clarify shoreline related provisions elsewhere in the Bainbridge Island Municipal
39 Code.

40
41
42 **SECTION 2. FINDINGS.** The recitals set forth above are hereby adopted as the City
43 Council's findings in support of this ordinance.

SECTION 3. ADOPTION.

A. Reformatted and Amended SMP.

1. The Shoreline Master Program, last amended by Ord. 2020-17 on November 24, 2020, is functionally retitled to “Shoreline Management Program” (SMP) and is amended in its entirety by Exhibit 1, which shows only substantive revisions in strikeout/underline format while non-substantive changes are documented in Exhibit 2.
2. The City Council’s intent is that any provision of the SMP that has been reorganized, reformatted, or otherwise indicated as a non-substantive revision shall be considered amended in form only and not subject to new substantive review by the Department of Ecology or if appealed.
3. The City’s code reviser is directed to replace BIMC 16.12 with a hyperlink to the final published SMP (in PDF format) adopted by this ordinance.
4. The shoreline administrator is authorized to add, remove, or revise the non-regulatory “information boxes” in the SMP adopted by this ordinance and re-publish the SMP as needed. The re-published SMP (in PDF format) shall be provided to the City’s code reviser and shall replace the prior version hyperlinked in BIMC 16.12. Such re-publications shall be exempt from BIMC 2.16.200 (SMP Amendments” and shall not require City Council action.

B. Maps.

1. The Shoreline Designation Map (Appendix A in Exhibit 1), adopted by Section 3.A.1, is further amended as shown in Exhibit 3 and shall be reformatted in the final published SMP as a series of map sheets based on Shoreline Management Areas to improve readability.
2. The “official” Shoreline Designation Map published pursuant to SMP 3.1.1 and any derivative maps, including the City’s online geographic information system (GIS) maps, shall be published consistent with Section 3.B.1 and shall contain the following disclaimer: “Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm or modify the information shown on this map. Shoreline jurisdiction will be determined at time of project review using the best available site-specific information.”
3. The Zoning Map, last amended by Ord. 2017-02 on February 28, 2017, is amended to remove shoreline designations and instead include an informational reference to the Shoreline Designation Map.
4. The Comprehensive Plan Future Land Use Map, last amended by Ord. 2017-01 on February 28, 2017, is amended to remove shoreline designations and instead include an informational reference to the Shoreline Designation Map.

1 **C. Priority Aquatic Designation Provisions.** The SMP adopted by Section 3.A.1 is
2 further amended as shown in Exhibit 4.

3
4 **D. Shoreline Administration.** BIMC 2.16, ‘Land Use Review Procedures’, last
5 amended by Ord. 2020-03 on July 28, 2020, is amended as shown in Exhibit 5.

6
7 **E. Vessel Operations in Priority Aquatic Designations.** BIMC 12.40.060, ‘Uniform
8 speed limit – Restricted areas – Exceptions – Water skiing – Penalties’ is amended for
9 clarity and consistency as shown in Exhibit 6.

10
11 **F. Optional Critical Area SEPA Rules.** BIMC 16.04.190, ‘Critical Areas’, last
12 amended by Ord. 98-20 on July 2, 1998, is repealed.

13
14 **G. Clarifications of BIMC Title 17 (Subdivisions and Boundary Line Adjustments).**
15 BIMC Title 17, ‘Subdivisions and Boundary Line Adjustments’, is amended for
16 clarity and consistency as shown in Exhibit 7.

17
18 **H. Clarifications of BIMC Title 18 (Zoning).** BIMC Title 18, ‘Zoning’, is amended
19 for clarity and consistency as shown in Exhibit 8.

20
21 **I. SMP Name Change.** The code reviser shall make changes throughout the remainder
22 of the Bainbridge Island Municipal Code to ensure consistency with the following:

- 23 1. “Shoreline Management Program” shall be used instead of “Shoreline Master
24 Program” or “Master Program”.
25 2. The acronym “SMP” shall refer to the Shoreline Management Program.

26
27
28 **SECTION 4. SEVERABILITY.** Should any section, paragraph, sentence, clause, or
29 phrase of this ordinance, or its application to any person or circumstance, be declared
30 unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be
31 preempted by state or federal law or regulation, such decision or preemption shall not affect the
32 validity of the remaining portions of this ordinance or its application to other persons or
33 circumstances.

34
35
36 **SECTION 5. SCRIVENER’S ERROR.** The City Clerk and codifiers of the ordinance
37 are authorized to make necessary corrections to this ordinance including, but not limited to, the
38 correction of scrivener and clerical errors, references, ordinance numbering, section and
39 subsection numbers, and any references thereto.

40
41
42 **SECTION 6. EFFECTIVE DATE.** This ordinance shall take effect 14-days from the
43 date of a letter to the City of Bainbridge Island from the Washington State Department of
44 Ecology approving the SMP amendments adopted by this ordinance.

1 PASSED by the City Council this ____ day of ____ 2022.

2

3 APPROVED by the Mayor this ____ day of ____ 2022.

4

5

6 [Placeholder for signatures]



Shoreline Management Program

DEPARTMENT DRAFT

Questions regarding this SMP should be directed to:

City of Bainbridge Island
Department of Planning and Community Development
280 Madison Avenue North, Bainbridge Island, WA 98110
(206) 842-2552
pcd@bainbridgewa.gov

SMP Legislative History

Ordinance/ Resolution	Description	Effective Date
Kitsap County SMP (Applicable outside City of Winslow boundary until 11/26/1996)		
Res 026-1976	Initial adoption of the Kitsap County SMP	1/19/1976
Res 317-1976	Administrative Amendment - Fees	8/2/1976
Res 311-1977	Comprehensive Update	8/15/1977
Res 572-1979	Administrative Guidelines – Shoreline View Blockage	12/3/1979
Res 593-1979	Administrative Guidelines – Shoreline View Blockage (rescinding Res 572-1979)	12/10/1979
Res 240-1984	Limited Amendment (view blockage)	6/18/1984
Res 13A-1985	Limited Amendment (anchorage of commercial vessels)	1/14/1985
Res 433-1994	???	???
City of Winslow SMP (Applicable inside City of Winslow boundary, 1990 - 11/26/1996)		
Ord 74-26	Shoreline Permitting System	11/4/1974
Ord 77-01	Shoreline Permitting System	1/3/1977
Ord 81-12	Comprehensive Update	6/4/1981
Ord 81-19	Administrative Amendment (revision to permits)	5/13/1981
Ord 81-24	Limited Amendment (bulkheads, residential development)	7/13/1981
Ord 84-04	SSDP/PUD (175 Parfitt Way SW)	6/13/1984
Ord 88-16	Administrative Amendment (fees)	9/19/1988
Ord 89-11	Limited Amendment (floating homes and houseboats)	10/19/1989
Ord 91-35	SSDP/PUD/CUP (Harbourside Marina Services and Condo)	10/28/1991
Ord 92-43	Administrative Amendment (fees)	12/14/1992
Ord 95-02	Administrative Amendment (enforcement)	3/13/1995
City of Bainbridge Island SMP (Applicable Island-wide since 11/26/1996)		
Ord 95-25	Comprehensive Update (initial adoption of draft SMP)	N/A
Ord 96-38	Comprehensive Update (final adoption)	11/26/1996
Ord 2001-32	SSDP Moratorium	8/20/2001
Ord 2001-34	SSDP Moratorium	9/3/2001
Ord 2001-45	SSDP Moratorium	10/22/2001
Ord 2002-29	SSDP Moratorium	8/26/2002
Ord 2003-13	SSDP Moratorium	2/26/2003
Ord 2003-25	Administrative Amendment (appeals to hearing examiner)	6/17/2003
Ord 2003-30	Limited Amendment (Blakely Harbor docks)	9/22/2003
Ord 2003-34	SSDP Moratorium	8/27/2003
Ord 2005-02	Limited Amendment (map designation change for Ravine Creek estuary and WSF Maintenance Facility)	3/7/2005
Ord 2007-16	Limited Amendment (open water marina in Eagle Harbor)	10/22/2007
Ord 2014-04	Comprehensive Update (state mandated)	7/30/2014
Ord 2016-06	Limited Amendment (aquaculture)	withdrawn
Ord 2020-17	Limited Amendment (nonconforming & critical areas)	3/5/2021

Commented [PB1]: Info: Copy requested from Kitsap County. Not yet received.

**PLACEHOLDER
FOR
TABLE OF CONTENTS**

1.0 Introduction

In June 1971, the Washington State Legislature approved a comprehensive regulatory program for shorelines of the state with the adoption of the Shoreline Management Act of 1971 (“SMA” or “Act”). The Act carried with it provisions for a vote by the people and in November 1972, the people of the State of Washington enacted the Shoreline Management Act (Chapter 90.58 RCW). The Act’s paramount objectives are to protect and restore the valuable natural resources that shoreline represent, and to plan for and foster all “reasonable and appropriate uses”, including single-family development, that are dependent upon a waterfront location or that offer the opportunities for the public to enjoy the state’s shoreline. With this clear mandate, the Shoreline Management Act establishes a planning and regulatory program, initiated at the local level under state guidelines.

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

1.1 Purpose and Intent

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

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

1.3 Development of the City’s Shoreline Management Program

The first City of Bainbridge Island SMP was adopted in 1996 after the City of Winslow annexed the entire Island in March 1991. Prior to annexation, Bainbridge Island’s shorelines were managed under the Kitsap County SMP and the City of Winslow SMP. A table listing all SMP

ordinances is provided in the front of this document and is useful for understanding what requirements applied at any specific time.

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

1.4 Bainbridge Island Shoreline Management Program (SMP)

1.4.1 Title

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

1.4.2 Adoption Authority

This SMP is adopted as the City’s Shoreline Master Program pursuant to Chapter 90.58 RCW and Chapter 173-26 WAC.

Commented [PB2]: Info: This is the only location in the SMP or BIMC the term “Shoreline Master Program” should be used to ensure clarity and consistency with state law.

1.4.3 Shoreline Jurisdiction

1. The geographic scope of the SMP is commonly referred to as “shoreline jurisdiction”, which includes the following (see Figures 1.4.3-1A, 1.4.3-1B, 1.4.3-2, and 1.4.3-3):
 - a. “Shorelands” for tidal waters as defined in WAC 173-22-040(1), as amended.
 - b. “Shorelines” as defined in RCW 90.58.030(2)(e), as amended.
 - c. “Shorelines of State-wide Significance” as defined in RCW 90.58.030(2)(f)(iii), as amended.
2. Pursuant to RCW 90.58.030(2)(c), changes in the ordinary high water mark will be recognized when caused by natural circumstances (e.g. erosion, sea level rise) or in accordance with permits issued by the City consistent with the SMP. Shoreline jurisdiction will move with any changes in the OHWM except when relief is granted by the shoreline administrator in accordance with RCW 90.58.580.

3. When a shoreline jurisdiction boundary shown on any map or drawing conflicts with the definitions and criteria referenced in SMP 1.4.3(1), the definitions and criteria shall govern.

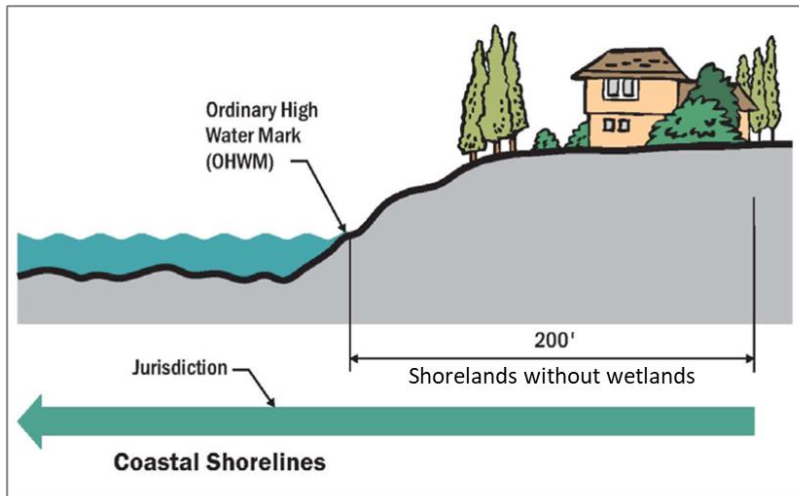
Commented [PB3]: Info: Since shoreline jurisdiction is based on bio-physical lines (e.g. OHWM; associated wetland boundaries), this is long-established practice under the SMA and provides clarity to the user.

1

	MORE INFO – SHORELINE JURISDICTION Shoreline jurisdiction extends waterward to the City’s boundary, which is halfway between Bainbridge Island and the land on the opposite side of the water (see Figure 1.4.3-2). Shoreline jurisdiction extends landward in include: (a) Those lands two hundred feet from the ordinary high water mark as measured on a horizontal plane (see Figure 1.4.3-1A); and (b) Those wetlands which are in proximity to and either influence or are influenced by the tidal water. This influence includes but is not limited to one or more of the following: Periodic tidal inundation; hydraulic continuity; formation by tidally influenced geohydraulic processes; or a surface connection through a culvert or tide gate (see Figure 1.4.3-1B). The “ordinary high water mark” (OHWM) is a bio-physical line (like a wetland boundary) that cannot be defined by a specific tidal elevation, which is why it often needs to be delineated by a qualified professional, like a certified wetland professional. The OHWM must be delineated consistent with the Department of Ecology guidebook Determining the Ordinary High Water Mark for Shoreline Management Act Compliance in Washington State. Staff have yet to observe a site on Bainbridge Island where the OHWM could not be delineated. TIP: Consult with a City shoreline planner if you think the OHWM on your parcel is obvious (e.g. the face of a bulkhead). Staff can waive the requirement for an OHWM delineation in obvious cases, which can save you time and money. More information and requirements regarding delineating wetlands can be found in SMP Section 4.1.5.12. NOTE: Shoreline jurisdiction on Bainbridge Island does not include lakes or streams.
---	---

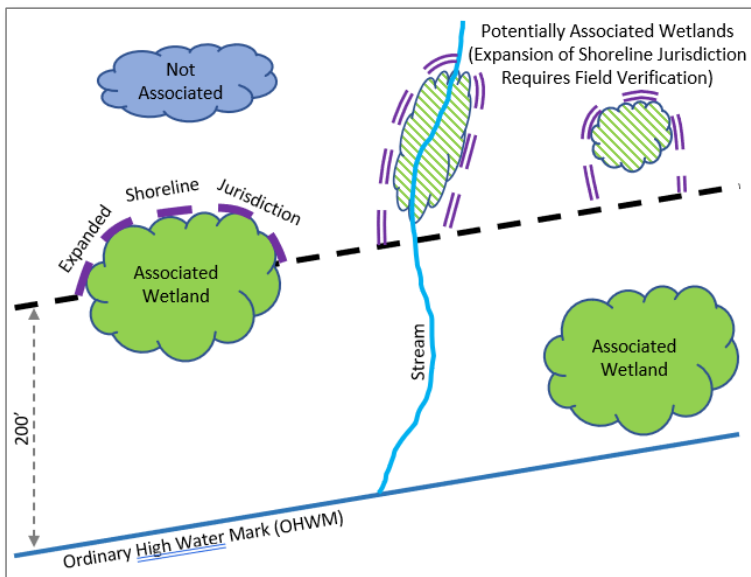
2

Figure 1.4.3-1A. Landward Boundary of Shoreline Jurisdiction without Wetlands



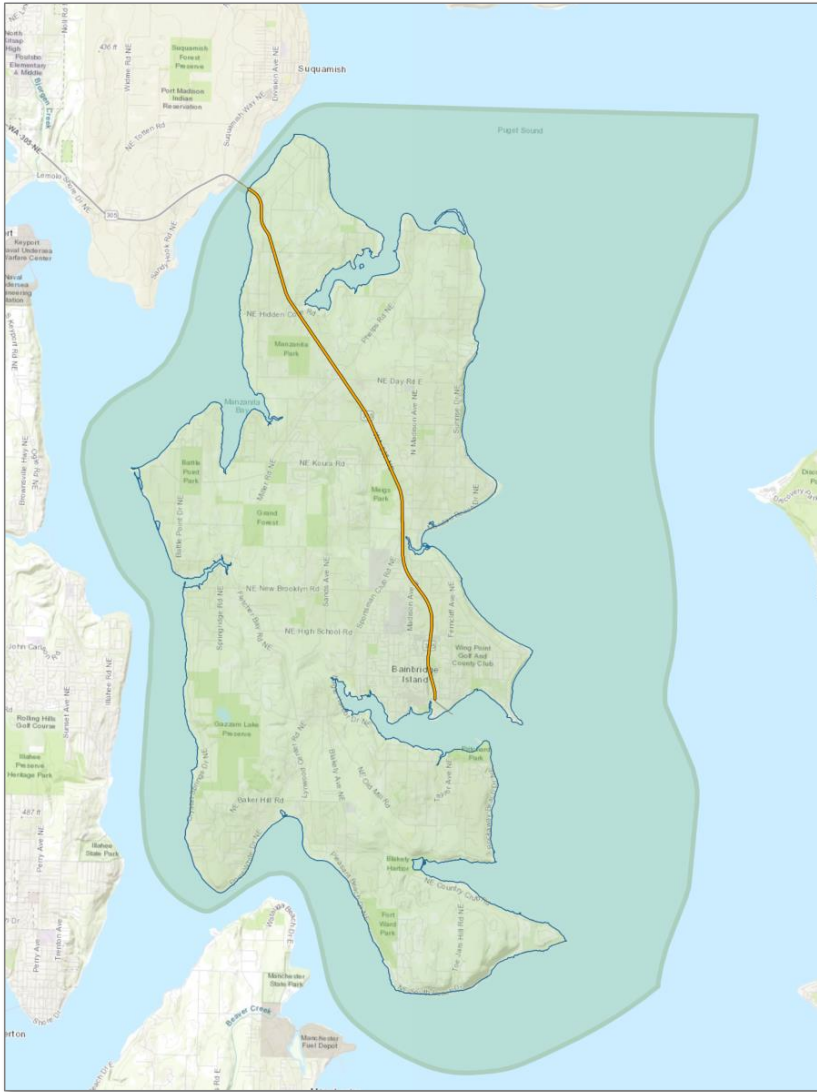
(Source: WA Dept of Ecology Shoreline Master Programs Handbook, Dec 2017)

Figure 1.4.3-1B. Expansion of Shoreline Jurisdiction for Associated Wetlands



(Credit: Adapted from Ecology's Shoreline Master Programs Handbook, Dec 2017)

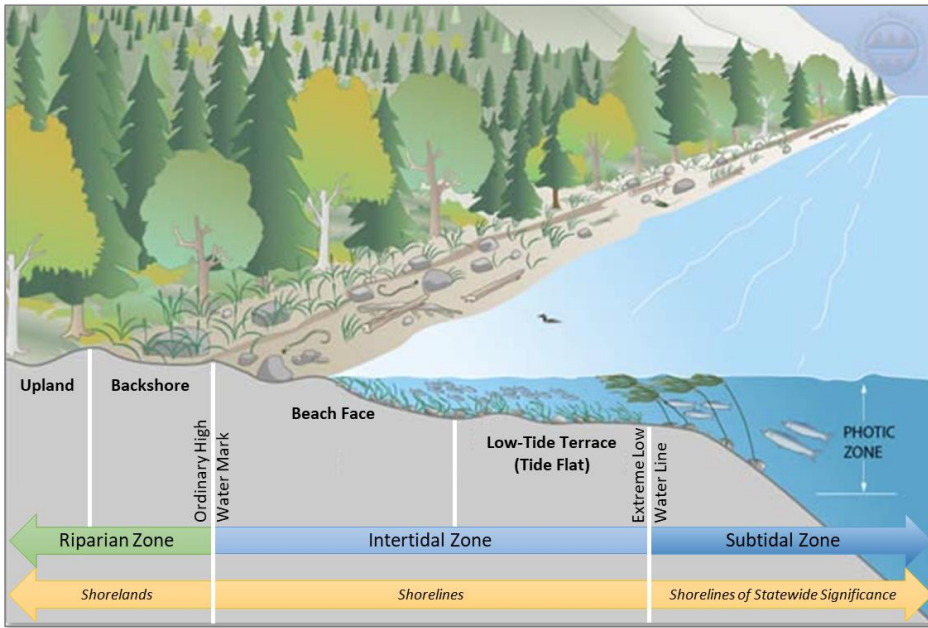
Figure 1.4.3-2. Waterward Boundary of Shoreline Jurisdiction



Page 1-5

Department Draft - 7/29/2021

Figure 1.4.3-3. Shoreline Jurisdictional Areas at the Land/Water Interface



(Credit: Adapted by COBI using a graphic originally created by King County)

1.4.4 Shorelines of State-wide Significance Policies

The Shoreline Management Act of 1971 designated certain shoreline areas as shoreline of state-wide significance (SSWS). Because these shorelines are resources from which all people in the state derive benefit, preference is given to uses which favor public and long-range goals. Proposed development, use, and activity within shorelines of statewide significance shall be reviewed in accordance with the following policies (listed in order of preference). The Administrator may reduce, alter, or deny proposed development, use, or activity to satisfy the policy.

1. Recognize and protect the state-wide interest over local interest.
 - a. Solicit comments and opinions from groups and individuals representing state-wide interests by circulating the SMP, and any amendments thereof affecting Shorelines of State-wide Significance, to state agencies, adjacent jurisdictions, citizen's advisory committees, local officials, and state-wide interest groups.
 - b. Recognize and take into account state agencies' policies, programs, and recommendations in developing and administering use regulations, and in approving shoreline permits.

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

1.4.5 Relationship to Other Plans and Regulations

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

1. In addition to compliance with the provisions of the Shoreline Management Act of 1971 (also called “the Act”; RCW 90.58) and the State Master Program Approval/Amendment Procedures and Master Program Shoreline Guidelines (the “Guidelines” or “Shoreline Master Program Guidelines”; WAC 173-26), this SMP must be consistent with local plans and policy documents, specifically, the City’s Comprehensive Plan and the City’s critical areas regulations. This SMP must be consistent with the regulations developed by the City to implement its plans, such as the zoning code and subdivision code, as well as regulations relating to building construction and safety.
2. Uses and developments regulated by this SMP may also be subject to other provisions of the Bainbridge Island Municipal Code, the City of Bainbridge Island Comprehensive Plan, the Washington State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC), Chapter 173-27 WAC Shoreline Management Permit and Enforcement Procedures, and other local, state, and federal laws. BIMC Title 18 (Zoning), or its successor, applies to shoreline parcels.
3. Project proponents are responsible for complying with all applicable laws prior to commencing any use, development, or activity.
4. Where this SMP makes reference to any RCW, WAC, or other state or federal law or regulation the most recent amendment or current edition shall apply.
5. Where provisions of this SMP or other provisions in BIMC conflict, the conflict shall be resolved by the Director of Planning and Community Development by applying the provision that provides the most protection of shoreline ecological functions consistent with the purposes and intent of the Shoreline Management Act. If the Director’s decision is made in response to a code interpretation request filed under BIMC 2.16.020.D, the decision shall be appealable in the same manner as other code interpretations. If the Director’s decision is made in the processing of a development permit, the Director’s decision shall be appealable as part of the permit decision.
6. In the event of a conflict between the provisions of this SMP and the laws, regulations, codes, or rules of any other authority having jurisdiction within the City, the regulations that provide more protection to the shoreline area shall apply, except when constrained by federal or state law, or where specifically provided otherwise in this SMP.
7. Other activities that could occur along the shoreline (starting bonfires, disposing or spilling/releasing of regulated or hazardous waste products, use of pesticides, activities within wetlands) may require other permits, review, or approval not identified here.

1.4.6 Applicability

1. The provisions of this SMP apply to both existing and new development, uses, lots, and activities.
2. All proposed uses and development occurring within shoreline jurisdiction must be consistent with Chapter 90.58 RCW, the Shoreline Management Act and this SMP.
3. Uses and activities that do not meet the definition of development may be subject to the provisions and regulations of this SMP.
4. This SMP shall apply to every individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other entity which develops, owns, leases or administers lands, wetlands, or waters that fall under the jurisdiction of the Act.
5. Applicability of this SMP to federal lands and agencies shall be consistent with WAC 173-27-060.
6. The “policies” in this SMP provide broad guidance and direction and will be used by the City in applying the “regulations.”

1.4.7 Administrative Procedures

The administrative, enforcement, and permit review procedures applicable to this SMP are adopted separately from the SMP consistent with WAC 173-26-191(2)(a)(iii)(C). This allows the City to revise local administrative procedures (fees, application meetings, authority of Administrator, etc.) without another formal SMP amendment process.

Administrative provisions must still be consistent and remain consistent with the related provisions in the Shoreline Management Act and state shoreline rules (WAC’s). In the event of a conflict, the state RCW or WAC, as amended, will prevail over the City’s administrative provisions.

SMP administrative procedures are part of the Bainbridge Island Municipal Code, BIMC 1.26, Code Enforcement, and BIMC 2.16.165, Shoreline Management Program Administration.



MORE INFO

Applicants can find permitting procedures and requirements primarily in [BIMC 2.16.165](#) (SMP Administration), including decision criteria, time limits, and appeals. Additionally, shoreline permits are subject to the procedures and requirements in:

- [BIMC 2.16.010](#) - Land Use Procedures Summary Table
- [BIMC 2.16.020](#) - General Provisions
- [BIMC 2.16.030](#) - Administrative Review – In General
- [Administrative Manual – Planning Permit Submittal Requirements](#)
- [Fee Schedule](#)

Additional resources and guidance can be found on the City’s [SMP website](#).

1.5 Restoration Planning

To achieve island-wide improvements in ecological functions and ecosystem-wide processes as required by WAC 173-26-201(2)(f) and meet the no net loss standard of WAC 173-26-201(2)(c), the City developed a Restoration Plan that guides improvements of degraded shoreline areas over time by restoring shoreline ecological functions and processes over time. The Restoration Plan is linked to the goals and policies of Section 4.6, Shoreline Restoration and Enhancement, and is intended to be accomplished through voluntary and incentive-based public and private programs that restore and enhance shoreline areas identified and prioritized for improvement.

The Restoration Plan provides the following information for shoreline improvements:

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



HELPFUL RESOURCES

Incorporating restoration and enhancement in shoreline development projects is a growing trend, especially when a bulkhead is failing or a property is being redeveloped. Bainbridge Island residence can get assistance with shoreline restoration and enhancement from the City's Shoreline Stewardship Program and the Kitsap Shore Friendly program. If you are interested in learning more about shoreline restoration on Bainbridge Island, Kitsap County, and the Puget Sound region, the following will be valuable resources:

- [Bainbridge Island Shoreline Restoration Plan](#)
- [Shore Friendly](#)
- [West Sound Ecosystem Recovery](#)
- [Puget Sound Ecosystem Recovery](#)

1.6 Master Goal

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

2.0 Shoreline Inventory and Characterization

2.1 Bainbridge Island's Shorelines

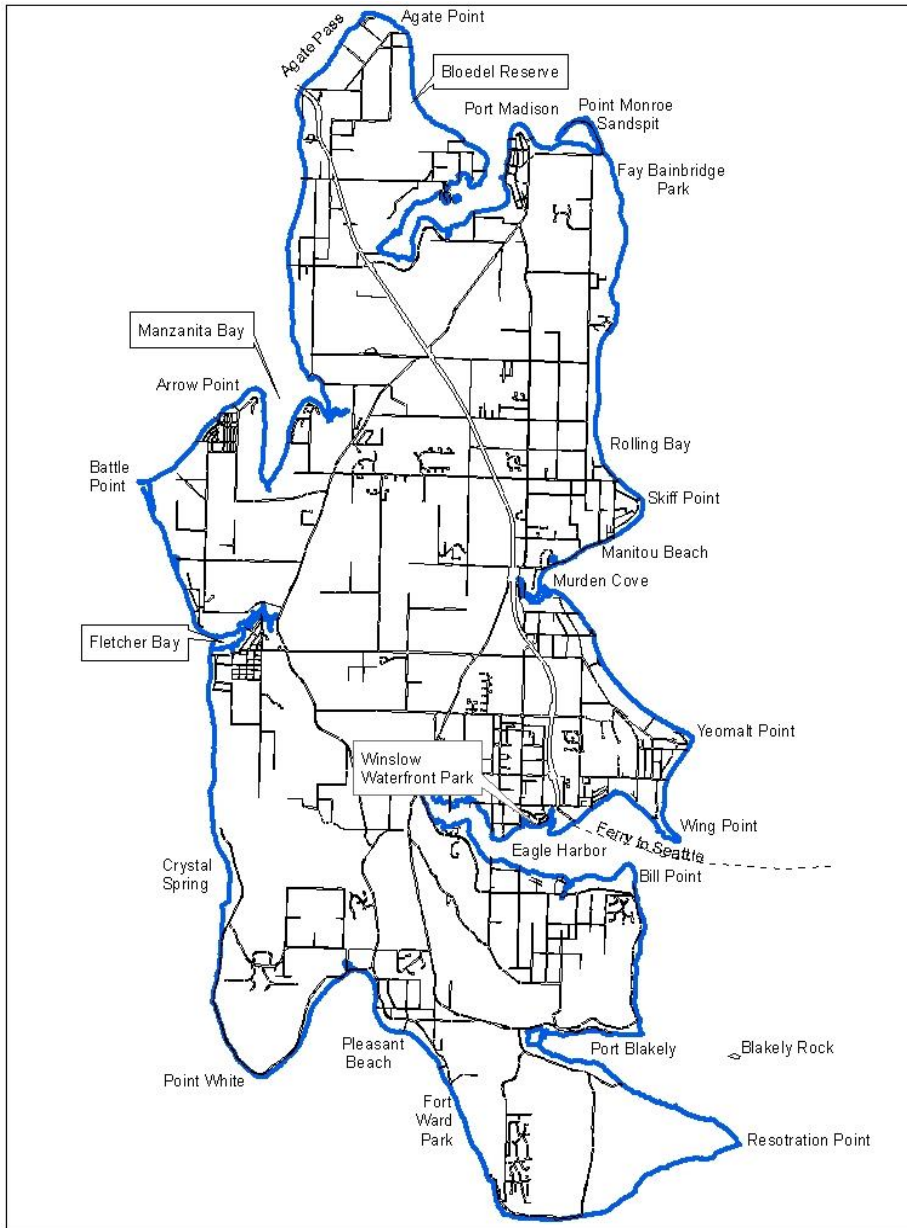
Bainbridge Island has approximately 53 miles of shoreline. It has seven harbors or bays, each having a long and interesting history and a wide variety of uses. Eagle Harbor has the most activity, including a ferry terminal, a boatyard, numerous marinas and a public boat launch, waterfront parks, a Superfund site, commercial uses, mixed uses, multi-family uses, detached homes, and a live-aboard community. Most of Bainbridge Island's shorelines have been developed with single-family residences, from small summer cabins to large mansions. At the north end of the island is a large sand spit called Point Monroe, while at the south end is Restoration Point, composed of raised bedrock located on the Seattle fault.

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

Located on the eastern border of Kitsap County, Bainbridge Island is connected to the rest of Kitsap County by one bridge and to Seattle (King County) by a 35-minute ferry ride. Because of its proximity to Seattle, the island has close cultural and economic ties to Seattle.

1

Figure 2.1. Bainbridge Island Shoreline Placenames



2

Commented [PB4]: Add:
Kitsap County shoreline in background
Puget Sound label (to East)
Rockaway Beach label
Tolo Lagoon label
Little Manzanita Bay label
Port Madison Bay label
Hidden Cove label
Port Orchard Passage label
Rich Passage label
Beans Bight label
Pigott Point ??

Rephrase
From "Port Blakely" to "Blakely Harbor"

Remove
Fay Bainbridge Park
Fort Ward Park
Winslow Waterfront Park
Bloedel Reserve

2.2 Inventory and Characterization

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

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

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

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



HELPFUL RESOURCES

The Bainbridge Island inventory and characterization documents are available on the City’s [SMP webpage](#).

3.0 Shoreline Designation Policies and Regulations

3.1 General

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

3.1.1 Shoreline Designation Map

1. The official Bainbridge Island Shoreline Designation Map (Figure A-2) shall be in the custody of the Department of Planning and Community Development and shall be available for public inspection during normal business hours. The purpose of the map is to depict those areas of Bainbridge Island within the jurisdiction of the SMP, the various shoreline designations, special districts, and other important shoreline regulatory features.
2. Special districts within shoreline jurisdiction include the following:
 - a. Point Monroe District (PMD)
3. The Department shall make reasonable efforts to update the shoreline designation map and any derivative maps to reflect changes in:
 - a. The location of the ordinary high water mark consistent with SMP 1.4.3(2).
 - b. The location of "associated wetlands" consistent with WAC 173-22, as amended.
4. When a shoreline designation map update pursuant to (3) above alters the boundary of a shoreline designation, the existing shoreline designations shall be adjusted based on the rules in SMP 3.1.2(1)(a) through (d).
5. Shoreline designation map updates pursuant to (3) and (4) above shall be exempt from the requirements of BIMC 2.16.200 (SMP amendments).
6. The Department shall maintain a log of all changes to the shoreline designation map.

Commented [PB5]: Info: Since shoreline jurisdiction shifts with bio-physical boundaries (OHWM, associated wetlands) - see SMP 1.4.3 - this proposed change will allow the Department to make administrative updates to the map which only shifts existing shoreline designations and does not change shoreline designations. This will keep the map reasonable accurate for the benefit of all users without each update needing a long SMP amendment process.



HELPFUL RESOURCES

Shoreline designations are available in PDF format and in interactive GIS format in the City's [Map Gallery](#). Staff recommend the online GIS format which includes other data layers that can be turned on and off to provide additional information and context.

3.1.2 Designation Boundaries

1. Where the shoreline ~~jurisdiction or~~ designation is uncertain, the official shoreline designation map shall be used to determine boundary location. If the conflict cannot be resolved using the shoreline designation map, the following rules shall apply:
 - a. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other roadways shall be construed to follow such center lines.
 - b. Boundaries indicated as approximately following lot, fractional section, or other subdivision lines shall be construed as following such subdivision lines.
 - c. Boundaries indicated as parallel to or extensions of features identified in subsections 1 and 2 above shall be so construed.
 - d. When not specifically indicated on the Shoreline Designation Map, distances shall be determined by the scale of the map.
 - e. If there is no designation on the map, then the Residential Conservancy designation applies.
2. Where existing physical or cultural features are at variance with those shown on the Shoreline Designation Map and cannot be determined with certainty by applying subsections 1(a) through 1(c) above, the Department shall determine the location or existence of such feature utilizing any appropriate criteria contained in the SMP.

Commented [P6]: Info: Map/criteria conflicts regarding shoreline jurisdiction are addressed in SMP 1.4.3(3).

3.1.3 Island Conservancy, Residential, and Residential Conservancy Designation Strategy

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

1. For properties zoned single family residential, the default is the Residential designation.
2. Properties within the Winslow Master Plan area will be designated Residential to accommodate the comprehensive plan policy of focusing new residential development into the plan's service area.
3. If less than ten parcels or 1,000 linear feet exist between Residential Conservancy designations, then the properties between the two designations will also be designated Residential Conservancy to avoid fragmented management of ecological functions and ecosystem-wide processes.
4. If a property has a conservation easement and is adjacent to either a Residential Conservancy or Island Conservancy designation, then the property is designated Residential Conservancy.

5. All publicly owned open space or park properties shall be designated Island Conservancy or Natural.

6. All publicly owned saltwater road ends shall be designated Island Conservancy.

3.2 Upland Designations

3.2.1 Urban Designation

3.2.1.1 Purpose

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

3.2.1.2 Designation Criteria

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

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

3.2.1.3 Management Policies

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

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

3.2.2 Residential Designation

3.2.2.1 Purpose

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

3.2.2.2 Designation Criteria

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

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

3.2.2.3 Management Policies

1. Development and new uses should assure no net loss of shoreline ecological function by compliance with:
 - a. Minimum frontage width, setbacks, and buffers;
 - b. Lot coverage limitations;
 - c. Shoreline stabilization standards; and
 - d. Protective measures for vegetation conservation, critical areas and water quality.

Commented [P7]: Info: To improve clarity and avoid using the word "shoreline" in too many different ways, this designation is being renamed from "Shoreline Residential".

2. New development should be permitted only in those shoreline areas that are capable of supporting the proposed use in a manner which protects or enhances the shoreline environment, and reflects the character of the surrounding area such as providing open space and maintaining shoreline vegetation buffers.
3. Public access to shorelines should be required for multi-family residences, apartments, and subdivisions. Common access for single-family residential short subdivisions should be encouraged and should be required where feasible.
4. Recreational developments should provide shoreline areas for community or public open space and public access to shorelines.
5. Access, utilities and public services should be available and adequate to serve existing needs and planned future development.
6. Developments within the Residential designation should be compatible with uses and activities in adjacent designations, including Aquatic and Priority Aquatic.
7. Restoration of shoreline ecological functions and ecosystem-wide processes should be encouraged through non regulatory programs.

3.2.3 Residential Conservancy Designation

3.2.3.1 Purpose

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

3.2.3.2 Designation Criteria

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

1. Areas that are appropriate and planned for water-related or water-enjoyment uses that are compatible with maintaining or restoring ecological functions and processes; or
2. Areas that are not generally suitable for commercial/industrial water-dependent uses or more intensive uses due to the potential impacts these uses may have on the existing shoreline characteristics; and one or more of the following criteria:
 - a. Areas subject to severe biophysical limitations such as:
 - i. Sediment sources for littoral cell (Feeder Bluffs).
 - ii. Flood-prone areas.
 - iii. Geo-hydraulic shoreforms (e.g., accretion beaches, barrier beaches, and sand spits).
 - iv. Wetlands and estuaries

Commented [P8]: Info: To improve clarity and avoid using the word "shoreline" in too many different ways, this designation is being renamed from "Shoreline Residential Conservancy".

