CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, JUNE 23, 2020

REMOTE MEETING ON ZOOM

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:
HTTPS://BAINBRIDGEWA.ZOOM.US/J/93878086865

OR IPHONE ONE-TAP :
US: +13017158592,,93878086865# OR +13126266799,,93878086865#
OR TELEPHONE:
DIAL(FOR HIGHER QUALITY, DIAL A NUMBER BASED ON YOUR CURRENT LOCATION):
US: +1 301 715 8592 OR +1 312 626 6799 OR +1 346 248 7799 OR +1 646 558 8656 OR +1 669 900 9128
OR +1 253 215 8782
WEBINAR ID: 938 7808 6865

AGENDA

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

2. **EXECUTIVE SESSION**

   2.A **(6:05 PM) Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency,** 20 Minutes

3. **APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE - 6:25 PM**

4. **PUBLIC COMMENT - 6:30 PM**
   In order to streamline the meeting and promote clarity and efficiency, public comment on all topics will only be accepted during this time.

   4.A **Instructions for Providing Public Comment in Remote Meetings - City Clerk,**
   Instructions for Providing Public Comment at Remote Meetings.docx

5. **MAYOR'S REPORT - 6:45 PM**

6. **CITY MANAGER'S REPORT - 6:50 PM**

7. FUTURE COUNCIL AGENDAS - 6:55 PM

7.A **Future Council Agendas,** 10 Minutes
June 30 Special City Council Meeting.pdf
July 7 City Council Study Session.pdf
July 14 City Council Regular Business Meeting.pdf
July 21 City Council Study Session.pdf

8. PRESENTATION(S)

8.A **(7:05 PM) Briefing on Process for City Manager Search – Ron Holifield, Strategic Government Resources,** 30 Minutes

9. UNFINISHED BUSINESS

9.A **(7:35 PM) Sportsman Club & New Brooklyn Intersection Improvements Supplemental Agreement No. 2 - Public Works,** 10 Minutes
Supplemental Agreement_2.pdf
Supp Agrmt_2 Exhibit A-2.pdf

9.B **(7:45 PM) Resolution No. 2020-07 and Core 40 Eagle Harbor Phase II Non-Motorized Improvements Project Grant Award and Budget Amendment - Public Works,** 20 Minutes
EH PH 2 Slide Presentation Pt 2.pdf
2020 Contingency Supplemental Funding.xlsx
Resolution No. 2020-07 Accepting FHWA Grant Funding for Core 40 Eagle Harbor Phase II - rev CW 061920.docx

9.C **(8:05 PM) City Hall Repairs Project Contract Award & Budget Amendment - Public Works,** 5 Minutes
Contract-Colvos Construction LLC.docx
BID_FORM_City Hall Repairs.docx

9.D **(8:10 PM) Shoreline Master Program (SMP) Amendment for Critical Areas Ordinance Integration and Amendments to Nonconforming Uses, Structures, and Lots - Planning,** 30 Minutes
20200623_CC_Staff_Memo_SMP_Amendment_Summary_of_ECY_comments
Determination of Initial Concurrence from the WA Department of Ecology
Ecology Recommendations to Resolve Issues Identified as Required and Recommended
Resolution No. 2019-05, Jan 8, 2019
Draft SMP Amendment, Jan 8, 2019

10. NEW BUSINESS

10.A **(8:40 PM) Information on Bainbridge Landing Path and Harbor Square Fence - Executive,** 10 Minutes
Harbor Square Bainbridge Landing Memo REV 06192020

11. COUNCIL DISCUSSION

11.A **(8:50 PM) Consideration of Revisions to the City's Code of Conduct and Ethics Program,** 20 Minutes
Clean Copy KH Proposed Revisions to Res No. 2019-26 Updating the Citys Ethics Program Approved 112619_.pdf
Redlined Copy KH Proposed Revisions to Res No. 2019-26 Updating the Citys Ethics Program Approved 112619.pdf

11.B **(9:10 PM) Ordinance No. 2020-15 Requiring Face Coverings - Councilmembers Carr, Hytopoulos, and Pollock,** 30 Minutes
Ordinance No. 2020-15 - COVID-19 Face Covering Requirement
Findings of Mask Ordinance Subcommittee

11.C **(9:40 PM) Face Mask Initiatives - Councilmember Deets,** 15 Minutes
Discussion & Recommendations on Promotion of Wearing of Masks on B.I..pdf
Poulsbo Safe Signage.jpg
Bainbridge Safe Poster.pdf

11.D **(9:55 PM) Appointment of Deputy Mayor for July through December, 2020,** 10 Minutes

11.E **(10:05 PM) Appointments to the Design Review Board - Mayor Schneider,** 10 Minutes
City Advisory Group Vacancies (Design Review Board).pdf
Marshall - Design Review Board (Redacted).pdf
Russell - Design Review Board (Redacted).pdf
Wilson - Design Review Board (Redacted).pdf

12. CONSENT AGENDA

12.A **(10:15 PM) Agenda Bill for Consent Agenda,** 5 Minutes

12.B **Accounts Payable and Payroll**
AP Report to Council of Cash Disbursements 06-24-20.pdf
Payroll.pdf

12.C **City Council Study Session Minutes, June 2, 2020**
City Council Study Session Minutes June 2, 2020.pdf

12.D **City Council Regular Business Meeting Minutes, June 9, 2020**
City Council Regular Business Meeting Minutes June 9, 2020.pdf

12.E **Annual Road Striping Contract - Public Works,** 5 Minutes
2020 Road Striping Contract
Road Marking List_Attachment D.xlsx
Bid Form.doc

12.F **Amendment No. 1 to Water & Sewer Telemetry Upgrade Professional Services Agreement - Public Works,** 5 Minutes
Amendment No. 1 to Water & Sewer Telemetry Upgrade Professional Services Agreement
Water & Sewer Telemetry Upgrade Professional Services Agreement (Executed July 26, 2019)

12.G **2020 Asphalt Repair Project - Public Works,** 5 Minutes
2020 Asphalt Repair Project Bid Form
2020 Asphalt Repair Project Contract
2020 Asphalt Repair Map (1).pdf

12.H **2020 Kitsap Regional Coordinating Council (KRCC) ILA Amendment - Executive,** 5 Minutes
KRCC ILA - 2020 Proposed Amendment - Clean
KRCC ILA 2020 Amendment - Redline

12.I **Staffing Request for COVID-19 Response - Executive,** 5 Minutes
Exec_Staffing_Request_for_Temporary_position_for CC 06092020

12.J **Affirm Council Priorities from March 6, 2020 Retreat - Mayor Schneider,** 5 Minutes
2020_City_Council_Priorities_June Revision.docx
2021-2022_Council_Budget_Priorities - DRAFT.pdf

12.K **Appointments to the Planning Commission - Mayor Schneider,** 5 Minutes
Planning Commission (Recommended Appointments).pdf
Blossom - Planning Commission (Redacted).pdf
Dykeman - Planning Commission (Redacted).pdf
Gardiner - Planning Commission (Redacted).pdf
Marshall - Planning Commission (Redacted).pdf
McCormick Osmond - Planning Commission (Redacted).pdf
Weise - Planning Commission (Redacted).pdf

13. COMMITTEE REPORTS - 9:55 PM

14. FOR THE GOOD OF THE ORDER - 10:00 PM

15. ADJOURNMENT - 10:10 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.

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CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 20 Minutes

AGENDA ITEM: (6:05 PM) Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency,

SUMMARY: Executive session pursuant to RCW 42.30.110(1)(i).

AGENDA CATEGORY: Discussion **PROPOSED BY:** Executive

RECOMMENDED MOTION: Hold Executive Session.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:**

AGENDA ITEM: Instructions for Providing Public Comment in Remote Meetings - City Clerk,

SUMMARY: Instructions for providing public comment during remote meetings are attached.

AGENDA CATEGORY: Report **PROPOSED BY:** Executive

RECOMMENDED MOTION: Information only.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

Instructions for Providing Public Comment at Remote Meetings.docx

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

OFFICE OF THE CITY CLERK

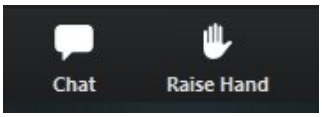
April 28, 2020

Members of the public are encouraged to submit written public comment to the City Council at any time by emailing Council at council@bainbridgewa.gov or the City Clerk at cityclerk@bainbridgewa.gov. Members of the public who wish to provide public comment during the remote meeting should follow the instructions outlined below.

INSTRUCTIONS FOR PROVIDING PUBLIC COMMENT IN REMOTE MEETINGS

1. Attendees who wish to provide public comment sign in to Zoom with their name.

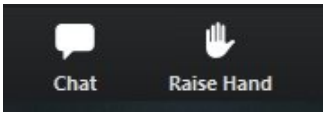
3. Attendee opens the Chat screen by clicking on the Chat icon at the bottom of the screen:



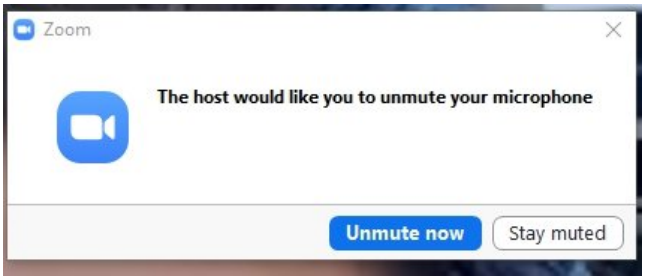
4. The Chat screen opens on the right-hand side. During public comment, the Clerk will provide notice to speakers through Chat on the amount of time left to speak; attendees will not be able to message Council.

5. Meeting Chair will indicate when it is time for public comment.

6. Attendee indicates desire to speak by clicking on "Raise Hand" option at the bottom of the screen:



7. Attendee clicks button "Unmute now" after they are called to speak by Meeting Chair.



8. Attendee will appear on screen with other panelists, but without video, just name.

9. Attendee provides their comment.

10. Attendee will receive notice in Chat screen (“30 SECONDS”) when there are 30 seconds left in the allotted time to speak.

11. Attendee will receive notice in Chat screen (“STOP”) when the allotted time is over.

12. Attendee is returned to attendee group, and microphone is muted.

13. As always, public comment is simply received by the Council, with no response.

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: Future Council Agendas,

SUMMARY: Council will review future Council agendas.

AGENDA CATEGORY: Discussion **PROPOSED BY:** City Council

RECOMMENDED MOTION: Discussion

STRATEGIC PRIORITY: Good Governance

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

BACKGROUND:

ATTACHMENTS:

June 30 Special City Council Meeting.pdf

July 7 City Council Study Session.pdf

July 14 City Council Regular Business Meeting.pdf

July 21 City Council Study Session.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

SPECIAL CITY COUNCIL MEETING
TUESDAY, JUNE 30, 2020

REMOTE MEETING ON ZOOM

AGENDA

1. **CALL TO ORDER/ROLL CALL**

2. **APPROVAL OF AGENDA/CONFLICT OF INTEREST DISCLOSURE**

3. **PUBLIC COMMENT**

4. **MAYOR'S REPORT**

5. **NEW BUSINESS**

5.A **(XX PM) Monthly Update on 2020 Revenue and Expenses Forecasts - Executive** 10 Minutes

5.B **(x PM) Ordinance No. 2020-14 Relating to 2020 1st Quarter Budget and Updated Capital Improvement Plan Amendments - Finance** 10 Minutes
2020 1st QTR BUA Transmittal Memo_Final.docx
ORD 2020-14 2020 1st QTR Budget Amendments.docx
Ord 2020-14 Attachment A - Q1 Budget Amendments.pdf
Ord_2020-14_Attachment_A(1)_-_Q1_Budget_Amendments.pdf

5.C **Discuss Cost Allocation Methodology Overview for Budget preparation** 20 Minutes
Cost allocation -Plan 2021 - 2022.pdf

5.D **(x PM) Financial Policies Presentation - Finance,** 20 Minutes
Financial Policies for CC 06302020.pptx
Resolution_No._2020-08_Establishing_Financial_Policies.docx
2020_Financial_Policies_-_Summary_of_changes.docx
RES 2016-20 Adopting a Municipal Securities Disclosure Policy Approved 082316.pdf
Resolution No. 2019-24 Updating the Citys Procurement Policy Approved 100819.pdf
Resolution No. 2016-18 Amending Resolution No. 2009-02 Surplus Property Approved 082316.pdf
RES 93-52 - Investment Policy.pdf
Financial Policies Update for June 9, 2020 CC.pdf

5.E **Revision of Debt Policy - Finance,** 5 Minutes
Resolution_No._2020-09_-_Updating_the_City_s_Debt Policy.docx
Resolution No 2020-09 - Exhibit A - COBI DEBT Policy Revised.docx
RES 2008-14 - Debt Policy.pdf

5.F **Creation of Equipment, Rental and Revolving Fund Policy - Finance,** 5 Minutes
Resolution No 2020-11, Establishing Equipment, Rental and Revolving Fund Policy.docx
Resolution No 2020-11, ER&R Policy - Exhibit A.docx
Ord_2004-20_Approved.pdf
Ordinance No. 2017-09 Equipment Rental Fund Update Approved 050917.pdf

5.G **Acceptance of grant and briefing on spending options for the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant - Finance** 20 Minutes

6. FOR THE GOOD OF THE ORDER

7. ADJOURNMENT

GUIDING PRINCIPLES

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CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL STUDY SESSION
TUESDAY, JULY 07, 2020

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

AGENDA

1. **CALL TO ORDER / ROLL CALL - 6:00 PM**
Councilmember Deets will be absent.