- v. Areas important to the maintenance of surface water level groundwater flow, and water quality.
- vi. Biodiversity maintenance.
- b. Areas that retain important ecological functions and processes, even though partially developed.
- c. Areas with valuable historic or cultural features.

3.2.3.3 Management Policies

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

3.2.4 Island Conservancy Designation

3.2.4.1 Purpose

The purpose of the Island Conservancy designation is to accommodate a variety of private or public recreational uses that might have a higher level of impact than would be allowed in the

Natural designation. Uses should incorporate elements compatible with protecting, conserving and restoring ecological functions and ecosystem-wide processes of open space, floodplains or other flood prone areas, and other sensitive lands, and manage valuable historic and cultural resources where they exist.

3.2.4.2 Designation Criteria

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

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

3.2.4.3 Management Policies

1. New recreational uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long-term should be the principal uses. Uses that enhance or result in restoration of ecological functions and ecosystem-wide processes should be strongly encouraged if the use is otherwise compatible with the purpose of the designation, the setting, and with adjacent uses and activities, including aquatic environments.
2. When required by this Program or other land use covenants, public access and public recreation objectives should be implemented whenever feasible and when significant ecological impacts can be mitigated.
3. Uses in the Island Conservancy designation should be limited to those which sustain the shoreline area's physical and biological resources and uses of a nonpermanent nature, except those preferred uses in 3.2.4.3(4) below, that do not substantially degrade ecological functions or natural character of the shoreline area.
4. Water-recreation facilities that do not deplete the resource over time, such as boating facilities, recreational fishing, wildlife viewing trails, and swimming beaches, are preferred uses, provided shoreline resources are conserved over time and significant adverse cumulative impacts to the shoreline are mitigated.

5. Commercial and industrial uses are not permitted except that low intensity, water-oriented commercial uses may be permitted in limited instances where sites possess shoreline conditions and available services to support the development.
6. Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing primary structure or park use (Section 6.2, Shoreline Stabilization) and mitigation is applied, consistent with WAC 173-26-231, Shoreline Modifications. New development should be designed and located to preclude the need for such work.
7. When allowed, new shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed consistent with these guidelines to ensure that the natural shoreline functions and ecosystem-wide processes are protected. Such shoreline modification should be consistent with planning provisions for the restoration of shoreline ecological functions and processes.

3.2.5 Natural Designation

3.2.5.1 Purpose

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

3.2.5.2 Designation Criteria

Areas to be designated Natural shall meet the following criteria:

1. Areas that perform irreplaceable shoreline ecological functions or ecosystem-wide process that would be damaged by human activity, including areas that contain largely undisturbed or restored shoreline features or unique natural features, such as wetlands, estuaries, unstable bluffs, coastal dunes, sand spits, and ecologically intact shoreline habitats, and one or more of the following:
 - a. Wildlife Habitats.
 - i. A shoreline area that provides food, water, or cover and protection for any rare, endangered, or diminishing species, or for significant populations of flora or fauna during critical stages of their life cycle.
 - ii. A seasonal area for concentration of native animals, fish, or fowl such as a migration route, breeding site, rearing ground, or spawning site.
 - b. Areas of Scientific and Educational Value.
 - i. Areas considered to best represent basic ecosystems and geologic types that are of particular scientific and educational interest.
 - ii. Areas which best represent undisturbed natural areas.
 - iii. Areas with established histories of scientific research.

c. Areas of Scenic and Recreational Value

i. Those areas having an outstanding or unique scenic feature in their natural state.

ii. Areas having a high value for wilderness experience.

iii. Areas which in their natural state have a high value for low intensity recreational use.

d. Areas with Restoration Potential.

i. Areas which have been degraded, but which have a high potential of being successfully restored to a natural or near natural condition, or are capable of natural regeneration if left undisturbed.

3.2.5.3 Management Policies

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

a. Residential uses.

b. Agriculture uses.

c. Commercial uses.

d. Industrial uses.

e. Nonwater-oriented recreation.

f. Roads, utility corridors, and parking areas that can be located outside of Natural designated shorelines.

2. Limited access should be permitted for scientific, cultural, educational, and passive recreational purposes, provided that no significant, adverse impact on the area will result.

3. Physical alterations, including new development or significant removal of vegetation, should only be considered when:

a. They serve to protect a significant, unique, or highly valued feature which might otherwise be degraded or destroyed;

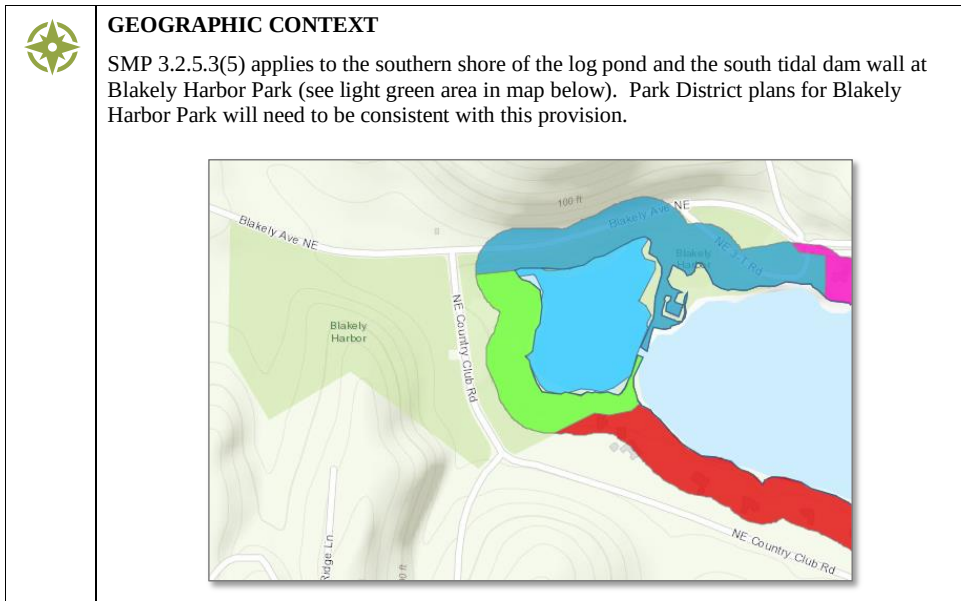
b. When alterations would not result in a net loss of shoreline ecological functions and ecosystem-wide processes;

c. Alterations would not further degrade other shoreline values; and

d. Vegetation removal would not reduce the capability of vegetation to perform normal ecological functions and processes.

4. Uses and activities within the Natural designation should be compatible with uses and activities in adjacent, including aquatic designations.

5. A single active use area should be allowed with appropriate compensatory mitigation to accommodate cultural events and passive recreational uses near the log pond at Blakely Harbor Park.



3.3 Aquatic Designations

3.3.1 Island Aquatic Designation

3.3.1.1 Purpose

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

3.3.1.2 Designation Criteria

Areas to be designated Island Aquatic shall meet the following criteria:

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

3.3.1.3 Management Policies

1. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the restoration objectives, and then only when the impacts are mitigated to assure no net loss of

Commented [P9]: Info: To improve clarity between the broader category of aquatic designations and the "Aquatic" designation, it is being renamed "Island Aquatic".

Commented [P10]: Info: Removed because this is not applicable. If a wetland is below OHWM, then it is either already designated Priority Aquatic or, per 3.3.1.2(1), gets designated Island Aquatic. Therefore, the only wetlands that do not fall under 3.3.1.2(1) are landward of the OHWM and therefore would not qualify for an aquatic designation by definition (because they are not waterward of OHWM).

ecological functions and ecosystem-wide processes. Compatibility between upland and aquatic uses should be confirmed.

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

3.3.2 Priority Aquatic Designation

3.3.2.1 Purpose

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

3.3.2.2 Designation Criteria

Areas to be designated Priority Aquatic shall meet the following criteria:

1. Type 1 (Barrier Estuary, Barrier Lagoons, or Closed Lagoon and Marshes).
 - a. Barrier estuaries include “Fletcher Bay”.
 - b. Barrier lagoons include the “Point Monroe Lagoon” and the “Battle Point Lagoon”.
 - c. Closed lagoons and marshes include the “Wing Point Lagoon” and the “Tolo Lagoon”.
 - d. The upland boundary of Type 1 shall be the ordinary high water mark (OHWM).
2. Type 2 (Salt Marshes and Mud Flats in Open Coastal Inlets).
 - a. Open coastal inlets areas should be designated Priority Aquatic if:
 - i. The area between the OHWM and mean lower low water (MLLW) provides a habitat for at least one quarter (1/4) acre of salt-tolerant vegetation. Vegetated patches may be smaller than one quarter (1/4) acre, but the total vegetated area must be at least one quarter (1/4) acre.
 - ii. At least one quarter (1/4) acre of exposed flats is exhibited between OHWM and MLLW whose sediments are at least thirty (30) percent muds.
 - b. Type 2 shall extend from the OHWM to six (6) feet below mean lower low water (MLLW). If the inlet is less than six hundred (600) feet wide, or less than (6) feet deep at MLLW, the resource should be considered to be a single system encompassing both sides and the channel. In these cases, boundaries should be drawn from the OHWM to a line perpendicular to the average direction of the tidal flow where the criteria are no longer met.
 - d. Parts of tidal inlets that do not fit either criterion, and do not fit other types of Priority Aquatic designation, shall be designated Island Aquatic.
3. Type 3 (Marine Vegetation).

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

4. Type 4 (Other Areas).
Areas, as designated through the SMP amendment process [BIMC Section 2.16.200], whose existing natural state is relatively free of human influence, or in which resources, biological diversity, or other features are particularly sensitive to human activity, or in which unique ecology, historical, archeological, cultural, or educational features merit special protection. Designation under this type shall be based on a report documenting the presence, function, and distribution of the resources in the area to be designated.
5. Priority Aquatic designations of all types shall be categorized as follows:
 - a. The Priority Aquatic A designation is the default classification and is intended to be more protective. Those areas previously designated Aquatic Conservancy are designated Priority Aquatic A.
 - b. The Priority Aquatic B designation is located adjacent to upland areas with a high level of existing development.

3.3.2.3 Mapping and Revising Priority Aquatic Designations

1. The City shall map the limits of the designations with assistance from state resource agencies and other cooperating agencies.
2. Any aquatic area in which actions have been taken under an approved permit that create, restore, or enhance characteristics of the aquatic area that meet any of these criteria shall be designated Priority Aquatic through the amendment process specified in BIMC 2.16.200.
3. Where there is a conflict between the map and criteria, the criteria shall govern provided a report is prepared within three years by a qualified professional verifying that the map is in error. The report will be the responsibility of the party requesting the map change. The City may require a third-party review at the applicant's expense.
4. If areas are determined to be appropriate for Priority Aquatic designation, an amendment processed as specified in BIMC 2.16.200 is required.
5. Consideration under Type 3 may be initiated by any interested person, group, or the City.
 - a. A petition for nomination shall be submitted by an interested person or group.
 - b. The following information shall be used by the City to determine when an area meets the criteria for Priority Aquatic under Type 3:
 - i. Delineation of proposed area, including aerial extent and bathymetric contours.
 - ii. Inventory of submerged aquatic vegetation. Use percent coverage for macro algae and shoot density for eelgrass.
 - iii. Further information, as determined by the Administrator, may be required in addition to the above including but not limited to:
 - A. Relationship of proposed area to nearby ecosystems.
 - B. List of species utilizing the proposed area.
 - C. Abundance and diversity of species in the proposed area.

- c. The City shall keep a record and review data annually to determine whether sites are appropriate for nomination under Type 3. If areas are determined to be appropriate for designation, an amendment processed as specified in BIMC 2.16.200 is required.

3.3.2.4 Priority Aquatic Designation Management Policies

Priority Aquatic A & B Designations

1. The City should develop a program that identifies critical saltwater habitat appropriate for greater protection under the provisions of the Priority Aquatic designation. The SMP should include a process to review citizen petitions for Priority Aquatic designation.
2. In conjunction with the Island-wide shoreline restoration plan (Attachment C), physical alterations should only be considered when they serve to protect or enhance significant, unique, or highly valued features which might otherwise be degraded or destroyed.
3. Protection of shoreline vegetation should be established in all adjacent upland designations to protect the ecological functions, ecosystem-wide processes and characteristics of the Priority Aquatic designation. (See Section 4.1.5, Critical Areas.)
4. Restoration of enhancement of aquatic resources and adjacent uplands is encouraged.

Priority Aquatic A Designations

5. Uses and activities which would potentially degrade or significantly alter the natural or visual character or ecological functions and ecosystem-wide processes of the shoreline should be severely restricted or prohibited and only allowed if adverse impacts can be mitigated to ensure no net loss of ecological functions and processes.
6. Public use and access should be permitted for scientific, cultural, educational, and recreational purposes if such use is compatible with the purposes of this designation and no significant adverse impact to the biological and visual resources of the areas will result. Motorized vessels should not be allowed.
7. Uses and activities adjacent to shorelines designated Priority Aquatic A should be compatible with and not compromise the integrity of the Priority Aquatic designation.
8. A management study of each area should be conducted with appropriate agencies and residents to determine possible refinements to the adopted types, changes in the boundaries of the designated areas, and/or inclusion of additional management strategies.

Priority Aquatic B Designations

9. Uses and activities which would potentially degrade or significantly alter the natural or visual character or ecological functions and ecosystem-wide processes of the shoreline should be limited and only allowed when adverse impacts can be mitigated to ensure no net loss of ecological functions.
10. Public use and access should be permitted for:
 - a. Scientific, cultural, educational purposes;
 - b. Recreational shellfish harvesting of a de minimis nature;
 - c. When vessels are operated to limit wake and noise impacts; and

Ord. No. 2022-01 (SMP Periodic Review) – Exhibit 1

- 1 d. Uses compatible with the purpose of this designation, provided that no significant,
- 2 adverse impact to the biological and visual resources of on the area will result.

1 Appendix A – Shoreline Designation Map



105

Map Amendments

CONTENTS

INTRODUCTION	2
MAP AMENDMENT #1 – POINT MONROE DISTRICT BOUNDARY	3
MAP AMENDMENT #2 – CONSTRUCTION LIMIT LINES	3
MAP AMENDMENT #3 - ASSOCIATED WETLANDS	3
MAP AMENDMENT #4 – SHORELINE MANAGEMENT AREAS	3
MAP AMENDMENT #5 – ZONING.....	3
Figure 1. Point Monroe District Boundary (Reproduced from Ord. 2020-17)	4
Figure 2. Harbor Structure Lines – Port Madison (Reproduced from Ord. 2020-17)	5
Figure 3. Harbor Structure Lines – Eagle Harbor (Reproduced from Ord. 2020-17)	6
Figure 4. Construction Limit Lines – Eagle Harbor (Reproduced from City GIS maps)	7
Legend for Figures 5 through 17 (Information Only)	8
Location Index for Figures 5 through 17 (Information Only)	8
Figure 5. Associated Wetlands – Bloedel Reserve.....	9
Figure 6. Associated Wetlands – Hidden Cove.....	10
Figure 7. Associated Wetlands – Fay Bainbridge.....	11
Figure 8. Associated Wetlands – Murden Cove	12
Figure 9. Associated Wetlands – Hawley Cove	13
Figure 10. Associated Wetlands – Head of Eagle Harbor	14
Figure 11. Associated Wetlands – Blakely Harbor.....	15
Figure 12. Associated Wetlands – Island Center	16
Figure 13. Associated Wetlands – Crystal Springs.....	17
Figure 14. Associated Wetlands – Fletcher Bay	18
Figure 15. Associated Wetlands – Big Manzanita Bay	19
Figure 16. Associated Wetlands – Little Manzanita Bay	20
Figure 17. Associated Wetlands – Agate Passage	21
Figure 18. Shoreline Management Areas 1 and 2	22
Figure 19. Shoreline Management Areas 3.....	23
Figure 20. Shoreline Management Areas 4 & 5	24
Figure 21. Shoreline Management Areas 6 & 7	25
Figure 22. Shoreline Management Areas 8 & 9	26
Appendix A. SMP Handbook, Chapter 5 – Shoreline Jurisdiction	

INTRODUCTION

Shoreline designations are required by the Washington State Shoreline Management Act. Shoreline designations are the equivalent of “zoning” for our coastal areas. A property’s shoreline designation determines what uses are allowed and certain development requirements.

These amendments do not make any substantive changes to the shoreline designations in effect for the City of Bainbridge Island. Rather, these amendments include only housekeeping corrections and clarifications intended to make the Shoreline Designation Map and any derivative maps, including the City’s online geographic information system (GIS) maps, more complete for the benefit of all users.

The current Shoreline Designation Map was first adopted by Ordinance 2014-04 (2014 SMP) and was re-published without change in Ordinance 2020-17 (2021 SMP).

This exhibit includes the following changes to the Shoreline Designation Map:

1. Add the existing Point Monroe District boundary to the shoreline designation map to provide more clarity for all users.
2. Add the existing Harbor Limit Lines and the Eagle Harbor Construction Limit Line to the shoreline designation map and rename them all “Construction Limit Lines” to provide more clarity for all users.
3. Show where shoreline jurisdiction expands to include “associated wetlands”. Shoreline designations boundaries automatically expand to enclose associated wetlands under existing state law. These areas have not previously been shown on shoreline designation maps and are being added to provide more clarity for all users (see additional background information in Appendix A, pages 24-25).
4. Add the existing boundaries for Shoreline Management Areas and Shoreline Reaches from the Bainbridge Island Nearshore Assessment to provide more clarity for all users.
5. Remove all zoning and instead include an informational reference to the Zoning Map and Comprehensive Plan Future Land Use Map. This will avoid inconsistencies when any of these maps are amended in the future.

MAP AMENDMENT #1 – POINT MONROE DISTRICT BOUNDARY

The Shoreline Designation Map, adopted as Appendix A of Exhibit 1 (SMP), is amended to show the existing Point Monroe District boundary, last published in the figure titled “Point Monroe District Shoreline Stabilization Areas” in Appendix E of Exhibit A (SMP) of Ordinance 2020-17 adopted on November 24, 2020, which is reproduced below as Figure 1.

MAP AMENDMENT #2 – CONSTRUCTION LIMIT LINES

- A. The Shoreline Designation Map, adopted as Appendix A of Exhibit 1 (SMP), is amended to show existing Harbor Structure Lines, last published in figures in Appendix E of Exhibit A (SMP) of Ordinance 2020-17 adopted on November 24, 2020, which are reproduced below as Figures 2 and 3.
- B. The Shoreline Designation Map, adopted as Appendix A of Exhibit 1 (SMP), is amended to show the existing Eagle Harbor Construction Limit Line (as modified by the “Suggested Construction Limit Line”), as currently defined on the U.S. Army Corps of Engineers drawing in position of the Department of Planning and Community Development (Reference: File No. E-8-5-6, dated December 22, 1939, approved by the Secretary of War July 2, 1940) and as currently shown in the City’s online GIS maps, which is reproduced below as Figure 4.
- C. Where (A) and (B) overlap in the western portion of Eagle Harbor, the Department shall publish the final map showing only (A) west of “Stetson Spit” and shall ensure a logical closure of any gaps that may result from this process.
- D. All lines resulting from (A), (B), and (C) shall be called Construction Limit Lines for consistency.

MAP AMENDMENT #3 - ASSOCIATED WETLANDS

The Shoreline Designation Map, adopted as Appendix A of Exhibit 1 (SMP), is amended to show the dashed boundaries on Figures 5 through 17.

MAP AMENDMENT #4 – SHORELINE MANAGEMENT AREAS

The Shoreline Designation Map, adopted as Appendix A of Exhibit 1 (SMP), is amended to show the existing boundaries of the Shoreline Management Areas and Shoreline Reaches published in figures in *Bainbridge Island Nearshore Habitat Characterization & Assessment, Management Strategy Prioritization, and Monitoring Recommendations* (Williams, et al. 2004), which are reproduced below as Figures 18 through 22.

MAP AMENDMENT #5 – ZONING

The Shoreline Designation Map, adopted as Appendix A of Exhibit 1 (SMP), is amended to remove all zoning and instead shall include an informational reference to the Zoning Map and Comprehensive Plan Future Land Use Map.

Figure 1. Point Monroe District Boundary (Reproduced from Ord. 2020-17)



Figure 2. Harbor Structure Lines – Port Madison (Reproduced from Ord. 2020-17)



Figure 3. Harbor Structure Lines – Eagle Harbor (Reproduced from Ord. 2020-17)

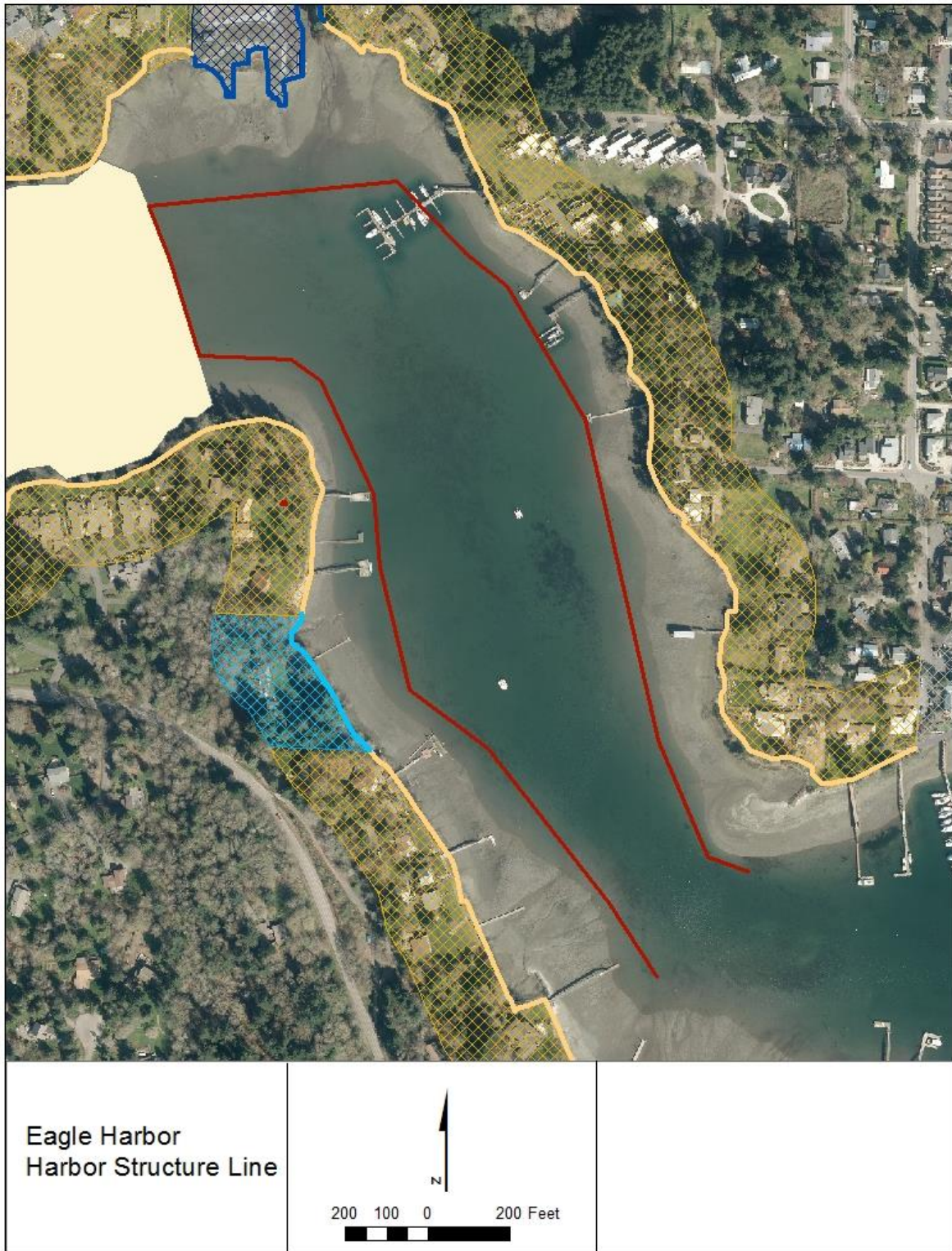
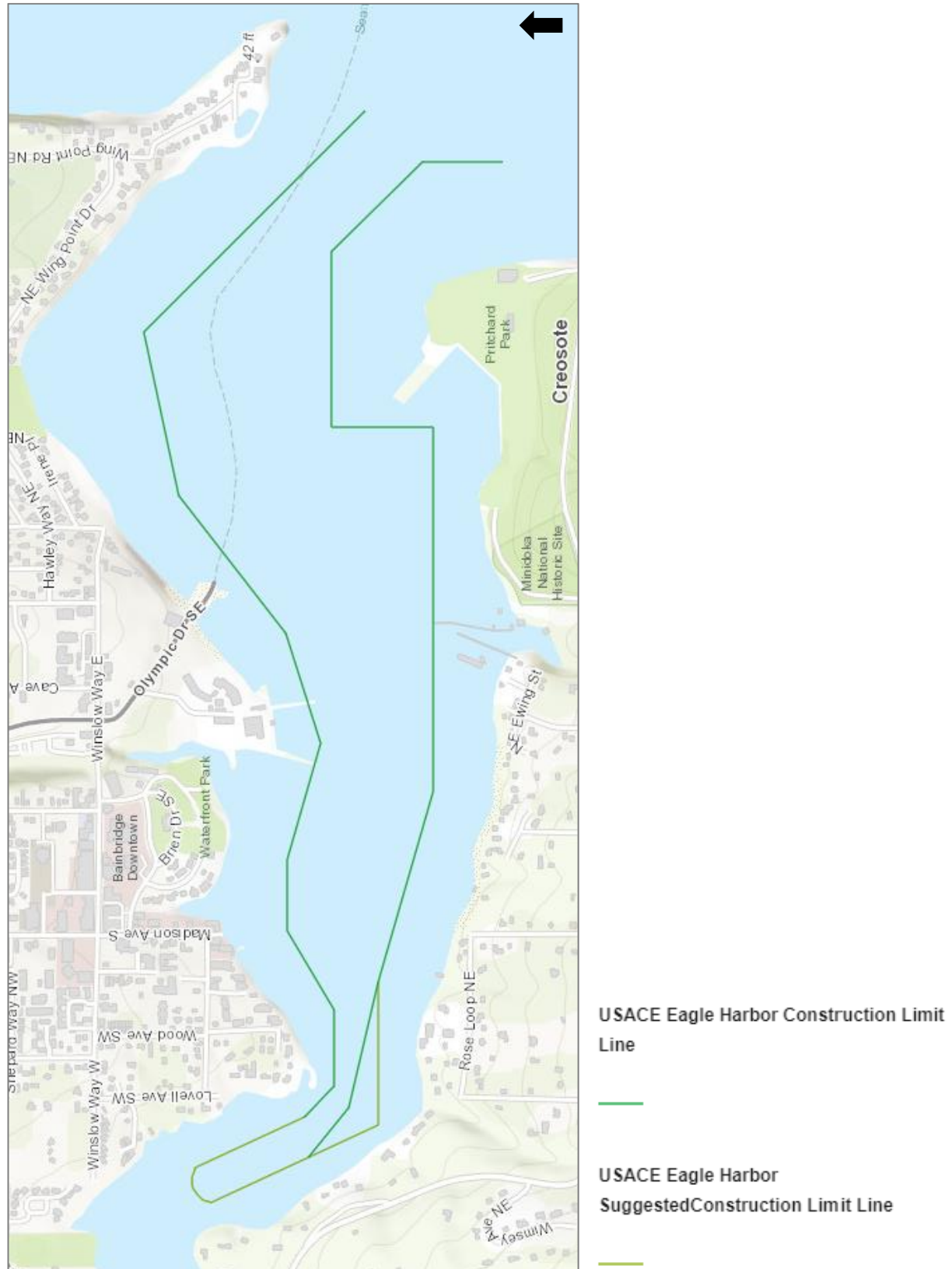
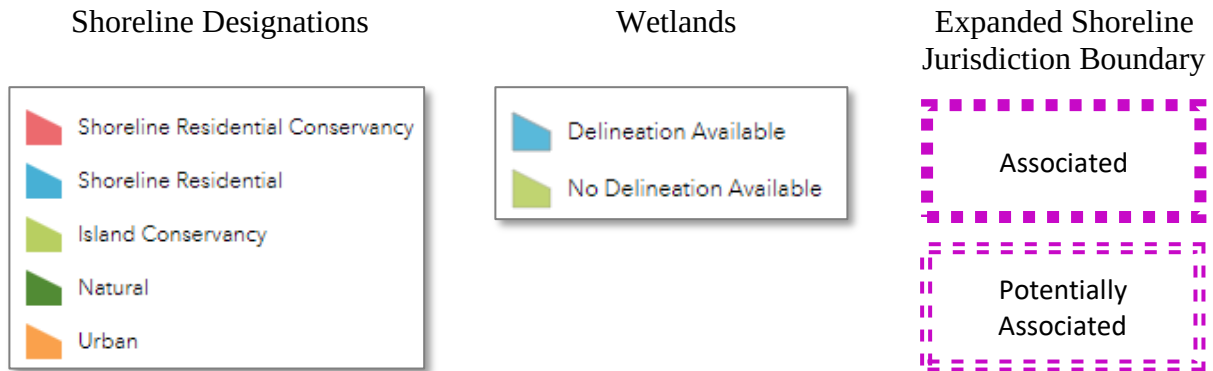


Figure 4. Construction Limit Lines – Eagle Harbor (Reproduced from City GIS maps)



Legend for Figures 5 through 17 (Information Only)



Location Index for Figures 5 through 17 (Information Only)