2. **EXECUTIVE SESSION**

3. **APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**

4. **MAYOR'S REPORT**

5. **PRESENTATIONS**

5.A **Race Equity Task Force (RETF) Briefing and Work Plan Update** 30 Minutes
RETF Scope of Work as of June 2019
RETF_-_2020_Scope_of_Work_Proposal - December 2019.pdf

5.B **Updates to the County Consolidated Plan for CDBG program** 30 Minutes

6. **UNFINISHED BUSINESS**

6.A **(x PM) Update on the Development Moratorium - Planning,** 10 Minutes
Abbreviated moratorium work program status report .pdf
Ordinance No. 2020-09 Extending the Development Moratorium Approved 032420.pdf
Development Moratorium Summary

6.B **(x PM) Green Building Update - Planning,** 10 Minutes
2020 01 28 CC Staff Memo January Update

7. **NEW BUSINESS**

7.A **Update and Next Steps after Joint Meeting with Planning Commission and City Council** 30 Minutes

8. **CITY COUNCIL DISCUSSION**

8.A **Aveterra - Legislative Review of Development Regulations,** 30 Minutes

9. FUTURE COUNCIL AGENDAS

10. FOR THE GOOD OF THE ORDER

11. ADJOURNMENT

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CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, JULY 14, 2020

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

AGENDA

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

2. **EXECUTIVE SESSION**

   2.A **(6:05 PM) Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency,** 30 Minutes

3. **APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**

4. **PUBLIC COMMENT**

5. **MAYOR'S REPORT**

6. **CITY MANAGER'S REPORT**

7. **PRESENTATION(S)**

8. **PUBLIC HEARING(S)**

9. **UNFINISHED BUSINESS**

10. **NEW BUSINESS**

   10.A **Review of Police Department Use of Force Policy-Police,** 30 Minutes

   10.B **(x PM) Resolution No. 2020-02, Updating the City's Procedure for the Surplus and Sale of City-Owned Real Property - Executive,** 10 Minutes
   Resolution No. 2020-02, Updating the City's Procedure for the Surplus and Sale of City-Owned Real Property
   Resolution No. 2016-18, The City's Current Procedure for the Surplus and Sale of City-Owned Real

Property
Appraisal Institute - Summary of 2014-15 USPAP Changes to Written Appraisal Report Types

10.C **Resolution No. 2020-XX, Adopting an Electronic Signature Policy** 5 Minutes

10.D **Emergency COVID 19 Cleaning Contract Amendment No. 1**
10 Minutes

10.E **Springbrook/Manzanita Creek Watershed Near-Term Grant Acceptance**
10 Minutes

10.F **(x PM) Ordinance 2020-03 "Housekeeping" Changes: Revising Chapters 2.14, 2.16, 18.09, 18.12, 18.15, and 18.36 BIMC - Planning,** 30 Minutes
20200623 CC Staff Memo.docx
Ord_2020-03.docx
Title 2 Changes Summary Table
Title 18 Changes Summary Table
Exhibit A Title 2 Housekeeping Changes
Exhibit B BIMC 18.09.020 Use Table Excerpt Temporary Uses
Exhibit C Title 18 Housekeeping Changes
PLANNING COMMISSION MINUTES 102419.pdf

10.G **(x PM) Resolution No. 2020-04 Amending the City's Fee Schedule to add a "Temporary Construction Staging Permit" fee and a deposit fee for third-party review of environmental reports- Planning,** 5 Minutes
Resolution No. 2020-04 Amending Fee Schedule.docx

10.H **(x PM) Ordinance No. 2020-02 Relating to Accessory Dwelling Units (ADUs) - Planning,** 20 Minutes
20200623_Staff_Memo_on_ADUs hw rev 1.docx
20200511 Ordinance 2020-02 DRAFT.docx
October 2018 Legal Memo on ADUs
March 12, 2020 Planning Commission Minutes
Planning Commission Subcommittee Recommendations Regarding ADUs
ADU Use Specific Standards 18.09.030
Building Official Memo re Tiny Home Appendix Q Adoption

11. CONSENT AGENDA

11.A **Agenda Bill for Consent Agenda,** 5 Minutes

11.B **City Council Study Session Minutes, June 16, 2020**

11.C **City Council Regular Business Meeting Minutes, June 23, 2020**

12. COMMITTEE REPORTS

13. FOR THE GOOD OF THE ORDER

14. ADJOURNMENT

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CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL STUDY SESSION
TUESDAY, JULY 21, 2020

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

AGENDA

1. **CALL TO ORDER / ROLL CALL - 6:00 PM**
   Councilmember Medina will be absent.

2. **EXECUTIVE SESSION**

3. **APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**

4. **MAYOR'S REPORT**

5. **PRESENTATIONS**

   5.A **(7:15 PM) COBI Connects Status and Communications Priorities for 2020 and 2021-2022 - Executive,** 30 Minutes

6. **UNFINISHED BUSINESS**

   6.A **2021 SMP Periodic Review Update** 15 Minutes

7. **NEW BUSINESS**

8. **CITY COUNCIL DISCUSSION**

9. **FUTURE COUNCIL AGENDAS**

10. **FOR THE GOOD OF THE ORDER**

11. **ADJOURNMENT**

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CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 30 Minutes

AGENDA ITEM: (7:05 PM) Briefing on Process for City Manager Search – Ron Holifield, Strategic Government Resources,

SUMMARY: Ron Holifield from Strategic Government Resources (SGR) will provide a briefing on the process for the City Manager search.

AGENDA CATEGORY: Presentation **PROPOSED BY:** City Council

RECOMMENDED MOTION: Information only.

STRATEGIC PRIORITY: Good Governance

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

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (7:35 PM) Sportsman Club & New Brooklyn Intersection Improvements Supplemental Agreement No. 2 - Public Works,

SUMMARY: Supplemental Agreement No. 2 to the Consultant Agreement with Skillings Connolly Inc., is needed for the redesign of intersection improvements as approved at the May 26, 2020 Council meeting.

AGENDA CATEGORY: Contract **PROPOSED BY:** Public Works

RECOMMENDED MOTION:
I move to forward, for approval with the July 7, 2020 Consent Agenda, Sportsman Club New Brooklyn Intersection Improvements Project Supplemental Agreement No. 2 with Skillings Connolly Inc., in the amount of $101,857.00.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	$101,857.00
Ongoing Cost:	
One-Time Cost:	$101,857.00
Included in Current Budget?	Yes

BACKGROUND: The Sportsman Club New Brooklyn Intersection Improvements project consists of narrowed vehicle lanes, sidewalk and multi-use paths, pedestrian connections, and widened shoulders.

Supplemental Agreement No. 2 to the Consultant Agreement is needed for additional redesign work. City Council approved the original Sportsman Club New Brooklyn Intersection Improvements Agreement at their May 8, 2018 meeting in the amount of $49,157.73 and Supplemental Agreement No. 1 in the amount of $318,416.46 on December 7, 2018. Upon approval of Supplement No. 2 in the amount of $101,857.00, the revised contract amount will be $456,822.00.

Under Section 9.0 of the City's Procurement Policy, City Council approval is required before the City Manager may execute an amendment to a professional services agreement that provides for a cost increase exceeding 10% of the original contract cost (or $50,000, whichever is greater), and is within the approved budget.

ATTACHMENTS:

Supplemental Agreement_2.pdf

Supp Agrmt_2 Exhibit A-2.pdf

FISCAL DETAILS: The revised project budget of $650,000 ($450K grant; $250k City) was approved by Council on May 19th and is part of the first quarter budget amendment scheduled for discussion on June 30th. This expenditure of $101,857 will be made entirely from the City's portion of the budget $250,000, leaving $148,143 remaining.

Fund Name(s): Streets Fund

Coding:

Washington State Department of Transportation

Supplemental Agreement Number 2 (two)	Organization and Address Skillings Connolly, Inc. 5016 Lacey Blvd. SE Lacey, WA 98516 Phone: 360.491.3399	
Original Agreement Number STPUS-6707(001)		
Project Number 9304	Execution Date	Completion Date December 31, 2022
Project Title Sportsman Club Rd and New Brooklyn Rd Intersection Imp	New Maximum Amount Payable $456,822.00	
Description of Work Design of intersection improvements and preparation of construction documents (PS&E).		

The Local Agency of City of Bainbridge Island
desires to supplement the agreement entered in to with Skillings Connolly, Inc.
and executed on May 9, 2018 and identified as Agreement No. STPUS-6707(001)
All provisions in the basic agreement remain in effect except as expressly modified by this supplement.
The changes to the agreement are described as follows:

I

Section 1, SCOPE OF WORK, is hereby changed to read:
See Exhibits A-2, B-1, B-2, and B-3.

II

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: December 31, 2022

III

Section V, PAYMENT, shall be amended as follows:

Original Agreement	$ 49,157.93
Supplemental Agreement No. 1	$318,416.46
Supplemental Agreement No. 2	$101,857.00
New Maximum Amount Payable	$456,822.00

as set forth in the attached Exhibit A, and by this reference made a part of this supplement.
If you concur with this supplement and agree to the changes as stated above, please sign in the Appropriate spaces below and return to this office for final action.

By: Skillings Connolly, Inc.
Consultant Signature

By: City of Bainbridge Island
Approving Authority Signature

Date

DOT Form 140-063
Revised 09/2005

Exhibit "A"
Summary of Payments

	Basic Agreement	Supplement No 1	Supplement No 2	Total Cost
Direct Salary Cost	$ 12,689.89	$ 235,253.84	$ 88,485.41	$ 336,429.14
Reimbursable Expenses	$ 892.68	$ 3,584.40	$ 762.20	$ 5,239.28
Subconsultants	$ 35,575.36	$ 79,578.22	$ -	$ 115,153.58
Total	$ 49,157.93	$ 318,416.46	$ 89,247.61	$ 456,822.00

EXHIBIT A-2
SCOPE OF WORK
SUPPLEMENTAL AGREEMENT NO. 2
CITY OF BAINBRIDGE ISLAND
NE SPORTSMAN CLUB & NE NEW BROOKLYN
STOP CONTROLLED INTERSECTION IMPROVEMENTS
June 9, 2020

INTRODUCTION
Skillings Inc., (CONSULTANT) has been selected by the City of Bainbridge Island (CITY) to continue to provide engineering and permitting professional services for the intersection improvements at NE Sportsman Club & NE New Brooklyn Road on Bainbridge Island.

The previous improvements to the intersection were proposed to be a roundabout of which significant design and coordination work was completed prior to the stop work order on the roundabout design. The new improvements will be a stop-controlled intersection. There is work that has been completed that will be applicable to the current proposed improvements. The following is an update of these services:

- Topographic survey is complete for the project and the current survey limits are within the proposed stop-controlled intersection footprint. This survey will be utilized for design.
- Geotechnical field investigation was completed and is applicable to the current design. We will have the Geotech (Aspect) finalize the geotechnical report under their current contract.
- Cultural resources Section 106 has been completed to a draft report; therefore, we will have Tierra update and finalize their report under the current contract.

PROPOSED IMPROVEMENTS
The work consists of engineering design in support of intersection improvements at NE Sportsman Club & NE New Brooklyn Road on Bainbridge Island. The project will relieve current congestion and provide long-term transportation network viability to ensure mobility for the town center by improving the intersection, sidewalks, and bike lanes at the intersection. A major component of this project is to enhance pedestrian and bicycle safety.

The Work will include full reconstruction of the intersection to provide a four way stop controlled intersection with a right turn slip lane for westbound to northbound traffic. Full reconstruction or overlay limits are as follows:

- 150 feet north and 70 feet south on Sportsman
- 85 feet west and 200 east on New Brooklyn.
- See Exhibit 1, Conceptual Design for approximate limits of full width roadway reconstruction or overlay.