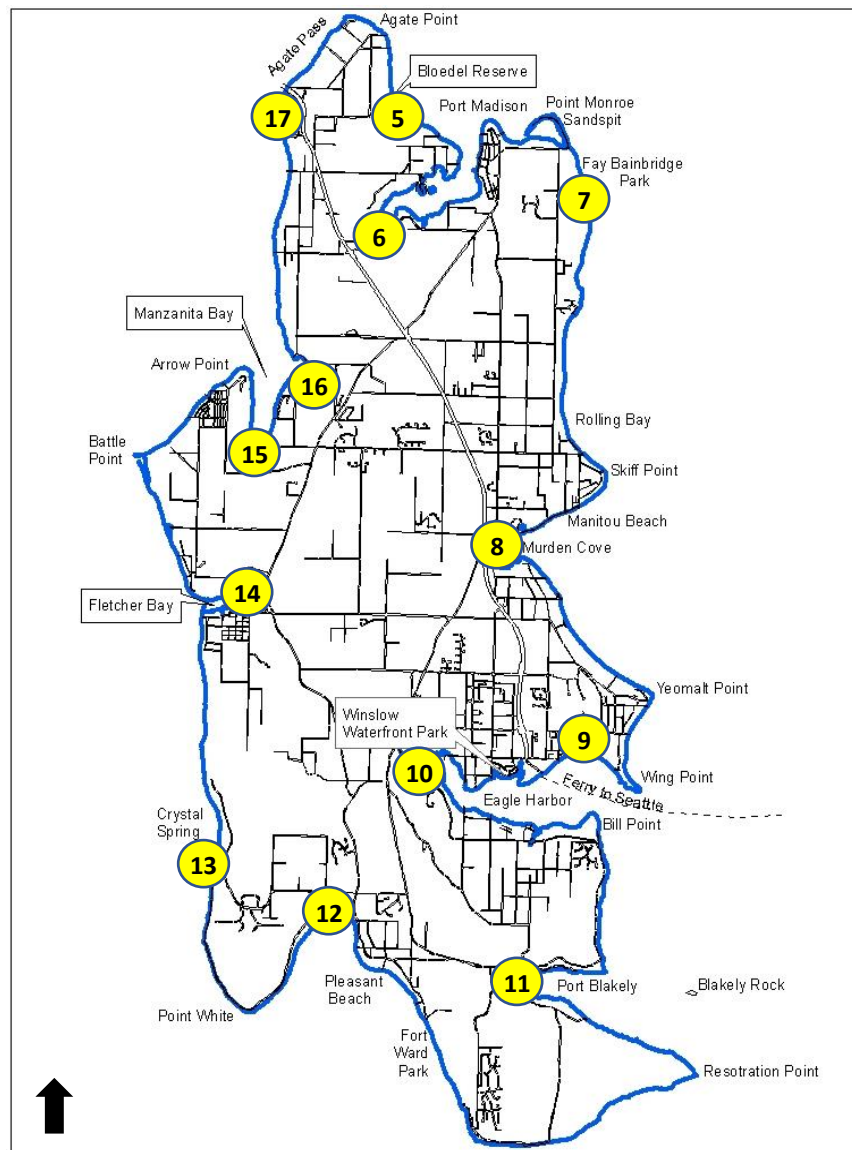


Figure 5. Associated Wetlands – Bloedel Reserve

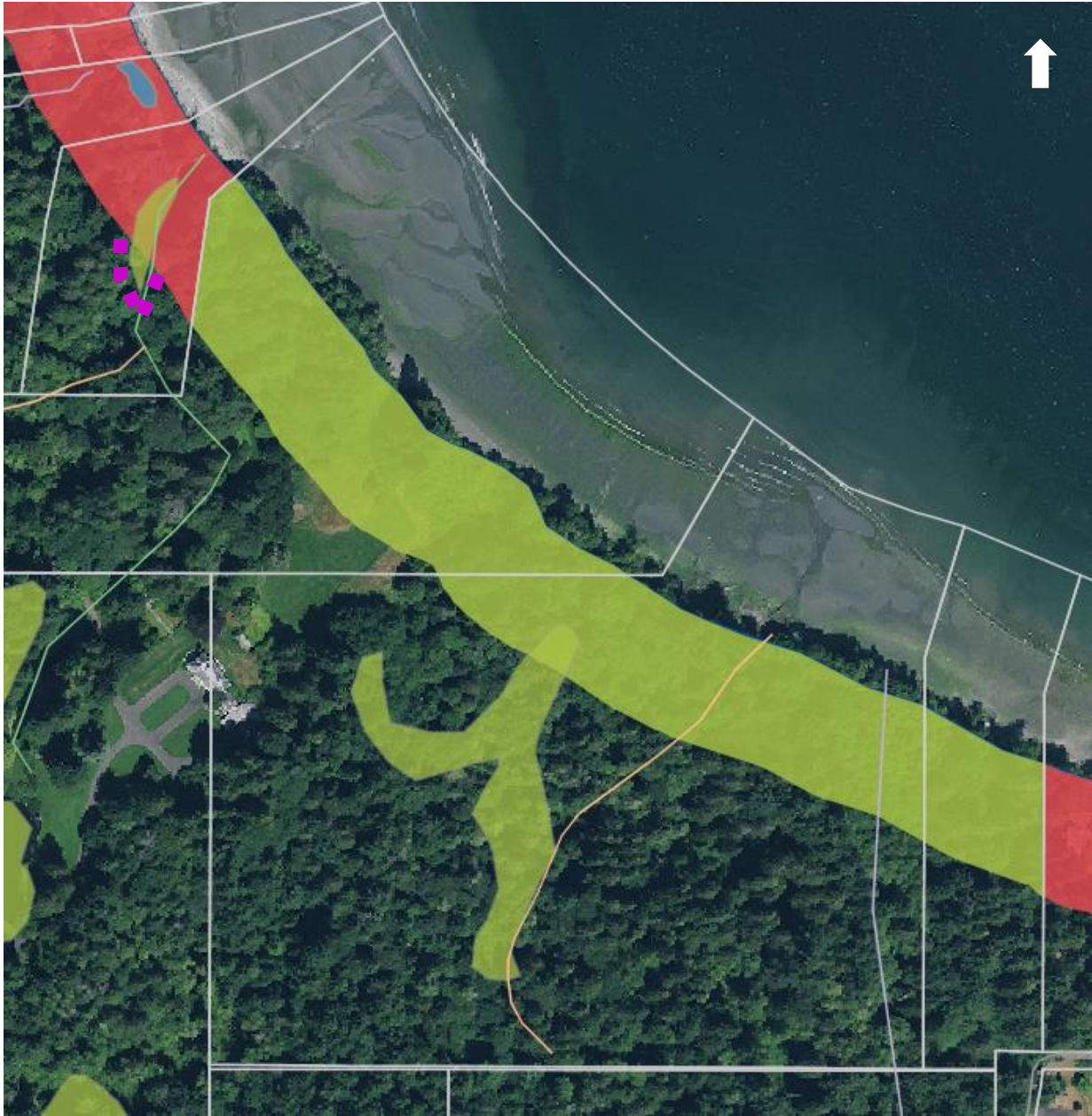


Figure 6. Associated Wetlands – Hidden Cove

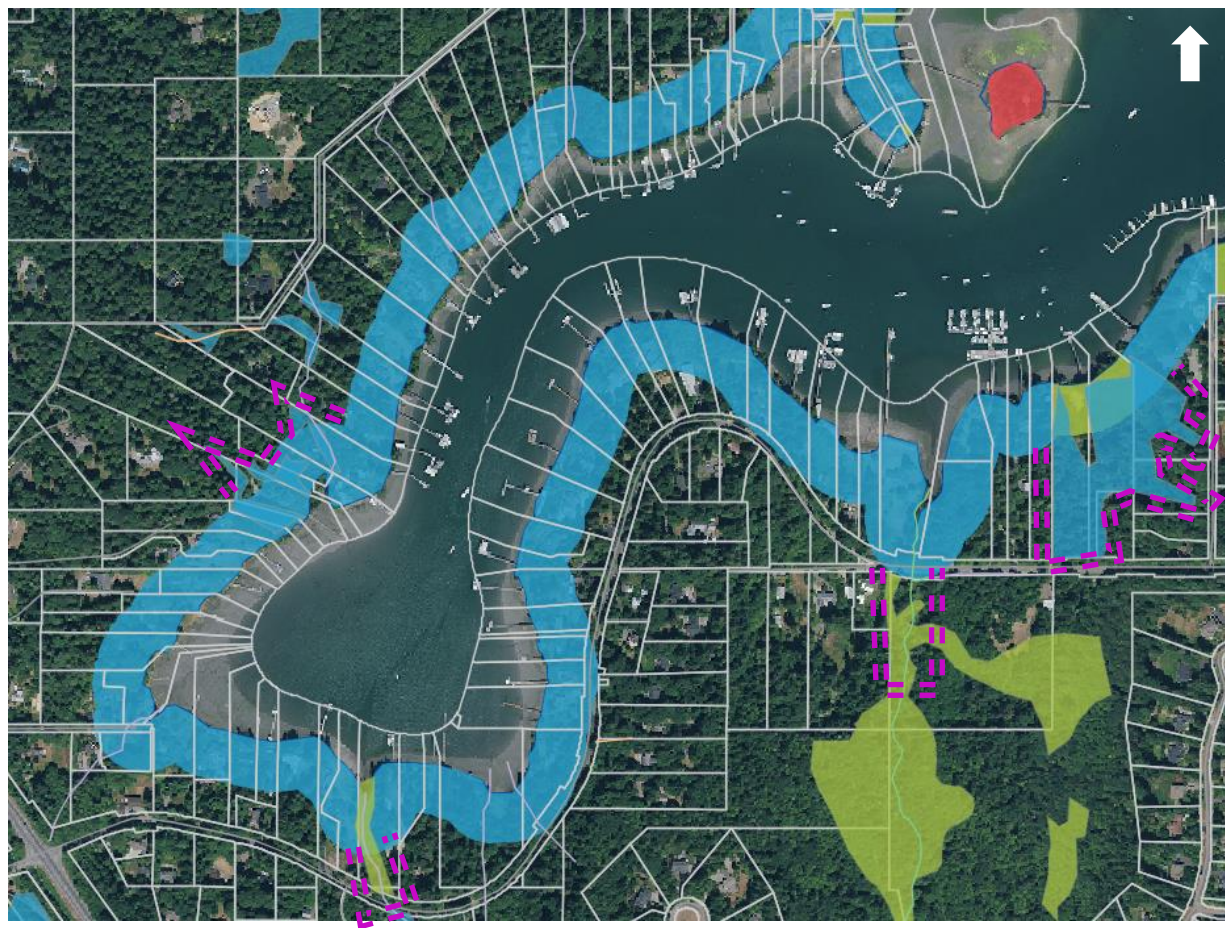


Figure 7. Associated Wetlands – Fay Bainbridge

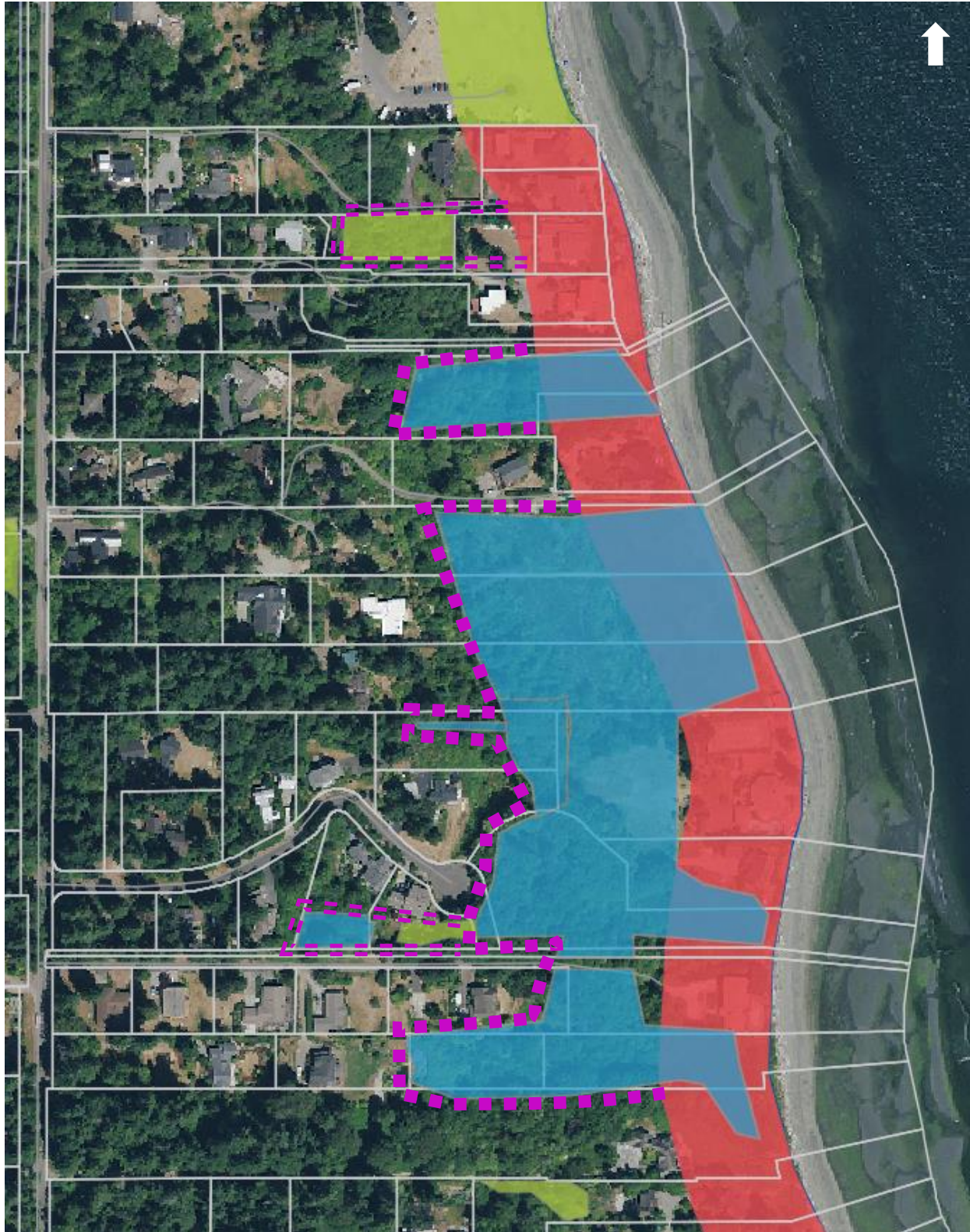


Figure 8. Associated Wetlands – Murden Cove

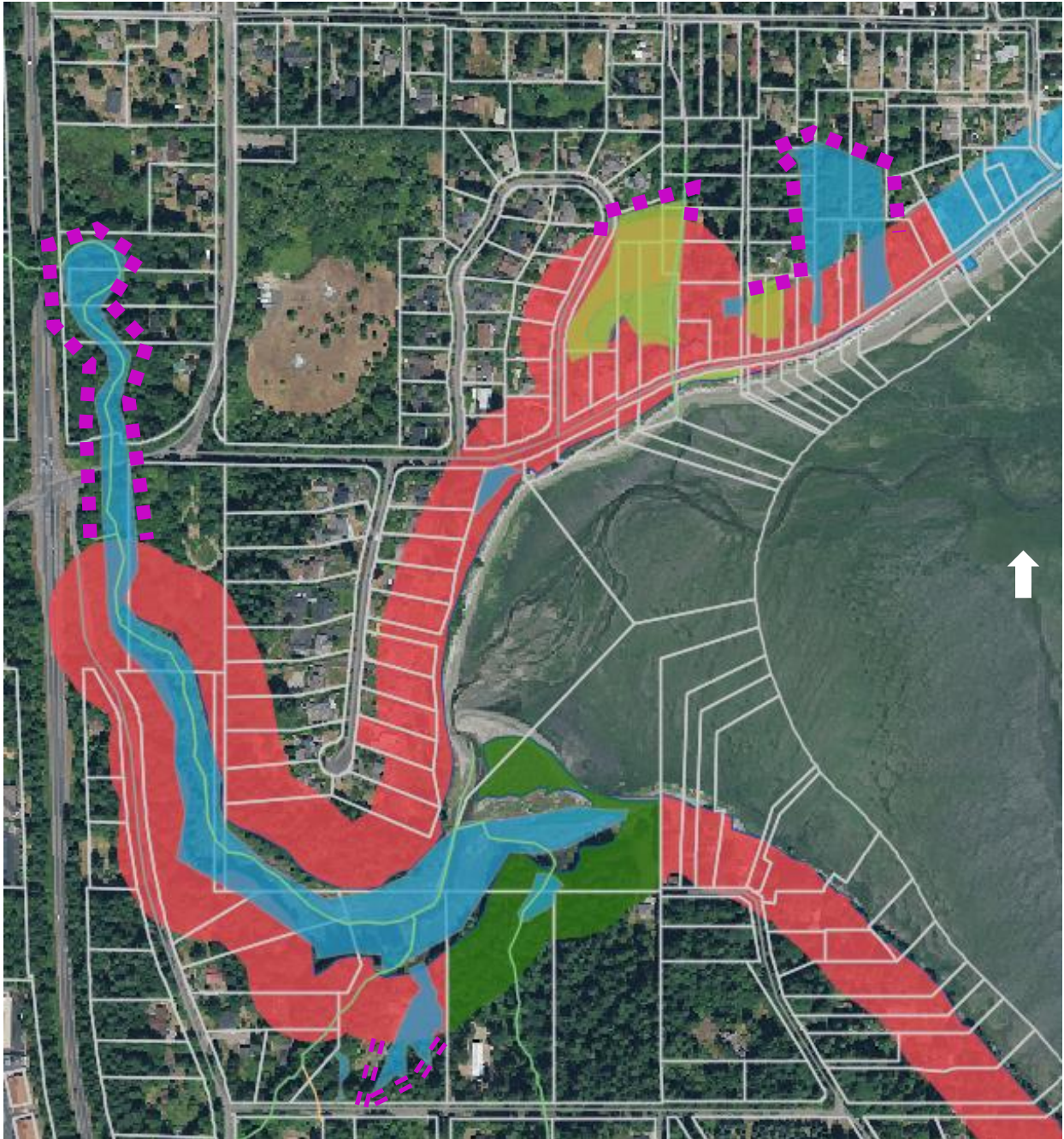


Figure 9. Associated Wetlands – Hawley Cove



Figure 10. Associated Wetlands – Head of Eagle Harbor

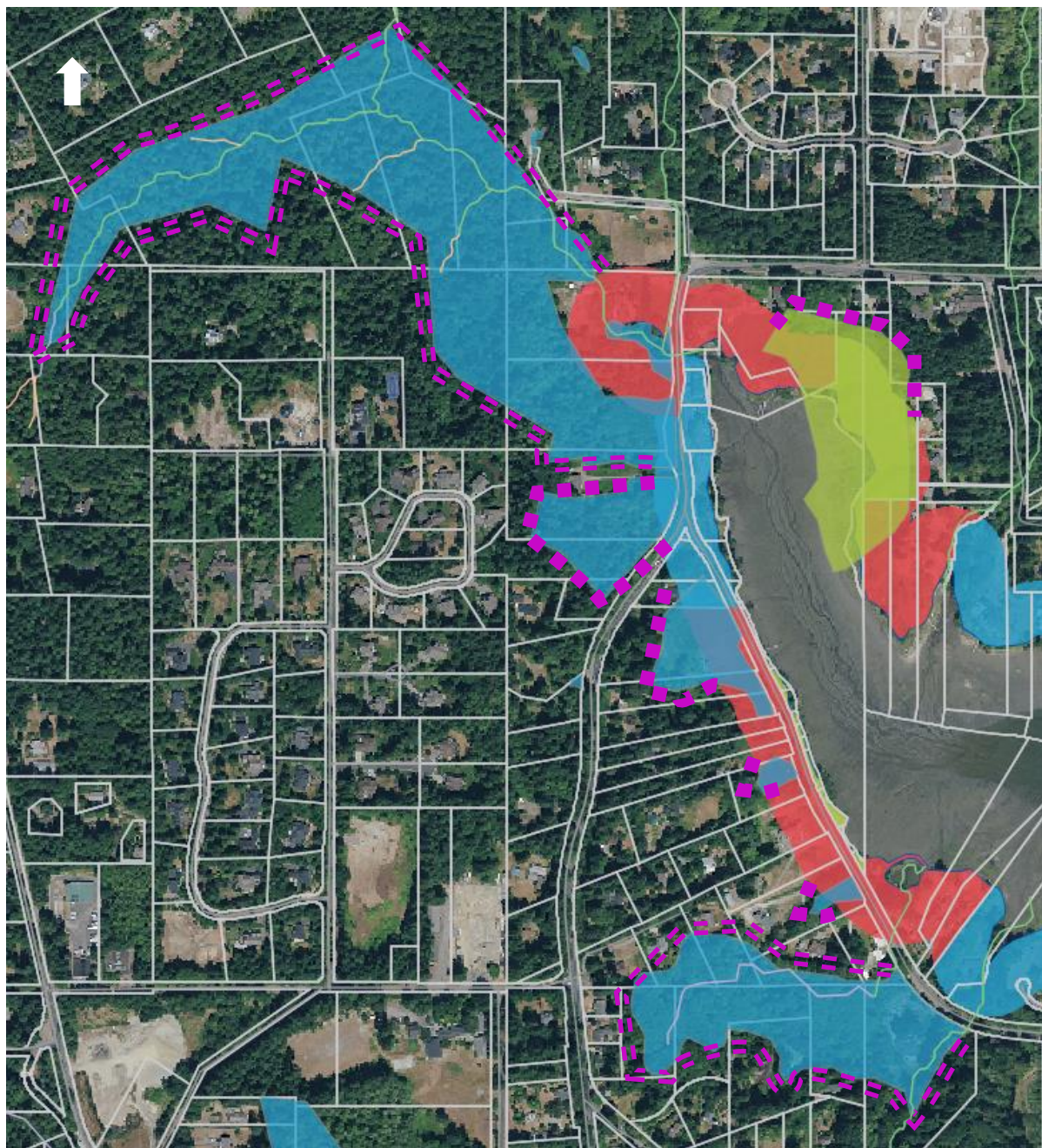


Figure 11. Associated Wetlands – Blakely Harbor

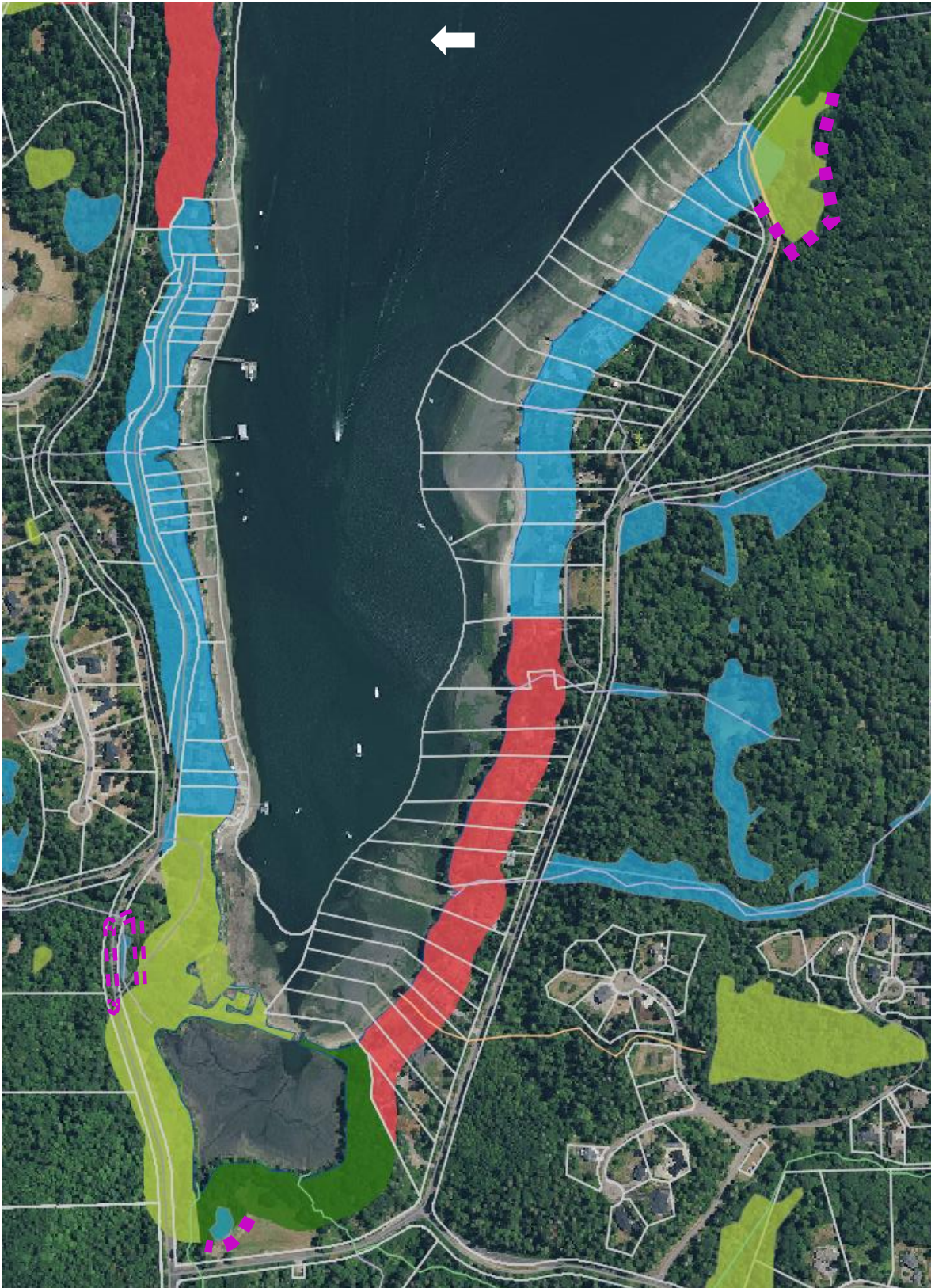


Figure 12. Associated Wetlands – Island Center

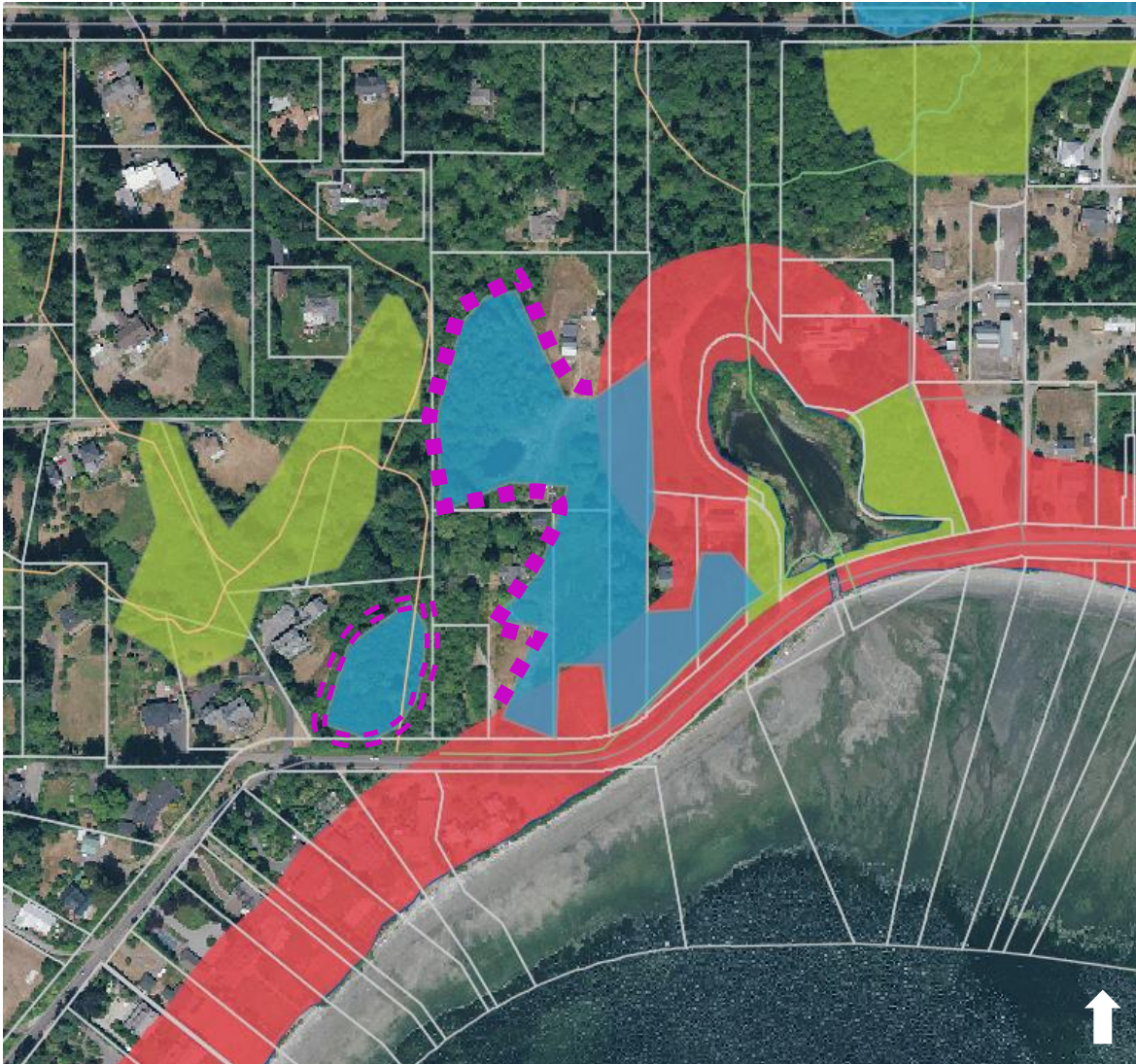


Figure 13. Associated Wetlands – Crystal Springs



Figure 14. Associated Wetlands – Fletcher Bay

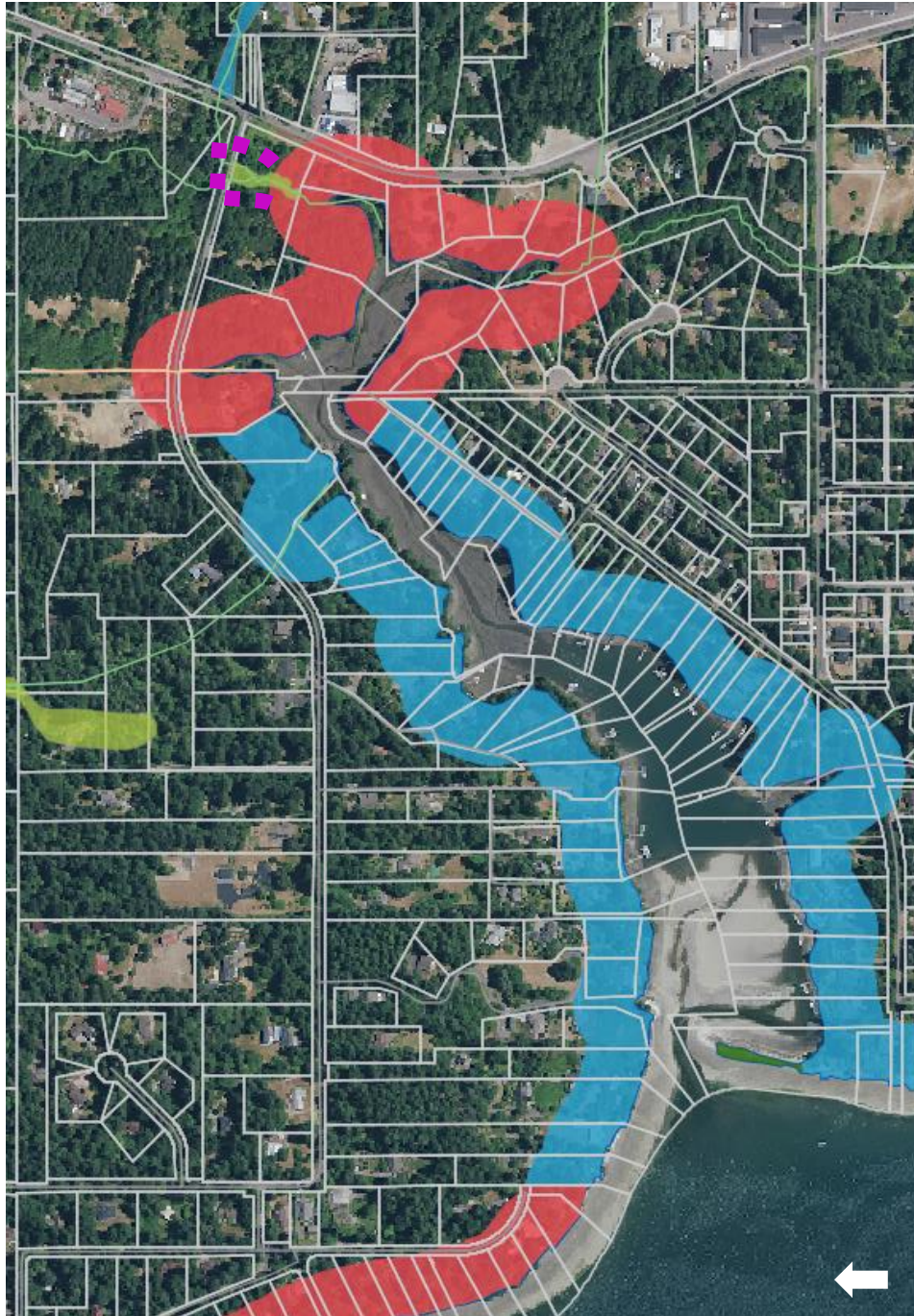


Figure 15. Associated Wetlands – Big Manzanita Bay

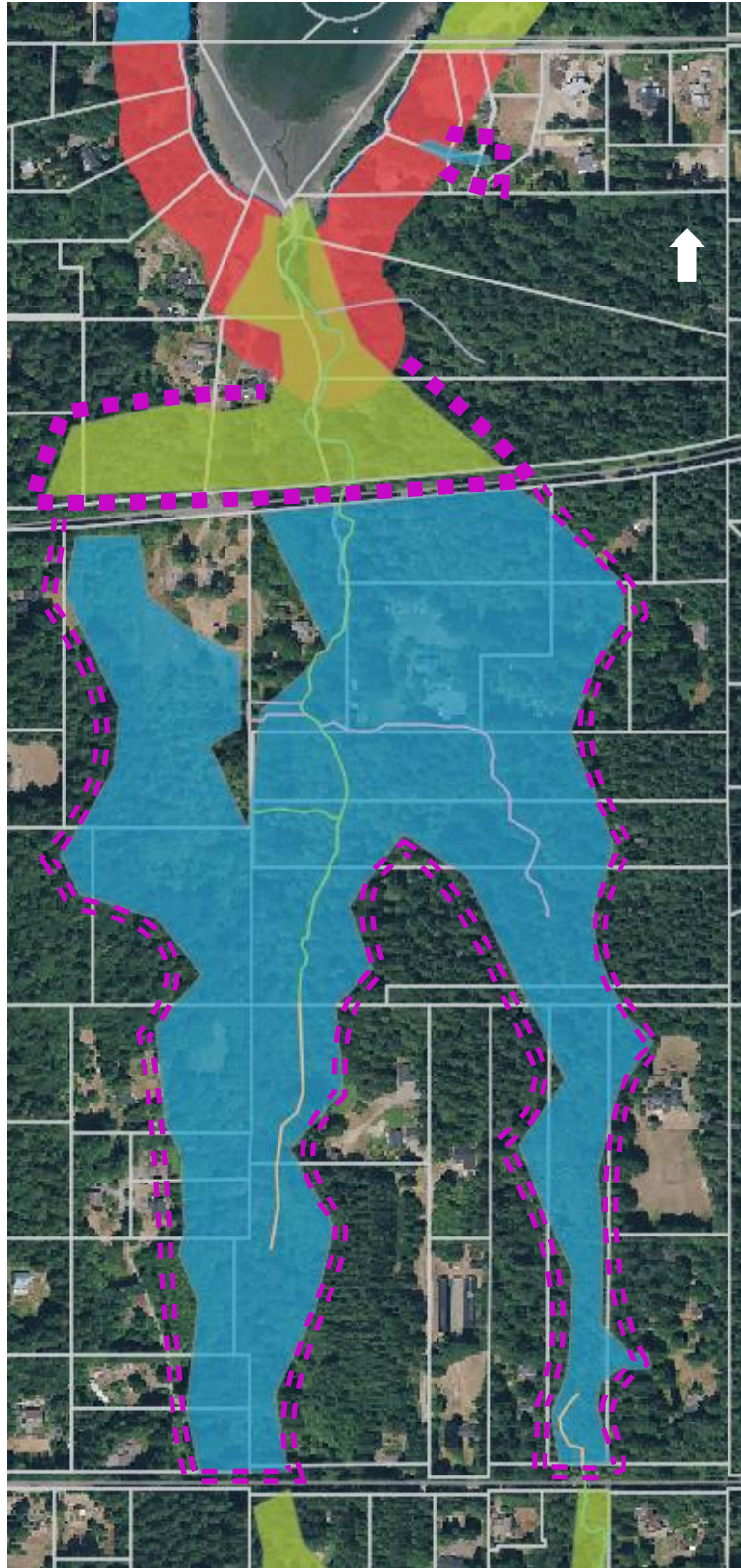


Figure 16. Associated Wetlands – Little Manzanita Bay

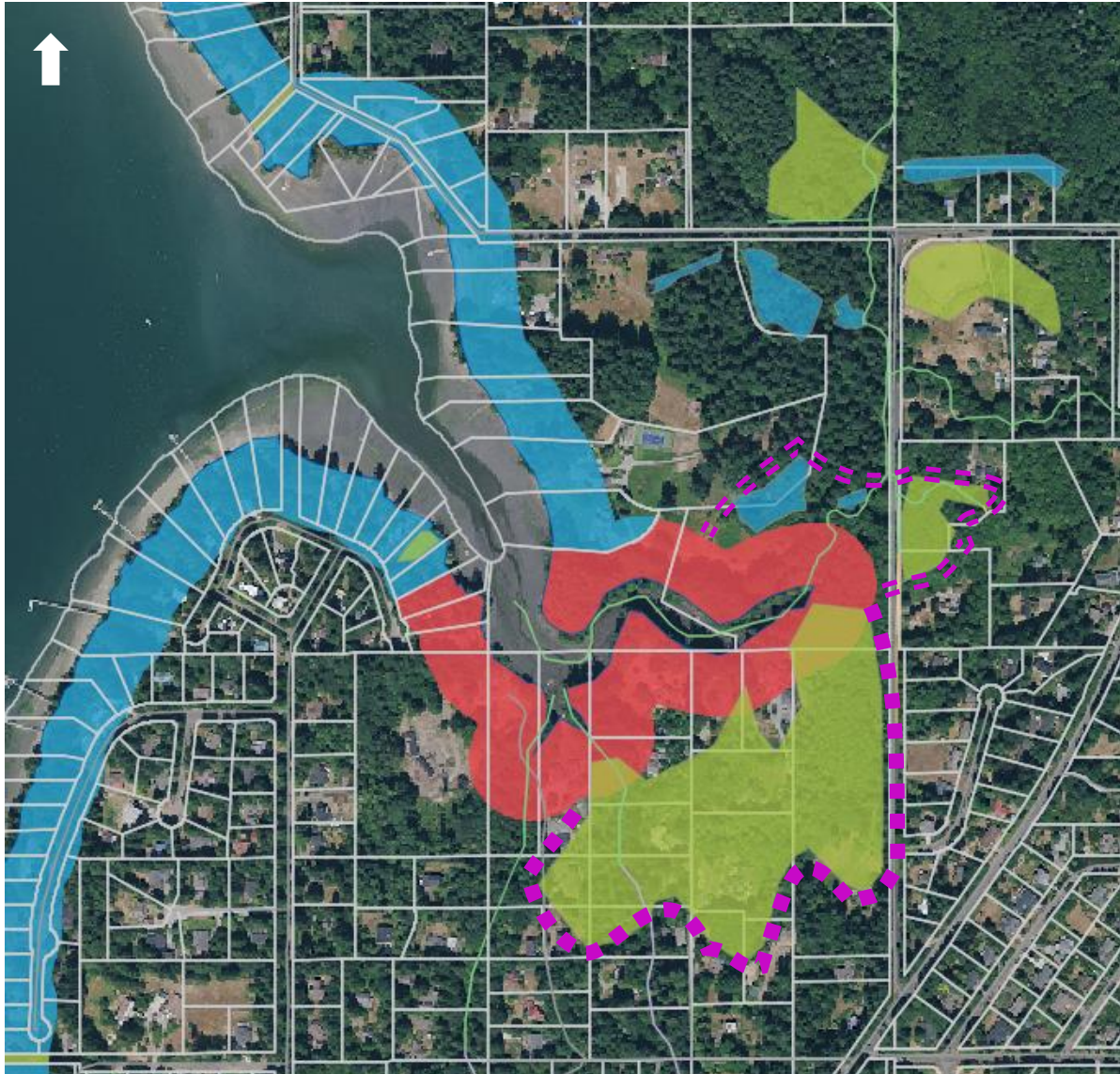


Figure 17. Associated Wetlands – Agate Passage

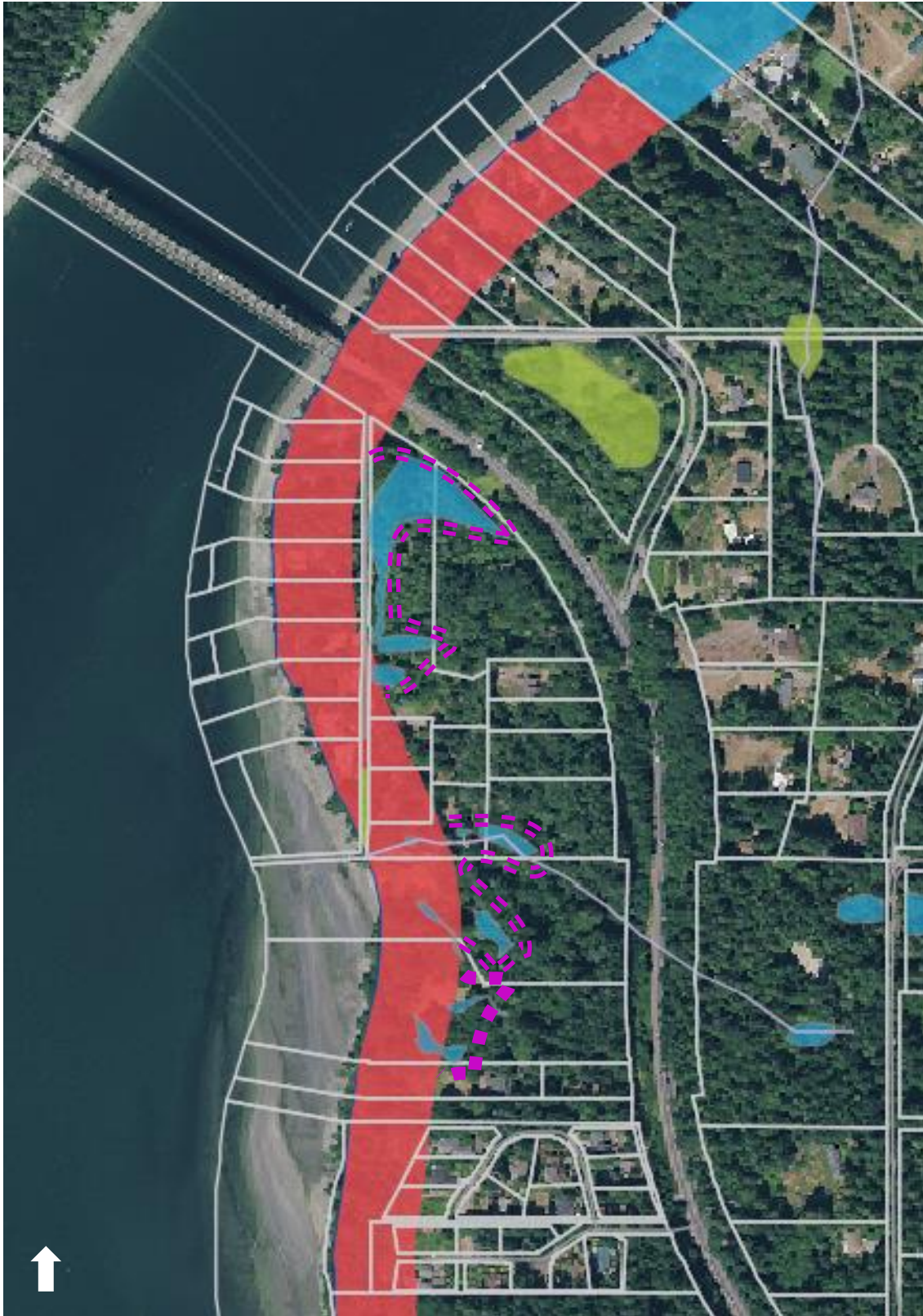


Figure 18. Shoreline Management Areas 1 and 2



Figure 19. Shoreline Management Areas 3

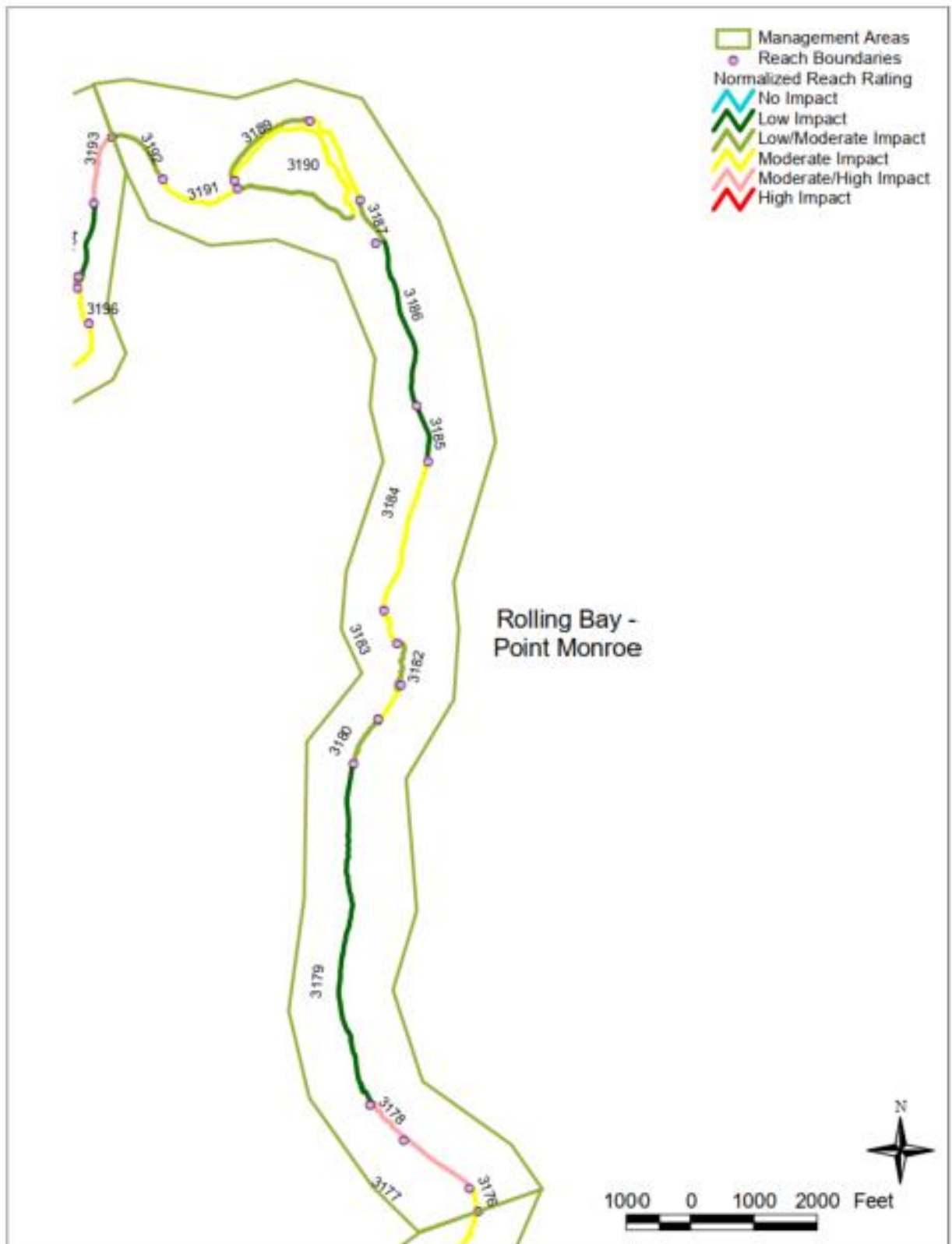


Figure 20. Shoreline Management Areas 4 & 5



Figure 21. Shoreline Management Areas 6 & 7

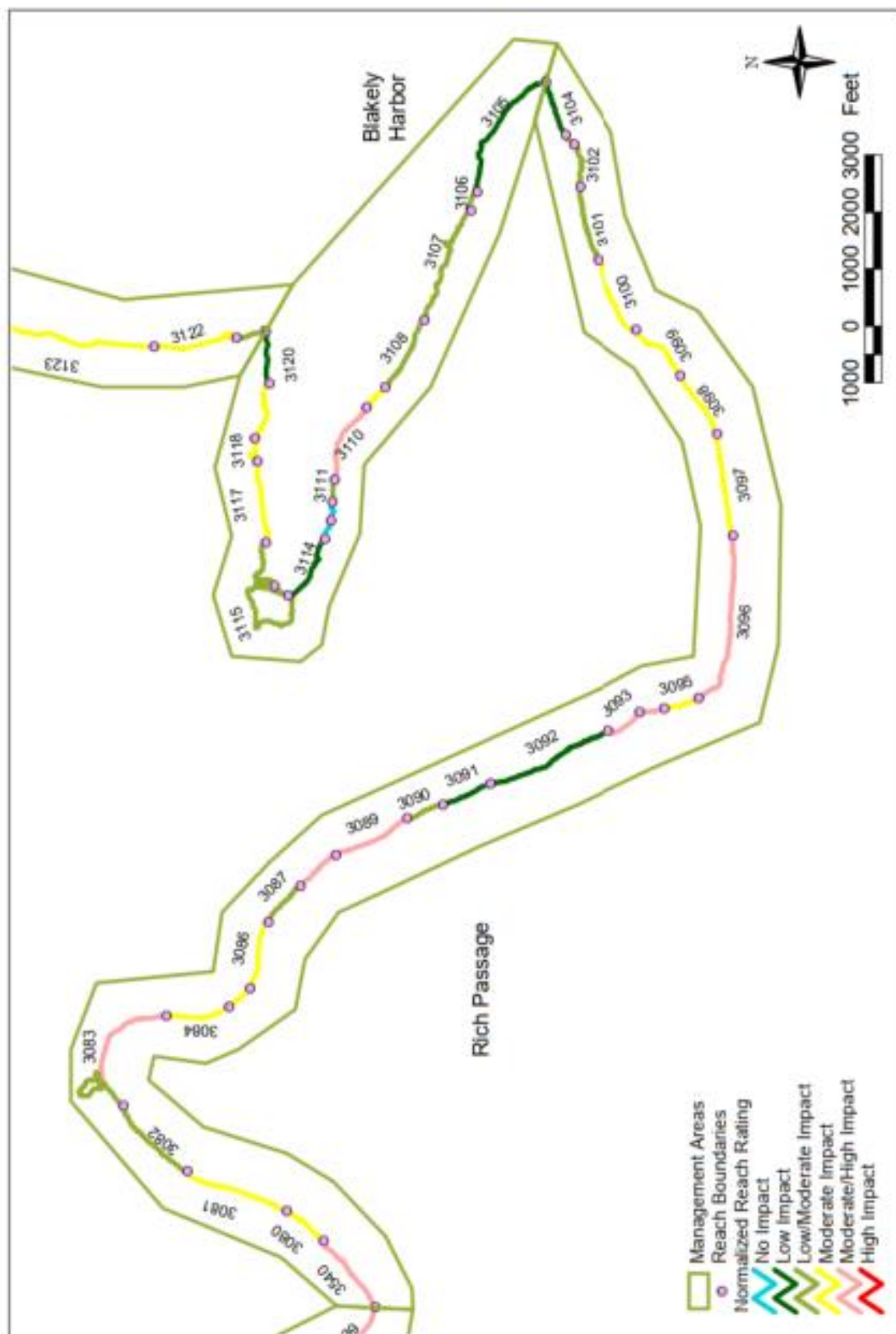
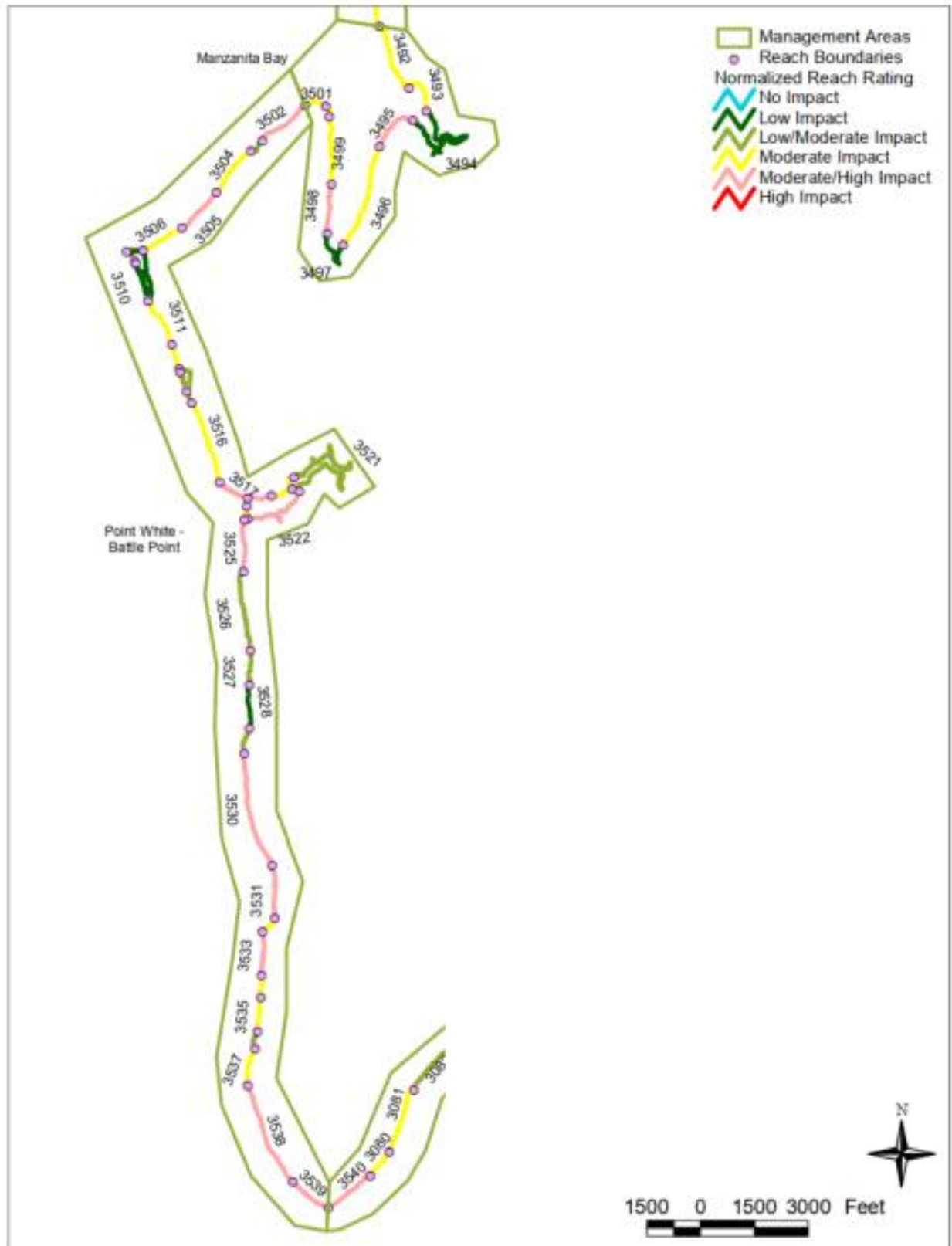


Figure 22. Shoreline Management Areas 8 & 9



Chapter 5

Shoreline Jurisdiction

Phase 1, Task 1.1

Shoreline Master Program Planning Process

Introduction

The Shoreline Master Program (SMP) update process begins with identifying *shorelines of the state*, the geographic area where the Shoreline Management Act (SMA) applies. The SMA applies to the following shorelines of the state, as established in RCW 90.58.030:

- All marine waters.
- Segments of streams where the mean annual flow is more than 20 cubic feet per second.
- Lakes and reservoirs 20 acres and greater in area.
- Associated wetlands.
- Shorelands adjacent to these water bodies. This is typically the land area within 200 feet of the water body, although there are important exceptions explained below.

Specific larger water bodies are classified as *shorelines of statewide significance* [RCW 90.58.030(2)(e)]. They include the Pacific Coast, Hood Canal and certain Puget Sound shorelines, all waters of Puget Sound and the Strait of Juan de Fuca; lakes or reservoirs with a surface acreage of 1,000 acres or more; larger rivers (1,000 cubic feet per second or greater for rivers in Western Washington, 200 cubic feet per second and greater east of the Cascade crest); and wetlands associated with all the above.

Updating SMA water bodies

A fundamental goal of the comprehensive SMP update is to ensure that all the water bodies meeting the statutory thresholds are included in the SMP. Some water bodies and shoreline areas that meet the thresholds for inclusion under the Act may not be included in older SMP maps, lists and legal descriptions. Changes in shoreline jurisdiction may result from:

- New information on water-body flow and size. If your SMP has not been updated in many years, new sources of information on stream and lake size need to be applied. Ecology has updated stream flow data from the US Geologic Survey that may move SMP jurisdiction upstream (or in a few cases, downstream). Evaluation of GIS-derived information may identify lakes exceeding 20 acres that were missed in the original SMP mapping.

- Naturally occurring and man-made alterations of the shoreline. For example, a river channel may have shifted, creating a change in SMA jurisdiction.
- Annexations. Annexed areas with shorelines may not be reflected in the existing SMP.

Considering local options for shorelands

Local governments are responsible for determining shoreline jurisdiction for three types of areas during the SMP planning process. These three areas are:

- Stream corridors. The minimum and maximum shorelands along stream corridors are defined in the SMA. Local governments must choose the minimum, maximum, or somewhere in between.
- Critical areas buffers. Shoreline jurisdiction may include “land necessary for buffers for critical areas, as defined in Chapter 36.70A RCW, that occur within shorelines of the state” [RCW 90.58.030(2)(d)(ii)].
- Unincorporated UGAs. Ecology encourages cities and towns to plan for and predesignate shoreline environments for their unincorporated urban growth areas. However, your city or town will not have any regulatory authority in these areas until they are annexed [WAC 173-26-150].

The approved SMP will become the official delineation of SMA jurisdiction. When a comprehensive SMP update is approved by Ecology, it becomes the official delineation of shorelines of the state for that town, city or county. The maps and lists of shorelines of the state in the approved SMP will replace the lists of water bodies contained in Chapters 173-18 (rivers and streams), 173-20 (lakes) and 173-22 (shorelands and wetlands). For example, see WAC 173-18-044.

Determining the Ordinary High Water Mark

The Ordinary High Water Mark (OHWM) is an important term for defining SMA jurisdiction. OHWM is used to determine shoreline jurisdiction, implement regulations, and establish shoreline buffers and setbacks. The OHWM is defined in RCW 90.58.030(2)(b), copied at the end of this chapter.

The OHWM is not a fixed elevation; the OHWM and shoreline jurisdiction can move as the shoreline changes over time. The OHWM is determined by visual inspection of the river, lake, wetland, or marine bank. Chapter 173-22 WAC contains Ecology's guidance for making OHWM determinations. In addition, technical guidance on determining the OHWM for SMA compliance is available in Ecology publication 16-06-029, Determining the Ordinary High Water Mark for Shoreline Management Act Compliance in Washington State.

The SMA prescribes the location of the OHWM if it cannot otherwise be determined. In that case, the OHWM adjoining salt water is the line of *mean higher high tide*, and OHWM adjoining fresh water is the line of *mean high water*.

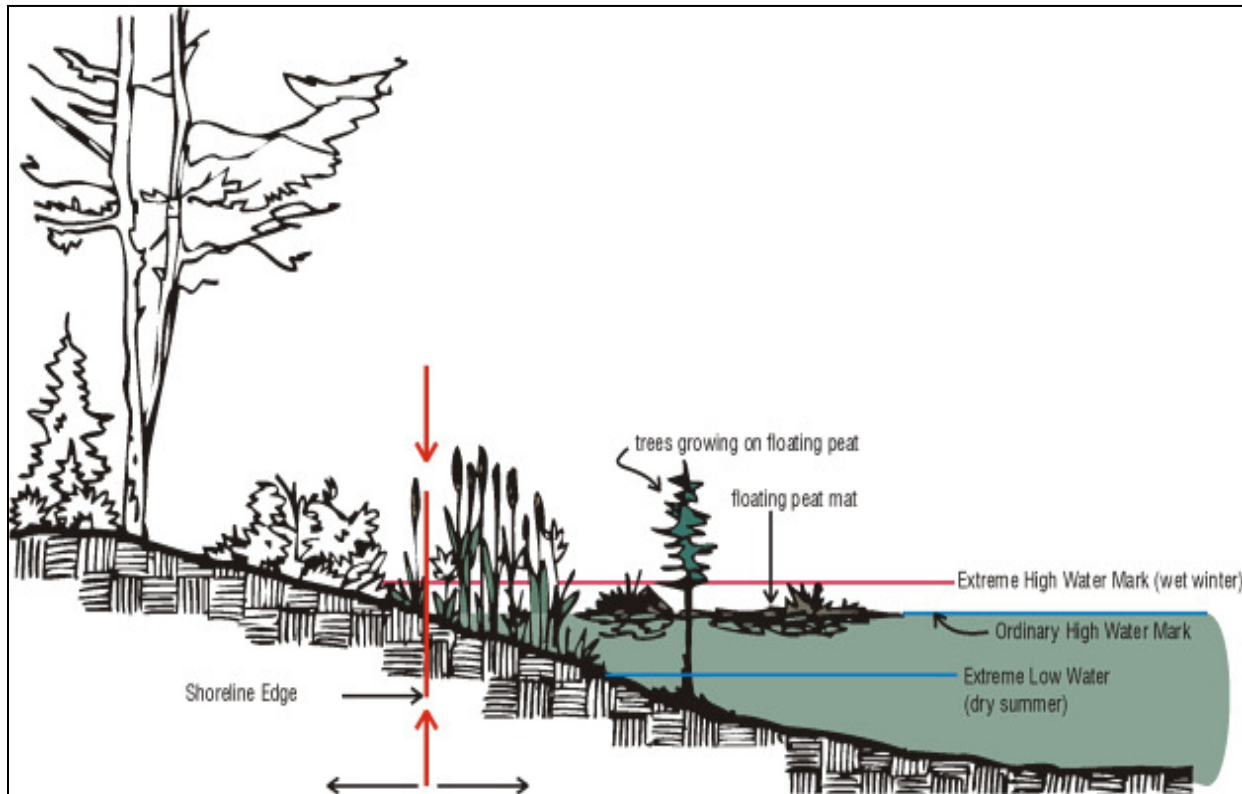


Figure 5-1: The location of the Ordinary High Water Mark (OHWM) in relation to extreme high and extreme low water varies from site to site. At any given site, the OHWM will vary over time depending on wind, waves, fetch, erosion, accretion, soils, substrates, vegetation, land use changes, runoff, groundwater, the presence of peat, the constancy of pool elevations and the activities of beavers and other organisms.

The OHWM definition should be included in the SMP. It is difficult to precisely map the location of the OHWM during the SMP update process, so Ecology does not require the SMP jurisdiction maps to show a precise location. The map should include a disclaimer that the OHWM has not been precisely mapped. You must require an accurate OHWM delineation with a development application.

Shorelines of the state

Shorelines of the state are being updated as comprehensive SMP updates take effect following Ecology approval. The official delineation of SMA jurisdiction in the SMP is mapped on the [Washington State Coastal Atlas](#). You can check out these water bodies by clicking on 1) “Go to coastal map” or “Make a coastal map” and then 2) “Add map data.” Choose “SMA jurisdiction” on the map layers pop-up. Click “Go” and zoom in to your chosen location, or use the “Find” tab. This information is also available from Ecology’s [GIS data](#) page. Look for Shoreline Management Act (SMA) – SMA Jurisdiction Adopted.

For jurisdictions where the SMP update is not yet completed, the streams and lakes layers on the Coastal Atlas show the shorelines listed in WAC 173-18 and WAC 173-20, respectively.

Marine waters

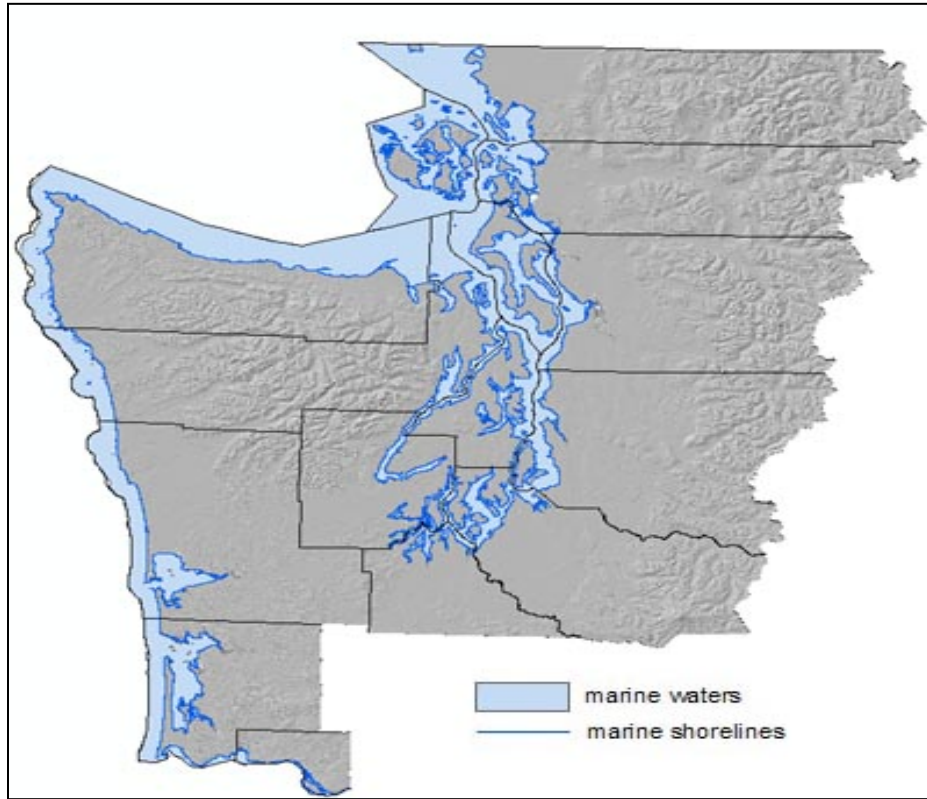


Figure 5-2: Marine waters subject to the SMA.

The SMA generally applies to all marine waters of the state waterward of the OHWM. Marine waters in shoreline jurisdiction are not changing with SMP updates. Marine shorelines for updated and approved SMPs are shown in the **Shoreline Management Act (SMA) – SMA Jurisdiction Adopted** files on the [GIS data](#) page.

Marine waters include the Pacific Ocean, Puget Sound, the Strait of Georgia and the Strait of Juan de Fuca. Shoreline jurisdiction extends to the western state boundary in the Pacific Ocean (the three nautical-mile limit). The SMA also applies to submerged lands underlying all marine waters. Local shoreline jurisdiction applies to the area waterward of the OHWM out to the local government's legal in-water jurisdictional boundary.

Marine shorelines that are shorelines of statewide significance are defined in the SMA and are listed at the [end](#) of this chapter.

Streams

The SMA applies starting at the point on streams with over 20 cubic feet per second (cfs) *mean annual flow*. **Mean annual flow is the average of the annual mean flows over a period of many years.** (“Mean annual flow” is not the same as “annual mean flow,” which is the average daily flow over a one-year period.) The mean annual flow averages at least 10 consecutive years of stream flows. Some stretches of stream with a mean annual flow of 20 cfs have winter floods and high spring snowmelt and are dry during the summer.

Streams or segments of streams that are shorelines of statewide significance are defined in the SMA. See the SMA definition at the end of this chapter.

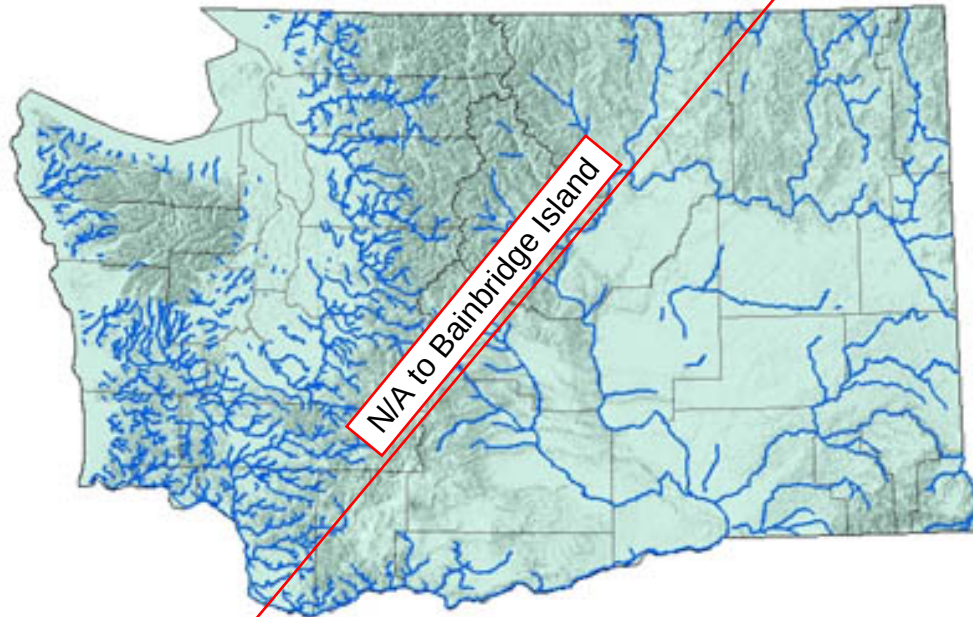


Figure 5-3: Streams and rivers within SMA jurisdiction from *Chapter 173-18 WAC* as of January 2, 2007.

It is important to examine updated information from Ecology and other sources related to stream flow. Under contract with Ecology, the U.S. Geological Survey (USGS) updated its original studies identifying the point where data and modeling locate the 20 cfs threshold. In many cases, there are significant changes to the points where streams meet the SMA flow threshold. In particular, many updated points are in national forest lands. (The initial USGS study did not extend to federal lands.) National forest lands should be included in the SMP. Discussion of SMP applicability within other federal and tribal lands is provided below.

Ecology has provided this data to local governments. Stream flow data from counties or other sources may be used to propose an updated SMA jurisdiction point differing from the studies available at Ecology. Please submit data and technical analysis to Ecology for review.

To update stream information for SMP updates, go to the [GIS data](#) page and scroll to the needed files. The suggested shoreline points and shoreline arcs for rivers and streams are based on the three USGS studies mentioned earlier.

- **Shoreline Management Act – SMA Jurisdiction Original**
 - o WAC173_18_Arcs (Streams and Rivers).
 - o WAC173_18_Points– (Points on streams and river where shoreline jurisdiction begins and where streams and river cross state and county boundaries).
- **Shoreline Management Act – SMA Jurisdiction Suggested**
 - o SMA_Pnts_Sugg (estimated jurisdictional flow points).
 - o SMA_Arcs_Sugg (streams and rivers estimated to qualify as shorelines of the state).

The [Washington State Coastal Atlas](#) shows streams under SMA jurisdiction. Click on 1) “Go to coastal map” and 2) “Add map data” and choose “SMA jurisdiction” on the map layers pop-up. Click “Go” and zoom in to your chosen location, or use the “Find” tab. As SMP updates go into effect, the Coastal Atlas SMA jurisdiction layer will be updated.

Lakes

The SMA applies to “water areas of the state” including **lakes and reservoirs** 20 acres and greater in area. The area used to make this determination is defined by a continuous OHWM and may include emergent vegetated areas as well as open water areas. Natural and artificial lakes with 1,000 acres or more in area are shorelines of statewide significance.

It is important to include all lakes and reservoirs meeting the definition of shorelines of the state in the SMP. The original list of lakes in WAC 173-20 was drawn from information available several decades ago. There may be lakes or reservoirs not included in the original list that need to be added to the SMP.

To download GIS data for SMA lakes, go to the [GIS data](#) page and scroll down the page to the needed files.

- **Shoreline Management Act (SMA) – SMA Jurisdiction Original**
 - o WAC173_20_Polygons (Lakes and Wetlands)
- **Shoreline Management Act (SMA) – SMA Jurisdiction Suggested**
 - o SMA_Poly_Sugg (water bodies, lakes, wetlands, etc.)

In-water jurisdictional boundary

Local shoreline jurisdiction applies to the area waterward of the OHWM out to the local government’s legal in-water jurisdictional boundary. Note that [RCW 35.21.160](#) extends jurisdiction to the middle of water bodies such as bays, sounds, lakes and rivers, and [RCW 35A.21.090](#) extends control of streets over tidelands. These sections of the RCW may affect the waterward shoreline jurisdiction boundary for some local governments.

Excluding some artificial water bodies as shorelines

The SMA provides basic dimensional criteria for streams and lakes that are to be regulated as shorelines of the state. Generally, these criteria determine the streams and lakes to include in an SMP.

However, some artificial water bodies – despite meeting the basic dimensional criteria in the SMA – have characteristics that make it appropriate to **exclude** them as shorelines of the state because they do not provide opportunity to advance the policy objectives of the statute. Examples include irrigation canals and wastewater ponds.

The following guidance is provided to assist in identifying such artificial water bodies. In developing this guidance, Ecology considered these types of water bodies in regard to the three fundamental policy objectives of the SMA: Protecting the shoreline environment; providing area for uses that are unique to or dependent on the use of state shorelines; and ensuring public access to the water.

Criteria for excluding artificial water bodies as shorelines of the state

Carefully consider the following criteria when determining whether ditches, canals, mine ponds, waste lagoons and other constructed water bodies are properly excluded as shorelines of the state. If several of the criteria apply, these artificial water bodies may be appropriate to exclude as shorelines of the state:

- Constructed, operated, and maintained to meet a specific commercial need, such as for farm animals or treatment of mine tailing.
- Operates under a National Pollution Discharge Elimination System (NPDES) permit, Federal Energy Regulatory Commission license, DNR Surface Mine Reclamation Permit, federal Mine Safety and Health Administration jurisdiction, or similar regulations.
- Restricted to people operating the facility. No recreation or other activities are allowed.
- Not intentionally built to support fish or wildlife habitat.
- Ingress and egress to and from another water body is controlled and mechanized.
- Intent to decommission and process to do so is specified in the authorizing permit.
- Constructed of an impervious material.
- Surface continuity with a natural water body is interrupted by a pipe, pump, dike or other structure.

Note: Some water bodies that are not shorelines of the state are within shoreline jurisdiction because they are within the shoreland of another water body. For example, a portion of a sewage treatment pond that is within 200 feet of the OHWM of another water body is within shoreline jurisdiction.

Addressing artificial water bodies in SMPs

The initial shoreline inventory should identify **all** flowing and impounded water bodies that meet the basic dimensional standards of the SMA. Within this initial set of water bodies, there may be artificial water bodies that are appropriately excluded from the SMP.

Local governments should identify water bodies that they propose to exclude from the SMP and provide a rationale for the proposed exclusion. Ecology will review the proposed exclusions to ensure local/state agreement on the water bodies to be included in the SMP.

In some cases, it may be anticipated that an artificial water body will be converted from its original commercial/industrial purpose in the next few years and will then become a shoreline of the state (see next section). In this case, Ecology encourages local government to work with the property owner or operator during the SMP update. Planning for this future shoreline of the state will provide clarity and predictability for all parties regarding the future use of the water body and its shorelands. Identifying environment designations and establishing policies and regulations during the update avoids the need to amend the SMP to include the water body following the conversion from the commercial/ industrial use. The SMP regulations for these new SMA water bodies would take effect when the industrial or commercial use is ended, and the water body is appropriately considered a shoreline of the state.

Conversion of artificial water bodies to shorelines of the state

Occasionally, an artificial water body will no longer be needed for the industrial or commercial use. For example, mineral extraction may conclude at a gravel mine pond and the pond may be reclaimed for other uses.

When the characteristics of a water body no longer qualify it for exclusion as a shoreline of the state, a water body meeting the dimensional criteria of the SMA becomes a shoreline of the state. This water body is then regulated under the local SMP, even if it is not yet listed or mapped in the SMP [WAC 173-20-046]. Key issues for new shorelines of the state created by conversions of industrial and commercial water bodies:

- Until the shoreline environment is specifically designated in the SMP, the water body and adjoining shorelands have a default designation of Rural Conservancy if located in the unincorporated portion of a county, Urban Conservancy if located within a municipality or urban growth area, or comparable environment designation of the applicable master program [WAC 173-26-211(2)(b)].
- When a new shoreline of the state is identified, the SMP must be updated within three years to include this new water body [WAC 173-20-046]. SMP regulations should not limit remaining industrial-type uses that are legally permitted on the site. An example is materials handling activities in the vicinity of a former gravel mine pond. Existing and future uses need to be considered in crafting appropriate SMP regulations for these new shorelines of the state.

Artificial flowing water bodies of 20cfs or greater

This section discusses types of flowing water bodies that may be appropriate to exclude from shorelines of the state, despite meeting the basic flow criteria in the SMA. Department of Ecology staff is available to assist local jurisdictions with these jurisdictional calls.

Irrigation, return flow, and stockwatering channels

Artificially created agriculture channels are explicitly **excluded** from the definition of a “stream” under Ecology’s rules [WAC 173-22-030]. However, natural streams with flows greater than 20 cfs that are used for agricultural purposes are shorelines.

Power canals

Power canals, or flumes, are constructed diversions from natural streams and rivers; water is diverted into penstocks, powerhouses and tailraces before being discharged back into a receiving water body. Power canals are constructed from a variety of materials – wood, concrete, metal, or dirt, and are typically designed to use gravity to move water through a generator to create power.

The Shorelines Hearings Board and the Pollution Control Hearings Board (SHB 95-1/PCHB 94-148) reviewed an appeal of a hydroelectric facility on W. Creek, a tributary to the Nooksack River. The Board considered the diversion structure, intake structure, penstock, tailrace, etc., to be part of the project, not a newly constructed shoreline of the state. As these are not “naturally occurring” streams, they are **not** shorelines of the state. However, natural streams with flows greater than 20 cfs that are used for conveyance purposes are shorelines.

Drainage ditches

Drainage ditches have been built to control flooding and to drain lands for agricultural production. The water in the ditches does not flow naturally, via gravity; rather the flow in these managed ditches is typically controlled by mechanical pumps. As these are not “naturally occurring” streams, they would **not** be considered shorelines of the state. However, natural streams with flows greater than 20 cfs that are used for drainage purposes are shorelines. This includes segments of a naturally occurring stream that have been channelized and in many cases shifted from the original channel. These segments of the stream remain in shoreline jurisdiction if the flow threshold is met.

Piped segments of “naturally occurring” streams

Some “naturally occurring” streams include segments that are contained within culverts or viaducts that are underground. These segments are not necessarily excluded as shorelines of the state, but should be evaluated for an appropriate shoreline jurisdictional determination. Where these piped segments are short (for example, less than 400 feet long) they should be retained in shoreline jurisdiction. Any part of these segments would be within 200 feet of the stream. Longer underground segments of naturally-occurring streams may be appropriate to exclude from shoreline jurisdiction. It may not be practical to parse out a stream with multiple divisions of stream segments in and out of jurisdiction.

Examples



Figure 5-4: Goldsborough Creek.

Goldsborough Creek, Mason County

Portions of the creek are contained within a constructed channel, within the historic natural stream bed. This was necessary to implement the Goldsborough Creek Dam removal and restoration project. This is **still a shoreline** of the state for its entire length.



Figure 5-5: Penstock below Snoqualmie Falls.

Snoqualmie River, King County

Penstock below Snoqualmie Falls is **not a shoreline** of the state because it is a constructed component of a permitted facility and contained within a pipe.



Figure 5-6: Ditch system near Woodland.

Woodland Consolidated Diking Improvement District No. 2, Cowlitz County – This ditch system is behind the dike on the Columbia River, near Woodland. The dikes and ditches were built in the early 1900s to control flooding and runoff in the Woodland area. The ditches only “flow” when water is being pumped into the Columbia River. This is not a “naturally occurring” stream and the water is discontinuous from the Columbia River. Therefore, the ditch is **not a shoreline of the state**.



Figure 5-7: Water intake structure with flume (Power Canal) in the background.



Figure 5-8: Centralia Power Canal penstock, 208 feet above Nisqually River.

Nisqually River, Thurston County – The Centralia Power Canal was built in 1929 to supply power to the City of Centralia, 25 miles to the southwest of Yelm, where the diversion is located. The water is diverted from and returned to the Nisqually River through a penstock that is more than 200 feet above the river. The canal is more than 9 miles long and is contained within a variety of constructed, concrete and earthen structures.

The canal is not a “naturally occurring” stream; the water is discontinuous from the Nisqually River. Therefore, the canal is **not a shoreline of the state**.

White River, Pierce County – The Lake Tapps Water Diversion was built in 1911 by the company currently doing business as Puget Sound Energy (PSE) to produce hydroelectricity. In 2004, PSE terminated the power generation operation, and in 2009 the Cascade Water Alliance (Cascade) bought the entire diversion system from PSE. Cascade intends to retrofit the diversion system and utilize it as

a source of municipal drinking water.

Water is conveyed through several types of structures for more than eight miles, which starts at the diversion dam at White River Mile 24.3, to its termination at Lake Tapps. To maintain the flume, regular dredging and vegetation removal is necessary.