The remaining improvements include construction of the following:

- Sportsman to the north - construction of a sidewalk from the intersection to the middle school property along the west side of the existing road.
- New Brooklyn to the east - construction of a sidewalk to Northtown Drive along the north side of the existing roadway.
- Sportsman to the south - construction of a 5- to 7-foot wide asphalt shoulder to extend 500’ from the intersection along the west side of the existing roadway.
- New Brooklyn to the west - construction of a 5- to 7-foot wide asphalt shoulder to extend 500 feet from the intersection along the north side of the existing road.

- See Exhibit 1, Conceptual Design for notes stating the limits of the shoulder and sidewalk improvements.

Improvements will also include the following: full pavement reconstruction, sidewalk/bike lane construction, storm drainage conveyance systems, pavement marking, signing, street lighting at the intersection, sidewalk ramps/ADA, right turn island.

See attached Exhibit 1 for conceptual design of the intersection, received from Chris Munter on May 20th, 2020 via email. The scope of work presented is based upon this conceptual design.

Designing the intersection and preparing the construction documents (PS&E) will include the following:

- Project Management
- Geometric/Channelization plan submittal.
- 100% Final PS&E and supporting documentation.
- Finalize Geotechnical and Cultural Resources Documents
- Bid Support Services
- Construction Support Services.

This project is currently funded through a federal grant administered through the Washington State Department of Transportation (WSDOT) and local agency funds.

PROJECT ASSUMPTIONS:
This scope of work is based on the following general assumptions:

GENERAL ASSUMPTIONS

- This is a time and materials contract with a not to exceed maximum, without prior written authorization. The level of effort for various tasks are estimates and may vary. The contract will be managed to the contract maximum, not the task level budgets.
- All work to be completed to be designed in conformance with City of Bainbridge Island applicable Standards/Ordinances and WSDOT requirements including those in the Standard Specifications, Design Manual, and Local Agency Guidelines.
- Project limits for the Sportsman/Brooklyn intersection improvements will follow the descriptions as included in this scope of work and the attached:
    - Exhibit 1 Conceptual Design
- All plan sheets will be prepared in AutoCAD v.2018 format.
- All roadway design will be completed using Civil3D v.2018 software
- All word documents, excel spreadsheets, project schedules will be completed using CONSULTANT's latest version of Microsoft WORD, Microsoft Excel, and Microsoft Project.
- It is assumed that there are no contaminated soils within the project limits.

SUPPORT SERVICES ASSUMPTIONS

- No public outreach assistance or effort has been included in this scope of work.
- No additional right-of-way or easements are required. There is limited existing right-of-way at the northern corner of the intersection however the intent is to design the improvements to fit within the existing right-of-way. No right-of-way assistance or support services are included in this scope of work.
- A certified right-of-way map is not required for this project as no right-of-way acquisition will occur.

- Pothole data completed by APS during previous project phase can be utilized for design. Additional potholes are not anticipated to complete the design.
- No traffic analysis or modeling is included in this scope of work. The intersection design concept was approved by the Bainbridge City Council.
- No tree impact or tree survey reports or information will be required for this project.
- Assumes no additional survey work will be required to complete this project. If specific survey is required to address a design issue/need that was not within the original scope of work, this work will be addressed through a supplement.

ENVIRONMENTAL PERMITTING ASSUMPTIONS

- City will prepare and submit the NEPA and SEPA for the project.
- It is expected that this project will be exempt therefore the City has agreed that the previous BE study that was completed is adequate for this project and no updates to the original report will be required. Assumes no further environmental work will be required and if so, will be provided by the CITY.
- It is assumed that the previously completed APE during the roundabout phase is sufficient for this project. If modifications or re-approval of the APE are required by WSDOT, this work will be completed by the CITY.
- All environmental clearance work will be completed by the CITY.

DESIGN ASSUMPTIONS

- No irrigation systems or design are included in this scope of work.
- Landscaping design as shown on the plans will include grass areas. If plants are requested by the CITY to be placed in the landscaping areas, plant species, spacing, and specifics will be provided by the CITY for inclusion into the PS&E plans.
- No retaining wall design is included in this scope of work.
- Lighting design includes intersection lighting only (generally the limits of the full reconstruction of the intersection) and will accommodate industry standard light levels for safe vehicle and pedestrian operation. Assumes new light poles will be required to meet light level requirements.
- CITY will coordinate with all utilities for all required utility relocations or removals required for the project. CONSULTANT will not coordinate utility removal/relocations with any utility purveyor. CONSULTANT will only identify the utilities impacted and provide that information to the CITY.

BID PACKAGE, BIDDING, AND ADVIRTISMENT ASSUMPTIONS

- The project will be developed as a single package. Bid alternates, bid additives, or subsequent repackaging of the project is not included in this scope of work.
- CITY will prepare advertisement for bid, distribute bidding documents to all potential bidders, and review bids received.
- CITY will prepare all required addenda and distribute through Builder Exchange to contractors.
- CITY will prepare and submit any wage rate adjustment documents required during bidding.

CONSTRUCTION SUPPORT

- Material inspection is not included in this scope of work, it will be addressed through an agreement between the CITY and the contractor.
- All field inspections will be completed by the CITY.

SCHEDULE ASSUMPTIONS

- Anticipated Notice to Proceed on 24th June 2020 with Final PS&E completed by November 15th. The project must be obligated by December 31, 2020.

DESIGN STANDARDS

Skillings Inc. (CONSULTANT) will perform services set forth in this AMENDED SCOPE OF WORK on behalf of the City of Bainbridge Island (CITY) using procedures specified by the CITY and in compliance with the standards and requirements set forth in the following procedures, regulations and most current (at the time of execution of this agreement) adopted manuals which by reference, are made a part of this Agreement.

Current (as of the date of execution of the agreement) versions of the following publications and manuals will be applicable when specifically cited in the City of Bainbridge Island Road Standards or when required by state or federal funding authorities:

- Washington State Department of Transportation/American Public Works Association (WSDOT), Standard Specifications for Road, Bridge, and Municipal Construction (M41- 10), 2018 edition, as amended
- Local Agency General Special Provisions
- WSDOT/APWA, Standard Plans for Road, Bridge, and Municipal Construction, (M21-01)
- Materials Laboratory Outline
- Construction Manual
- Local Agency Guidelines Manual
- Design Manual (M22-01)
- Hydraulics Manual (M23-03)
- Highway Runoff Manual (M31-16)
- Right of Way Manual
- General Special Provisions
- Traffic Manual (M51-02)
- AASHTO (A Policy on Geometric Design of Highways and Streets)
- City of Bainbridge Island Engineering Design and Development Standards (including standard plans)
- MUTCD as revised by Washington State
- WSDOT Plans Preparation Manual

DOCUMENTS TO BE PROVIDED BY CITY OF BAINBRIDGE ISLAND

It is agreed that the CITY will provide the following documents and/or data if available:

- Roadway and utility as-built drawings

WORK ELEMENTS

Task 10 – PROJECT MANAGEMENT

This task includes CONSULTANT management of staff and Subconsultants, invoices and progress reporting, progress meetings, internal QA/QC, and internal staff team progress meetings.

Assumptions:

- The Project Schedule will be in Microsoft project.
- Meetings will be by phone or MS Teams video conferencing unless otherwise stated.

Tasks:

1. Develop a Project Schedule for the completion of the one hundred percent (100%) PS&E documents.
2. Schedule, prepare for, and take part in four (4) telephone conference calls with the City.
3. Schedule, prepare for, and take part in three (3) video conference calls with the City.

4. Provide quality control and in-house coordination.
5. CONSULTANT will manage Subconsultants (final completion of the Cultural Resource and Geotech reports).
6. CONSULTANT will prepare monthly billings with progress reports and include monthly Earned Value reports.

Deliverables:

- Project Schedule (pdf format) and updates if necessary.
- Monthly invoices, with status reports and earned value reports.
- Meeting Minutes (via email)

Task 20 –Utilities Coordination

There are several existing utilities within the project limits, that may be affected by the reconstruction of the intersection.

Assumptions:

- CITY will coordinate with all utilities for all required utility relocations or removals required for the project.
- CONSULTANT will not coordinate utility removal/relocations with any utility purveyor.
- CONSULTANT will only identify the utilities impacted and provide that information to the CITY.
- Pothole data completed by APS during previous project phase can be utilized for design to assess potential impacts. Additional potholes are not anticipated to complete the design.

Tasks:

1. CONSULTANT to provide information to the CITY showing the location of utilities impacts by the project.

Deliverables:

- Plans with utility conflicts noted to CITY (utility removal/relocation plans).

Task 30 – Geometric/Channelization Plans

This effort will include preparing the geometric and channelization plans for the project. Work will also include evaluation of the 2-foot buffer strip along the proposed shoulders described in the following.

Assumptions:

- Project limits and improvements will be based upon the CITY provided exhibit included as “Exhibit 1 Conceptual Design” and attached to this proposal.
- The intent of the Geometric/Channelization plan submittal task is to gain approval of the roadway geometrics and channelization prior to moving the plans to 100% PS&E.
- City will provide one set of comments on the geometric/channelization plans submittal.
- It is assumed that this submittal will include four (4) roadway geometric plans sheets and one (1) channelization plan.
- No vertical profiles or grading will be provided.

Tasks:

1. Prepare the roadway geometric plans.
2. Prepare the roadway channelization plans.
3. Evaluate bike shoulders along west and south legs of the intersection:
   a. Evaluate increasing shoulder width form the proposed 5-foot wide asphalt shoulder to a 7-foot wide shoulder (5-foot asphalt with 2-foot striped buffer). This includes installation of flexible barriers in buffer.
   b. Determine if there are any right-of-way impacts to this proposal.
   c. Determine if there are any cost-prohibitive improvements associated with this proposal.
   d. Discuss findings with the CITY.
   e. Update geometric plans with widened shoulders if CITY approves concept.

   4. Submit the roadway/channelization plans to the CITY.

Deliverables:

- One (1) half size plans and one (1) electronic set of the Roadway Geometric/Channelization Plans.

Task 40– Final Plans, Specifications, and Estimate (100% PS&E)

This effort will include advancing the geometric/channelization plans to complete 100% final PS&E.

Assumptions:

- CITY has reviewed the geometric/channelization plans and has provided one-set of CITY comments and provided direction to the CONSULTANT.
- CITY will provide their "boiler plate" format for bid package
- CONSULTANT will supply the bid proposal form for the bid package.
- CONSULTANT will provide only one update to any portion of the 100% PS&E package after the initial submittal of the 100% PS&E to the CITY.
- An Engineer's Estimate for the Probable Cost to Construct will be prepared that lists all of the project bid items, showing contract item number, unit of measurement, estimated unit price, estimated quantity, and total estimated cost for each.
  - The total project cost will be shown on this estimate.
  - This estimate will be used as the basis of review for the lowest responsive responsible bidder.
- Engineer's Estimate of Probable Costs to Construct will be prepared using WSDOT Unit Bid Price format.
- Stormwater design will be per the Department of Ecology's *Stormwater Manual for Western Washington and BIMC.*
- Assumes no water quality or quantity facilities will be required for this project. It is expected that the increase in impervious area for the project will be less than 50% of the existing impervious areas therefore minimum requirements #6 through #9 will not apply. Assumes stormwater requirements #1 through #5 will be applicable.
- Contractor will apply and submit for the Notice of Intent (NOI) for coverage under Construction Stormwater General Permit (CSWGP) via Ecology's NOI process using the on-line application portal
- Special provisions will be prepared utilizing WSDOT specifications format.
- Lighting design includes intersection lighting only (generally the limits of the full reconstruction of the intersection) and will accommodate industry standard light levels for safe vehicle and pedestrian operation. Assumes new light poles will be required to meet light level requirements.

- Landscaping design as shown on the plans will include grass areas. If plants are requested by the CITY to be placed in the landscaping areas, plant species, spacing, and specifics will be provided by the CITY for inclusion into the PS&E plans.