Figure 5-9: The Lake Tapps Water Diversion structure, White River, mile 24.3.

The diverted water initially flows through an open grade wooden and cement flume; the water then flows through a constructed, earthen canal approximately the crossing point of Highway 410; the

open channel then transitions into a series of underground pipes until it daylights just upstream of Lake Tapps. From the discharge point at the northwest end of Lake Tapps, the water flows through a tailrace back into the White River at River Mile 3.6.



Figure 5-10: The Lake Tapps flume, a constructed feature.

This is not a “naturally occurring” stream and the water is discontinuous from the White River. Therefore, the canal is **not a shoreline of the state**.

Artificial water bodies of 20 acres or greater

This section discusses types of surface water bodies that may be appropriate to exclude as shorelines of the state, despite meeting the basic size criteria for lakes and reservoirs in the SMA.

Gravel mine ponds

Excavation of mineral resources into the ground water can create mine ponds 20 acres and larger. The following guidance is offered in addressing these ponds:

During the active mining period, Ecology recommends that gravel mine ponds be treated as industrial water bodies not subject to the SMA. Gravel mine ponds exhibit several of the characteristics of artificial water bodies described above – built for a specific purpose; regulated by the Washington Department of Natural Resources (DNR) Surface Mine Reclamation Permit; limited access to people operating the facility, and not intentionally built to support fish and wildlife habitat. In some cases, the mining pond will be temporary; the intended reclamation is to fill the site.

Determining when a gravel mine pond should be included as a shoreline of the state is a case-by-case decision. Mineral extraction is driven by demand; there may be extended periods when extraction does not occur but the mine is still an active mine. Mineral resources at a particular site may last for 50 years or more, depending on volume and demand. A mine may terminate a surface mine reclamation permit, then approve a new permit for a new owner or an adjacent site on the same mine pond. Multiple mines with one common gravel mine pond may have varying end dates for mining activities. Mining may end, but uses accessory to mining may continue.



Figure 5-11: This active (photo taken July 2012) Central Pre-Mix gravel mine operation in the City of Spokane Valley is not considered a shoreline of the state. (Photo by Jaime Short.)

It's important to consult mine representatives during the SMP update to learn about operations, plans, current and future uses including accessory uses, and the potential end to mining. Also, keep the suggested criteria for excluding water bodies as shorelines of the state in mind.

The threshold between a gravel mine pond associated with active mining and a post-mining shoreline of the state may be determined by one or more of the actions listed below. Other thresholds are also possible.

- Local government's removal of a Mineral Resource overlay or similar land use designation. Removing these designations indicates a probable conversion to other uses. The SMP and comprehensive plan must be consistent. Therefore, when comprehensive plans are updated to remove Mineral Resource overlays or designations, SMPs may also need to be updated to include former mining ponds 20 acres and greater.
- The DNR termination of the surface mine reclamation permit for the mine, if additional mining will not take place in the pond area. Before surface mining begins, DNR issues a reclamation permit based on a plan for the mining site consistent with the Surface Mining Act, RCW 78.44. The reclamation plan should identify whether a permanent lake will remain after mining is concluded and its intended use, or if the mine will be filled for other uses. Mine reclamation concludes when DNR determines that all reclamation requirements have been met. In some cases, the termination of the reclamation permit is an indicator that there will be no further mining associated with the gravel mine pond.
- Permit application for new development of the pond area. Mineral or Mining zones may allow uses such as an electric generating facility, landfill, park, campground, or other use.

If mining and mine-related uses have ended and other uses are proposed for the mine pond, the water body may be suitable as a shoreline of the state and included in the master program, consistent with the guidance in this section.

Information about DNR and mine reclamation is available on the DNR website at <http://www.dnr.wa.gov/programs-and-services/geology/energy-mining-and-minerals/surface-mining-and-reclamation>.

Toxic waste lagoons, sewage treatment facilities and stormwater ponds

Toxic waste lagoons, sewage treatment facilities, industrial wastewater ponds, mill ponds and stormwater ponds or reservoirs are facilities governed by federal, state and local laws that regulate their construction and operation. The design and size of these is dictated by the circumstances of the facility – e.g., pulp mill, sewage treatment plant, number of customers served, volume of wastewater or stormwater treated, etc. Examples follow.



Figure 5-12: Industrial wastewater treatment ponds on Lady Island in the Columbia River are not shorelines of the state, but are partially within shoreline jurisdiction due to proximity to the river.

Lady Island, Columbia River -- Two industrial wastewater treatment ponds on Lady Island in the Columbia River in the City of Camas are both over 20 acres. These facilities treat up to 76 million gallons per day of wastewater from the Georgia Pacific pulp and paper mill. (See photo.)

Ecology has determined that the ponds are not shorelines of the state because they meet the following criteria: Operates under an NPDES permit, provides treatment of wastewater, and prohibits human use for recreation and gathering potable water. However, portions of the ponds are within 200 feet of the Ordinary High Water Mark of the Columbia River, so those portions are within shoreline jurisdiction.



Figure 5-13: Lake Tye is a shoreline of the state in the city of Monroe. Recreation facilities include a swimming beach.

Lake Tye, City of Monroe – Lake Tye provides stormwater treatment, flood storage capacity and recreation. The lake was built to serve a new residential, commercial and industrial development. The 42-acre lake is within a city park and provides recreation including a swimming beach, lakeside trail, fishing and boat launch.

The lake is shoreline of the state. The City's SMP designates the lake as Aquatic shoreline environment and the shorelands of the lake as Stormwater Facility shoreline environment.

Shorelands

Shorelands are land areas, wetlands, river deltas and floodplain bordering SMA water bodies. Shoreland areas for marine waters and lakes are set by statute; local governments have some discretion regarding shoreland extent along rivers. The SMA also provides local discretion to include buffers to protect critical areas within shoreline jurisdiction. Each of these shoreland areas is described in more detail below.

Shorelands on marine waters and lakes

For tidal waters and lakes, shorelands are “those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark.” Wetlands “which are in proximity to and either influence or are influenced by the tidal water” and “which are in proximity to and either influence or are influenced by the lake” are also shorelands. (See WAC 173-22-040.)

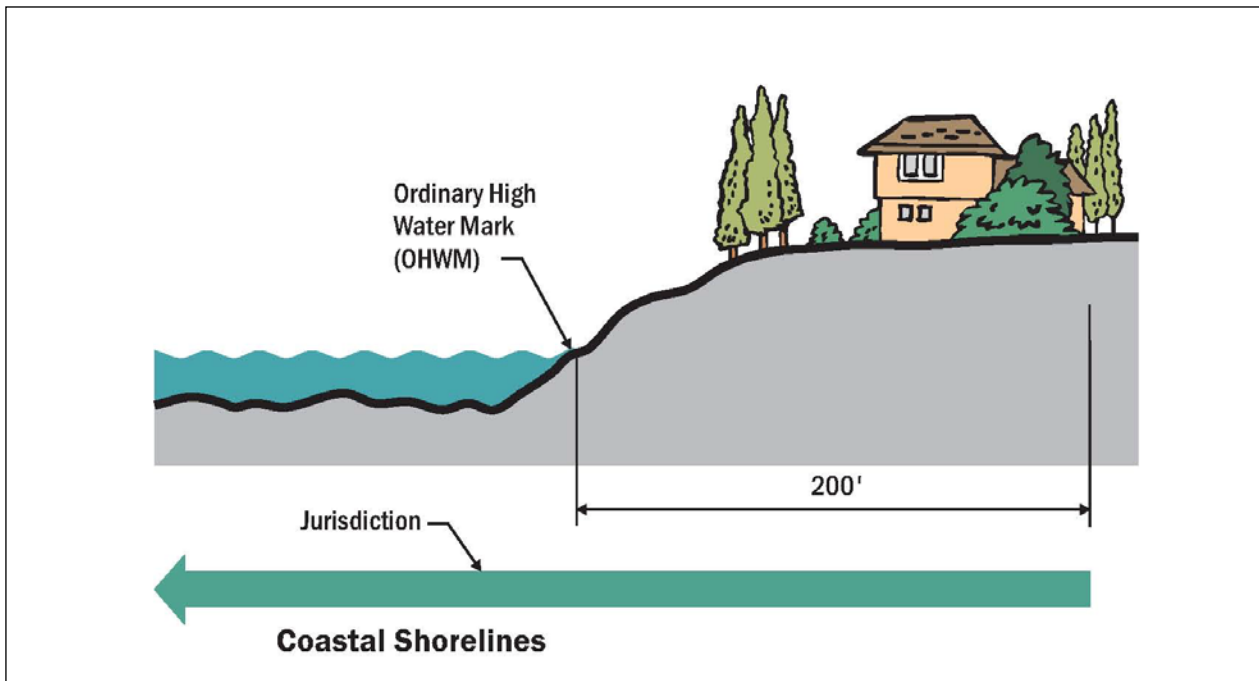


Figure 5-14: Shoreline jurisdiction for shorelands bordering marine waters and lakes extends 200 feet landward from the OHWM.

Shorelands along streams

Local governments must identify SMA jurisdiction for the shorelands along their stream corridors, **within minimum and maximum areas** defined in RCW 90.58.030(2)(d). The minimum shoreline jurisdiction for shorelands is the following:

- Lands extending landward 200 feet in all directions from the OHWM, including 200 feet in all directions from the OHWM at the 20 cfs point. (Shoreline jurisdiction would extend above the 20 cfs point.)

- The floodway plus the contiguous floodplain 200 feet landward of the floodway.
- Associated wetlands and river deltas.

Over time, the OHWM, location of the floodway, and wetland boundaries may change due to development, restoration or channel migration. Guidance for conducting channel migration assessments is available in the following Ecology publications:

- The Channel Migration Toolbox: ArcGIS® Tools for Measuring Stream Channel Migration
- A Methodology for Delineating Planning-Level Channel Migration Zones
- Channel Migration Processes and Patterns in Western Washington

Shoreline jurisdiction is appropriately determined at the time of project review so that it is based on the most recent information.

Options

Options shown below allow local governments to include all or part of the floodplain, in addition to the minimum shoreline jurisdiction noted above, when determining shoreline jurisdiction along streams and rivers. When making this decision, consider:

- How shoreline jurisdiction will fit with the local Flood Hazard plan and “frequently flooded” critical areas provisions.
- Protection of habitat and other natural resources along the river corridor.
- Existing and projected land uses in the river corridor.
- Road corridors or other features that may provide a suitable boundary for SMP jurisdiction.
- The nature of the river system. Some reaches of a river may have highly braided channels and frequent change in channel location. If a minimum definition of SMA jurisdiction is applied to these areas, there may be frequent changes in the area covered by the SMP. On the other hand, if the 100-year floodplain extends a significant distance from the river, including the entire floodplain in SMA jurisdiction may result in shoreline regulation of activities occurring several miles from the river.

The basic shoreland definition of 200 feet from OHWM is a “fallback” minimum area, which will apply if any of the other approaches to determining shorelands do not extend 200 feet from OHWM.

RCW 90.58.030(2)((f):

“Shorelands or shoreland areas’ means

- those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark;
- floodways and contiguous floodplain areas landward two hundred feet from such floodways; and
- all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter...

(i) Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.”

N/A to Bainbridge Island

Option 1: Minimum jurisdiction. Minimum jurisdiction is the **greater** of lands extending 200 feet landward in all directions from the OHWM, or the floodway plus contiguous floodplain extending 200 feet landward from the floodway, plus associated wetlands and river deltas. The floodway is that area established by FEMA, or one that is mapped to meet the requirements of the SMA (identified by “soil, vegetation, topography or other indicators” as the area where flood waters are carried.) Lands protected by publicly-maintained dikes are not included in the floodway.

Note: The statutory minimum distance from the floodway is measured entirely within the floodplain. If the floodplain boundary is less than 200 feet from the floodway, the floodplain boundary becomes the SMA jurisdiction boundary. **In all cases, the minimum shorelands area is the land within 200 feet of OHWM.** This ensures that the minimum shoreland area is included where a river has a very narrow floodplain, or where the river has meandered away from the mapped floodway.

Option 2: Customized area. These areas identified by local government are bigger than the minimum shoreline jurisdiction area. They may include portions of the floodplain or land outside the floodplain necessary for buffers for critical areas within shorelines. The local government has the option of selecting road or railroad corridors, or other features or distances within the floodplain, that provide a suitable upland boundary for the shorelands associated with the river.

Option 3: Maximum jurisdiction. Maximum jurisdiction for shorelands along rivers is the entire 100-year floodplain plus any land necessary for buffers for critical areas within shorelines. In some cases, such as a confined canyon with a narrow floodplain, the minimum boundary – the greater of either 200 feet from OHWM or the contiguous floodplain extending 200 feet landward from the floodway – will be equal to or greater than the floodplain. If the floodplain is less than 200 feet from OHWM, the minimum jurisdiction will extend beyond the floodplain boundary.

The SMP should include clear maps and descriptions of shoreline jurisdiction along all rivers and streams.

Mapping shorelands

SMPs must include maps showing shoreline jurisdiction, which is expected to be an approximate location for planning purposes only. Shorelands maps for streams may be based on one or more of the following:

- The floodway as mapped by FEMA on the Flood Insurance Rate Map (FIRM) or floodway map.
- The floodway described according to criteria set in the SMA. (See description under “Using SMA floodway.”)
- The approximate location of the OHWM.

Using FEMA floodway maps

The Federal Emergency Management Agency (FEMA) develops flood insurance rate maps showing the floodplain and sometimes the floodway for the federal flood insurance program. The SMA includes

these maps in part (i) of the definition of *floodway* [RCW 90.58.030(2)(b)(i)]. FEMA has been updating FIRMs using recent technical information and converting to higher resolution base maps. FEMA develops draft or preliminary maps before adopting “effective” maps. At a property owner’s request, FEMA may amend the effective map through a Letter of Map Amendment (LOMA) if technical data supports the revision.

Effective FIRM: If an effective FIRM is in place, local governments may use the floodway map to identify approximate shoreline jurisdiction. The shoreline jurisdiction map should state that the effective FIRM defines the floodway for shoreline jurisdiction mapping purposes only. Reference to a specific dated version of the FIRM is not required.

Preliminary FIRM: In some cases at time of local SMP adoption, FEMA has proposed a “preliminary” FIRM, and a new “effective” (adopted) FIRM is still in the future. The preliminary map would be based on FEMA’s most recent technical data, so this map can be used to identify the floodway and approximate shoreline jurisdiction for shoreline jurisdiction mapping purposes.

In this case, the SMP should state the date of the preliminary map so it’s clear that the preliminary map is the source of the floodway information. (Otherwise, the “effective” map would continue to apply.) Include a statement such as, “The floodway is identified on the Federal Emergency Management Agency Preliminary Flood Insurance Rate Map (FIRM) for (location) dated xx/xx/xxxx, as later amended by FEMA or a later effective FIRM. When FEMA finishes the map work, the effective map would be the map that identifies the floodway.”

Definition: Ecology recommends the SMP include the following definition if FEMA maps are used to define the floodway.

“Floodway” means the area that has been established in effective federal emergency management agency flood insurance rate maps or floodway maps. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

The word “established” in this suggested definition is consistent with the SMA definition and “effective” indicates that the map is FEMA’s approved FIRM – not a preliminary or draft map – and also takes into account potential future changes to the maps.

If the SMP relies exclusively on the FEMA map to identify the floodway, do not use part (ii) of the SMA definition in your SMP floodway definition. This will help to avoid confusion.

Using SMA floodway

The SMP may use the “SMA floodway” -- that is, the floodway described in the SMA at RCW 90.58.030(2)(b)(ii):

...consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with

reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.

With this option, the SMP shoreline jurisdiction map should generally identify the SMA floodway.

Definition: If the SMA floodway is used, the definition in the SMP should be consistent with RCW 90.58.030(2)(b)(ii).

Using the OHWM

The third choice is to use the OHWM to define shoreline jurisdiction. FEMA does not provide floodplain or floodway maps for all streams that are shorelines of the state. The FIRM does not always show the location of the floodway. If the floodway is not identified on FEMA maps or identified as described in part (ii) of the SMA definition, the approximate location of the OHWM should be used to show shoreline jurisdiction.

Definition: The SMP should include the definition of the OHWM per RCW 90.58.030(2)(c), regardless of whether the OHWM or floodway is the basis for shoreline jurisdiction maps. Shoreline jurisdiction will be determined at time of project review based on the most recent site specific information and must be a minimum of 200 feet from the OHWM or edge of the floodway, whichever is greater.

Using a combination

Local governments may choose to use a combination of FEMA floodway, SMA floodway and OHWM for mapping shoreline jurisdiction. For some municipalities, FEMA maps identify the floodways for some streams, or parts of streams, and not others. In this case, local governments may identify the floodway using the available effective FEMA maps and use the SMA definition part (ii) or the OHWM to identify the floodway for some streams where FEMA maps are not provided.

The shoreline jurisdiction map should clearly show where the floodway is based on the FEMA map, the SMA floodway definition or the OHWM.

Keeping a record

The SMP or a supporting document should explain why the choice of floodway or OHWM was made, in order to provide a record of the decision. For example, the SMP might state:

Shoreline jurisdiction includes the (Name) River, the river floodway as mapped by FEMA, shorelands within 200 feet of the edge of the floodway, and associated wetlands.

The explanation of why the FEMA floodway is being used might state:

N/A to Bainbridge Island

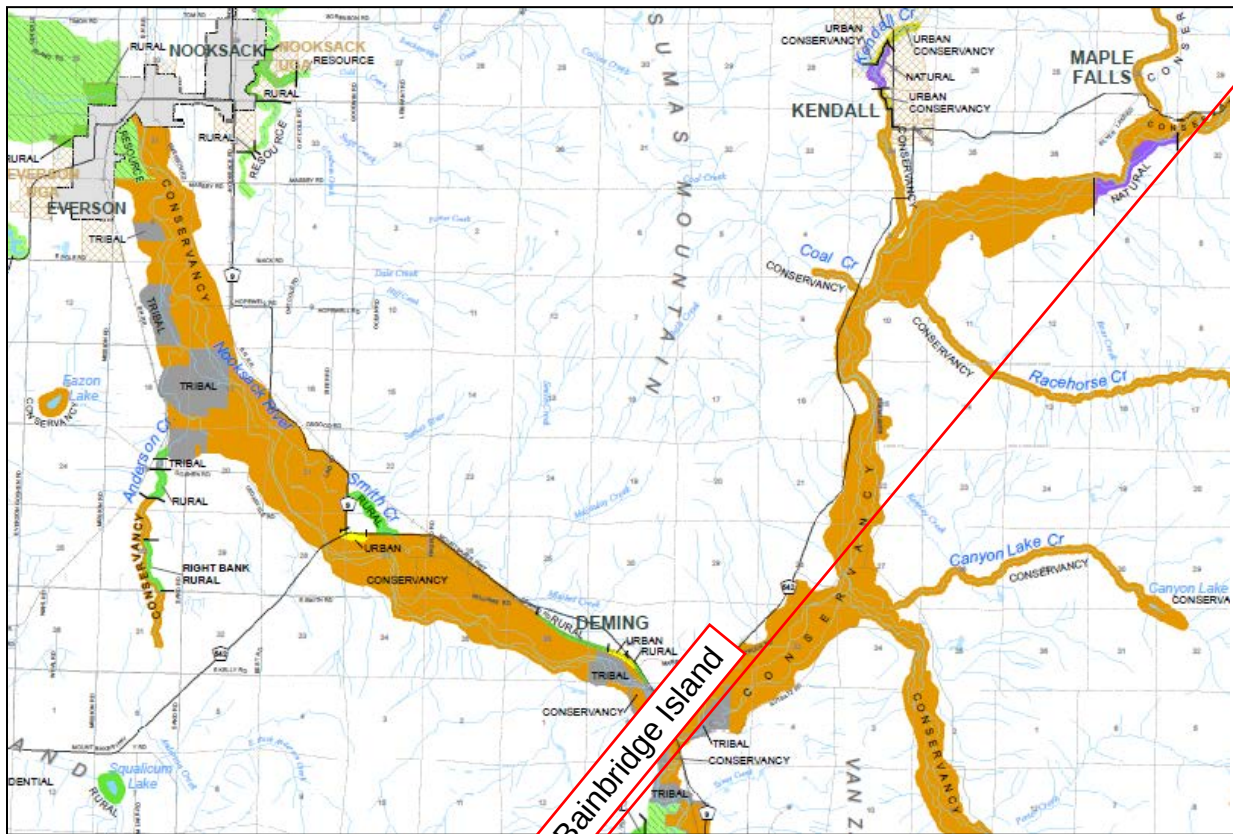


Figure 5-15: This portion of the Whatcom County shoreline area designations map shows sections of the mainstem, north and south forks of the Nooksack River and tributaries. The County used the geomorphic floodway, minus areas bounded by major roads and railroads, to determine the extent of shorelands.

FEMA has recently mapped the floodway for the (Name) River using the latest flood data. This data is the “most current, accurate, and complete scientific and technical information available” regarding the floodway, as WAC 173-26-201 requires. (Local government) has chosen to rely on the FEMA floodway to map shoreline jurisdiction because it is the most current information available.

Examples

Local governments have used one or more of the three options in SMP updates for determining shoreline jurisdiction along streams. Examples include:

- City of Arlington: For its shorelines of the state – the Stillaguamish River, South Fork of the Stillaguamish and Portage Creek – the City determined shorelands as 200 feet from the floodway and within the floodplain, as mapped by FEMA.
- City of Kennewick: Most of the Kennewick shoreland includes the area starting at the OHWM of the Columbia River and extending landward 200 feet in all directions from the OHWM.

- Whatcom County: For shorelands along the Nooksack and Sumas Rivers, the County relies on the geomorphic floodway plus 200 feet within the geomorphic floodplain. The geomorphic floodway represents the historic migration zones of the rivers, minus some areas bounded by major roads and railroads. The County identified the geomorphic floodway and floodplain by modifying the FEMA floodway and floodplain using LIDAR data and other mapping work. For other streams, shorelands are 200 feet from the approximate location of the OHWM.

N/A to Bainbridge Island

Critical areas in shoreline jurisdiction

Local governments may extend shoreline jurisdiction to **include lands necessary for buffers for critical areas**. There are two options:

OPTION 1

Where a critical area or its buffer lies partly within the SMA jurisdictional limit, the local government may extend its shoreline jurisdiction to include the entire critical area and all lands necessary for buffers (see RCW 90.58.030 (2)(d)(ii)). If the local government extends jurisdiction in this manner, the SMP alone will provide protections for these critical areas. The Critical Areas Ordinance (CAO) will not apply within shoreline jurisdiction. Extending shoreline jurisdiction to all critical areas that lay partly in and partly out of shoreline jurisdiction can simplify the permitting process.

For example, marine bluffs may be designated as Geological Hazard Areas under the local CAO. Bluffs and their buffers may extend beyond the usual 200 foot shoreline jurisdiction. Local governments have the option to extend shoreline jurisdiction to include the entire bluff and its buffer area – allowing the entire shoreline vicinity to be regulated under the SMP (rather than having both the CAO and SMP apply to portions of the bluff.)

OPTION 2

If the local government chooses not to extend its shoreline jurisdiction under RCW 90.58.030(2)(d)(ii), the CAO will protect the entire critical area and its buffers (see RCW 36.70A.480(6)). The CAO will continue to apply to the entire critical area and its buffers, even after SMP approval. **However, the SMP will also apply to the portion(s) of the critical area and its buffers that lie within shoreline jurisdiction.** This means the subject critical area and some or all of its buffers will have “dual coverage” with regulation by both the SMP and the CAO.

RCW 36.70A.480(3)(b): “Except as otherwise provided in (c) of this subsection, development regulations adopted under this chapter to protect critical areas within shorelines of the state apply within shorelines of the state until the department of ecology approves one of the following: A comprehensive master program update, as defined in RCW 90.58.030; a segment of a master program relating to critical areas, as provided in RCW 90.58.090; or a new or amended master program approved by the department of ecology on or after March 1, 2002, as provided in RCW 90.58.080. The adoption or update of development regulations to protect critical areas under this chapter prior to department of ecology approval of a master program update as provided in this subsection is not a comprehensive or segment update to the master program...

(d) Upon department of ecology approval of a shoreline master program or critical area segment of a shoreline master program, critical areas within shorelines of the state are protected under chapter 90.58 RCW and are not subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section...

(6) If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)(f)*, then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW 36.70A.060(2). [*Now(d)(ii)].

RCW 90.58.030(2)(d)(ii) Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands subject to the provisions of this subsection (2)(f)(ii) are not subject to additional regulations under this chapter;

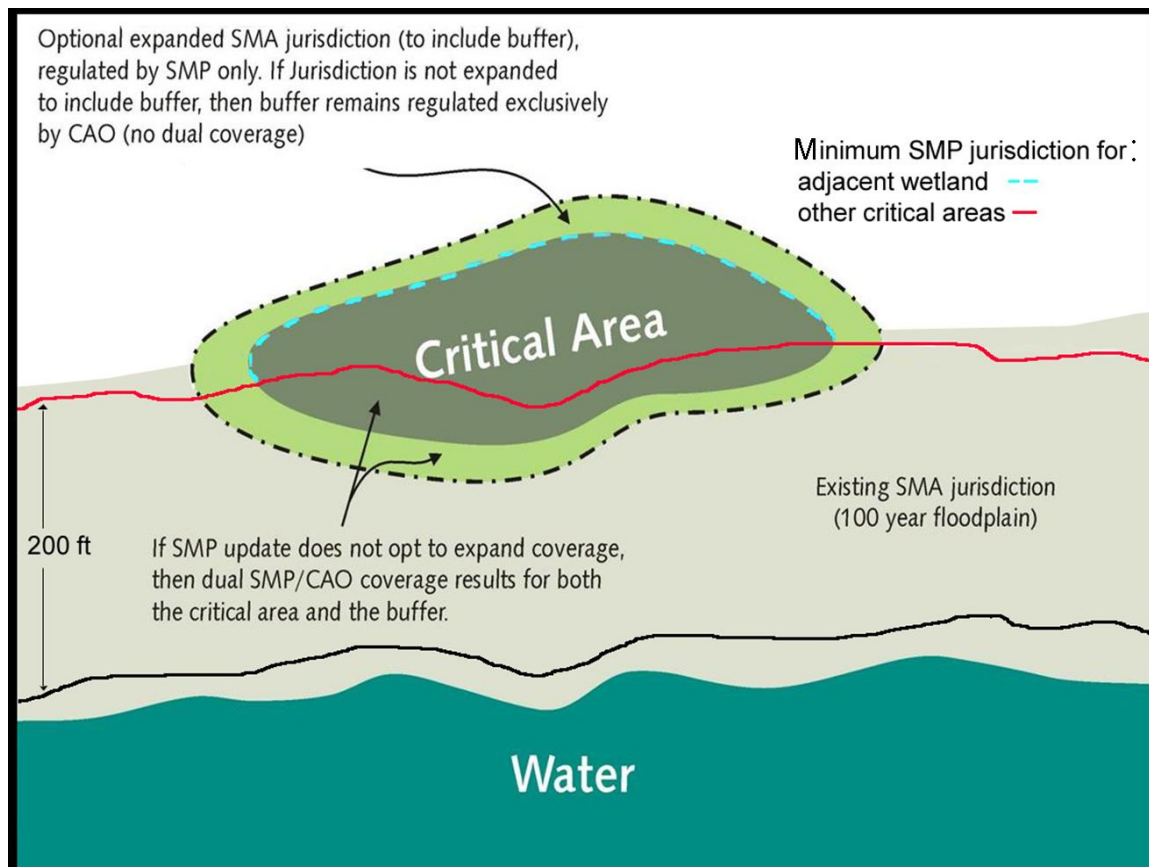


Figure 5-16: Local governments have the option to expand SMA jurisdiction to include lands necessary for buffers for critical areas.

To minimize confusion about what regulations apply to shoreline critical areas, Ecology recommends that local governments resolve the issue early during their SMP update process. Extending jurisdiction as described in Option 1 would eliminate overlapping regulations and streamline the shoreline permitting process. Local governments can extend SMA jurisdiction per critical area. In this manner, you can extend jurisdiction to specific critical areas where dual regulatory coverage would be confusing.

Associated wetlands and river deltas

“Associated wetlands” are those wetlands that are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the SMA. River deltas associated with shorelines of the state are also subject to the SMA, except for those lands protected from floodwaters by authorized flood control devices. Deltas are created at the mouth of a river where it enters a larger water body.

RCW 90.58.030(2)(d):
“‘Shorelands’ or ‘shoreland areas’ (includes)... all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter;”

The **entire** wetland or natural river delta is “associated” **if any part** of it lies within the area 200 feet from the ordinary high water mark or within the floodplain landward 200 feet

of the floodway, including wetlands that extend above, or upstream of, the 20cfs point. From an ecological standpoint, it makes sense to manage a wetland as a single system.

Factors used to determine whether wetlands meet the "proximity and influence" test include but are not limited to one or more of the following:

- Periodic inundation.
- Hydraulic continuity.
- On marine waters, formation by tidally influenced geohydraulic processes, or a surface connection through a culvert or tide gate.

On streams, the entire wetland is associated if any part is located within the 100-year floodplain of a shoreline or within 200 feet of the OHWM or floodway.

Consider all factors together when determining "association." A wetland's hydrology does not have to be in a defined channel to be considered "associated." Hydraulic continuity clues include undrained hydric soils contiguous with the water body, and sheet flow from the site during or following precipitation events.

In some cases, wetlands *outside* the 100-year floodplain *may* be "associated" if they are hydraulically connected with shoreline waters through surface or subsurface flows.

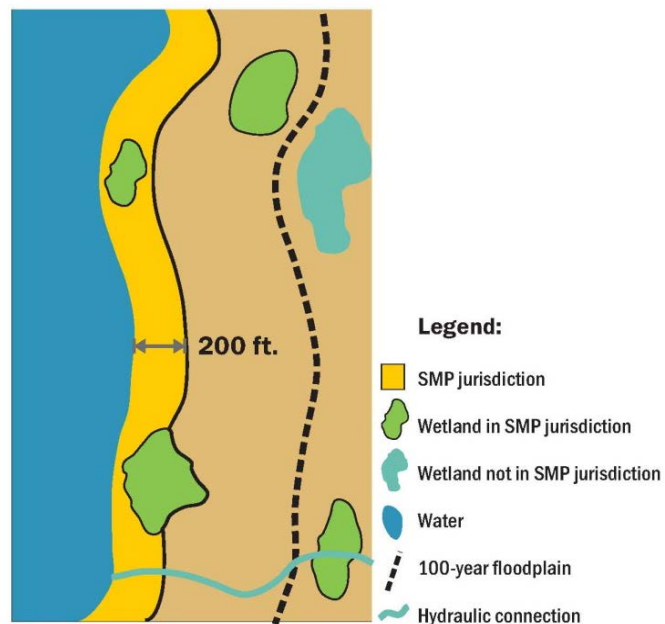


Figure 5-17: Wetlands in shoreline jurisdiction are either fully or partially within 200 feet of the OHWM, within the floodplain, or associated through hydraulic continuity.

In coastal systems, all wetlands behind the primary dune are "associated" with the larger water body (e.g., ocean, bay). Wetlands behind the second dune must have direct hydrologic (surface) connection or be part of a continuum of associated wetlands to be associated.

A road, dike or other barrier between the shoreline and the wetland does not necessarily preclude hydraulic continuity. If there is an *obvious topographic break* from the elevation of the water body (excluding natural or man-made berms), the wetland is probably *not* "associated."

Ecology's Wetland Rating System and other technical reports provide additional guidance on determining appropriate hydrologic boundaries on wetlands. See [Wetlands tools and resources](#).

Non SMA streams flowing into SMA water bodies

In many municipalities, non SMA streams with a mean annual flow under 20 cfs flow into water bodies such as rivers, lakes and marine waters that are regulated under the SMA. The portion of streams within a shoreland as defined by the SMP will be subject to SMP regulations.

Shoreline jurisdiction for these streams will vary, depending on the immediate circumstances.

- The portion of the stream within 200 feet of the OHWM of the SMA water body will be in shoreline jurisdiction, and the SMP will apply.
- Portions of non-SMA streams that flow through floodplains within shoreline jurisdiction would be regulated by the SMP.
- If the non-SMA stream flows into the delta of a river under the SMA, the non-SMA stream within the river delta shoreland would be regulated by the SMP.
- For non-SMA streams that flow into marine waters. For these streams, the extension of the marine tidal waters upstream will affect shoreline jurisdiction. *“Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream”* [WAC 173-22-030(16)]. The extension of the elevation of the marine OHWM might extend a short distance to a mile or more upstream. In such cases, shoreline jurisdiction would include the area within 200 feet of the OHWM of the section of the stream with tidal water as defined above.

Outside of shoreline jurisdiction, buffers established by the critical areas ordinance would apply.

SMA and federal lands

Generally, an SMP should include federal lands within shoreline jurisdiction. Non-federal activities that take place on federal land are usually subject to the SMA. For examples, a lake resort operating with a federal lease, or a private cabin on an in-holding along a stream within a national forest, are under the SMA.

In some cases, federal and state statutes establish exclusive federal jurisdiction. For example, state/federal agreements indicate that Olympic and Mount Rainier national parks are under federal jurisdiction only, so the SMA will not apply to those parks. Areas under exclusive federal jurisdiction may be excluded from the SMP.

Ecology will assume the SMA applies on federal land unless a local government provides documentation of exclusive federal jurisdiction. Contacting the public affairs offices of the federal agency with lands within your county or city may be a useful starting point if you want to pursue documentation of sole federal jurisdiction.

Relevant non-SMA statutes may include:

- RCW 36.34.210 Forest lands may be conveyed to United States.
- RCW 36.34.220 Lease or conveyance to United States for flood control, navigation, and allied purposes.
- RCW 36.34.230 Lease or conveyance to United States for flood control, navigation, and allied purposes -- State consents to conveyance.
- RCW 36.34.240 Lease or conveyance to United States for flood control, navigation, and allied purposes -- Cession of jurisdiction.
- RCW 36.34.250 Lease or conveyance to the state or to United States for military, housing, and other purposes.
- RCW 36.34.260 Lease or conveyance to the state or to United States for military, housing, and other purposes -- Procedure.
- RCW 36.34.270 Lease or conveyance to the state or to United States for military, housing, and other purposes -- Execution of instrument of transfer.
- RCW 37.04 General cession of jurisdiction.
- RCW 37.08.180 Jurisdiction ceded. Jurisdiction ceded when acquisition of land for permanent military installations, see RCW 37.16.180.
- RCW 37.08.200 Rainier National Park. Exclusive jurisdiction ceded to the United States.
- RCW 37.08.210 Olympic National Park. Exclusive jurisdiction ceded.

SMA and tribal lands

The application of the Washington State Shoreline Management Act to land within Indian reservations is a complex legal issue. To date, there is no law or court decision that directly addresses this issue. The SMA does not include any reference to tribal lands or Indian reservations. RCW 37.12.060 addresses regulation of the use of property belonging to any Indian or Indian tribe.

Nothing in this chapter shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights and tidelands, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States or **shall authorize regulation of the use of such property in a manner inconsistent with any federal treaty, agreement, or statute** or with any regulation made pursuant to... (emphasis added)

Indian tribes are sovereign governments that exercise governmental authority within their reservations. Generally, tribes exercise authority over their members and lands held by the federal government in trust for the tribe or its members (trust land). The courts have generally held that the tribes do not have jurisdiction over non-tribal members holding land in fee regarding land use regulation. There may be some instances where the tribe would have jurisdiction in these situations, however, and these are decided based on the facts of the case.

Therefore, the SMP generally applies to any land within reservation boundaries owned in fee by a non-tribal member. Local governments should work with tribal governments to define the extent of shoreline jurisdiction and resolve the application of shoreline regulations.

Documenting and mapping shoreline jurisdiction

Maps prepared to illustrate preliminary shoreline jurisdiction can serve as base inventory maps. The preliminary maps should include a vicinity map and identify shoreline jurisdiction for marine shorelines, rivers, lakes and shorelands, including wetlands.

The maps should be electronically generated to create a working map portfolio, reproducible at various scales and able to display data layers. State agencies' Internet mapping sites and current as well as historic aerial photograph series provide excellent baseline information for preliminary shoreline jurisdiction maps. You can obtain this information from the introductory sections of existing assessment reports and studies on Ecology's Shoreline Management website.

If maps do not clearly show shoreline jurisdiction, then jurisdiction must be described in a narrative. Ecology does not expect the OHWM to be precisely mapped for the SMP update.

Disclaimers

Shoreline jurisdiction maps in SMPs should include disclaimers that explain:

- Shoreline jurisdiction as shown is approximate and for planning purposes only.

- Shoreline jurisdiction will be determined at the time of project review.

Here's an example disclaimer: "Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm or modify the information shown on this map. Shoreline jurisdiction will be determined at time of project review using the best available site-specific information."

Map components

City maps should show city and urban growth area boundaries, topography, and SMA shorelines. Consider using a 10-meter DEM (digital elevation model) as a background image. Include an inset map that shows the location of the city in the state, within the county and relative to nearby cities.

County vicinity maps should show WRIA boundaries, topography, city borders and SMA shorelines. Consider using a 30-meter DEM as a background image. Include an inset map showing the location of the county in the state.

The next images illustrate use of existing core data layers to establish preliminary SMA jurisdiction boundaries. Working maps can be refined with accurate local data and in some cases, field checking.

Examples of shoreline jurisdiction mapping

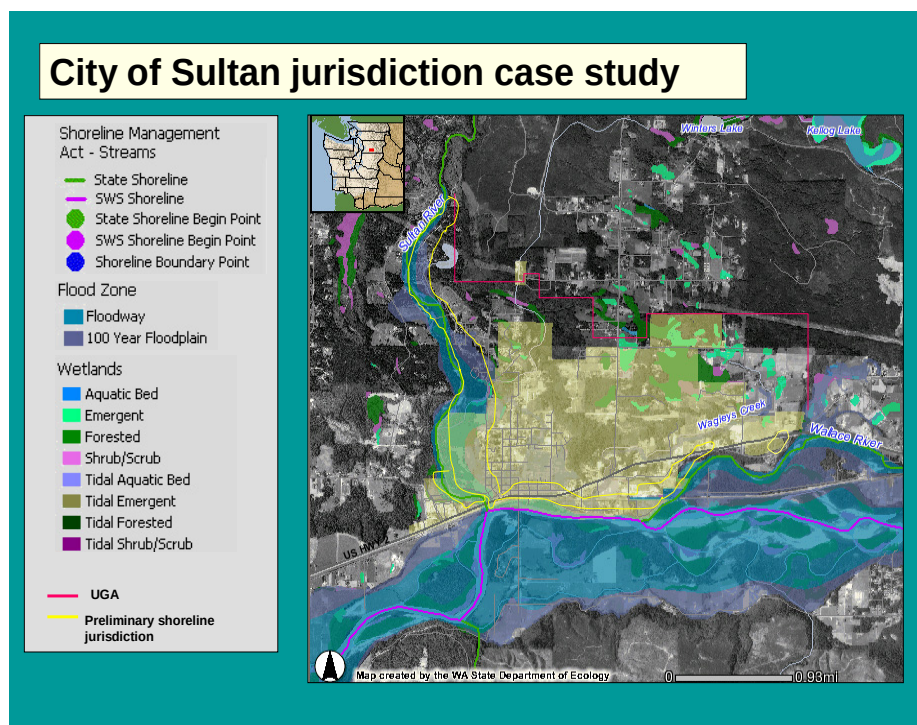


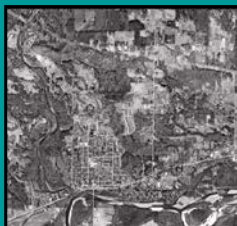
Figure 5-18: Using data layers to establish preliminary shoreline jurisdiction.

Sultan preliminary wetland mapping:

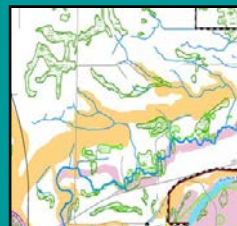
- Three sets of maps ranging from NWI to locally surveyed wetland delineations.
- Cross-comparison of wetland maps, hydric soils map and orthophoto to assess data layer accuracy.
- Document data sources and analysis methods for characterization report.



NWI WETLAND



ORTHO PHOTO



LOCALLY SURVEYED WETLANDS

Figure 5-19: Examples of layered data.

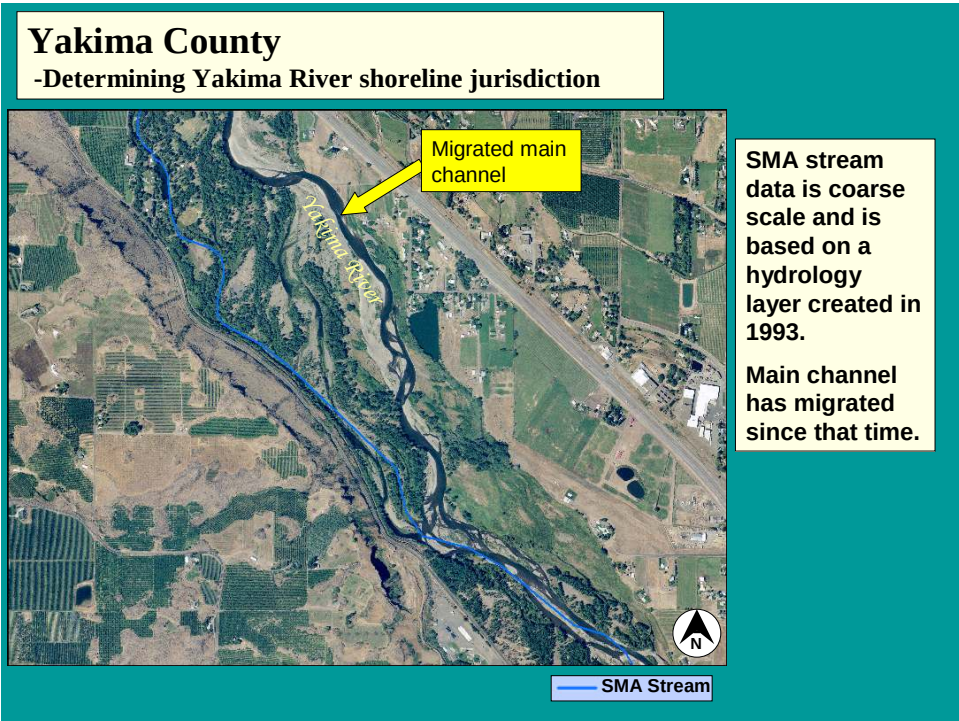


Figure 5-20: Using mapping to illustrate shoreline jurisdiction.

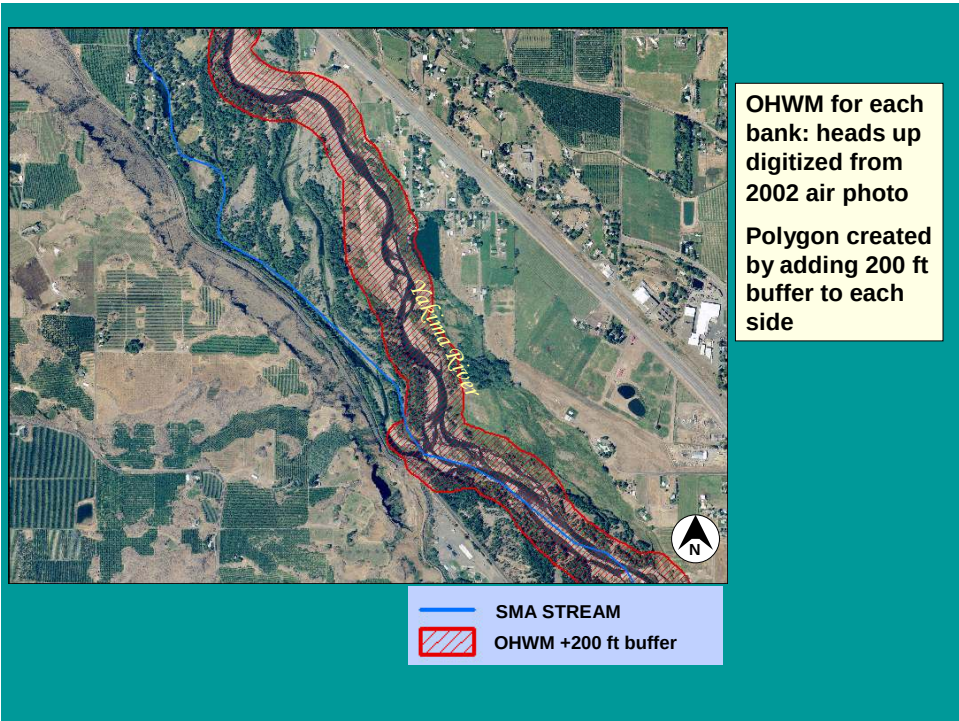


Figure 5-21: Using mapping to illustrate shoreline jurisdiction

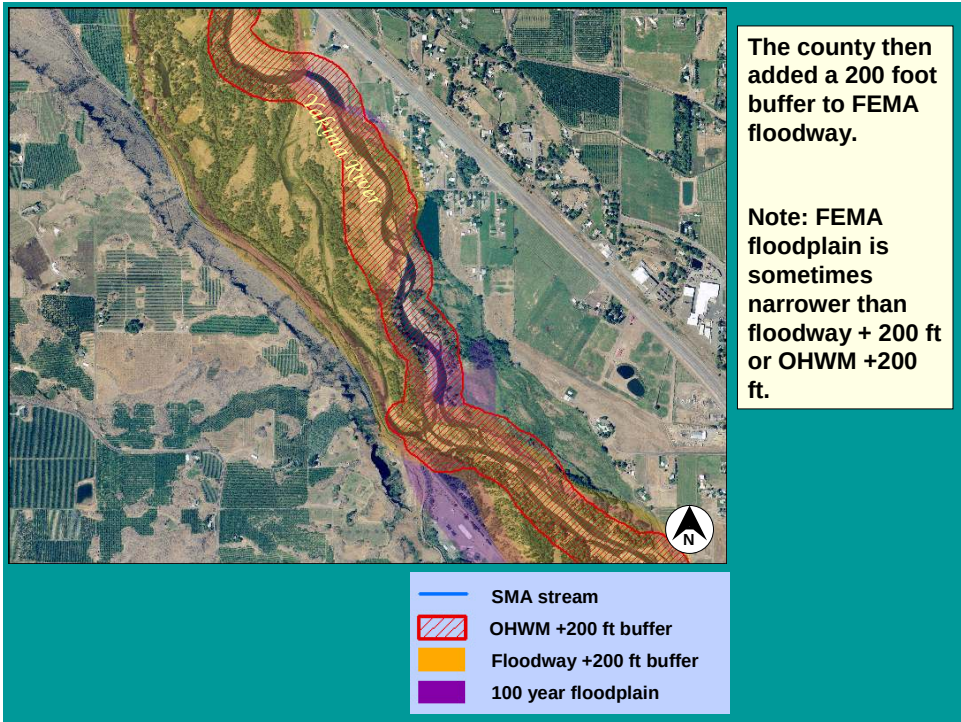


Figure 5-22: Using mapping to illustrate shoreline jurisdiction

SMA Definition of Shoreline Jurisdiction

The SMA definition of shoreline jurisdiction is long and complex. The full text is included below.

RCW 90.58.030(2)(a) through (2)(h) defines the geographical context of shoreline jurisdiction as follows:

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Floodway" means the area, as identified in a master program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(c) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(d) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

(i) Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.

(ii) Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter [36.70A](#) RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter [76.09](#) RCW, except conversions to nonforestland use, on lands subject to the provisions of this subsection (2)(d)(ii) are not subject to additional regulations under this chapter;

(e) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(f) "Shorelines of statewide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta—from DeWolf Bight to Tatsolo Point,

(B) Birch Bay—from Point Whitehorn to Birch Point,

(C) Hood Canal—from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area—from Brown Point to Yokeko Point, and

(E) Padilla Bay—from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the

crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those shorelands associated with (f)(i), (ii), (iv), and (v) of this subsection (2);

(g) "Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state;

(h) "Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Amendments to BIMC 12.40.060

INTRODUCTION

The following amendments are housekeeping changes for consistency. This includes clarifying that both of the Priority Aquatic designation categories are restricted areas consistent with existing priority aquatic policies and how this section on vessel speed was intended to function with the prior Aquatic Conservancy designation and where the City has installed signage buoys.

AMENDMENT #1: 12.40.060 – UNIFORM SPEED LIMIT – RESTRICTED AREAS – EXCEPTIONS – WATER SKIING – PENALTIES

BIMC 12.40.060, ‘Uniform speed limit – Restricted areas – Exceptions – Water skiing – Penalties’, last amended by Ord. 2020-32 on December 8, 2020, is amended as follows:

12.40.060 Uniform speed limit – Restricted areas – Exceptions – Water skiing – Penalties.

A. Except as permitted in subsection C of this section, it is unlawful for any person to operate a watercraft at a speed sufficient to create a wake or in excess of five nautical miles per hour, whichever is less, within the restricted areas identified in subsection B of this section, or within 150 feet of any shoreline, dock, breakwater, or nonmotorized boating class, group, or event.

B. Restricted Areas.

1. Priority ~~Aquatic aquatic Category A~~ areas ~~pursuant to BIMC 16.12.020.C.2 or future amendments thereto. Uses within priority aquatic Category A areas are also regulated as designated~~ by the shoreline ~~master~~ management program (Chapter 16.12 BIMC).
2. Eagle Harbor extending west from a line that runs from the Eagle Harbor Ferry Terminal to USCG buoy No. 5 and Bill Point.
3. Port Madison Bay extending out to one-fourth mile north of the port community dock.
4. Manzanita Bay extending south of latitude 47 degrees 40.200 minutes north.
5. Blakely Harbor extending west of longitude -122 degrees 30.033 minutes west.

C. Exceptions.

1. Emergencies. Police, fire, Coast Guard, or other official vessels responding to an emergency may exceed the uniform speed limit identified in subsection A of this section.

1 2. Human Powered Watercraft. Watercraft propelled by only human power may
2 exceed the uniform speed limit identified in subsection A of this section; provided
3 they are not operated in a negligent or reckless manner.

4 3. Wakeless Support Vessels. Except in ~~aquatic conservancy~~ **Priority Aquatic** areas
5 restricted under subsection B.1 of this section, wakeless motorized vessels in direct
6 support of human powered watercraft may exceed the uniform speed limit
7 identified in subsection A of this section; provided:

8 a. Wakeless motorized vessels providing support must be clearly marked as a
9 support and/or rescue vessel and include the name or seal of the organization
10 providing support;

11 b. Wakeless motorized vessels, when exceeding the speed limit, must do so
12 only within obvious proximity to or in pursuit of human powered vessel(s)
13 being supported; and

14 c. In no event shall a wakeless motorized vessel be operated in a negligent or
15 reckless manner.

16 D. Water Skiing. Any watercraft towing a person on water skis or other similar device
17 shall carry at least two occupants, one driver and one observer; use an orange warning
18 flag any time a person is in the water; comply with speed limits in accordance with
19 subsection A of this section; maintain the operational distance of 150 feet as specified in
20 subsection A of this section, except when beginning or ending a water skiing run, and
21 abide by all other local, state and federal regulations pertaining to watercraft.

22 E. Penalties. Violation of this section shall be a civil infraction punishable by a fine of up
23 to \$250.00 for each violation.

Amendments to BIMC Title 17

Contents

INTRODUCTION	1
AMENDMENT #1: 17.12.050 - NATURAL AREA AND COMMUNITY SPACE	1
AMENDMENT #2: 17.12.070 - GENERAL RESIDENTIAL SUBDIVISION STANDARDS	1
AMENDMENT #3: 17.12.090 - Special requirements for critical areas and shoreline	2
AMENDMENT #4: 17.28.020 - DEFINITIONS	2

INTRODUCTION

The following amendments are housekeeping changes to:

- Correct cross-references.

AMENDMENT #1: 17.12.050 - NATURAL AREA AND COMMUNITY SPACE

BIMC 17.12.050(3)(d), last amended by Ord. 2019-03 on September 24, 2019, is amended as follows:

All lands subject to critical area regulations by Chapters [16.12](#) or 16.20 BIMC shall remain subject to those regulations. Buffer modifications or setback reductions may be pursued.

AMENDMENT #2: 17.12.070 - GENERAL RESIDENTIAL SUBDIVISION STANDARDS

BIMC Table 17.12.070-1, ‘Subdivision Dimensional Standards’, last amended by Ord. 2019-03 on September 24, 2019, is amended in part as follows:

BASE DENSITY

The “base density” of a property means the density designated on the zoning map, exclusive of any density bonuses (see BIMC 18.12.050.A). Irregularly shaped lots and lots containing critical areas may not be permitted to achieve maximum density. Additional regulations on density may apply pursuant to Chapters [16.12](#) or 16.20 BIMC.

[Note: The remainder of Table 17.12.070-1 is unchanged.]

AMENDMENT #3: 17.12.090 - Special requirements for critical areas and shoreline

BIMC 17.12.090(A), ‘Critical Areas’, last amended by Ord. 2019-03 on September 24, 2019, is amended as follows:

Critical Areas. Any portion of any subdivision that contains a critical area as defined in Chapters [16.12 or](#) 16.20 BIMC must conform to all requirements of that chapter.

AMENDMENT #4: 17.28.020 - DEFINITIONS

A. BIMC 17.28.020(9), ‘critical areas’, last amended by Ord. 2019-03 on September 24, 2019, is amended as follows:

“Critical areas,” as used in this title, means critical areas, their protective buffers, and aquifer recharge protection areas as described by Chapters [16.12 or](#) 16.20 BIMC.

B. BIMC 17.28.020(60), ‘wetland’, last amended by Ord. 2019-03 on September 24, 2019, is amended as follows:

“Wetland” shall have the meaning defined in Chapters [16.12 or](#) 16.20 BIMC.

Amendments to BIMC Title 18

CONTENTS

INTRODUCTION	1
AMENDMENT #1: 18.09.020 – PERMITTED USE TABLE	1
AMENDMENT #2: 18.09.030 – USE-SPECIFIC STANDARDS	1
AMENDMENT #3: 18.12.020 – TABLES OF DIMENSIONAL STANDARDS	2
AMENDMENT #4: 18.12.050 - RULES OF MEASUREMENT.....	2
AMENDMENT #5: 18.15.020 – PARKING AND LOADING.....	4
AMENDMENT #6: 18.15.050 – SIGNS	5
AMENDMENT #7: 18.36.030 - DEFINITIONS	5

INTRODUCTION

The following amendments are housekeeping changes that:

- Correct cross-references.
- Provide clarification.

AMENDMENT #1: 18.09.020 – PERMITTED USE TABLE

BIMC 18.09.020(B), ‘Additional Restrictions in Critical Areas Regulations’, last amended by Ord. 2020-34 on December 8, 2020, is amended as follows:

Additional Restrictions in Critical Areas Regulations, ~~Chapter 16.20 BIMC~~. In addition to Table 18.09.020, properties containing critical areas are subject to critical areas regulations in Chapters 16.12 or 16.20 BIMC. A proposed use of land is only allowed if it is permitted under both use tables.

AMENDMENT #2: 18.09.030 – USE-SPECIFIC STANDARDS

A. BIMC 18.09.030(F)(2), ‘Utility, Primary’, last amended by Ord. 2020-03 on July 28, 2020, is amended as follows:

Utility, Primary.

- a. Primary utility facilities and equipment are subject to standards in Chapters 16.12 and 16.20 BIMC ~~16.12.030.C.7, Utilities (Primary and Accessory), and BIMC 16.20.130.C.11, critical areas regulations.~~
- b. Replacement, maintenance or upgrade of existing poles and equipment within a utility corridor or right-of-way is considered a permitted (“P”) use.

i. Replacement of a distribution utility pole or a transmission utility pole exceeding the height and/or location standards established in Table 18.12.040 shall require minor site plan review approval in accordance with BIMC 2.16.040 prior to installing the replacement pole.

B. BIMC 18.09.030(I)(12), ‘Accessory Utilities’, last amended by Ord. 2020-03 on July 28, 2020, is amended as follows:

Accessory Utilities. Accessory utilities structures within ~~fish-and-wildlife-habitat conservation areas~~ critical areas will be subject to utility standards in Chapters 16.12 or 16.20 BIMC ~~16.20.130.C.11~~. They are also subject to BIMC 18.12.040, permitted modifications.

AMENDMENT #3: 18.12.020 – TABLES OF DIMENSIONAL STANDARDS

BIMC Table 18.12.020-2, ‘Standard Lot Dimensional Standards for Residential Zone Districts’, last amended by Ord. 2020-10 on March 10, 2020, is amended in part as follows:

MAXIMUM DENSITY (Minimum lot area per dwelling unit)

Note: Additional regulations on density may apply pursuant to:

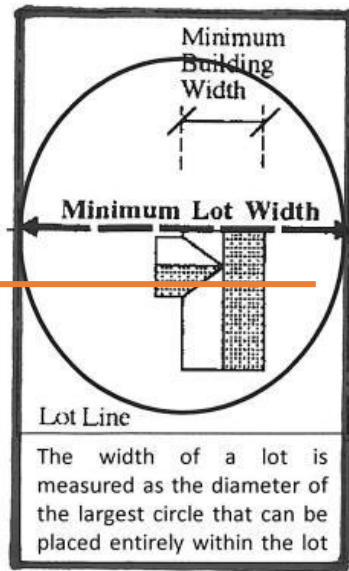
(a) Chapters 16.12 or 16.20 BIMC ~~16.20.160.F.5.a, Additional Development Standards for Regulated Uses, Land Divisions and Land Use Permits, Density Calculation.~~

[Note: The remainder of Table 18.12.020-2 is unchanged.]

AMENDMENT #4: 18.12.050 - RULES OF MEASUREMENT

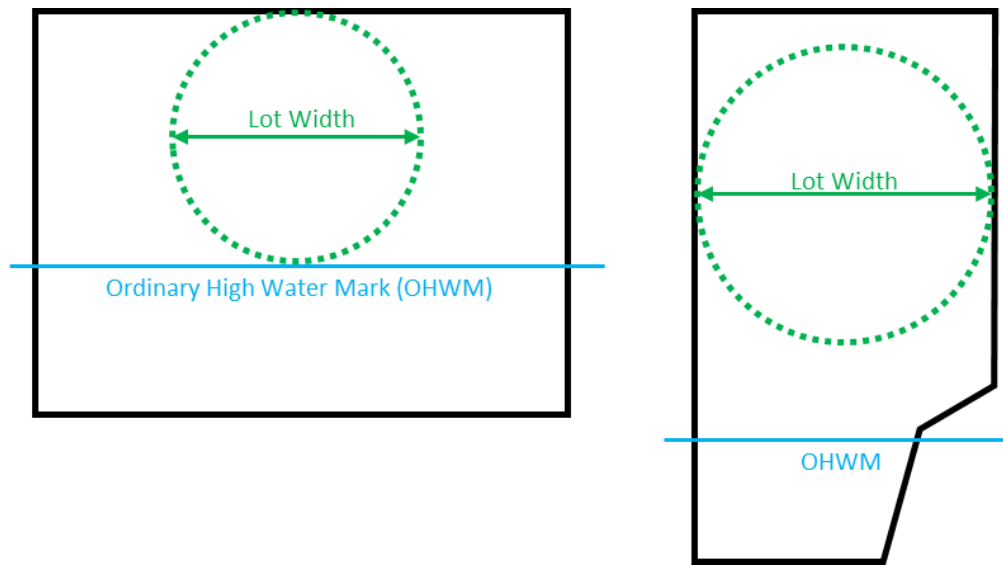
A. BIMC 18.12.050(M), ‘Rules of Measurement’, ‘Lot Width’, last amended by Ord. 2020-03 on July 28, 2020, is amended as follows:

Lot Width. “Lot width” means the diameter of the biggest circle that can fit entirely inside the lot boundary line. For shoreline lots, the ordinary high water mark shall be treated as a lot boundary line when drawing a circle to measure lot width. The following figures provide examples of how to measure lot width for a variety of lot shapes.

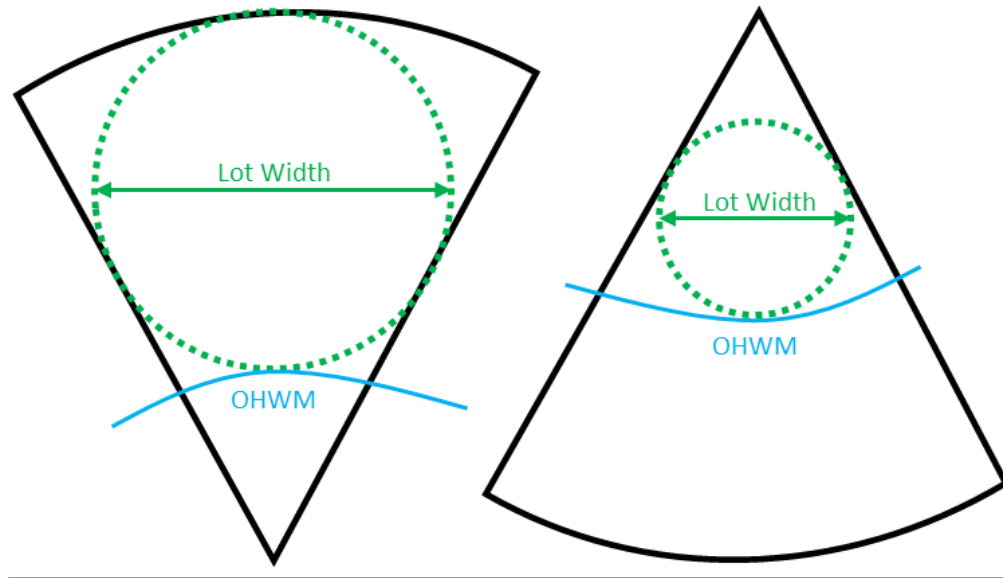


1

2



3



- B. BIMC 18.12.050(I), ‘Rules of measurement’, ‘Grade”, last amended by Ord. 2020-03 on July 28, 2020, is amended as follows:

Grade. “Grade” (adjacent ground elevation) is the computed average of the lowest and the highest points of elevation of the original surface of the ground, or existing paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building. On waterfront parcels as defined in the shoreline master program, the definition of average grade level from the shoreline master programs shall be used (WAC 173-27-030(3)). As defined in Chapter 16.12 BIMC, “average grade level” shall be used instead within shoreline jurisdiction.

AMENDMENT #5: 18.15.020 – PARKING AND LOADING

- BIMC 18.15.020, ‘parking and loading’, last amended by Ord. 2020-03 on July 28, 2020, is amended as follows:

All development shall comply with the following regulations addressing parking and loading unless other applicable regulations require additional or different treatment of parking and loading, in which case the more specific standard or criteria shall apply. The following sections of the BIMC may impose additional development standards, and in the case of conflict between any two or more development standards or criteria, the more specific shall apply:

Chapter 16.12 BIMC 16.12.030.C.3, Shoreline Master Management Program, Parking.

Chapter 16.20 BIMC, Critical Areas.
BIMC 18.15.010, Landscaping and screening.

[Note: The remainder of Section 18.15.050 is unchanged.]

AMENDMENT #6: 18.15.050 – SIGNS

BIMC 18.15.050, ‘Signs’, last amended by Ord. 2011-02 on **DATE**, is amended as follows:

All development shall comply with those sign regulations contained in Chapter 15.08 BIMC. ~~In addition, BIMC 16.20.130.C.13 contains additional signage regulations for critical area fish and wildlife conservation areas, and BIMC 16.20.160.D.9 contains additional signage regulations for critical area wetlands.~~ Additional signage regulations for critical areas are contained in Chapters 16.12 and 16.20 BIMC.

AMENDMENT #7: 18.36.030 - DEFINITIONS

- A. BIMC 18.36.030, ‘Definitions’, ‘best management practices’, last amended by Ord. 2020-03 on July 28, 2020, is amended as follows:

Best Management Practices. When used in the context of critical area regulations, “best management practices” are as defined in Chapters 16.12 or 16.20 BIMC. When used in the context of agricultural practices, “best management practices” are those practices defined in BIMC 18.09.030.A.1.b (use-specific standards for agricultural uses).

- B. BIMC 18.36.030, ‘Definitions’, ‘buffer’, last amended by Ord. 2020-03 on July 28, 2020, is amended as follows:

“Buffer” means space, either landscaped or existing or natural vegetation, intended to reduce the impact of undesirable sights, sounds, odors, and/or to protect critical areas. Buffers protecting critical areas shall be as defined in Chapter 16.12 or 16.20 BIMC.

- C. BIMC 18.36.030, ‘Definitions’, ‘geological hazard’, last amended by Ord. 2020-03 on July 28, 2020, is amended as follows:

“Geological hazard” shall have the meaning defined in Chapters 16.12 or 16.20 BIMC ~~16.20.030.A.20.~~

- D. BIMC 18.36.030, ‘Definitions’, ‘ordinary high water mark’, last amended by Ord. 2020-03 on July 28, 2020, is amended as follows:

1 “Ordinary high water mark” ~~means the mark on all lakes, streams and tidal water that will~~
2 ~~be found by examining the bed and banks and ascertaining where the presence and action~~
3 ~~of waters are so common and usual, and so long continued in all ordinary years, as to~~
4 ~~mark upon the soil a character distinct from that of the abutting upland, in respect to~~
5 ~~vegetation. If the ordinary high water line cannot be found, the ordinary high water mark~~
6 ~~adjoining salt water shall be the line of mean higher high tide and the ordinary high water~~
7 ~~mark adjoining fresh water shall be the line of mean high water~~ shall have the meaning
8 defined in Chapter 16.12 BIMC.
9

- 10 E. BIMC 18.36.030, ‘Definitions’, ‘Significant tree’, last amended by Ord. 2020-03 on July 28,
11 2020, is amended as follows:
12

13 “Significant tree” means: (a) an evergreen tree 10 inches in diameter or greater, measured
14 four and one-half feet above existing grade; or (b) a deciduous tree 12 inches in diameter
15 or greater, measured four and one-half feet above existing grade; or (c) in the Mixed Use
16 Town Center and High School Road zoning districts, any tree eight inches in diameter or
17 greater, measured four and one-half feet above existing grade; or (d) all trees located
18 within a required critical area buffer as defined in Chapters 16.12 or 16.20 BIMC.



Baseline SMP Change Matrix

This change matrix is an addendum to the Periodic Review Checklist and is intended to document the non-substantive changes made to the SMP in order to create a cleanly formatted Baseline SMP (Ordinance Exhibit 1). This matrix provides a side-by-side comparison of the old and new SMP language where there have been changes. In some cases, the language may be too long for the matrix format and may either be broken into parts across several rows or the reader may be directed to the original document for the full text. For completeness, the matrix indexes all old and new SMP code references.

To assist the reader, the change matrix is provided here in two formats. One sorted by the old ([2021 SMP](#)) code reference and the other sorted by new (Baseline SMP) code reference. The change matrix is also available in a Microsoft Excel format on the [SMP Periodic Review webpage](#) for those who would like to sort and filter the matrix.

		Link to 2021 SMP		Sorted by this Column		
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
n/a	Global	Terms: "Shoreline Master Program", "Master Program", and "Program"	n/a	Global	Changed to: "Shoreline Management Program" and "SMP"	This change is proposed for two reasons: 1. The word “management” better describes the purpose of the document and is consistent with how many other local jurisdictions have titled their SMP. 2. Members of our community and City leadership have requested the change to avoid potential connotation of past racial injustices.
n/a	Global	Terms: " Shoreline Residential designation" or " Shoreline-Residential "	n/a	Global	Changed to: "Residential designation"	To improve clarity and avoid using the word “shoreline” in too many different ways, this designation is being renamed from “Shoreline Residential”.
n/a	Global	Terms: " Shoreline Residential Conservancy designation" or " Shoreline Residential Conservancy "	n/a	Global	Changed to: "Residential Conservancy designation"	To improve clarity and avoid using the word “shoreline” in too many different ways, this designation is being renamed from “Shoreline Residential Conservancy”.
n/a	Global	Term: "Island Conservancy"	n/a	Global	Changed to: "Island Conservancy <u>designation</u> "	To consistently clarify the text is referring to the designation and avoid possible confusion.
n/a	Global	Term: "Natural"	n/a	Global	Changed to: "Natural <u>designation</u> "	To consistently clarify the text is referring to the designation and avoid possible confusion.
n/a	Global	Terms: "Aquatic designation" or "Aquatic" (when referring to the Aquatic designation)	n/a	Global	Changed to: " <u>Island</u> Aquatic designation"	To consistently clarify the text is referring to the designation (versus the category of aquatic designations) and avoid possible confusion.
n/a	Global	Terms: "Priority Aquatic"	n/a	Global	Changed to: "Priority Aquatic <u>designations</u> "	To consistently clarify the text is referring to both Priority Aquatic designations and avoid possible confusion.
n/a	Global	Terms: "Priority Aquatic Category A" or "Priority Aquatic A"	n/a	Global	Changed to: "Priority Aquatic A <u>designation</u> "	To consistently use only one term for the designation, clarify the text is referring to the designation, and avoid possible confusion.
n/a	Global	Terms: "Priority Aquatic Category B" or "Priority Aquatic B"	n/a	Global	Changed to: "Priority Aquatic B <u>designation</u> "	To consistently use only one term for the designation, clarify the text is referring to the designation, and avoid possible confusion.
n/a	Global	n/a	n/a	Global	[Various spelling corrections]	Corrections
n/a	Global	n/a	n/a	Global	[Various grammatical corrections, including adding Oxford commas where applicable]	Clarifications
n/a	Global	n/a	n/a	Global	[internal and external cross-reference updates to reflect non-substantive and substantive changes. Hyperlinks added.]	Corrections and clarifications
11	SMP 1.1	[Heading only] "Shoreline Master Program Introduction"	n/a	Removed	[Removed heading]	Redundant to chapter title
12	SMP 1.2.1	[Section described various administrative responsibilities of Ecology and the City in adopting and administering the SMP - Original text is too long to include in this matrix - see 2021 SMP]	n/a	Removed	[Removed entire section]	Content was redundant and non-essential
15	SMP 1.2.4	[Section describes public involvement in the 2014 SMP Comprehensive Update - Original text is too long to include in this matrix - see 2021 SMP]	n/a	Removed	[Removed entire section]	Out of date content

		Link to 2021 SMP		Sorted by this Column		
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
20	SMP 1.3.5(2)(a)	a. Development, uses, lots, and activities lawfully occurring, established or constructed prior to the effective date of the initial adoption of this Program (November 26, 1996), or amendments thereto, are not required to meet this Program's requirements, unless new development or changes to a development, use, lot or structure that would require review under this Program are proposed.	n/a	Removed		Redundant to nonconforming section [old SMP 4.2.1]
20	SMP 1.3.5(2)(a) and (b)	b. All existing legally constructed single family residences and accessory structures, including lawns, landscaping and recreation areas, which do not meet the standards of this Program are allowed to continue, and are allowed to may be maintained, repaired, remodeled, or replaced.	n/a	Removed		Redundant to nonconforming section [old SMP 4.2.1]
20	SMP 1.3.5(3)	Any person wishing to undertake activities constituting "development" within shoreline jurisdiction shall apply to the Administrator for a Shoreline Permit. Based on the provisions of this Master Program, the Administrator shall determine if a Letter of Exemption, a Substantial Development Permit, a Shoreline Conditional Use Permit, and/or a Shoreline Variance is required. Substantial development shall not be undertaken within the jurisdiction of the Act and this Master Program unless a Substantial Development Permit has been obtained and the appeal period has been completed and any appeals have been resolved and/or the project proponent is allowed to proceed under the provisions of the Act or by court order. "Substantial development" shall be defined as it is by the Act (RCW 90.58.030) and supplementing provisions of the Washington Administrative Code (WAC 173-27-040).	n/a	Removed		Redundant to BIMC 2.16.165
20	SMP 1.3.5(4)	Developments exempt from a Substantial Development Permit, which are outlined in BIMC Section 2.16.165, shall require a Letter of Exemption. A project that qualifies as "exempt development" may also require a Shoreline Conditional Use Permit, and/or a Shoreline Variance.	n/a	Removed		Redundant to BIMC 2.16.165
21	SMP 1.3.6	[Heading only] "Program Provisions"	n/a	Removed		All provisions under this section were either removed or relocated
21	SMP 1.3.6(1)	Exempt developments shall not be undertaken within the jurisdiction of the Act and this Master Program, unless a Letter of Exemption has been obtained documenting that the development is consistent with the policies and procedures of the Act, all applicable state regulations and this Master Program.	n/a	Removed		Redundant to BIMC 2.16.165
21	SMP 1.3.6(2)	The request for a Letter of Exemption shall be in writing, on forms required by the Administrator, and include the information required by the Administrator.	n/a	Removed		Redundant to BIMC 2.16.165

		Link to 2021 SMP		Sorted by this Column		
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
33	SMP 3.3.2.2 (part 1)	[Applicable excerpt, see entire section for context] A number of separate criteria are required to define the diverse character of Priority Aquatic types. Tidal lagoons and sensitive portions of tidal inlets will require protection in terms of water salinity and quality, sediment quality and quantity, native vegetation on adjacent shorelines, and remaining areas of native salt tolerant vegetation. Other types, such as aquatic vegetation, have similar requirements. The Priority Aquatic designation requires additional restrictions than the Aquatic designation on the intensity and type of permitted uses to maintain the integrity of the shoreline environment. Two subcategories of Priority Aquatic will be established in order to recognize the level of development adjacent to the Priority Aquatic and provide an appropriate level protection for the critical habitat.	n/a	Removed		Redundant content
35	SMP 3.3.2.8	Heading: " Priority Aquatic Category B Management Policies"	n/a	Removed		consolidated with 3.3.2.7 using new subheadings because some policies apply to both categories of Aquatic Priority
35	SMP 3.3.2.8(1)	[Entire provision]	n/a	Removed		Exact copy of 2021 SMP 3.3.2.7(1). Redundancy is not necessary with reorganization.
36	SMP 3.3.2.8(4)	[Entire provision]	n/a	Removed		Exact copy of 2021 SMP 3.3.2.7(2). Redundancy is not necessary with reorganization.
36	SMP 3.3.2.8(5)	[Entire provision]	n/a	Removed		Exact copy of 2021 SMP 3.3.2.7(3). Redundancy is not necessary with reorganization.
36	SMP 3.3.2.8(6)	[Entire provision]	n/a	Removed		Exact copy of 2021 SMP 3.3.2.7(4). Redundancy is not necessary with reorganization.
n/a	New	n/a	iii	SMP Legislative History	[Added table of all SMP ordinances applicable to Bainbridge Island. This is useful for identifying what requirements were in place at a specific time.]	
11	SMP 1.2	[Entire Section]	1-1	SMP 1.0	[Moved to be first paragraph in SMP 1.0 without change]	To improve logical flow of the introduction; global revisions only
11	SMP 1.1	This Shoreline Management Program (SMP) establishes regulations, enforcement procedures and policies for protection and development of Bainbridge Island's shoreline areas. The regulations in the SMP state specific legal requirements which future development must follow. The regulations in the SMP are part of the City's development regulations. The policies in the SMP state the underlying objectives the regulations are intended to accomplish. The policies are a component of the City's Comprehensive Plan and guide the interpretation and enforcement of the SMP's regulations. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations.	1-1	SMP 1.0	[now 2nd paragraph...] This Shoreline Management Program (SMP) establishes regulations, enforcement procedures and policies for protection, <u>restoration</u> , and development of Bainbridge Island's shoreline areas. The regulations in the SMP are part of the City's development regulations. The policies in the SMP state the underlying objectives the regulations are intended to accomplish. The policies are a component of the City's Comprehensive Plan and guide the interpretation and enforcement of the SMP's regulations. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations.	Clarification, remove redundancy
11	SMP 1.1.1	[Entire Section]	1-1	SMP 1.1		Unchanged except for applicable global revisions
15	SMP 1.2.3	[Entire Section]	1-1	SMP 1.3		Unchanged except for applicable global revisions