Tasks:

1. Respond to CITY comments on Geometric/Channelization plan submittal.
2. Complete Basis of Design Memo: The CONSULTANT shall prepare a basis of design Memo summarizing key design elements and decisions for the intersection of NE New Brooklyn Rd and Sportsman Club Rd NE.
3. Stormwater Analysis:
   a. Determine threshold discharge areas (TDA) and prepare maps of TDA.
   b. Determine the design storm and runoff volume.
   c. Calculate area of new impervious and replaced hard surfaces.
   d. Prepare final stormwater site plan.
   e. Prepare and apply for coverage under Statewide General Stormwater Construction Permit via on-line application portal.
   f. Prepare stormwater conveyance calculations and sizing.
   g. Prepare final stormwater analysis memo.
   h. Prepare final SWPPP
4. Inclusion of landscaping details provided by the City into final plans. See assumptions above.
5. Finalize details of pedestrian/bike access routes and ADA compliance.
6. Prepare final lighting design utilizing AGI 32 lighting design software.
7. Complete specifications package.
   a. WSDOT Amendments and GSP "run list" and fill-ins.
   b. Special Provisions.
   c. Required Federal-aid documents.
   d. State and Federal prevailing wage documents.
8. Final quantities and complete quantity calculations notebook
9. Final Engineer's Estimate of Probable Costs to Construct.
10. Complete the following 100% plan sheets:

Plan Sheet	**100% Submittal**
Cover with Vicinity Map and Index	**1**
Construction Notes/Information	**1**
Horizontal Control and Right-of-Way Plan	**1**
Demolition, Utility Removal/Relocation Plans	**2**
TESC Plans	**1**
TESC Details	**2**
Roadway/Storm Plan and Profile Sheets	**4**
Typical Roadway Sections	**1**
Intersection Details	**2**
Roadway Details	**2**
Sidewalk Ramp Details	**2**
Illumination Plans	**1**
Illumination Details	**1**
Signing and Pavement Marking Plans	**1**
Signing Specifications	**1**
Signing and Pavement Marking Details	**1**
Temporary Traffic Control Plans	**2**

Plan Sheet	100% Submittal
Detour Plan	1

11. QA/QC and Constructability review by our experienced construction inspectors.
12. Review PS&E and deliverables with CITY via video conference call.
13. Submit 100% PS&E package and items noted as "Deliverables" below to the CITY for review.
14. Address CITY and WSDOT comments on 100% PS&E and deliverables. Assumes one set of review comments from the CITY and WSDOT.
15. Submit final PS&E package and supporting documentation (see Deliverables below).

Deliverables:

- Basis of Design Memo
- Final Stormwater Memo.
- Final SWPPP.
- Draft General Stormwater Construction Permit coverage application
- Final Quantities Notebook
- 100% Engineer's Estimate of Probable Cost to Construct
- Final GSP's and draft special provisions
- One (1) half size plans and one (1) electronic set of 100% PS&E to CITY for review.
- After WSDOT and CITY review, 2 half size plans package of Final Bid Package (100%PS&E) (pdfs, CAD files, Word files (.docx), and Estimate in Excel.)

Task 50 – BID SUPPORT SERVICES

CONSULTANT will assist the CITY during the bidding phase as noted.

Assumptions:

The CITY will:

- Prepare Advertisement for Bids.
- Advertise the project.
- Provide Bid Documents to Builders Exchange for distribution.
- Prepare any bid addenda documents and provide to Builders Exchange for distribution
- Host the bid opening.
- Prepare bid tabulation.
- Prepare notice of award.

The CONSULTANT will:

- Provide on-call assistance only to answer CITY questions.
- Not Attend Bid Opening
- Not Review Bid Tabulation.

Tasks:

1. CONSULTANT will provide assistance answering questions provided by the CITY per the work hours noted.

Task 60 – CONSTRUCTION SUPPORT

CONSULTANT will assist the CITY during the construction phase as noted.

Assumptions:

- Material inspection is not included in this scope of work, it will be addressed through an agreement between the CITY and the contractor.
- All field inspections and construction documentation will be completed by the CITY.
- Construction support services are limited to the tasks noted and the work hours estimated. If additional services are requested by the CITY, the additional work will be addressed as a supplement to the contract.

Tasks:

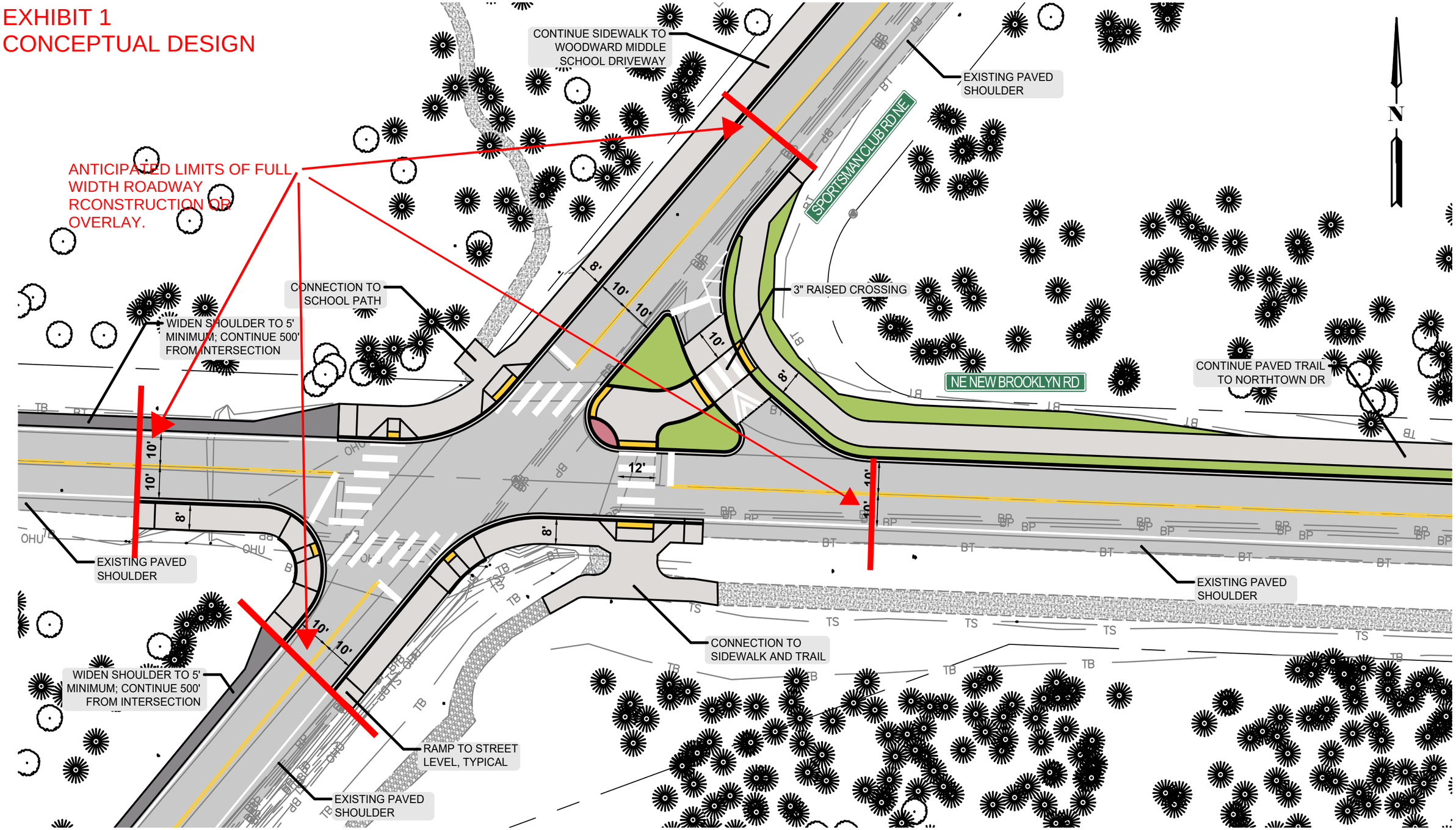
1. Review contractor schedule one (1) time, estimated at 1 hour.
2. Response to RFI's up to 20 hours.
3. Review material submittals up to 5 hours.

Deliverables:

- Contractor schedule comments to CITY via email.
- RFI responses as noted.
- Material submittal review comments via email.

END SCOPE OF WORK

EXHIBIT 1
CONCEPTUAL DESIGN



SPORTSMAN CLUB RD & NEW BROOKLYN RD INTERSECTION IMPROVEMENTS
PROPOSED ALTERNATE
3/27/2020

0' 30' 60'
SCALE: 1" = 30'

PRELIMINARY CONCEPT - NOT FOR CONSTRUCTION

EXHIBIT B-1
CONSULTANT COST COMPUTATION - MAN-HOURS

PROJECT NO. 17248 SUPPLEMENTAL AGREEMENT NO. 2 CITY OF BAINBRIDGE ISLAND NE SPORTSMAN CLUB & NE NEW BROOKLYN STOP CONTROLLED INTERSECTION IMPROVEMENTS ADJUSTED FOR RESCOPE FOR CHRIS M 6-9-20		PRINCIPAL-IN-CHARGE	SENIOR PROJECT MANAGER	PROJECT ENGINEER	ENGINEER	TECHNICIAN	INSPECTOR	PROJECT ADMINISTRATOR
TASK #	**TASK DESCRIPTION**							
10	**PROJECT MANAGEMENT**							
1	Develop a Project Schedule for the completion of the 100% PS&E documents. (ONE TIME)		3					1
2	Schedule, prepare for, and take part in four (4) telephone conference calls with the City.	1	2					
3	Schedule, prepare for, and take part in three (3) video conference calls with the City.		3	3				
4	Provide quality control and in-house coordination.	2	4					
5	Consultant will manage Subconsultants (final completion of the Cultural Resource and Geotech Reports.		4					
6	Consultant will prepare monthly billings with progress reports and include monthly Earned Value reports.	1	4					7
20	**UTILITIES COOORDINATION**							
1	Consultant to provide information to the City showing the location of utilities impacts by the project.			2				
30	**GEOMETRIC/CHANNELIZATION PLANS**							
1	Prepare Roadway Geometric Plans		4	4	16	24		
2	Prepare Roadway Channelization Plans		1					
3	Evaluate bike shoulders along west and south legs of the intersection.		2					
a	Evaluate increasing shoulder width from the proposed 5-foot wide asphalt shoulder to a 7-foot wide shoulder (5-foot asphalt with 2-foot striped buffer). This includes installation of flexible barriers in buffer.			4				
b	Determine if there are any right-of-way impacts to this proposal.			1				
c	Determine if there are any cost-prohibitive improvements associated with this proposal.			2				
d	Discuss findings with the City.							
e	Update geometric plans with widened shoulders if City approves concept.			6		8		
4	Submit Roadway Geometric and Channelization Plans to the City		1	1				
40	**FINAL PLANS, SPECIFICATIONS, AND ESTIMATE (100% PS&E)**							
1	Respond to City comments on Geometric/Channelization plan submittal.	1	1	4		8		

PROJECT NO. 17248 SUPPLEMENTAL AGREEMENT NO. 2 CITY OF BAINBRIDGE ISLAND NE SPORTSMAN CLUB & NE NEW BROOKLYN STOP CONTROLLED INTERSECTION IMPROVEMENTS ADJUSTED FOR RESCOPE FOR CHRIS M 6-9-20		PRINCIPAL-IN-CHARGE	SENIOR PROJECT MANAGER	PROJECT ENGINEER	ENGINEER	TECHNICIAN	INSPECTOR	PROJECT ADMINISTRATOR
TASK #	TASK DESCRIPTION							
2	Complete Basis of Design Memo summarizing key design elements and decisions for the intersection of NE Brooklyn Rd. and Sportsman Club Rd. NE		1	4				
3	Stormwater Analysis		2					
a	Determine Threshold Discharge Areas (TDA) and prepare maps of TDA.			1		1		
b	Determine the design storm and runoff volume.			1				
c	Calculate area of new impervious and replaced hard surfaces.			1		1		
d	Prepare Stormwater Site plan.			2		4		
e	Prepare and apply for coverage under Statewide General Stormwater Construction Permit via online application portal.			2				
f	Prepare stormwater conveyance calculations and sizing.			4				
g	Prepare final stormwater analysis memo		1	4				
h	Prepare final SWPPP		1	4				
4	Inclusion of landscaping details provided by the City into final plans. See Assumptions in Scope of Work.			1		2		
5	Finalize details of pedestrian/bike access routes and ADA compliance.		1	2	4	2		
6	Prepare final lighting design utilizing AGI 32 lighting design software.		1	2	4			
7	Complete Specifications package:		4					
a	WSDOT Amendments and GSP "run list" and fill-ins.			4	8			
b	Special Provisions.			4	8			
c	Required Federal-aid documents.			1	1			
d	State and Federal prevailing wage documents.				2			
8	Final quantities and complete quantity calculations notebook.			8	16			
9	Final Engineer's Estimate of Probable Cost		1	8	16			
10	Complete the following 100% plan sheets.		**19**	**30**	**80**	**160**		
a	Cover Vicinity Map and Index-1 sheet.							
b	Construction Notes/Information-1 sheet.							
c	Horizontal and Right of Way Plan - 1 sheet.							
d	Demolition, Utility Removal/Relocations Plans - 2 sheets.							
e	TEST Plans - 1 sheet.							
f	TESC Details - 2 sheets.							
g	Roadway/Storm Plan and Profile Sheets - 4 sheets.							