		Link to 2021 SMP		Sorted by this Column		
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
15	SMP 1.2.3	The City of Bainbridge Island adopted a SMP in 1996 after annexation of the entire Island occurred in March 1991. Prior to annexation, Bainbridge Island’s shorelines were managed under the Kitsap County SMP and the City of Winslow SMP. The goals and policies in the SMP are an element of the City’s Comprehensive Plan. All other portions of the SMP, including the use of regulations, are part of the City’s development regulations. The “precautionary principle” was employed as guidance in updating the policies and regulations of this SMP. The “precautionary principle” is cited in the State Shoreline Guidelines under WAC 173-26-201(3)(g) and states, in part that “as a general rule, the less known about existing resources, the more protective shoreline master program provisions should be to avoid unanticipated impacts to shoreline resources.”	1-1	SMP 1.3	The <u>first</u> City of Bainbridge Island <u>SMP was</u> adopted in 1996 after <u>the City of Winslow annexed</u> the entire Island in March 1991. Prior to annexation, Bainbridge Island’s shorelines were managed under the Kitsap County SMP and the City of Winslow SMP. <u>A table listing all SMP ordinances is provided in the front of this document and is useful for understanding what requirements applied at any specific time.</u> The “precautionary principle” <u>is used</u> as guidance <u>when amending</u> this SMP. The “precautionary principle” is cited in the State Shoreline Guidelines under WAC 173-26-201(3)(g) and states, in part that “as a general rule, the less known about existing resources, the more protective shoreline master program provisions should be to avoid unanticipated impacts to shoreline resources.”	Clarification and removed redundant content.
17	SMP 1.3	[Heading only] "Bainbridge Island Shoreline Master Program (SMP)"	1-2	SMP 1.4	Retitled "Bainbridge Island Shoreline <u>Managment</u> Program (SMP)"	Unchanged except for applicable global revisions
19	SMP 1.3.2	[Entire Section]	1-2	SMP 1.4.1		Unchanged except for applicable global revisions
19	SMP 1.3.3	Adoption Authority This Bainbridge Island Shoreline Master Program is adopted under the authority granted by Chapter 90.58 RCW and Chapter 173-26 WAC.	1-2	SMP 1.4.2	Adoption Authority <u>This SMP is adopted as the City’s Shoreline Master Program pursuant to Chapter 90.58 RCW and Chapter 173-26 WAC.</u>	To reflect new functional title of the SMP and provide clarity that this is the City's SMP under the SMA. This is the only location in the SMP and BIMC that will refer to this document as the "master" program.
13	SMP 1.2.2	[Heading only] "Scope of Shoreline Management Act"	1-2	SMP 1.4.3	Retitled to "Shoreline Jurisdiction"	Clarification

		Link to 2021 SMP		Sorted by this Column		
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
13	SMP 1.2.2	The Act covers all shorelines of the state, including “shorelines” and “shorelines of state-wide significance.” Figure 1-1 illustrates shoreline jurisdiction on coastal shorelines. Provisions of the Act apply to the following geographical shoreline areas: All marine waters of the state, together with the lands underlying them; Segments of streams and rivers where the mean annual flow is more than 20 cubic feet per second (cfs); Lakes and reservoirs 20 acres and greater in area; Shorelands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous flood plain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters; and Shorelines of state-wide significance as defined in RCW 90.58.030 or its successor. This includes those areas of Puget Sound lying seaward from the line of extreme low tide.	1-2	SMP 1.4.3(1)	[Replaced entire section with...] The geographic scope of the SMP is commonly referred to as “shoreline jurisdiction”, which includes the following (see Figures 1.4.3-1A, 1.4.3-1B, 1.4.3-2, and 1.4.3-3): <u>Shorelands” for tidal waters as defined in WAC 173-22-040(1), as amended.</u> <u>Shorelines” as defined in RCW 90.58.030(2)(e), as amended.</u> <u>Shorelines of State-wide Significance” as defined in RCW 90.58.030(2)(f)(iii), as amended.</u>	Clarifies shoreline jurisdiction on Bainbridge Island, removes content not relevant to Bainbridge Island, and consolidates redundant provisions regarding shoreline jurisdiction
19	SMP 1.3.5(1)	The Bainbridge Island Shoreline Master programs applies to 200-foot landward of ordinary high water mark and all marine waters out to the midline of Puget Sound, Port Madison, Agate Pass, Port Orchard and Rich Passage. The SMP does not apply to freshwater lakes or streams on Bainbridge Island.	1-2	SMP 1.4.3(1)	The geographic scope of the SMP is commonly referred to as “shoreline jurisdiction”, which includes the following (see Figures 1.4.3-1A, 1.4.3-1B, 1.4.3-2, and 1.4.3-3): <u>Shorelands” for tidal waters as defined in WAC 173-22-040(1), as amended.</u> <u>Shorelines” as defined in RCW 90.58.030(2)(e), as amended.</u> <u>Shorelines of State-wide Significance” as defined in RCW 90.58.030(2)(f)(iii), as amended.</u>	Clarifies shoreline jurisdiction on Bainbridge Island, removes content not relevant to Bainbridge Island, and consolidates redundant provisions regarding shoreline jurisdiction
21	SMP 1.3.6(3)	Approved shoreline restoration projects that cause a landward shift in the ordinary high water mark may be relieved from the standards of this Program pursuant to RCW 90.58.580.	1-2	SMP 1.4.3(2)	Pursuant to RCW 90.58.030(2)(c), changes in the ordinary high water mark will be recognized when caused by natural circumstances (e.g. erosion, sea level rise) or in accordance with permits issued by the City consistent with the SMP. Shoreline jurisdiction will shift with any changes in the OHWM except when relief is granted by the shoreline administrator in accordance with RCW 90.58.580.	Clarified for consistency with RCW
14	SMP 1.2.2; Figure 1-1	[Shoreline Jurisdiction graphic]	1-4	SMP 1.4.3; Figure 1.4.3-1A	[Retitled, replaced graphic with higher quality version, removed content that is not applicable to Bainbridge Island.]	Clarification
n/a	New	n/a	1-4	SMP 1.4.3; Figure 1.4.3-1B	[New graphic to depict how shoreline jurisdiction can expand for "associated wetlands"]	Depicts existing SMA requirement and graphic adapted from Ecology SMP Handbook Chapter 5 on shoreline jurisdiction.
n/a	New	n/a	1-5	SMP 1.4.3; Figure 1.4.3-2	[New graphic to depict the waterward boundary of shoreline jurisdiction]	Clarification
n/a	New	n/a	1-6	SMP 1.4.3; Figure 1.4.3-3	[New graphic to depicts the different areas within shoreline jurisdiction along the land/water interface]	Clarification

		Link to 2021 SMP		Sorted by this Column		
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
19	SMP 1.3.4	[Entire Section]	1-8	SMP 1.4.5		Unchanged except for applicable global revisions
19	SMP 1.3.4(1)	[Entire provision]	1-8	SMP 1.4.5(1)		Unchanged except for applicable global revisions
19	SMP 1.3.4(2)	Uses and developments regulated by this Program may also be subject to other provisions of the Bainbridge Island Municipal Code, the City of Bainbridge Island Comprehensive Plan, the Washington State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC), Chapter 173-27 WAC Shoreline Management Permit and Enforcement Procedures, and other local, state and federal laws.	1-8	SMP 1.4.5(2)	Uses and developments regulated by this <u>SMP</u> may also be subject to other provisions of the Bainbridge Island Municipal Code, the City of Bainbridge Island Comprehensive Plan, the Washington State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC), Chapter 173-27 WAC Shoreline Management Permit and Enforcement Procedures, and other local, state, and federal laws. <u>BIMC Title 18 (Zoning), or its successor, applies to shoreline parcels.</u>	global revisions, clarifies the existing applicability of zoning provisions
19	SMP 1.3.4(3)	[Entire provision]	1-8	SMP 1.4.5(3)		Unchanged except for applicable global revisions
19	SMP 1.3.4(4)	[Entire provision]	1-8	SMP 1.4.5(4)		Unchanged except for applicable global revisions
19	SMP 1.3.4(5)	[Entire provision]	1-8	SMP 1.4.5(6)		Unchanged except for applicable global revisions
19	SMP 1.3.4(6)	[Entire provision]	1-8	SMP 1.4.5(7)		Unchanged except for applicable global revisions
19	SMP 1.3.5	[Heading only] " Applicability of Bainbridge Island Shoreline Master Program "	1-9	SMP 1.4.6	Retitled to "Applicability"	Simplification
20	SMP 1.3.5(2)	[First sentence only] The provisions of this Program apply to both existing and new development, uses, lots, and activities as follows :	1-9	SMP 1.4.6(1)	The provisions of this SMP apply to both existing and new development, uses, lots, and activities.	Simplification
20	SMP 1.3.5(2)(c)	[Entire provision]	1-9	SMP 1.4.6(2)		Unchanged except for applicable global revisions
20	SMP 1.3.5(2)(d)	[Entire provision]	1-9	SMP 1.4.6(3)		Unchanged except for applicable global revisions
20	SMP 1.3.5(5)	[Entire provision]	1-9	SMP 1.4.6(4)		Unchanged except for applicable global revisions
20	SMP 1.3.5(6)	[Entire provision]	1-9	SMP 1.4.6(5)		Unchanged except for applicable global revisions
21	SMP 1.3.6(4)	[Entire provision]	1-9	SMP 1.4.6(6)		Unchanged except for applicable global revisions
21	SMP 1.3.7	[Heading only] " Bainbridge Island Shoreline Master Program Administrative Procedures"	1-9	SMP 1.4.7	Retitled to "Administrative Procedures"	Simplification
21	SMP 1.3.7	[Section describes why administrative provisions are adopted separately and where they are located in BIMC - Original text is too long to include in this matrix - see 2021 SMP]	1-9	SMP 1.4.7	<u>The administrative, enforcement, and permit review procedures applicable to this SMP are adopted separately from the SMP consistent with WAC 173-26-191(2)(a)(iii)(C). This allows the City to revise local administrative procedures (fees, application meetings, authority of Administrator, etc.) without another formal SMP amendment process.</u> <u>Administrative provisions must still be consistent and remain consistent with the related provisions in the Shoreline Management Act and state shoreline rules (WAC's). In the event of a conflict, the state RCW or WAC, as amended, will prevail over the City's administrative provisions.</u> <u>SMP administrative procedures are part of the Bainbridge Island Municipal Code, BIMC 1.26, Code Enforcement, and BIMC 2.16.165, Shoreline Master Program Administration.</u>	Simplification
22	SMP 1.4	[Entire Section]	1-10	SMP 1.5		Unchanged except for applicable global revisions

		Link to 2021 SMP		Sorted by this Column		
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
22	SMP 1.5	[Entire Section]	1-10	SMP 1.6		Unchanged except for applicable global revisions
17	SMP 1.3.1	[Section provides a non-regulatory narrative summarizing Bainbridge Island shoreline geography, habitats/species, uses, population, etc - Original text is too long to include in this matrix - see 2021 SMP]	2-1	SMP 2.1	Bainbridge Island has approximately 53 miles of shoreline. It has seven harbors or bays, each having a long and interesting history and a wide variety of uses. Eagle Harbor has the most activity, including a ferry terminal, a boatyard, numerous marinas and a public boat launch, waterfront parks, a Superfund site, commercial uses, mixed uses, multi-family uses, detached homes, and a live-aboard community. Most of Bainbridge Island's shorelines have been developed with single-family residences, from small summer cabins to large mansions. At the north end of the island is a large	Moved to consolidate similar information. Revised for clarity. Removed out of date content. Reader will need to compare side-by-side due to the nature of the edits. Entire section is non-regulatory.
18	SMP 1.3.1; Figure 1-2	[Figure title] " Map of Bainbridge Island "	2-2	SMP 2.1; Figure 2.1	Retitled " <u>Bainbridge Island Shoreline Placenames</u> "	Clarification
23	SMP 2.1	Heading: " Summary "	2-3	SMP 2.2	Retitled to " <u>Inventory and Characterization</u> "	Clarification
23	SMP 3.1	[Entire Section]	3-1	SMP 3.1		Unchanged except for applicable global revisions
24	SMP 3.1.1	The official Bainbridge Island Shoreline Designation Map (Appendix	3-1	SMP 3.1.1(1)	The official Bainbridge Island Shoreline Designation Map	Global revisions; consistency with map changes proposed in
n/a	New	n/a	3-1	SMP 3.1.1(2)	<u>Special districts within shoreline jurisdiction include the following:</u> <u>a. Point Monroe District (PMD).</u>	Added to provide a simple list of special districts for clarity.
24	SMP 3.1.2	Where the shoreline jurisdiction or designation is uncertain, the official shoreline designation map shall be used to determine boundary location. If the conflict cannot be resolved using the shoreline designation map, the following rules shall apply: 1. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other roadways shall be construed to follow such center lines. 2. Boundaries indicated as approximately following lot, fractional section, or other subdivision lines shall be construed as following such subdivision lines. 3. Boundaries indicated as parallel to or extensions of features identified in subsections 1 and 2 above shall be so construed. 4. When not specifically indicated on the Shoreline Designation Map, distances shall be determined by the scale of the map. 5. If there is no designation on the map, then the Shoreline -Residential Conservancy designation applies. Where existing physical or cultural features are at variance with those shown on the Shoreline Designation Map and cannot be determined with certainty by applying subsections 1 through 4 above, the Department shall determine the location or existence of such feature utilizing any appropriate criteria contained in the Master Program .	3-2	SMP 3.1.2(1) and (2)	1. Where the shoreline jurisdiction or designation is uncertain, the official shoreline designation map shall be used to determine boundary location. If the conflict cannot be resolved using the shoreline designation map, the following rules shall apply: a. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other roadways shall be construed to follow such center lines. b. Boundaries indicated as approximately following lot, fractional section, or other subdivision lines shall be construed as following such subdivision lines. c. Boundaries indicated as parallel to or extensions of features identified in subsections 1 and 2 above shall be so construed. d. When not specifically indicated on the Shoreline Designation Map, distances shall be determined by the scale of the map. e. If there is no designation on the map, then the Residential Conservancy designation applies. 2. Where existing physical or cultural features are at variance with those shown on the Shoreline Designation Map and cannot be determined with certainty by applying subsections 1(a) through 1(c) above, the Department shall determine the location or existence of such feature utilizing any appropriate criteria contained in the <u>SMP</u> .	Unchanged except for applicable global revisions
36	SMP 3.4	[Entire Section]	3-2	SMP 3.1.3		Unchanged except for applicable global revisions
25	SMP 3.2.1	[Entire Section]	3-3	SMP 3.2.1		Unchanged except for applicable global revisions
26	SMP 3.2.2	[Entire Section]	3-3	SMP 3.2.2		Unchanged except for applicable global revisions

		Link to 2021 SMP		Sorted by this Column		
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
27	SMP 3.2.3	[Entire Section]	3-5	SMP 3.2.3		Unchanged except for applicable global revisions
28	SMP 3.2.4	[Entire Section]	3-6	SMP 3.2.4		Unchanged except for applicable global revisions
30	SMP 3.2.5.1	[Entire Section]	3-8	SMP 3.2.5.1		Unchanged except for applicable global revisions
30	SMP 3.2.5.2	[Entire Section]	3-8	SMP 3.2.5.2		Unchanged except for applicable global revisions
31	SMP 3.2.5.3	[Entire Section]	3-9	SMP 3.2.5.3		Unchanged except for applicable global revisions
31	SMP 3.3.1	[Heading only] "Aquatic"	3-10	SMP 3.3.1	Retitled to "Island Aquatic <u>Designation</u> "	Unchanged except for applicable global revisions
31	SMP 3.3.1.1	[Entire Section]	3-10	SMP 3.3.1.1		Unchanged except for applicable global revisions
32	SMP 3.3.1.2	Aquatic areas include: 1. All marine areas waterward of the OHWM which have not been designated Priority Aquatic. 2. All wetlands associated to the above which have not been designated priority aquatic.	3-10	SMP 3.3.1.2	Areas to be designated Island Aquatic shall meet the following <u>criteria</u> : 1. All areas waterward of the OHWM which have not been designated Priority Aquatic. 2. All wetlands associated to the above which have not been designated Priority Aquatic.	Clarification and global revisions
32	SMP 3.3.1.3(1) - (5)	[Entire provisions]	3-10	SMP 3.3.1.3(1) - (5)		Unchanged except for applicable global revisions
32	SMP 3.3.1.3(6)	6. All developments and uses on navigable waters, tidelands or bedlands should be located to avoid and designed to minimize interference with navigation.	3-11	SMP 3.3.1.3(6)	6. All developments and uses on navigable waters, tidelands, or bedlands should be located to: a. Avoid interference with navigation; <u>and</u> b. Where interference cannot be avoided, developments and uses <u>shall be designed to minimize interference.</u>	Clarification
32	SMP 3.3.1.3(7)	7. D development and uses on navigable waters, tidelands, or bedlands should be located to avoid and designed to minimize impacts to public views.	3-11	SMP 3.3.1.3(7)	7. D development and uses on navigable waters, tidelands, or bedlands should be located to: a. Avoid impacts to public views; <u>and</u> b. Where impacts cannot be avoided, developments and uses <u>shall be designed to minimize impacts.</u>	Clarification
32	SMP 3.3.1.3(8) - (12)	[Entire provisions]	3-11	SMP 3.3.1.3(8) - (12)		Unchanged except for applicable global revisions
33	SMP 3.3.2	[Heading only] "Priority Aquatic"	3-12	SMP 3.3.2	Retitled to "Priority Aquatic <u>Designations</u> "	Unchanged except for applicable global revisions
33	SMP 3.3.2.1	[Entire Section]	3-12	SMP 3.3.2.1		Unchanged except for applicable global revisions
34	SMP 3.3.2.3	Type 1: Embayment, Barrier Estuary, Barrier Lagoons, or Closed Lagoon and Marshes The upland boundary of Type 1 Priority Aquatic shall be the OHWM. There are two barrier lagoons currently identified on the Island; "Point Monroe Lagoon" and "Battle Point Lagoon"; two closed lagoons and marshes "Wing Point Lagoon" and "Tolo Lagoon"; and one barrier estuary "Fletcher Bay".	3-12	SMP 3.3.2.2(1)	Type 1 (Barrier Estuary, Barrier Lagoons, or Closed Lagoon and Marshes). a. Barrier estuaries include "Fletcher Bay". b. Barrier lagoons include the "Point Monroe Lagoon" and the "Battle Point Lagoon". c. C losed lagoons and marshes include the "Wing Point Lagoon" and the "Tolo Lagoon". d. The upland boundary of Type 1 shall be the ordinary high water mark (OHWM).	Clarified and integrated into criteria section to be consistent with other designation criteria sections. Due to the reorganization of content, strikeout/underline formatting does not make sense, and therefore the entire section is replaced.

		Link to 2021 SMP		Sorted by this Column		
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
34	SMP 3.3.2.4	Type 2: Salt marshes and mud flats in Open Coastal Inlets Embayments and related intertidal areas subject to the daily influence of tides where they support salt tolerant vegetation and/or exposed mudflats. Open coastal inlets areas should be designated Priority Aquatic if they meet either Criterion I or II below. Only those areas designated will be subject to the Priority Aquatic management policies and regulations. This type of Priority Aquatic designation shall extend from the OHWM to six (6) feet below mean lower low water (MLLW). If the inlet is less than six hundred (600) feet wide, or less then (6) feet deep at the MLLW, the resource should be considered to be a single system encompassing both sides and the channel. In these cases, boundaries should be drawn from the OHWM to a line perpendicular to the average direction of the tidal flow where the criteria are no longer met. Parts of tidal inlets that do not fit either criterion, and do not fit other types of Priority Aquatic designation, shall be designated Aquatic. — Criterion I: The area between the OHWM and MLLW that provides a habitat for at least one quarter (1/4) acre of salt tolerant vegetation. Vegetated patches may be smaller than one quarter (1/4) acre, but the total vegetated area must be at least one quarter (1/4) acre. — Criterion II: At least one quarter (1/4) acre of exposed flats is exhibited between OHWM and MLLW whose sediments are at least thirty (30) percent muds.	3-12	SMP 3.3.2.2(2)	<u>Type 2 (Salt Marshes and Mud Flats in Open Coastal Inlets).</u> <u>a. Open coastal inlets areas should be designated Priority Aquatic if:</u> <u>i. The area between the OHWM and mean lower low water (MLLW) provides a habitat for at least one quarter (1/4) acre of salt-tolerant vegetation. Vegetated patches may be smaller than one quarter (1/4) acre, but the total vegetated area must be at least one quarter (1/4) acre.</u> <u>ii. At least one quarter (1/4) acre of exposed flats is exhibited between OHWM and MLLW whose sediments are at least thirty (30) percent muds.</u> <u>b. Type 2 shall extend from the OHWM to six (6) feet below mean lower low water (MLLW). If the inlet is less than six hundred (600) feet wide, or less then (6) feet deep at the MLLW, the resource should be considered to be a single system encompassing both sides and the channel. In these cases, boundaries should be drawn from the OHWM to a line perpendicular to the average direction of the tidal flow where the criteria are no longer met.</u> <u>d. Parts of tidal inlets that do not fit either criterion, and do not fit other types of Priority Aquatic designation, shall be designated Island Aquatic.</u>	Clarified and integrated into criteria section to be consistent with other designation criteria sections. Due to the reorganization of content, strikeout/underline formatting does not make sense, and therefore the entire section is replaced.
34	SMP 3.3.2.5 (part 1)	Type 3: Marine Vegetation Areas waterward of the MLLW that support a sustainable community of kelp, or eelgrass and/or other submerged aquatic vegetation in sufficient quantities to provide special value as habitat for marine life.	3-12	SMP 3.3.2.2(3)	Type 3 (Marine Vegetation). Areas waterward of MLLW that support a sustainable community of kelp, eelgrass, and/or other submerged aquatic vegetation in sufficient quantities to provide special value as habitat for marine life.	First sentence is designation criteria. The remainder was integrated into new section SMP 3.3.2.3.
35	SMP 3.3.2.6	[Entire Section]	3-13	SMP 3.3.2.2(4)		Unchanged except for applicable global revisions
33	SMP 3.3.2.2 (part 2)	[Applicable excerpt, see entire section for context] Priority Aquatic shall be designated as follows: 1. Priority Aquatic Category A is more protective and intended to be the default classification. a. Those areas previously designated Aquatic Conservancy are designated Priority Aquatic Category A. 2. Priority Aquatic areas located adjacent to upland areas with a high level of existing development are classified as Priority Aquatic B.	3-13	SMP 3.3.2.2(5)	Priority Aquatic <u>designations of all types</u> shall be categorized as follows: a. <u>The Priority Aquatic A designation is the default classification and is intended to be more protective.</u> Those areas previously designated Aquatic Conservancy are designated Priority Aquatic A. b. <u>The Priority Aquatic B designation is located adjacent to upland areas with a high level of existing development.</u>	Clarified

		Link to 2021 SMP		Sorted by this Column		
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
33	SMP 3.3.2.2 (part 3)	[Applicable excerpt, see entire section for context] The City shall map the limits of the designations with assistance from state resource agencies and other cooperating agencies. Any aquatic area in which actions have been taken under an approved permit that create, restore, or enhance characteristics of the aquatic area that meet any of these criteria shall be designated Priority Aquatic through an amendment to this program as specified in BIMC Section 2.16.200. Where there is a conflict between the map and criteria, the criteria will prevail provided a report is prepared within three years by a qualified professional verifying that the map is in error. The report will be the responsibility of the party requesting the map change. The City may require a third party review at the applicant's expense. If areas are determined to be appropriate for designation, an amendment to this program is required to designate Priority Aquatic and shall be processed as specified in Shoreline Master Program Administration , BIMC Section 2.16.200.	3-13	SMP 3.3.2.3(1) - (4)	1. The City shall map the limits of the designations with assistance from state resource agencies and other cooperating agencies. 2. Any aquatic area in which actions have been taken under an approved permit that create, restore, or enhance characteristics of the aquatic area that meet any of these criteria shall be designated Priority Aquatic through the amendment process specified in BIMC 2.16.200. 3. Where there is a conflict between the map and criteria, the criteria shall govern provided a report is prepared within three years by a qualified professional verifying that the map is in error. The report will be the responsibility of the party requesting the map change. The City may require a third-party review at the applicant's expense. 4. If areas are determined to be appropriate for Priority Aquatic designation, an amendment processed as specified in BIMC 2.16.200 is required.	Organized and clarified
34	SMP 3.3.2.5 (part 2)	Consideration for Priority Aquatic designation under Type 3 may be initiated by any interested person, group, or the City. A petition for nomination shall be submitted by an interested person or group. The following information shall be used by the City to determine when an area meets the criteria for Priority Aquatic under Type 3: 1. Delineation of proposed area, including aerial extent and bathymetric contours. 2. Inventory of submerged aquatic vegetation. Use percent coverage for macro algae and shoot density for eelgrass. 3. Further information, as determined by the Administrator, may be required in addition to the above including but not limited to: a. Relationship of proposed area to nearby ecosystems. b. List of species utilizing the proposed area. c. Abundance and diversity of species in the proposed area. The City shall keep a record and review data annually to determine whether sites are appropriate for nomination under Type 3. If areas are determined to be appropriate for designation, an amendment to this program is required to designate Priority Aquatic and shall be processed as an amendment as specified in the Shoreline Master Program Administration , BIMC Section 2.16.200.	3-13	SMP 3.3.2.3(5)	Consideration under Type 3 may be initiated by any interested person, group, or the City. a. A petition for nomination shall be submitted by an interested person or group. b. The following information shall be used by the City to determine when an area meets the criteria for Priority Aquatic under Type 3: i. Delineation of proposed area, including aerial extent and bathymetric contours. ii. Inventory of submerged aquatic vegetation. Use percent coverage for macro algae and shoot density for eelgrass. iii. Further information, as determined by the Administrator, may be required in addition to the above including but not limited to: A. Relationship of proposed area to nearby ecosystems. B. List of species utilizing the proposed area. C. Abundance and diversity of species in the proposed area. c. The City shall keep a record and review data annually to determine whether sites are appropriate for nomination under Type 3. If areas are determined to be appropriate for designation, an amendment processed as specified in BIMC 2.16.200 is required.	Reorganized into a more appropriate section.
35	SMP 3.3.2.7	Heading: "Priority Aquatic Category A Management Policies"	3-14	SMP 3.3.2.4	Retitled to "Priority Aquatic <u>Designation</u> Management Policies"	consolidated with 3.3.2.8 using new subheadings because some policies apply to both categories of Aquatic Priority

		Link to 2021 SMP		Sorted by this Column		
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
35	SMP 3.3.2.7(1)	[Entire provision]	3-14	SMP 3.3.2.4(1)		Reorganized under a new subheading "Priority Aquatic A & B Designations"; Unchanged except for applicable global revisions
36	SMP 3.3.2.8(3)	[Entire provision]	3-14	SMP 3.3.2.4(10)		Reorganized under a new subheading "Priority Aquatic B Designations"; Unchanged except for applicable global revisions
35	SMP 3.3.2.7(4)	[Entire provision]	3-14	SMP 3.3.2.4(2)		Reorganized under a new subheading "Priority Aquatic A & B Designations"; Unchanged except for applicable global revisions
35	SMP 3.3.2.7(6)	[Entire provision]	3-14	SMP 3.3.2.4(3)		Reorganized under a new subheading "Priority Aquatic A & B Designations"; Unchanged except for applicable global revisions
35	SMP 3.3.2.7(8)	[Entire provision]	3-14	SMP 3.3.2.4(4)		Reorganized under a new subheading "Priority Aquatic A & B Designations"; Unchanged except for applicable global revisions
35	SMP 3.3.2.7(2)	[Entire provision]	3-14	SMP 3.3.2.4(5)		Reorganized under a new subheading "Priority Aquatic A Designations"; Unchanged except for applicable global revisions
35	SMP 3.3.2.7(3)	[Entire provision]	3-14	SMP 3.3.2.4(6)		Reorganized under a new subheading "Priority Aquatic A Designations"; Unchanged except for applicable global revisions
35	SMP 3.3.2.7(5)	[Entire provision]	3-14	SMP 3.3.2.4(7)		Reorganized under a new subheading "Priority Aquatic A Designations"; Unchanged except for applicable global revisions
35	SMP 3.3.2.7(7)	[Entire provision]	3-14	SMP 3.3.2.4(8)		Reorganized under a new subheading "Priority Aquatic A Designations"; Unchanged except for applicable global revisions
36	SMP 3.3.2.8(2)	[Entire provision]	3-14	SMP 3.3.2.4(9)		Reorganized under a new subheading "Priority Aquatic B Designations"; Unchanged except for applicable global revisions

	Sorted by this Column	Link to 2021 SMP				
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
n/a	Global	Terms: "Shoreline Master Program", "Master Program", and "Program"	n/a	Global	Changed to: "Shoreline Management Program" and "SMP"	This change is proposed for two reasons: 1. The word “management” better describes the purpose of the document and is consistent with how many other local jurisdictions have titled their SMP. 2. Members of our community and City leadership have requested the change to avoid potential connotation of past racial injustices.
n/a	Global	Terms: " Shoreline Residential designation" or " Shoreline-Residential "	n/a	Global	Changed to: "Residential designation"	To improve clarity and avoid using the word “shoreline” in too many different ways, this designation is being renamed from “Shoreline Residential”.
n/a	Global	Terms: " Shoreline Residential Conservancy designation" or " Shoreline Residential Conservancy "	n/a	Global	Changed to: "Residential Conservancy designation"	To improve clarity and avoid using the word “shoreline” in too many different ways, this designation is being renamed from “Shoreline Residential Conservancy”.
n/a	Global	Term: "Island Conservancy"	n/a	Global	Changed to: "Island Conservancy <u>designation</u> "	To consistently clarify the text is referring to the designation and avoid possible confusion.
n/a	Global	Term: "Natural"	n/a	Global	Changed to: "Natural <u>designation</u> "	To consistently clarify the text is referring to the designation and avoid possible confusion.
n/a	Global	Terms: "Aquatic designation" or "Aquatic" (when referring to the Aquatic designation)	n/a	Global	Changed to: " <u>Island</u> Aquatic designation"	To consistently clarify the text is referring to the designation (versus the category of aquatic designations) and avoid possible confusion.
n/a	Global	Terms: "Priority Aquatic"	n/a	Global	Changed to: "Priority Aquatic <u>designations</u> "	To consistently clarify the text is referring to both Priority Aquatic designations and avoid possible confusion.
n/a	Global	Terms: "Priority Aquatic Category A" or "Priority Aquatic A"	n/a	Global	Changed to: "Priority Aquatic A <u>designation</u> "	To consistently use only one term for the designation, clarify the text is referring to the designation, and avoid possible confusion.
n/a	Global	Terms: "Priority Aquatic Category B" or "Priority Aquatic B"	n/a	Global	Changed to: "Priority Aquatic B <u>designation</u> "	To consistently use only one term for the designation, clarify the text is referring to the designation, and avoid possible confusion.
n/a	Global	n/a	n/a	Global	[Various spelling corrections]	Corrections
n/a	Global	n/a	n/a	Global	[Various grammatical corrections, including adding Oxford commas where applicable]	Clarifications
n/a	Global	n/a	n/a	Global	[internal and external cross-reference updates to reflect non-substantive and substantive changes. Hyperlinks added.]	Corrections and clarifications
n/a	New	n/a	iii	SMP Legislative History	[Added table of all SMP ordinances applicable to Bainbridge Island. This is useful for identifying what requirements were in place at a specific time.]	
n/a	New	n/a	1-4	SMP 1.4.3; Figure 1.4.3-1B	[New graphic to depict how shoreline jurisdiction can expand for "associated wetlands"]	Depicts existing SMA requirement and graphic adapted from Ecology SMP Handbook Chapter 5 on shoreline jurisdiction.
n/a	New	n/a	1-5	SMP 1.4.3; Figure 1.4.3-2	[New graphic to depict the waterward boundary of shoreline jurisdiction]	Clarification
n/a	New	n/a	1-6	SMP 1.4.3; Figure 1.4.3-3	[New graphic to depicts the different areas within shoreline jurisdiction along the land/water interface]	Clarification
n/a	New	n/a	3-1	SMP 3.1.1(2)	<u>Special districts within shoreline jurisdiction include the following:</u> a. <u>Point Monroe District (PMD).</u>	Added to provide a simple list of special districts for clarity.