PROJECT NO. 17248 SUPPLEMENTAL AGREEMENT NO. 2 CITY OF BAINBRIDGE ISLAND NE SPORTSMAN CLUB & NE NEW BROOKLYN STOP CONTROLLED INTERSECTION IMPROVEMENTS ADJUSTED FOR RESCOPE FOR CHRIS M 6-9-20		PRINCIPAL-IN-CHARGE	SENIOR PROJECT MANAGER	PROJECT ENGINEER	ENGINEER	TECHNICIAN	INSPECTOR	PROJECT ADMINISTRATOR
TASK #	**TASK DESCRIPTION**							
h	Typical Roadway Sections - 1 sheet.							
i	Intersection Details - 2 sheet.							
j	Roadway Details - 2 sheets.							
k	Sidewalk Ramp Details - 2 sheets.							
l	Illumination Plans - 1 sheet.							
m	Illumination Details - 1 sheet.							
n	Signing and Pavement Marking plans. - 1 sheet.							
o	Signing Specifications - 1 sheet.							
p	Signing and Pavement Marking Details - 1 sheet.							
q	Temporary Traffic Control Plans - 2 sheets.							
r	Detour Plan - 1 sheet.							
11	QA/QC and Constructability Review by our experience construction inspectors.	2	1	12		4	2	
12	Review PS&E and deliverables with City via video conference call.		2	2				
13	Submit 100% PS&E to City for review.		1	2				
14	Address City and WSDOT comments on 100% PS&E submittal		1	8	16	16		
15	Submit final PS&E and supporting documentation		1	3				
50	**BID SUPPORT SERVICES**							
1	Consultant will provide assistance answering questions from the City.			4				
60	**CONSTRUCTION SUPPORT**							
1	Review contractor schedule one time.		1					
2	Responses to RFI's up to 20 hours.		4	16				
3	Review material submittals up to 5 hours.		1	4				
	HOURS PER DISCIPLINE	**7**	**72**	**161**	**171**	**230**	**2**	**8**

EXHIBIT B-2
CONSULTANT COST COMPUTATION – SUMMARY

NEGOTIATED HOURLY RATE (NHR):							
Classification		**Man Hours**	**x**	**Rate**	**=**	**Cost**	
PRINCIPAL-IN-CHARGE		7	x	$258.47	=	$1,809.26	
SENIOR PROJECT MANAGER		72	x	$198.57	=	$14,296.83	
PROJECT ENGINEER		161	x	$211.70	=	$34,082.97	
ENGINEER		171	x	$131.28	=	$22,449.56	
TECHNICIAN		230	x	$118.16	=	$27,175.79	
INSPECTOR		2	x	$128.00	=	$256.00	
PROJECT ADMINISTRATOR		8	x	$128.00	=	$1,024.02	
	Total Hours =	651				**Total NHR =**	$101,094.42
REIMBURSABLES:							
	Mileage	656	x	$0.575	=	$377.20	
	Miscellaneous Expenses	$350.00	x	10%	=	$385.00	
						Total Expenses=	$762.20
SUBCONSULTANT COST (See Exhibit E):							
						Total Subconsultants =	$0.00
SUB-TOTAL (NHR + REIMBURSABLES + SUBCONSULTANTS):							
						Sub Total =	$101,856.62
MANAGEMENT RESERVE FUND:							
	SUB TOTAL =	$101,856.62	x		=	**MRF =**	$0.00
GRAND TOTAL							
						GRAND TOTAL=	**$101,857**

PREPARED BY: Bill Lindauer, PE **DATE:** 06/09/2020

REVIEWED BY: Thomas E. Skillings, PE **DATE:** 06/09/2020

EXHIBIT B-3
CONSULTANT COST COMPUTATION – EXPENSES

Item	Description	Basis	Quantity	Rate	Total
1	Telephone	Month			$0.00
2	Auto Rental	Each			$0.00
3	Lodging	Day			$0.00
4	Per Diem-Meal	Day			$0.00
5	Photo Copies - Blk & White	Each		$0.10	$0.00
6	Photo Copies - Color	Each		$0.35	$0.00
7	Half Sized Prints	Each		$0.50	$0.00
8	Full Sized Prints	Each		$6.00	$0.00
9	Postage	Month			$0.00
10	Shipping	Month			$0.00
11	FAXs	Each			$0.00
12	Miscellaneous Project Costs	Month	7	$50.00	$350.00
13	Miscellaneous Survey Costs	Estimated			$0.00
14	Traffic Control	Estimated			$0.00
	Total Miscellaneous Expenses				**$350.00**
	Mileage	Per Mile	656	0.575	$377.20
	Total Expenses				**$727.20**
Assumptions					
1	Telephone	Estimated			
2	Auto Rental	Estimated trips			
3	Mileage	Estimated miles			
4	Lodging				
5	Per Diem-Meal				
6	Photo Copies - Blk & White	Estimated			
7	Photo Copies - Colored	Estimated			
8	Half Sized Prints				
9	Full Sized Prints				
10	Postage	Estimated			
11	Shipping	Estimated			
12	FAXs	Estimated			
13	Miscellaneous Project Costs	Estimated			
14	Miscellaneous Survey Costs	Estimated			
15	Purchase Order	Estimated			
Prepared by: Bill Lindauer, PE		June 9, 2020			

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 20 Minutes

AGENDA ITEM: (7:45 PM) Resolution No. 2020-07 and Core 40 Eagle Harbor Phase II Non-Motorized Improvements Project Grant Award and Budget Amendment - Public Works,

SUMMARY: Request that the City Council accept a grant award for the Core 40 Eagle Harbor Drive Phase II Non-Motorized Improvements project from the Federal Highway Administration in the amount of $700,000 for construction, and to authorize the City Manager to proceed with related future budget and Capital Improvement Plan amendments regarding the project.

AGENDA CATEGORY: Contract **PROPOSED BY:** Public Works

RECOMMENDED MOTION: Motion 1: I move to approve Resolution No. 2020-07 to accept grant funding in the amount of $700,000 from the Federal Highway Administration related to the Core 40 Eagle Harbor Drive Phase II Non-Motorized Improvements Project.

Motion 2: I move to authorize the City Manager to proceed with a future budget amendment in the amount of $_____ from the Capital Construction Fund, thereby increasing the spending authority for this Core 40 Eagle Harbor Drive Phase II Non-Motorized Improvements Project, as well as to proceed with a related future amendment to the Capital Improvement Plan to move the project from 2022 to 2020.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	TBD
Ongoing Cost:	
One-Time Cost:	TBD
Included in Current Budget?	No

BACKGROUND: The City of Bainbridge Island Core 40 Program was developed in 2007 with the intent of creating 40 miles of an integrated shoulder network for bicycles island-wide. The Core 40 Eagle Harbor Phase II Non-Motorized Improvements project includes installation of bicycle lane improvements on both sides of Eagle Harbor Drive from McDonald Ave, north, approx. 4900 feet.

The City of Bainbridge Island submitted the Core 40 Eagle Harbor Drive Non-Motorized Improvements Federal Highway Administration (FHWA) grant application to the Kitsap Regional Coordinating Council (KRCC) several years ago, and the project was moved to the county-wide contingency list. Earlier this year, the City was

contacted by the Puget Sound Regional Council (PSRC) to determine if funding were to become available, could the project meet the contingency requirements and be "obligated" by July 15th for construction in 2020. The City responded that those deadlines could be met, and therefore on May 28, 2020, the Transportation Policy Committee of KRCC recommended to the KRCC Executive Board that the Eagle Harbor Drive Phase 2 Shoulder Improvements project be funded from the contingency list in the amount of $700,000 with a minimum $100,000 City match.

Following the Council's direction from the June 9, 2020 Council meeting, City staff will present a series of alternatives for the project design, with associated costs. Those alternatives can be found in the attached presentation slides.

This project is currently included in the FY 2022 CIP in the amount of $800,000. With the pending acceptance of $700,000 in FHWA funds, City staff requests that the City Council authorize the City Manager to proceed with a future budget amendment for this project and a related amendment to the Capital Improvement Plan to move the project from 2022 from 2020.

ATTACHMENTS:

EH PH 2 Slide Presentation Pt 2.pdf

2020 Contingency Supplemental Funding.xlsx

Resolution No. 2020-07 Accepting FHWA Grant Funding for Core 40 Eagle Harbor Phase II - rev CW 061920.docx

FISCAL DETAILS: Budget amendment would move all project funds ($700K grant, $TBD City) from 2022 to 2020.

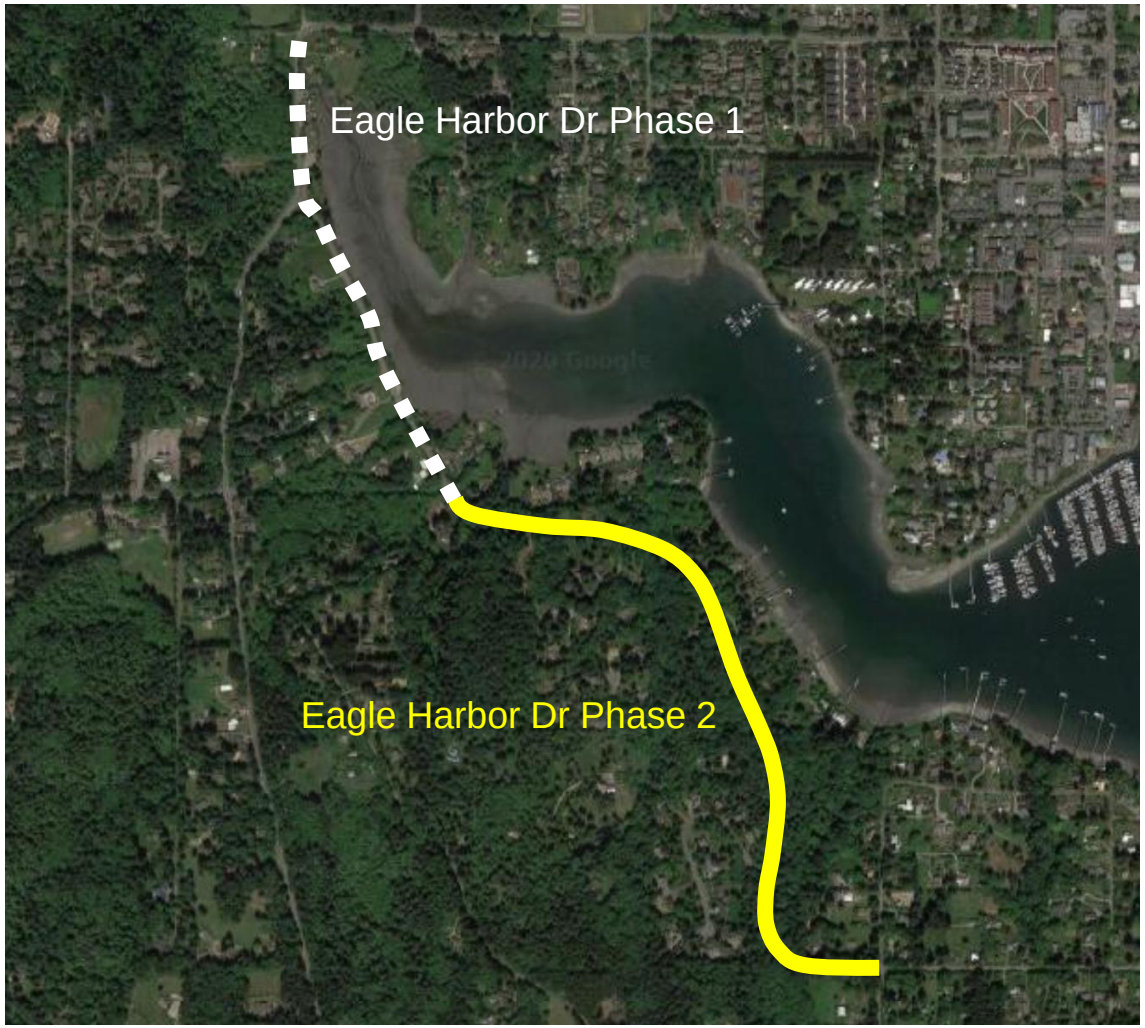
Because the City matching funds for this project were not planned until 2022, there is no current expenditure planned for this project within the City's 2020 approved budget. Funds could be drawn from the City Council's contingency funds ($194,600 remain available) or from the City's General Fund fund balance.

Fund Name(s): Streets Fund

Coding:

Eagle Harbor Drive Phase 2
Non-Motorized Improvements

Project Location



Project Background

- City applied for “contingency” funds in 2018 recognizing the ease of delivery
- Project was awarded $700K contingency funds in May
- City match funds of $100K required
- Project must be “obligated” by 7/15, constructed summer of 2020

Project Design Alternatives

- Alt 1: $725K (City match **$100K**)
  - 7-foot visually separated, both sides

- Alt 2: $840K (City match **$140K)**
  - 5-foot shoulder northbound
  - 5-foot separated lane southbound
  - 2 to 4-foot buffer (gravel/grass)

Project Design Alternatives

- Alt 3 *(recommended):* $925K (City match **$225K**)
  - 5-foot shoulder northbound with visual buffer
  - 5-foot separated lane southbound
  - 4 to 5-foot buffer (grass, landscaping)

- Alt 4: $1.25M (City match **$550K)**
  - 5-foot shoulder northbound with visual buffer
  - 5-foot separated lane southbound
  - 5 to 6-foot buffer (grass/landscaping)

ATTACHMENT 1: 2020 SUPPLEMENTAL FUNDING ACTION
RECOMMENDATION OF FUNDS TO IMMEDIATELY READY TO GO CONTINGENCY PROJECTS

REGIONAL				
Sponsor	**Project Title**	**Phase(s)**	**Source**	**Amount**
WSDOT	SeaTac Access SR 509 Stage 1 from I-5 to 28th/24th	Construction	STP	$4,500,000
Everett	I-5 & US 2 Interchange Justification Planning Study	Planning	STP	$2,000,000
Sound Transit	I-405 Bus Rapid Transit, Lynnwood to Bellevue Section	Other	CMAQ	$1,900,000
			Regional Total:	**$8,400,000**

KING COUNTY				
Seattle*	One Center City Implementation	Other	STP	$3,500,000
Renton	NE Sunset Blvd (SR 900) Corridor Improvements	Right of Way	STP	$3,150,000
Bellevue	Mountains to Sound Greenway Trail: 132nd Avenue SE to 142 Avenue SE	Construction	STP	$2,034,970
Kent	Meet Me on Meeker West	Construction	CMAQ	$1,274,600
Kirkland	Totem Lake Non-Motorized Bridge - 124th Ave NE & NE 124th St	Construction	STP, CMAQ	$1,535,000
Bothell	Juanita Woodinville Way - NE 160th St Overlay Project	Construction	STP	$364,500
Federal Way	SW320th Street (11th Ave SW to 3rd Place SW)	Construction	STP	$518,020
			KING COUNTY TOTAL:	**$12,377,090**

* The City of Seattle requests that $2 million from this project be allowed for expenditure on a planning study to advance the ultimate replacement of the West Seattle Bridge.

KITSAP COUNTY				
Bainbridge Island	Eagle Harbor Drive Phase 2 Shoulder Improvements	Construction	STP	$700,000
Kitsap County	Bethel Burley Road Culvert	Construction	STP	$340,000
Kitsap County	Olalla Valley Road	Construction	STP	$582,000
			KITSAP COUNTY TOTAL:	**$1,622,000**

PIERCE COUNTY				
University Place	67th Avenue Phase 1	Right of Way	STP	$623,000
Sumner	Main St and Wood Avenue Intersection Improvements	Right of Way	STP	$225,000
Orting	Kansas Street SW Reconstruct	PE/Design	STP	$406,766
Pierce County	159 ST E (SR-7 to B St E)	PE/Design	STP	$513,158
Sumner	Sumner-Tapps Highway Resurfacing Phase 1	Construction	STP	$675,000
			PIERCE COUNTY TOTAL:	**$2,442,924**

SNOHOMISH COUNTY				
Everett	100th St SW	PE/Design	STP	$800,000
Monroe	147th Signal	PE/DesigN	STP	$116,813
Arlington	74th Ave Trail	PE/Design	STP	$63,528
Bothell	228th St SW Overlay from West	Construction	STP	$718,200
			SNOHOMISH COUNTY TOTAL:	**$1,698,541**

GRAND TOTAL: $26,540,555

RESOLUTION NO. 2020-07

A RESOLUTION of the City Council of Bainbridge Island, Washington, accepting a Federal Highway Administration Grant for the Core 40 Eagle Harbor Drive Phase II Non-Motorized Improvements Project.

WHEREAS, in 2018, the City of Bainbridge Island submitted the Core 40 Eagle Harbor Drive Phase II Non-Motorized Improvements project to the Kitsap Regional Coordinating Council (KRCC) for consideration for "contingency" funding in the amount of $700,000 for project construction by a Federal Highway Administration (FHWA) Grant; and

WHEREAS, in May 2020, the Transportation Policy Committee of KRCC recommended funding of the construction of the Eagle Harbor Drive Phase II Non-Motorized Improvements Project from the Kitsap County project contingency list; and

WHEREAS, on May 28, 2020, the KRCC Executive Board recommended that the Eagle Harbor Drive Phase II Non-Motorized Improvements project be funded from the Contingency List in the amount of $700,000.

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

Section 1. Acceptance of FHWA Grant. The City accepts the FHWA Grant in the amount of $700,000 and agrees to authorize other sources of available City funds to be used as required matching funds to complete construction of the Core 40 Eagle Harbor Drive Phase II Non-Motorized Improvements Project.

.

Section 2. Effective Date. This Resolution shall take effect immediately upon passage by the City Council.

PASSED by the City Council this ____ day of _____, 2020.

APPROVED by the Mayor this ____ day of _____, 2020.

_____
Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

By: _____
Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	June 19, 2020
PASSED BY THE CITY COUNCIL:	_____, 2020
RESOLUTION NO.	2020-07

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (8:05 PM) City Hall Repairs Project Contract Award & Budget Amendment - Public Works,

SUMMARY: The City Hall Repairs project includes replacement of panel board, batten, and windows near the Madison Avenue entrance, and general gutter repairs.

AGENDA CATEGORY: Contract **PROPOSED BY:** Public Works

RECOMMENDED MOTION:
I move to approve the City Hall Repairs contract award with Colvos Construction in the amount of $259,978.44 and approve a budget amendment in the amount of $31,500.00; thereby increasing the spending authority for this project.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:	
Amount:	$291,478.44
Ongoing Cost:	
One-Time Cost:	$291,478.44
Included in Current Budget?	Yes

BACKGROUND: The City Hall Repairs project includes replacement of panel board, batten and windows near the Madison Avenue entrance, and general gutter repairs.

Repairs are needed as the existing siding and wood windows have deteriorated, and in some areas, show signs of rot and water damage. The South interior roof gutter and down spots will be retrofitted to prevent future water damage and the damaged wood decking will be replaced.

The new panel board and batten system will be installed with a rain screen method that will match the work that was completed in 2018 on the Council Chambers exterior. Six fiberglass type windows will be replaced near the Madison Avenue entrance and ten windows in the Council Chambers will be replaced with vertical grain fir interior/aluminum exterior to prevent future water damage.

Bids were solicited through the local newspaper and the Seattle Daily Journal of Commence. The bid opening was held on June 5, 2020 and three bids were received. The apparent low bidder is Colvos Construction in the amount of $259,978.44. See attached bid form.

City staff reviewed the bid results and the contractor's qualifications and recommends that the City Council award this contract to Colvos Construction in the amount of $259,978.44 and also an associated budget amendment in the amount of $31,500 to complete the project. The engineers estimate is $175,000 to $225,000.

Upon Council approval, this proposed budget amendment in the amount of $31,500.00 will be included in the 2nd quarter budget adjustment reporting.

ATTACHMENTS:

Contract-Colvos Construction LLC.docx

BID_FORM_City Hall Repairs.docx

FISCAL DETAILS: The current budget for this project is $279,232 with $20,730 spent on professional services, leaving a balance of $258,502. The construction contract for this work is $259,978.44, with additional budget of $16,500.00 required for professional services (consulting) during construction and $15,000.00 for contingency/change order allowance, for a total estimated project cost of $312,208.44. A proposed general fund budget amendment in the amount of $31,500 funds is necessary to complete this project.

Fund Name(s): General Fund

Coding: Project 00911

Contract

CONTRACT FOR CONSTRUCTION

THIS CONSTRUCTION CONTRACT ("Contract"), made the __, day of _____, 2020, by and between the City of Bainbridge Island ("City" and/or "CONTRACTING AGENCY") and **COLVOS CONSTRUCTION, LLC** ("CONTRACTOR").

WITNESSETH:

WHEREAS, the CONTRACTING AGENCY has caused the Project Manual, Specifications, Drawings, and other contract documents to be prepared for certain Work as described therein, known as the CITY HALL REPAIRS PROJECT, and

WHEREAS, the CONTRACTOR has offered to perform the proposed Work in accordance with the terms of the Contract Documents including but not limited to this Contract, and

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties herein contained and to be performed, the CONTRACTOR hereby agrees that the foregoing recitals are true and correct and are incorporated into this Contract and to complete the Work at the price and on the terms and conditions herein contained. The CONTRACTING AGENCY agrees to pay the CONTRACTOR the contract price of Two Hundred Fifty-Nine Thousand, Nine Hundred Seventy-Eight Dollars and Forty-Four Cents. ($259,978.44) ("Contract Price") for the fulfillment of the Work and the performance of the covenants set forth herein.

The further terms, conditions, and covenants of this Contract are set forth in the following documents, all of which are component parts of this Contract as if set out in full, and if not attached, as if hereto attached collectively referred to as the "Contract Documents":

1. This Contract, including the form "Proposal – Items of Work and Materials to be Provided, Estimated Quantities, Units of Measurement at the Unit Bid Prices"
2. The Standard Specifications for Road, Bridge, and Municipal Construction, 2020 edition, as issued by the Washington State Department of Transportation (WSDOT) and the American Public Works Association (APWA), Washington State Chapter (hereafter "Standard Specifications")
3. Amendments to the Standard Specifications
4. Indemnity and Insurance Agreement
5. Special Indemnity and Insurance Agreement
6. Prevailing Wage Schedules and Regulations
7. Specifications, Drawings, Details, and all other Documents contained in and made applicable by this Contract and the Project Manual
8. Certification of Compliance with Wage Payment Statutes
9. All Plans, Drawings, Specifications, and Addenda issued prior to the Bid Opening Date
10. Special Provisions

The CONTRACTING AGENCY and the CONTRACTOR recognize that time is of the essence of this Contract and that the CONTRACTING AGENCY will suffer financial loss if the Work is not completed within the time specified in this Contract. Therefore, the parties agree that the liquidated damages provisions of the Standard Specifications as modified herein shall apply and that those provisions have been mutually negotiated.

CONTRACTOR's Initials: _____

The CONTRACTOR hereby warrants and represents it has reviewed, understands, and agrees to the terms and conditions of this Contract, all Addenda, and the Standard Specifications as modified by the Amendments and Special Provisions and all other Documents contained in the Project Manual and incorporated herein by reference. The person executing this Contract warrants and represents that they are fully authorized to execute this Contract.

All parties agree that the State of Washington is hereby named as an express third-party beneficiary of this Contract, with all rights as such.

THE CONTRACTOR AGREES TO RETURN THIS EXECUTED CONTRACT AND OTHER REQUIRED DOCUMENTS TO THE CONTRACTING AGENCY as required by the Standard Specifications as modified herein, and to return the DECLARATION OF OPTION OF MANAGEMENT OF STATUTORY RETAINED PERCENTAGE AT THE SAME TIME.

IN WITNESS WHEREOF, this Contract has been executed on the day and year above written.

COLVOS CONSTRUCTION, LLC:

By:_____

Its:_____

Date:_____

CITY OF BAINBRIDGE ISLAND:

By: _____

Morgan Smith, City Manager

Date:_____

CITY OF
BAINBRIDGE ISLAND

PROJECT NAME: City Hall Repairs Project
Bid Opening Date: June 5, 2020, Due 9.30 AM
Room: City Hall Front Steps

Note: Bids Are Opened in Order Received. Bids Solicited by: ☒ Advertisement ☐ Small Works Roster The Engineers Estimate is: $175,000 – $225,000	Tim Ryan Construction	Clark Construction	Colvos Construction
Proposal	✔	✔	✔
Signature Page	✔	✔	✔
Addenda Acknowledged: (1, 2, 3,4)	✔	✔	✔
Statement of Bidder's Qualifications	✔	✔	✔
Base Bid Amount	268,875.00	319,032.00	238,512.33
WA State Sales Tax @ 9.0%	24,199.00	28,712.88	21,466.11
Grand Total Bid Amount	293,074.00	347,744.88	259,978.44

A total of 3 bids were received for the City Hall Repairs Project. Project Manager, Aaron Claiborne, has reviewed all bids and recommends that the contract be awarded to the apparent low bidder, Colvos Construction, LLC in the amount of $259,978.44.