	Sorted by this Column	Link to 2021 SMP				
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
11	SMP 1.1	[Heading only] "Shoreline Master Program Introduction"	n/a	Removed	[Removed heading]	Redundant to chapter title
11	SMP 1.1	This Shoreline Management Program (SMP) establishes regulations, enforcement procedures and policies for protection and development of Bainbridge Island's shoreline areas. The regulations in the SMP state specific legal requirements which future development must follow. The regulations in the SMP are part of the City's development regulations. The policies in the SMP state the underlying objectives the regulations are intended to accomplish. The policies are a component of the City's Comprehensive Plan and guide the interpretation and enforcement of the SMP's regulations. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations.	1-1	SMP 1.0	[now 2nd paragraph...] This Shoreline Management Program (SMP) establishes regulations, enforcement procedures and policies for protection, <u>restoration</u> , and development of Bainbridge Island's shoreline areas. The regulations in the SMP are part of the City's development regulations. The policies in the SMP state the underlying objectives the regulations are intended to accomplish. The policies are a component of the City's Comprehensive Plan and guide the interpretation and enforcement of the SMP's regulations. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations.	Clarification, remove redundancy
11	SMP 1.1.1	[Entire Section]	1-1	SMP 1.1		Unchanged except for applicable global revisions
11	SMP 1.2	[Entire Section]	1-1	SMP 1.0	[Moved to be first paragraph in SMP 1.0 without change]	To improve logical flow of the introduction; global revisions only
12	SMP 1.2.1	[Section described various administrative responsibilities of Ecology and the City in adopting and administering the SMP - Original text is too long to include in this matrix - see 2021 SMP]	n/a	Removed	[Removed entire section]	Content was redundant and non-essential
13	SMP 1.2.2	[Heading only] "Scope of Shoreline Management Act"	1-2	SMP 1.4.3	Retitled to "Shoreline Jurisdiction"	Clarification
13	SMP 1.2.2	The Act covers all shorelines of the state, including "shorelines" and "shorelines of state wide significance." Figure 1-1 illustrates shoreline jurisdiction on coastal shorelines. Provisions of the Act apply to the following geographical shoreline areas: 1. All marine waters of the state, together with the lands underlying them; 2. Segments of streams and rivers where the mean annual flow is more than 20 cubic feet per second (cfs); 3. Lakes and reservoirs 20 acres and greater in area; 4. Shorelands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous flood plain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters; and 5. Shorelines of state wide significance as defined in RCW 90.58.030 or its successor. This includes those areas of Puget Sound lying seaward from the line of extreme low tide.	1-2	SMP 1.4.3(1)	[Replaced entire section with...] <u>The geographic scope of the SMP is commonly referred to as "shoreline jurisdiction", which includes the following (see Figures 1.4.3-1A, 1.4.3-1B, 1.4.3-2, and 1.4.3-3):</u> <u>a. "Shorelands" for tidal waters as defined in WAC 173-22-040(1), as amended.</u> <u>b. "Shorelines" as defined in RCW 90.58.030(2)(e), as amended.</u> <u>c. "Shorelines of State-wide Significance" as defined in RCW 90.58.030(2)(f)(iii), as amended.</u>	Clarifies shoreline jurisdiction on Bainbridge Island, removes content not relevant to Bainbridge Island, and consolidates redundant provisions regarding shoreline jurisdiction
14	SMP 1.2.2; Figure 1-1	[Shoreline Jurisdiction graphic]	1-4	SMP 1.4.3; Figure 1.4.3-1A	[Retitled, replaced graphic with higher quality version, removed content that is not applicable to Bainbridge Island.]	Clarification
15	SMP 1.2.3	[Entire Section]	1-1	SMP 1.3		Unchanged except for applicable global revisions

	Sorted by this Column	Link to 2021 SMP				
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
15	SMP 1.2.3	The City of Bainbridge Island adopted a SMP in 1996 after annexation of the entire Island occurred in March 1991. Prior to annexation, Bainbridge Island’s shorelines were managed under the Kitsap County SMP and the City of Winslow SMP. The goals and policies in the SMP are an element of the City’s Comprehensive Plan. All other portions of the SMP, including the use of regulations, are part of the City’s development regulations. The “precautionary principle” was employed as guidance in updating the policies and regulations of this SMP. The “precautionary principle” is cited in the State Shoreline Guidelines under WAC 173-26-201(3)(g) and states, in part that “as a general rule, the less known about existing resources, the more protective shoreline master program provisions should be to avoid unanticipated impacts to shoreline resources.”	1-1	SMP 1.3	The <u>first</u> City of Bainbridge Island <u>SMP was</u> adopted in 1996 after <u>the City of Winslow annexed</u> the entire Island in March 1991. Prior to annexation, Bainbridge Island’s shorelines were managed under the Kitsap County SMP and the City of Winslow SMP. <u>A table listing all SMP ordinances is provided in the front of this document and is useful for understanding what requirements applied at any specific time.</u> The “precautionary principle” <u>is used</u> as guidance <u>when amending</u> this SMP. The “precautionary principle” is cited in the State Shoreline Guidelines under WAC 173-26-201(3)(g) and states, in part that “as a general rule, the less known about existing resources, the more protective shoreline master program provisions should be to avoid unanticipated impacts to shoreline resources.”	Clarification and removed redundant content.
15	SMP 1.2.4	[Section describes public involvement in the 2014 SMP Comphrensive Update - Orignial text is too long to include in this matrix - see 2021 SMP]	n/a	Removed	[Removed entire section]	Out of date content
17	SMP 1.3	[Heading only] "Bainbridge Island Shoreline Master Program (SMP)"	1-2	SMP 1.4	Retitled "Bainbridge Island Shoreline <u>Managment</u> Program (SMP)"	Unchanged except for applicable global revisions

	Sorted by this Column	Link to 2021 SMP				
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
17	SMP 1.3.1	[Section provides a non-regulatory narrative summarizing Bainbridge Island shoreline geography, habitats/species, uses, population, etc - Orignal text is too long to include in this matrix - see 2021 SMP]	2-1	SMP 2.1	Bainbridge Island has approximately 53 miles of shoreline. It has seven harbors or bays, each having a long and interesting history and a wide variety of uses. Eagle Harbor has the most activity, including a ferry terminal, a boatyard, numerous marinas and a public boat launch, waterfront parks, a Superfund site, commercial uses, mixed uses, multi-family uses, detached homes, and a live-aboard community. Most of Bainbridge Island’s shorelines have been developed with single-family residences, from small summer cabins to large mansions. At the north end of the island is a large sand spit called Point Monroe, while at the south end is Restoration Point, composed of raised bedrock located on the Seattle fault. Bainbridge Island’s shorelines exhibit many uses and geologic characteristics. The shoreline is home for about twenty percent of the island residents, as well as numerous species of fish and wildlife. Bald eagles, herons, seals, otters, and numerous waterfowl depend on the shoreline. There are also salmon streams and bays necessary for fish, shellfish, and vegetation to survive. At the south end of the island is an aquaculture farm for salmon. Located on the eastern border of Kitsap County, Bainbridge Island is connected to the rest of Kitsap County by one bridge and to Seattle (King County) by a 35-minute ferry ride. Because of its proximity to Seattle, the island has close cultural and economic ties to Seattle.	Moved to consolidate similar information. Revised for clarity. Removed out of date content. Reader will need to compare side-by-side due to the nature of the edits. Entire section is non-regulatory.
18	SMP 1.3.1; Figure 1-2	[Figure title] " Map of Bainbridge Island "	2-2	SMP 2.1; Figure 2.1	Retitled " <u>Bainbridge Island Shoreline Placenames</u> "	Clarification
19	SMP 1.3.2	[Entire Section]	1-2	SMP 1.4.1		Unchanged except for applicable global revisions
19	SMP 1.3.3	Adoption Authority This Bainbridge Island Shoreline Master Program is adopted under the authority granted by Chapter 90.58 RCW and Chapter 173-26 WAC.	1-2	SMP 1.4.2	Adoption Authority <u>This SMP is adopted as the City’s Shoreline Master Program pursuant to Chapter 90.58 RCW and Chapter 173-26 WAC.</u>	To reflect new functional title of the SMP and provide clarity that this is the City's SMP under the SMA. This is the only location in the SMP and BIMC that will refer to this document as the "master" program.
19	SMP 1.3.4	[Entire Section]	1-8	SMP 1.4.5		Unchanged except for applicable global revisions
19	SMP 1.3.4(1)	[Entire provision]	1-8	SMP 1.4.5(1)		Unchanged except for applicable global revisions

	Sorted by this Column	Link to 2021 SMP				
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
19	SMP 1.3.4(2)	Uses and developments regulated by this Program may also be subject to other provisions of the Bainbridge Island Municipal Code, the City of Bainbridge Island Comprehensive Plan, the Washington State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC), Chapter 173-27 WAC Shoreline Management Permit and Enforcement Procedures, and other local, state and federal laws.	1-8	SMP 1.4.5(2)	Uses and developments regulated by this <u>SMP</u> may also be subject to other provisions of the Bainbridge Island Municipal Code, the City of Bainbridge Island Comprehensive Plan, the Washington State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC), Chapter 173-27 WAC Shoreline Management Permit and Enforcement Procedures, and other local, state, and federal laws. <u>BIMC Title 18 (Zoning), or its successor, applies to shoreline parcels.</u>	global revisions, clarifies the existing applicability of zoning provisions
19	SMP 1.3.4(3)	[Entire provision]	1-8	SMP 1.4.5(3)		Unchanged except for applicable global revisions
19	SMP 1.3.4(4)	[Entire provision]	1-8	SMP 1.4.5(4)		Unchanged except for applicable global revisions
19	SMP 1.3.4(5)	[Entire provision]	1-8	SMP 1.4.5(6)		Unchanged except for applicable global revisions
19	SMP 1.3.4(6)	[Entire provision]	1-8	SMP 1.4.5(7)		Unchanged except for applicable global revisions
19	SMP 1.3.5	[Heading only] "Applicability of Bainbridge Island Shoreline Master Program "	1-9	SMP 1.4.6	Retitled to "Applicability"	Simplification
19	SMP 1.3.5(1)	The Bainbridge Island Shoreline Master programs applies to 200-foot landward of ordinary high water mark and all marine waters out to the midline of Puget Sound, Port Madison, Agate Pass, Port Orchard and Rich Passage. The SMP does not apply to freshwater lakes or streams on Bainbridge Island.	1-2	SMP 1.4.3(1)	<u>The geographic scope of the SMP is commonly referred to as "shoreline jurisdiction", which includes the following (see Figures 1.4.3-1A, 1.4.3-1B, 1.4.3-2, and 1.4.3-3):</u> <u>a. "Shorelands" for tidal waters as defined in WAC 173-22-040(1), as amended.</u> <u>b. "Shorelines" as defined in RCW 90.58.030(2)(e), as amended.</u> <u>c. "Shorelines of State-wide Significance" as defined in RCW 90.58.030(2)(f)(iii), as amended.</u>	Clarifies shoreline jurisdiction on Bainbridge Island, removes content not relevant to Bainbridge Island, and consolidates redundant provisions regarding shoreline jurisdiction
20	SMP 1.3.5(2)	[First sentence only] The provisions of this Program apply to both existing and new development, uses, lots, and activities as follows:	1-9	SMP 1.4.6(1)	The provisions of this SMP apply to both existing and new development, uses, lots, and activities.	Simplification
20	SMP 1.3.5(2)(a)	a. Development, uses, lots, and activities lawfully occurring, established or constructed prior to the effective date of the initial adoption of this Program (November 26, 1996), or amendments thereto, are not required to meet this Program's requirements, unless new development or changes to a development, use, lot or structure that would require review under this Program are proposed.	n/a	Removed		Redundant to nonconforming section [old SMP 4.2.1]
20	SMP 1.3.5(2)(a) and (b)	b. All existing legally constructed single family residences and accessory structures, including lawns, landscaping and recreation areas, which do not meet the standards of this Program are allowed to continue, and are allowed to may be maintained, repaired, remodeled, or replaced.	n/a	Removed		Redundant to nonconforming section [old SMP 4.2.1]
20	SMP 1.3.5(2)(c)	[Entire provision]	1-9	SMP 1.4.6(2)		Unchanged except for applicable global revisions
20	SMP 1.3.5(2)(d)	[Entire provision]	1-9	SMP 1.4.6(3)		Unchanged except for applicable global revisions

	Sorted by this Column	Link to 2021 SMP				
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
20	SMP 1.3.5(3)	Any person wishing to undertake activities constituting "development" within shoreline jurisdiction shall apply to the Administrator for a Shoreline Permit. Based on the provisions of this Master Program, the Administrator shall determine if a Letter of Exemption, a Substantial Development Permit, a Shoreline Conditional Use Permit, and/or a Shoreline Variance is required. Substantial development shall not be undertaken within the jurisdiction of the Act and this Master Program unless a Substantial Development Permit has been obtained and the appeal period has been completed and any appeals have been resolved and/or the project proponent is allowed to proceed under the provisions of the Act or by court order. "Substantial development" shall be defined as it is by the Act (RCW 90.58.030) and supplementing provisions of the Washington Administrative Code (WAC 173-27-040).	n/a	Removed		Redundant to BIMC 2.16.165
20	SMP 1.3.5(4)	Developments exempt from a Substantial Development Permit, which are outlined in BIMC Section 2.16.165, shall require a Letter of Exemption. A project that qualifies as "exempt development" may also require a Shoreline Conditional Use Permit, and/or a Shoreline Variance.	n/a	Removed		Redundant to BIMC 2.16.165
20	SMP 1.3.5(5)	[Entire provision]	1-9	SMP 1.4.6(4)		Unchanged except for applicable global revisions
20	SMP 1.3.5(6)	[Entire provision]	1-9	SMP 1.4.6(5)		Unchanged except for applicable global revisions
21	SMP 1.3.6	[Heading only] "Program Provisions"	n/a	Removed		All provisions under this section were either removed or relocated
21	SMP 1.3.6(1)	Exempt developments shall not be undertaken within the jurisdiction of the Act and this Master Program, unless a Letter of Exemption has been obtained documenting that the development is consistent with the policies and procedures of the Act, all applicable state regulations and this Master Program.	n/a	Removed		Redundant to BIMC 2.16.165
21	SMP 1.3.6(2)	The request for a Letter of Exemption shall be in writing, on forms required by the Administrator, and include the information required by the Administrator.	n/a	Removed		Redundant to BIMC 2.16.165
21	SMP 1.3.6(3)	Approved shoreline restoration projects that cause a landward shift in the ordinary high water mark may be relieved from the standards of this Program pursuant to RCW 90.58.580.	1-2	SMP 1.4.3(2)	<u>Pursuant to RCW 90.58.030(2)(c), changes in the ordinary high water mark will be recognized when caused by natural circumstances (e.g. erosion, sea level rise) or in accordance with permits issued by the City consistent with the SMP. Shoreline jurisdiction will shift with any changes in the OHWM except when relief is granted by the shoreline administrator in accordance with RCW 90.58.580.</u>	Clarified for consistency with RCW
21	SMP 1.3.6(4)	[Entire provision]	1-9	SMP 1.4.6(6)		Unchanged except for applicable global revisions
21	SMP 1.3.7	[Heading only] "Bainbridge Island Shoreline Master Program-Administrative Procedures"	1-9	SMP 1.4.7	Retitled to "Administrative Procedures"	Simplification

	Sorted by this Column	Link to 2021 SMP				
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
21	SMP 1.3.7	[Section describes why administrative provisions are adopted separately and where they are located in BIMC - Original text is too long to include in this matrix - see 2021 SMP]	1-9	SMP 1.4.7	The administrative, enforcement, and permit review procedures applicable to this SMP are adopted separately from the SMP consistent with WAC 173-26-191(2)(a)(iii)(C). This allows the City to revise local administrative procedures (fees, application meetings, authority of Administrator, etc.) without another formal SMP amendment process. Administrative provisions must still be consistent and remain consistent with the related provisions in the Shoreline Management Act and state shoreline rules (WAC's). In the event of a conflict, the state RCW or WAC, as amended, will prevail over the City's administrative provisions. SMP administrative procedures are part of the Bainbridge Island Municipal Code, BIMC 1.26, Code Enforcement, and BIMC 2.16.165, Shoreline Master Program Administration.	Simplification
22	SMP 1.4	[Entire Section]	1-10	SMP 1.5		Unchanged except for applicable global revisions
22	SMP 1.5	[Entire Section]	1-10	SMP 1.6		Unchanged except for applicable global revisions
23	SMP 2.1	Heading: "Summary"	2-3	SMP 2.2	Retitled to "Inventory and Characterization"	Clarification
23	SMP 3.1	[Entire Section]	3-1	SMP 3.1		Unchanged except for applicable global revisions
24	SMP 3.1.1	The official Bainbridge Island Shoreline Designation Map (Appendix A) shall be in the custody of the Department of Planning and Community Development and shall be available for public inspection during normal business hours. The purpose of the map is to depict those areas of Bainbridge Island within the jurisdiction of the Master Program and the various shoreline designations.	3-1	SMP 3.1.1(1)	The official Bainbridge Island Shoreline Designation Map (Appendix A) shall be in the custody of the Department of Planning and Community Development and shall be available for public inspection during normal business hours. The purpose of the map is to depict those areas of Bainbridge Island within the jurisdiction of the SMP, the various shoreline designations, special districts, and other important shoreline regulatory features.	Global revisions; consistency with map changes proposed in Ordinance Exhibit 3.
24	SMP 3.1.2	Where the shoreline jurisdiction or designation is uncertain, the official shoreline designation map shall be used to determine boundary location. If the conflict cannot be resolved using the shoreline designation map, the following rules shall apply: - Boundaries indicated as approximately following the center lines of streets, highways, alleys or other roadways shall be construed to follow such center lines. - Boundaries indicated as approximately following lot, fractional section, or other subdivision lines shall be construed as following	3-2	SMP 3.1.2(1) and (2)	1. Where the shoreline jurisdiction or designation is uncertain, the official shoreline designation map shall be used to determine boundary location. If the conflict cannot be resolved using the shoreline designation map, the following rules shall apply: - Boundaries indicated as approximately following the center lines of streets, highways, alleys or other roadways shall be construed to follow such center lines. - Boundaries indicated as approximately following lot, fractional section, or other subdivision lines shall be construed as	Unchanged except for applicable global revisions
25	SMP 3.2.1	[Entire Section]	3-3	SMP 3.2.1		Unchanged except for applicable global revisions
26	SMP 3.2.2	[Entire Section]	3-3	SMP 3.2.2		Unchanged except for applicable global revisions
27	SMP 3.2.3	[Entire Section]	3-5	SMP 3.2.3		Unchanged except for applicable global revisions
28	SMP 3.2.4	[Entire Section]	3-6	SMP 3.2.4		Unchanged except for applicable global revisions
30	SMP 3.2.5.1	[Entire Section]	3-8	SMP 3.2.5.1		Unchanged except for applicable global revisions
30	SMP 3.2.5.2	[Entire Section]	3-8	SMP 3.2.5.2		Unchanged except for applicable global revisions

	Sorted by this Column	Link to 2021 SMP				
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
31	SMP 3.2.5.3	[Entire Section]	3-9	SMP 3.2.5.3		Unchanged except for applicable global revisions
31	SMP 3.3.1	[Heading only] "Aquatic"	3-10	SMP 3.3.1	Retitled to " <u>Island Aquatic Designation</u> "	Unchanged except for applicable global revisions
31	SMP 3.3.1.1	[Entire Section]	3-10	SMP 3.3.1.1		Unchanged except for applicable global revisions
32	SMP 3.3.1.2	Aquatic areas include: 1. All marine areas waterward of the OHWM which have not been designated Priority Aquatic. 2. All wetlands associated to the above which have not been designated priority aquatic.	3-10	SMP 3.3.1.2	Areas to be designated Island Aquatic shall meet the following criteria: 1. <u>All</u> areas waterward of the OHWM which have not been designated Priority Aquatic. 2. <u>All</u> wetlands associated to the above which have not been designated Priority Aquatic.	Clarification and global revisions
32	SMP 3.3.1.3(1) - (5)	[Entire provisions]	3-10	SMP 3.3.1.3(1) - (5)		Unchanged except for applicable global revisions
32	SMP 3.3.1.3(6)	6. All developments and uses on navigable waters, tidelands or bedlands should be located to avoid and designed to minimize interference with navigation.	3-11	SMP 3.3.1.3(6)	6. All developments and uses on navigable waters, tidelands, or bedlands should be located to: a. A void interference with navigation; <u>and</u> b. W here interference cannot be avoided, developments and uses <u>shall be designed to minimize interference.</u>	Clarification
32	SMP 3.3.1.3(7)	7. D evelopment and uses on navigable waters, tidelands, or bedlands should be located to avoid and designed to minimize impacts to public views.	3-11	SMP 3.3.1.3(7)	7. D evelopment and uses on navigable waters, tidelands, or bedlands should be located to: a. A void impacts to public views; <u>and</u> b. W here impacts cannot be avoided, developments and uses shall <u>be designed to minimize impacts.</u>	Clarification
32	SMP 3.3.1.3(8) - (12)	[Entire provisions]	3-11	SMP 3.3.1.3(8) - (12)		Unchanged except for applicable global revisions
33	SMP 3.3.2	[Heading only] "Priority Aquatic"	3-12	SMP 3.3.2	Retitled to " <u>Priority Aquatic Designations</u> "	Unchanged except for applicable global revisions
33	SMP 3.3.2.1	[Entire Section]	3-12	SMP 3.3.2.1		Unchanged except for applicable global revisions
33	SMP 3.3.2.2 (part 1)	[Applicable excerpt, see entire section for context] A number of separate criteria are required to define the diverse character of Priority Aquatic types. Tidal lagoons and sensitive portions of tidal inlets will require protection in terms of water salinity and quality, sediment quality and quantity, native vegetation on adjacent shorelines, and remaining areas of native salt tolerant vegetation. Other types, such as aquatic vegetation, have similar requirements. The Priority Aquatic designation requires additional restrictions than the Aquatic designation on the intensity and type of permitted uses to maintain the integrity of the shoreline environment. Two subcategories of Priority Aquatic will be established in order to recognize the level of development adjacent to the Priority Aquatic and provide an appropriate level protection for the critical habitat.	n/a	Removed		Redundant content

	Sorted by this Column	Link to 2021 SMP				
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
33	SMP 3.3.2.2 (part 2)	[Applicable excerpt, see entire section for context] Priority Aquatic shall be designated as follows: 1. Priority Aquatic Category A is more protective and intended to be the default classification. a. Those areas previously designated Aquatic Conservancy are designated Priority Aquatic Category A . 2. Priority Aquatic areas located adjacent to upland areas with a high level of existing development are classified as Priority Aquatic B . B .	3-13	SMP 3.3.2.2(5)	Priority Aquatic <u>designations of all types</u> shall be categorized as follows: a. The Priority Aquatic A designation is the default classification <u>and is intended to be more protective</u> . Those areas previously designated Aquatic Conservancy are designated Priority Aquatic A. b. The Priority Aquatic <u>B designation</u> is located adjacent to upland areas with a high level of existing development.	Clarified
33	SMP 3.3.2.2 (part 3)	[Applicable excerpt, see entire section for context] The City shall map the limits of the designations with assistance from state resource agencies and other cooperating agencies. Any aquatic area in which actions have been taken under an approved permit that create, restore, or enhance characteristics of the aquatic area that meet any of these criteria shall be designated Priority Aquatic through an amendment to this program as specified in BIMC Section 2.16.200. Where there is a conflict between the map and criteria, the criteria will prevail provided a report is prepared within three years by a qualified professional verifying that the map is in error. The report will be the responsibility of the party requesting the map change. The City may require a third party review at the applicant's expense. If areas are determined to be appropriate for designation, an amendment to this Program is required to designate Priority Aquatic and shall be processed as specified in Shoreline Master Program Administration, BIMC Section 2.16.200.	3-13	SMP 3.3.2.3(1) - (4)	1. The City shall map the limits of the designations with assistance from state resource agencies and other cooperating agencies. 2. Any aquatic area in which actions have been taken under an approved permit that create, restore, or enhance characteristics of the aquatic area that meet any of these criteria shall be designated Priority Aquatic through <u>the amendment process</u> specified in BIMC 2.16.200. 3. Where there is a conflict between the map and criteria, the criteria <u>shall govern</u> provided a report is prepared within three years by a qualified professional verifying that the map is in error. The report will be the responsibility of the party requesting the map change. The City may require a third-party review at the applicant's expense. 4. If areas are <u>determined to be appropriate for Priority Aquatic designation</u> , an amendment processed as specified in BIMC 2.16.200 <u>is required</u> .	Organized and clarified
34	SMP 3.3.2.3	Type 1: Embayment, Barrier Estuary, Barrier Lagoons, or Closed Lagoon and Marshes The upland boundary of Type 1 Priority Aquatic shall be the OHWM. There are two barrier lagoons currently identified on the Island; "Point Monroe Lagoon" and "Battle Point Lagoon"; two closed lagoons and marshes "Wing Point Lagoon" and "Tolo Lagoon"; and one barrier estuary "Fletcher Bay".	3-12	SMP 3.3.2.2(1)	<u>Type 1 (Barrier Estuary, Barrier Lagoons, or Closed Lagoon and Marshes).</u> a. Barrier estuaries include "Fletcher Bay". b. Barrier lagoons include the "Point Monroe Lagoon" and the "Battle Point Lagoon". c. Closed lagoons and marshes include the "Wing Point Lagoon" and the "Tolo Lagoon". d. The upland boundary of Type 1 shall be the ordinary high water mark (OHWM).	Clarified and integrated into criteria section to be consistent with other designation criteria sections. Due to the reorganization of content, strikeout/underline formatting does not make sense, and therefore the entire section is replaced.

	Sorted by this Column	Link to 2021 SMP				
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
34	SMP 3.3.2.4	Type 2: Salt marshes and mud flats in Open Coastal Inlets Embayments and related intertidal areas subject to the daily influence of tides where they support salt tolerant vegetation and/or exposed mudflats. Open coastal inlets areas should be designated Priority Aquatic if they meet either Criterion I or II below. Only those areas designated will be subject to the Priority Aquatic management policies and regulations. This type of Priority Aquatic designation shall extend from the OHWM to six (6) feet below mean lower low water (MLLW). If the inlet is less than six hundred (600) feet wide, or less then (6) feet deep at the MLLW, the resource should be considered to be a single system encompassing both sides and the channel. In these cases, boundaries should be drawn from the OHWM to a line perpendicular to the average direction of the tidal flow where the criteria are no longer met. Parts of tidal inlets that do not fit either criterion, and do not fit other types of Priority Aquatic designation, shall be designated Aquatic. — Criterion I: The area between the OHWM and MLLW that provides a habitat for at least one quarter (1/4) acre of salt tolerant vegetation. Vegetated patches may be smaller than one quarter (1/4) acre, but the total vegetated area must be at least one quarter (1/4) acre. — Criterion II: At least one quarter (1/4) acre of exposed flats is exhibited between OHWM and MLLW whose sediments are at least thirty (30) percent muds.	3-12	SMP 3.3.2.2(2)	Type 2 (Salt Marshes and Mud Flats in Open Coastal Inlets). a. Open coastal inlets areas should be designated Priority Aquatic if: i. The area between the OHWM and mean lower low water (MLLW) provides a habitat for at least one quarter (1/4) acre of salt-tolerant vegetation. Vegetated patches may be smaller than one quarter (1/4) acre, but the total vegetated area must be at least one quarter (1/4) acre. ii. At least one quarter (1/4) acre of exposed flats is exhibited between OHWM and MLLW whose sediments are at least thirty (30) percent muds. b. Type 2 shall extend from the OHWM to six (6) feet below mean lower low water (MLLW). If the inlet is less than six hundred (600) feet wide, or less then (6) feet deep at the MLLW, the resource should be considered to be a single system encompassing both sides and the channel. In these cases, boundaries should be drawn from the OHWM to a line perpendicular to the average direction of the tidal flow where the criteria are no longer met. d. Parts of tidal inlets that do not fit either criterion, and do not fit other types of Priority Aquatic designation, shall be designated Island Aquatic.	Clarified and integrated into criteria section to be consistent with other designation criteria sections. Due to the reorganization of content, strikeout/underline formatting does not make sense, and therefore the entire section is replaced.
34	SMP 3.3.2.5 (part 1)	Type 3: Marine Vegetation Areas waterward of the MLLW that support a sustainable community of kelp, or eelgrass and/or other submerged aquatic vegetation in sufficient quantities to provide special value as habitat for marine life.	3-12	SMP 3.3.2.2(3)	Type 3 (Marine Vegetation). Areas waterward of MLLW that support a sustainable community of kelp, eelgrass, and/or other submerged aquatic vegetation in sufficient quantities to provide special value as habitat for marine life.	First sentence is designation criteria. The remainder was integrated into new section SMP 3.3.2.3.

	Sorted by this Column	Link to 2021 SMP				
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
34	SMP 3.3.2.5 (part 2)	Consideration for Priority Aquatic designation under Type 3 may be initiated by any interested person, group, or the City. A petition for nomination shall be submitted by an interested person or group. The following information shall be used by the City to determine when an area meets the criteria for Priority Aquatic under Type 3: 1. Delineation of proposed area, including aerial extent and bathymetric contours. 2. Inventory of submerged aquatic vegetation. Use percent coverage for macro algae and shoot density for eelgrass. 3. Further information, as determined by the Administrator, may be required in addition to the above including but not limited to: a. Relationship of proposed area to nearby ecosystems. b. List of species utilizing the proposed area. c. Abundance and diversity of species in the proposed area. The City shall keep a record and review data annually to determine whether sites are appropriate for nomination under Type 3. If areas are determined to be appropriate for designation, an amendment to this program is required to designate Priority Aquatic and shall be processed as an amendment as specified in the Shoreline Master-Program Administration, BIMC Section 2.16.200.	3-13	SMP 3.3.2.3(5)	Consideration under Type 3 may be initiated by any interested person, group, or the City. a. A petition for nomination shall be submitted by an interested person or group. b. The following information shall be used by the City to determine when an area meets the criteria for Priority Aquatic under Type 3: i. Delineation of proposed area, including aerial extent and bathymetric contours. ii. Inventory of submerged aquatic vegetation. Use percent coverage for macro algae and shoot density for eelgrass. iii. Further information, as determined by the Administrator, may be required in addition to the above including but not limited to: A. Relationship of proposed area to nearby ecosystems. B. List of species utilizing the proposed area. C. Abundance and diversity of species in the proposed area. c. The City shall keep a record and review data annually to determine whether sites are appropriate for nomination under Type 3. If areas are determined to be appropriate for designation, an amendment processed as specified in BIMC 2.16.200 is required.	Reorganized into a more appropriate section.
35	SMP 3.3.2.6	[Entire Section]	3-13	SMP 3.3.2.2(4)		Unchanged except for applicable global revisions
35	SMP 3.3.2.7	Heading: "Priority Aquatic Category A Management Policies"	3-14	SMP 3.3.2.4	Retitled to "Priority Aquatic <u>Designation</u> Management Policies"	consolidated with 3.3.2.8 using new subheadings because some policies apply to both categories of Aquatic Priority
35	SMP 3.3.2.7(1)	[Entire provision]	3-14	SMP 3.3.2.4(1)		Reorganized under a new subheading "Priority Aquatic A & B Designations"; Unchanged except for applicable global revisions
35	SMP 3.3.2.7(2)	[Entire provision]	3-14	SMP 3.3.2.4(5)		Reorganized under a new subheading "Priority Aquatic A Designations"; Unchanged except for applicable global revisions
35	SMP 3.3.2.7(3)	[Entire provision]	3-14	SMP 3.3.2.4(6)		Reorganized under a new subheading "Priority Aquatic A Designations"; Unchanged except for applicable global revisions
35	SMP 3.3.2.7(4)	[Entire provision]	3-14	SMP 3.3.2.4(2)		Reorganized under a new subheading "Priority Aquatic A & B Designations"; Unchanged except for applicable global revisions
35	SMP 3.3.2.7(5)	[Entire provision]	3-14	SMP 3.3.2.4(7)		Reorganized under a new subheading "Priority Aquatic A Designations"; Unchanged except for applicable global revisions
35	SMP 3.3.2.7(6)	[Entire provision]	3-14	SMP 3.3.2.4(3)		Reorganized under a new subheading "Priority Aquatic A & B Designations"; Unchanged except for applicable global revisions
35	SMP 3.3.2.7(7)	[Entire provision]	3-14	SMP 3.3.2.4(8)		Reorganized under a new subheading "Priority Aquatic A Designations"; Unchanged except for applicable global revisions
35	SMP 3.3.2.7(8)	[Entire provision]	3-14	SMP 3.3.2.4(4)		Reorganized under a new subheading "Priority Aquatic A & B Designations"; Unchanged except for applicable global revisions

	Sorted by this Column	Link to 2021 SMP				
Old Page #	Old Code Ref.	2021 SMP Language Showing Strikeout or [summary]	New Page #	New Code Ref.	New Language in Underline or [summary of change]	Discussion
35	SMP 3.3.2.8	Heading: " Priority Aquatic Category B Management Policies "	n/a	Removed		consolidated with 3.3.2.7 using new subheadings because some policies apply to both categories of Aquatic Priority
35	SMP 3.3.2.8(1)	[Entire provision]	n/a	Removed		Exact copy of 2021 SMP 3.3.2.7(1). Redundancy is not necessary with reorganization.
36	SMP 3.3.2.8(2)	[Entire provision]	3-14	SMP 3.3.2.4(9)		Reorganized under a new subheading "Priority Aquatic B Designations"; Unchanged except for applicable global revisions
36	SMP 3.3.2.8(3)	[Entire provision]	3-14	SMP 3.3.2.4(10)		Reorganized under a new subheading "Priority Aquatic B Designations"; Unchanged except for applicable global revisions
36	SMP 3.3.2.8(4)	[Entire provision]	n/a	Removed		Exact copy of 2021 SMP 3.3.2.7(2). Redundancy is not necessary with reorganization.
36	SMP 3.3.2.8(5)	[Entire provision]	n/a	Removed		Exact copy of 2021 SMP 3.3.2.7(3). Redundancy is not necessary with reorganization.
36	SMP 3.3.2.8(6)	[Entire provision]	n/a	Removed		Exact copy of 2021 SMP 3.3.2.7(4). Redundancy is not necessary with reorganization.
36	SMP 3.4	[Entire Section]	3-2	SMP 3.1.3		Unchanged except for applicable global revisions



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: July 29, 2021

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (7:45 PM) - Schedule Revision to PSE Noise Variance for Bucklin Hill RD Pole Replacement - Planning and Community Development,

AGENDA CATEGORY: Review and Recommendation

PROPOSED BY: David Greetham

PREVIOUS PLANNING COMMISSION REVIEW DATE(S): June 24, 2021

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:

"I move to approve PSE's request for a revised project schedule for the previously approved noise variance for pole replacement on Bucklin Hill RD. The revised schedule includes nighttime and early morning work between August 6 and August 14 (weekend evenings excepted)."

SUMMARY:

In accordance with BIMC 16.16.030 a variance from the noise standards may be granted by the Planning Commission.

On June 24, 2021 the Planning Commission granted a noise variance to PSE for proposed pole replacement on Bucklin Hill Rd., commencing the evening of June 28th. PSE requests approval of a revised project schedule commencing the evening of Friday August 6 into early morning Saturday August 7, and then for five consecutive nights between Monday August 9 and early morning Saturday August 14.

BACKGROUND: On June 24, 2021 the Planning Commission granted a noise variance to PSE to replace four transmission line poles along the east side of NE Bucklin Hill RD north from the intersection with Blakely AVE NE in roadway rights-of-way.

A variance was granted to the provisions at BIMC 16.16.025 in order to allow construction activity within a residential zone during nighttime hours. The work was originally planned to commence on June 28th however was delayed due to excessive heat and a required system upgrade.

ATTACHMENTS:

Master Land Use Application

Supporting documents are required for project review.

See the [Administrative Manual for Planning Permits](#) and [Fee Schedule](#) for permit submittal requirements and fees.

Please schedule an appointment at [Planning and Building Submittal Appointments](#).

Property Owner(s)

Site Address

Parcel Numbers

Select Application Type

Select Application Type

Consolidated Review Requested ([BIMC2.16.070](#))

Project Name and Description

Project Contacts

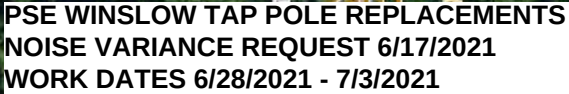
Applications must be submitted by the property owner or the owner's designated agent.
A notarized [Owner/Agent Agreement](#) must accompany this application if submitted by a designated agent.

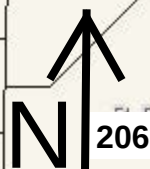
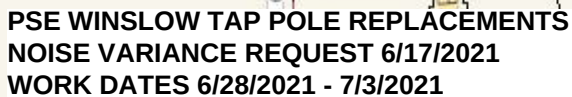
Property Owner _____
Mailing Address: _____ _____
Email: _____
Phone: _____
Name of Authorized Agent (Notarized Owner/Agent Agreement form required) _____ _____
Mailing Address: _____ _____
Email: _____
Phone: _____

Statement of Affirmation REQUIRED

I affirm, under penalty of perjury, that all answers, statements, and information submitted with this application are correct and accurate to the best of my knowledge. I also affirm that I am the owner or designated agent of the subject site. Further, I grant permission to any and all employees and representatives of the City of Bainbridge Island and other governmental agencies to enter upon and inspect said property as reasonably necessary to process this application.

Owner Name - Print	Owner Name - Signature	Date
Owner Name - Print	Owner Name – Signature	Date
Agent Name and Business Name - Print	Agent Name - Signature	Date





PSE Winslow Tap Pole Replacements

Noise Variance Request 6/17/2021

Parcels within 500' of pole work locations (listed north to south) (source Kitsap County GIS)

EAST SIDE NE BUCKLIN HILL RD

4178-000-005-0508	6825 NE EAGLE HARBOR DR	RESIDENCE
4178-000-007-0308	NO ADDRESS FOUND	VACANT
4178-000-007-0407	8235 NE BUCKLIN HILL RD	RESIDENCE
4178-000-008-0109	8213 NE BUCKLIN HILL RD	RESIDENCE
4178-000-008-0307	8195 NE BUCKLIN HILL RD	RESIDENCE
4178-000-008-0208	8171 NE BUCKLIN HILL RD	RESIDENCE
4178-000-009-0207	8099 NE BUCKLIN HILL RD	RESIDENCE
4178-000-009-0108	8121 NE BUCKLIN HILL RD	RESIDENCE
4178-000-009-0306	NO ADDRESS FOUND	VACANT
4178-000-010-0402	8091 NE BUCKLIN HILL RD	RESIDENCE
4178-000-010-0303	8095 NE BUCKLIN HILL RD	RESIDENCE
4178-000-010-0501	8033 NE BUCKLIN HILL RD	RESIDENCE
4178-000-010-0204	6605 EAGLE HARBOR DR NE	RESIDENCE
4178-000-011-0500	8021 SANDPIPER LN NE	RESIDENCE
4178-000-011-0609	8023 SANDPIPER LN NE	RESIDENCE
4178-000-011-0401	8025 SANDPIPER LN NE	RESIDENCE
4178-000-011-0203	6565 EAGLE HARBOR DR NE	RESIDENCE
342502-2-006-2005	6368 BLAKELY AVE NE	RESIDENCE
342502-2-007-2004	6350 BLAKELY AVE NE	RESIDENCE
4133-000-010-0000	6338 BLAKELY AVE NE	RESIDENCE
4133-000-008-0103	6310 NE OLD MILL RD	RESIDENCE
4133-000-003-0207	6226 NE OLD MILL RD	VACANT
4133-000-008-0004	6310 BLAKELY AVE NE	RESIDENCE

WEST SIDE NE BUCKLIN HILL RD

4178-000-005-0003	8238 NE BUCKLIN HILL RD	RESIDENCE
4178-000-006-0002	NO ADDRESS FOUND	VACANT
4178-000-006-0101	NO ADDRESS FOUND	VACANT
4178-000-007-0001	NO ADDRESS FOUND	VACANT
4178-000-015-0209	7768 NE ADRIA LN	RESIDENCE
4178-000-015-0407	7765 NE ADRIA LN	RESIDENCE
4178-000-014-0606	7824 NE ESPERIONE LN	RESIDENCE
4178-000-014-0804	7829 NE ESPERIONE LN	RESIDENCE
4178-000-008-0000	8194 NE BUCKLIN HILL RD	RESIDENCE
4178-000-009-0603	8040 NE BUCKLIN HILL RD	RESIDENCE
4178-000-010-0709	8040A NE BUCKLIN HILL RD	RESIDENCE
4178-000-012-0004	7934 NE BUCKLIN HILL RD	FIRE STATION
4178-000-012-0103	7880 NE BUCKLIN HILL RD	AMERICAN LEGION POST
342502-2-008-2003	8013 NE BUCKLIN HILL RD	RESIDENCE
332502-1-059-2004	6075 OLD WOODS LN NE	VACANT
332502-1-001-2003	7861 NE BUCKLIN HILL RD	HYLA MIDDLE SCHOOL
342502-2-037-2008	NO ADDRESS FOUND	VACANT
342502-2-010-2009	6239 BLAKELY AVE NE	RESIDENCE