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 30 Minutes

AGENDA ITEM: (8:10 PM) Shoreline Master Program (SMP) Amendment for Critical Areas Ordinance Integration and Amendments to Nonconforming Uses, Structures, and Lots - Planning,

SUMMARY: City staff has been working on an amendment to its Shoreline Master Program ("SMP") in order to integrate into the SMP the recently updated critical areas regulations, which became effective on April 23, 2018. Critical areas within the shoreline jurisdiction are regulated by the City's SMP -- not its critical areas ordinance ("CAO"). Therefore, these updated regulations are not effective within the City's shoreline jurisdiction at this time. The draft SMP amendment focuses on the integration of the updated critical areas regulations into the existing SMP and amendments to nonconforming uses, lots, and structures. Staff is requesting Council direction on the next steps for the SMP amendment relating to CAO integration and nonconforming use changes.

AGENDA CATEGORY: Discussion **PROPOSED BY:** Planning & Community Development

RECOMMENDED MOTION: Provide direction to staff relating to next steps for the City's SMP Amendment related to critical areas regulations integration and nonconforming uses, structures, and lots.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

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

BACKGROUND: See attached staff memo.

ATTACHMENTS:

20200623_CC_Staff_Memo_SMP_Amendment_Summary_of_ECY_comments

Determination of Initial Concurrence from the WA Department of Ecology

Ecology Recommendations to Resolve Issues Identified as Required and Recommended

Resolution No. 2019-05, Jan 8, 2019

Draft SMP Amendment, Jan 8, 2019

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND

Department of Planning and Community Development

Memorandum

Date: June 23, 2020

To: City Council

From: Annie Hillier
Associate Planner

Subject: Shoreline Master Program Amendment

I. Introduction and Background

The Bainbridge Island Shoreline Master Program (SMP) was last updated in 2014. Over the last several years, the City of Bainbridge Island (City) has been engaged in a public process to update the SMP, which initially began as an amendment focused on integrating the recently adopted critical areas ordinance (CAO, BIMC 16.20) into the regulations that apply to the shoreline jurisdiction. Based on the recommendation of the Planning Commission, the City Council decided to combine this amendment with another amendment related to nonconforming uses, structures, and lots, as summarized below:

- Critical Areas (SMP 4.1.5): The City updated the CAO in April 2018. However, the updated critical areas regulations cannot be applied within the shoreline jurisdiction until an amendment to the SMP integrating these regulations is locally adopted by the City Council and approved by the Department of Ecology. As such, the City began the CAO SMP amendment process in conjunction with the city-wide CAO update. The joint local/state comment period began on May 11, 2018 and continued through June 11, 2018. A joint local/state public hearing was held on May 24, 2018 at the Planning Commission meeting, and continued to the June 7, 2018 Planning Commission meeting.
- Nonconforming Uses, Structures, and Lots (SMP 4.2.1): The majority of the changes to this section of the SMP are intended to improve clarity and eliminate vagueness, repetition, and/or internal conflict. Initially this amendment was on a separate track than the CAO SMP amendment, but the City decided to combine the two amendments as a result of the recommendation of the Planning Commission and public comments. A second joint local/state comment period on the new expanded scope began on September 10, 2018 and continued through October 10, 2018. A joint local/state public hearing was held on September 11, 2018 during the City Council meeting. The City Council elected to extend the comment period 30 days, through November 9, 2018.

This combined amendment was approved by City Council via Resolution No. 2019-05 on January 8, 2019 and transmitted to the WA Department of Ecology (Ecology) on April 22, 2019. Ecology review and ultimate approval is required by the Shoreline Management Act (SMA). On December 9, 2019, Ecology provided the City with a Determination of Initial Concurrence, meaning the amendment has been

generally approved with the exception of a few required and recommended changes. Per Ecology's authority under the SMA, the changes identified as required must be made to obtain their approval, and the changes identified as recommended are strongly encouraged, but not mandatory. Ecology has provided language to address these changes for the City Council's consideration. If Ecology's suggested language is adopted by the City Council, Ecology anticipates prompt approval of the SMP Amendment after formal submittal by the City.

II. TONIGHT'S AGENDA

Staff is seeking City Council input on the amendment as revised by Ecology, as well as two other edits described in further detail below. Based on that input, staff will prepare an ordinance and schedule a public hearing as part of the local adoption process. Once the ordinance is adopted by City Council, it will be transmitted to Ecology for final approval before taking effect.

Four documents are provided for tonight's agenda item:

- *Determination of Initial Concurrence from the WA Department of Ecology* (Misty Blair, Shoreline Management Policy Lead, WA Department of Ecology, December 9, 2019), summarizing each amended section, and the amendment history and review process, and identifying issues for City consideration prior to final adoption.
- *Ecology Recommendations to Resolve Issues Identified as Required and Recommended* (WA Department of Ecology, December 9, 2019), providing rationale and language for the required and recommended changes to the draft SMP Amendment.
- *Resolution No. 2019-05* (January 8, 2019), approving the draft SMP Amendment relating to critical areas regulations and nonconforming structures, uses, and lots.
- *Draft SMP Amendment – January 8, 2019*, including proposed amendments shown in red ~~strikethrough~~/underline text.

Staff requests that the City Council (a) provide input on Ecology's recommended changes to the draft SMP Amendment, (b) provide input on the issues that staff has highlighted, and (c) provide direction to staff to draft an ordinance based on this input and schedule a public hearing prior to local adoption.

III. SUMMARY OF ECOLOGY'S COMMENTS

Ecology identified two changes to the proposed SMP Amendment that are required, in order to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III), and five changes that are recommended, summarized below. The attached document, *Ecology Recommendations to Resolve Issues Identified as Required and Recommended,* describes the specific language and rationale provided by Ecology.

- The required changes clarify the purpose and intent of the critical areas section (SMP 4.1.5) and correct an erroneous reference to the Growth Management Act. The required changes do not substantively change the CAO that is being incorporated into the SMP under this amendment.
- The recommended changes clarify the applicability of the critical areas section (SMP Section 4.1.5) and identify the correct permit processes for authorizing development and activities within these areas, as well as resolve an incorrect internal reference. With respect to the nonconforming uses, structures, and lots section (SMP Section 4.2.1), the one recommended change will clarify how to apply the regulations for primary residential structures. The

recommended changes do not include substantive policy changes, but rather eliminate vagueness surrounding implementation of the amended sections.

IV. ADDITIONAL ITEMS FOR CONSIDERATION

Staff requests that the City Council consider the following issues and whether they should be addressed in the SMP Amendment:

Issue	Discussion	Staff Recommendation
The following provisions conflict: SMP Section 4.2.1.7.1.1: All nonconforming structures may be maintained, repaired, renovated, remodeled, or rebuilt. In some cases, nonconforming structures may be expanded subject to the specific provisions of this Program. SMP Section 4.2.1.7.3.1: If an existing nonconforming residential accessory structure is damaged, destroyed or intentionally demolished, any reconstruction shall be in conformance with all standards of this Program.	At the December 11, 2018 business meeting, the City Council directed staff to differentiate between essential single-family residential accessory structures and "non-essential" residential accessory structures[1] by authorizing replacement of essential accessory structures in the same footprint if destroyed by any means, whereas "non-essential" accessory structures must be rebuilt in compliance with current standards. It appears that SMP Section 4.2.1.7.1.1, which authorizes replacement of all nonconforming structures, was not revised to reflect the Council's decision to differentiate between the two types of accessory structures.	Revise SMP Section 4.2.1.7.1.1 as follows: ~~All~~ ~~n~~Nonconforming structures may be maintained, repaired, renovated, or remodeled~~, or rebuilt~~. In some cases, nonconforming structures may be rebuilt or expanded subject to the specific provisions of this Program.
Issue	Discussion	Staff Recommendation
SMP Section 4.2.1.7.2 provides the standards under which a primary residential structure located within the Shoreline Buffer may be altered, expanded, or rebuilt. However, these standards do not include a cross-reference to SMP Section 4.1.2.5.3 (below), which provides the vegetation standards that are triggered when a nonconforming primary residential structure is expanded into the Shoreline Buffer. SMP Section 4.1.2.5.3 states, if the Shoreline Buffer is altered or reduced pursuant to provisions of Section 4.1.3,	Should the revised standards for nonconforming single-family primary structures include a cross-reference to the prescriptive vegetation requirements included in SMP Section 4.1.2.5.3?	Include a cross-reference under SMP Section 4.2.1.7.2, such as: A nonconforming primary residential structure located within the shoreline buffer may be altered, expanded, or rebuilt, provided: ... i. The proposal meets the vegetation standards in SMP Section 4.1.2.5.3.

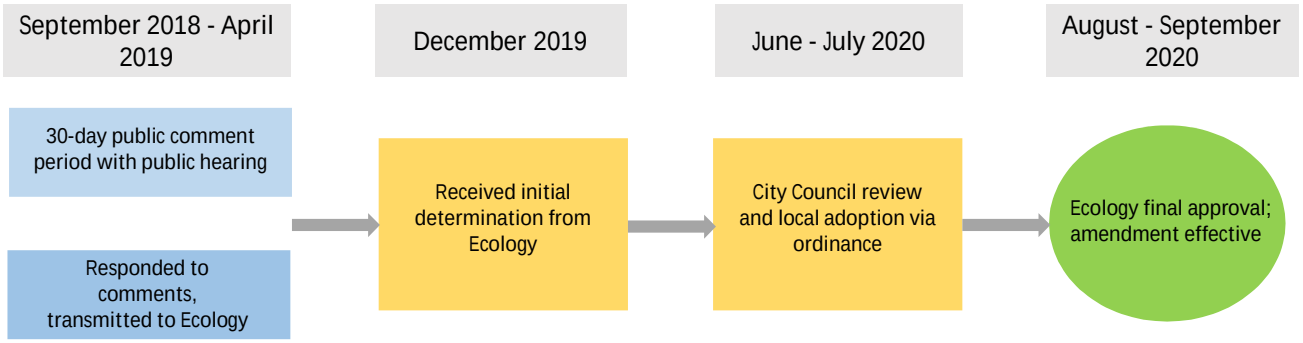
[1] Essential Single-Family Residential Accessory Structure – An accessory structure that contains a use or is intended for a use that is essential to a single-family residential principal use. The following structures shall be considered an essential residential structure: a garage or carport, one septic system (including one tank and one on-site septic drainfield), one well house and associated well head, and existing decks attached to the primary structure. (SMP Section 8.0, Definitions)

Accessory Structure or Building – A subordinate building or structure that is incidental to the primary or principal building or structure on the same lot, or an abutting lot that meets the requirements in BIMC 18.09.030(I)(14)(c). Accessory structures include, but are not limited to, solar panels, small wind devices, barns, and sheds. Accessory dwelling units are not considered accessory buildings or structures. (SMP Section 8.0, Definitions)

Vegetation Management, or Section 4.2.1, Nonconforming Uses, Nonconforming Structures, and Nonconforming Lots, the following shall occur in Zone 1: a. Retain existing native vegetation; and b. Plant the entire area of Zone 1. Obtain 65% vegetation canopy coverage within 10 years.		

V. NEXT STEPS

Staff will prepare an ordinance adopting the SMP Amendment. Following a public hearing and local adoption by the City Council, Staff will transmit the SMP Amendment to Ecology in accordance with WAC 173-26-110. The SMP Amendment becomes effective 14 days after final approval by Ecology.



TO: Heather Wright, Planning Director – City of Bainbridge Island

CC: Joe Burcar, NWRO Section Manager, WA Department of Ecology; Jackie Chandler, Shoreline Administrator, WA Department of Ecology

FROM: Misty Blair, Shoreline Management Policy Lead, WA Department of Ecology

Date: December 9, 2019

Subject: **Locally Initiated CAO/Nonconforming Language SMP Amendment – Determination of initial concurrence**

Sent via email to: hwright@bainbridgewa.gov; jobu461@ecy.wa.gov; jcha461@ecy.wa.gov

Brief Description of Proposed Amendment

The City of Bainbridge Island (City) has submitted Shoreline Master Program (SMP) amendments to Ecology for initial determination of concurrence with the Shoreline Management Act (SMA) and Guidelines (WAC 173-26). The City has elected to utilize the optional joint review process for SMP amendments available per WAC 173-26-104; therefore Ecology is required under WAC 173-26-104(3)(b) to make an initial determination of consistency with applicable laws and rules. This is a locally initiated amendment intended to update critical areas regulations and improve clarity and implementation of the nonconforming provisions of the SMP. Amendments related to critical areas (SMP Section 4.1.5) focus on integrating similar updates to those completed as part of the City's critical areas ordinance (CAO, BIMC 16.20). Amendments related to nonconforming uses, structures, and lots (SMP Section 4.2.1) focus on clarification of allowed actions for all nonconforming structures and specific allowances for expansion of single-family residential primary structures. The full proposed text amendment can be found in *Resolution No. 2019-05 Draft SMP Amendment – January 8, 2019*.

FINDINGS OF FACT

Need for amendment

The City's comprehensive update to their SMP went into effect on July 30, 2014. The City has proposed Shoreline Master Program amendments to address changed local circumstances, new information or improved data. This amendment is occurring outside any statutorily required reviews or updates, as such, it is referred to as a locally initiated SMP amendment (WAC 173-26-090(1)).

SMP provisions to be changed by the amendment as proposed

The City's proposed changes fall primarily into two categories:

- those added to update critical areas provisions; and
- those modifications to the nonconforming uses, developments, and lots to address implementation issues identified by staff or the public to provide flexibility for reasonably foreseeable development.

The City filled out relevant portions of Ecology's SMP Comprehensive Update Checklist to address how the proposed amendments remain consistent with the relevant requirements of the act or state rules.

The City's locally initiated proposed changes modify the following SMP sections:

Table of Contents – This section will be revised when the amendment is finalized to ensure page numbers and sections titles are accurate.
***Section 4.2.1** ~~Nonconforming Uses, Nonconforming Lots, and Existing Development~~ is renamed to Nonconforming Uses, Nonconforming Structures, and Nonconforming Lots, every reference to this section is also modified to reflect this change.
****Appendix B**, the shoreline jurisdiction critical areas provisions incorporated into the 2014 SMP is proposed for deletion. The shoreline jurisdiction critical areas provisions are now proposed to be embedded within the SMP section 4.1.5. All references to Appendix B throughout the SMP are deleted and where appropriate new cross references to Section 4.1.5 are added.

SMP Chapter 1 Introduction

Section 1.3.5 Applicability of Bainbridge Island Shoreline Master Program–
Subsection 1.3.5.2 - Edits proposed to clarify that the SMP applies to both existing and new development, uses, lots and activities.
Subsection 1.3.5.2.a - The City proposes to further emphasize that legally existing development, uses, lots and activities are not required to meet the SMP requirements, unless new development or changes to a development, use, lot or structure occurs that would require review under the SMP.
Subsection 1.3.5.2.b - This section is streamlined to remove any confusion, it now states that all legally existing single-family residences and accessory structures are allowed to be maintained, repaired, remodeled or replaced. A Cross reference to the nonconforming provisions in section 4.2.1 is deleted, along with the following: ~~*if destroyed or damaged by natural causes*~~.
Subsection 1.3.5.2.c - References to expansions of existing structures are deleted and remaining language is modified: All proposed uses and development occurring within shoreline jurisdiction must ~~conform to~~ be consistent with Chapter 90.58 RCW, the Shoreline Management Act and this ~~Shoreline Master~~ Program.
Subsection 1.3.5.2.d - This section is reorganized and reworded without substantive change to the provision.

SMP Chapter 4 General (Island-wide) Policies and Regulations

Section 4.0.1 Regulations - General
Subsection 4.0.1.7 is modified to elaborate on how the City will resolve any unforeseen conflicts between the SMP and other BIMC provisions. Only minor edits made for spelling or grammar.
Section 4.1.2 Environmental Impacts
Subsection 4.1.2.8 is modified to delete reference to Appendix B and replace with the new reference to the embedded critical areas provision.
Section 4.1.3 Vegetation Management
Subsection 4.1.3.4.3.c.ii., Subsection 4.1.3.5.8.a.v., and Subsection 4.1.3.8.4.iv. a reference to the requirement for a Bluff Management Plan is deleted and replaced with a requirement for compliance with the development standards of Section 4.1.5.10.4.
Section 4.1.5 Critical Areas
Subsection 4.1.5.1 Applicability is modified to remove the list of all other applicable SMP and BIMC Chapters. It is not necessary to list these at the beginning of each section – they are applicable whether listed here or not. The City proposes to add the following applicability statement:
This section applies to all development, uses and activities within areas or adjacent to areas designated as critical areas. No action shall be taken by any person, company, agency,

governmental body (including the city), or applicant, which results in any alteration of a critical area except as consistent with the goals, policies, purposes, intent, requirements, and development standards of this section.

Subsection 4.1.5.2 Goal the City proposes to add policy goal statements regarding avoidance and minimization for the protection of the Island's special character. An additional five (5) specific goals are listed related to biodiversity, locating development in less environmentally sensitive areas, prevention of cumulative impacts, protection of public and public resources from hazards such as landslides, erosion, seismic events, and floods, and alter owners and the public of the natural conditions that pose a hazard or otherwise limit development.

NEW Subsection 4.1.5.3 Purpose and intent the City proposes to add four (4) purpose and intent statements related to the designation and classification of critical areas,

NEW Subsection 4.1.5.4 Protection of Critical Areas the City to this section identifying that all development, uses, and activities subject to this section must use mitigation sequencing and that the burden of proof that the action will not cause a net loss or harm falls on the applicant.

Subsection 4.1.5.5 Policies this section is renumbered to accommodate the new sections above. Additionally the City proposes to add *reasonable use of public and private property* to Policy 1. Delete Policy 2, which currently lists the shoreline resource critical areas to be protected. Delete Policy 3, which provides that all shoreline uses and activities should be located, designed, constructed, and managed to achieve no net loss of shoreline ecological function.

NEW Subsection 4.1.5.6 Allowed Activities within Critical Areas this new section is proposed to clarify certain repair and maintenance, forest practices, minor site investigation, improved right-of-way, low impact fencing, signs, and aquifer recharge area activities that can occur without additional critical areas review. Another section adds allowance for certain activities within an interrupted portion of a critical area buffer to be allowed without additional critical areas review.

Subsection 4.1.5.7 Regulations – General this section is modified to delete a reference to critical areas regulations contained within Appendix B, because the City is deleting Appendix B and replacing those provisions with regulations embedded directly within this section (SMP 4.1.5). The City proposes review criteria and other general standards similar to those contained within Appendix B. This includes additional information requirements for reports and site plans, as well as, Notice on Title requirements.

Subsection 4.1.5.8 Regulations – Critical Saltwater Habitat this section is modified to remove references and requirements for *Fish and Wildlife Habitat Conservation Areas* because those provisions were relocated into another section.

NEW Subsection 4.1.5.9 Aquifer Recharge Areas this new section provides the applicability of aquifer recharge area regulations and includes the list of prohibited activities and uses that is currently within Appendix B-7. This section is consistent with the SMP's existing Aquifer Recharge Areas provisions.

NEW Subsection 4.1.5.10 Fish and Wildlife Habitat Conservation Areas this new section in the SMP but carries over mostly existing language from Appendix B-8. Allows buffer averaging with mitigation sequencing, but no buffer reduction. New sections added for Utilities, Road/Street Repair and Construction, and Forest Practices. Stream buffers are increased from the version in Appendix B to:

Table 4-4. Stream Buffers

Stream Type	Buffer Width
F	200
Np	100
Ns (connected to F or Np)	75
Ns (not connected to F, Np)	50

Subsection 4.1.5.11 Regulations – Geologically Hazardous Areas this section is updated to include provisions from Appendix B-9, with minor modifications and re-organization. This section classifies geologically hazardous areas, sets review procedures, provide general standards, and specific development regulations, including setback requirements. Special Reports section was deleted, because special reports are addressed elsewhere in this section.
Subsection 4.1.5.12 Regulations – Bluff Drainage this section is modified to replace the term "marine bluff" with "landslide hazard area" for internal consistency of the use of this term.
Subsection 4.1.5.13 Regulations – Wetlands this section is amended to bring in applicability, identification, categorization, mapping, protection, buffer, and mitigation standards from Appendix B, except as necessarily modified to reference the updated information such as requiring the use of the 2014 Wetland Rating System.
NEW Subsection 4.1.5.14 Regulations – The Winslow Ravine – Special Rules in Mixed Use Town Center this section is new to 4.1, but is just a relocation of existing language from Appendix B-12.
NEW Subsection 4.1.5.15 Regulations –Critical areas reports this section is added to put all critical area report requirements in one place.

Section 4.2 General Use
Subsection 4.2.1. Nonconforming Uses, Nonconforming Structures, and Nonconforming Lots this is modified to change the title from ~~Nonconforming Uses, Nonconforming Lots, and Existing Development~~ to Nonconforming Uses, Nonconforming Structures, and Nonconforming Lots,
Subsection 4.2.1.1 Applicability this is modified with minor grammar edits and additional text to provide clarity. A clarification is added providing that this section does not apply to shoreline modification or shoreline stabilization. Another addition, mimics language from **Subsection 1.3.5.2.a,** providing that nonconforming uses, lots and structures are not required to meet the SMP requirements, unless new development or changes to a use, lot or structure occurs that would require review under the SMP are proposed.
NEW Subsection 4.2.1.2 Definitions this new section is added to provide section specific definitions for Nonconforming Use, Nonconforming Lot, and Nonconforming Development or Structure. The definitions proposed are consistent with those Ecology provides for in WAC 173-27-080.
Subsection 4.2.1.3 Goal the existing language in this section is deleted and replaced with simplified language. References to having uses and structures become conforming over-time are removed. The new goal reads, *It is the purpose of this section to recognize legally established uses, lots, and structures, and to allow them to be maintained, repaired, remodeled, replaced, and, in some cases expanded, in conformance with Section 4.2.1.5 through 4.2.1.8 of this Program with due regard to unique site conditions and property rights.*
Subsection 4.2.1.4 Policies the existing policies in this section are deleted and replaced with simplified language. The proposed new policies are as follows:
1. Nonconforming structures may be replaced, repaired, maintained, or remodeled and, in some cases, nonconforming structures may be expanded provided the change meets the current regulations and standards of this Program. Decreases in nonconformity should be encouraged.
2. Once discontinued, reestablishment of nonconforming uses and nonconforming commercial structures located in the shoreline jurisdiction should be restricted or phased out over time.
3. Nonconforming overwater structures may be reconstructed to the same size and modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.
4. Nonconforming lots of record may be developed consistent with the standards and regulations of this Program.

5. Redevelopment of nonconforming public rights-of-way and associated existing transportation structures may be permitted for purposes of facilitating essential public access, development of public trails and/or public shoreline access.

Subsection 4.2.1.5 Regulations – General the existing language in this section is deleted and replaced with simplified language. The new proposed language is as follows:

1. Nonconforming uses, lots, and structures may continue subject to the provisions of this section.

2. Any alterations to nonconforming uses or structures shall meet the no net loss standard pursuant to Section 4.1.2.4. The current condition of the shoreline, including nonconforming uses and structures, shall be the starting point or baseline for determining compliance with the no net loss standard.

Subsection 4.2.1.6 Regulations – Nonconforming Uses the only change to this section is an update to a reference to reflect the new numbering of this section.

Subsection 4.2.1.7 Regulations – Nonconforming Structures this is modified to change the title from ~~Existing Development~~ to Nonconforming Structures.

Subsection 4.2.1.7.1 General Provisions – Nonconforming Structures the existing language in this section is deleted and replaced with expanded language to provide additional clarity and improve implementation. This section provides standards and review criteria for the maintenance, repair, renovation, remodeling or replacement of nonconforming structures.

Subsection 4.2.1.7.2 Nonconforming Structures – Residential Single-Family: Primary structures the title is modified to use the term "nonconforming structures" instead of "existing structures." The entire existing language in this section is deleted and replaced with expanded language to provide additional clarity and improve implementation. Standards and approval criteria for the alteration, expansion or replacement or nonconforming primary residential structures are provided in this section.

Subsection 4.2.1.7.3 Nonconforming Structures – Residential: Accessory the title and subsequent subsections are modified to use the term "nonconforming structures" instead of "existing structures." The proposed language in this section is trying to make a distinction between "accessory structures" which must meet the current SMP when reconstructed and "essential single-family residential accessory structures" which can be replaced in the same location. This term is defined within the SMP-

Essential Single-Family Residential Accessory Structure *– An accessory structure that contains a use or is intended for a use that is essential to a single-family residential principal use. The following structures shall be considered an essential residential structure: a garage or carport, one septic system (including one tank and one on-site septic drainfield), one well house and associated well head, and existing decks attached to the primary structure.*

Subsection 4.2.1.7.4 Nonconforming Structures – Residential and Commercial Overwater Structures this subsection title is added. The entire existing language in this section is deleted and replaced with simplified language to improve clarity and implementation. This includes allowances for the replacement of existing nonconforming docks, piers, floats, and buoys either within the same footprint or within a more conforming footprint provided the replacement materials and methods meet substantive SMP standards.

Subsection 4.2.1.7.5 Nonconforming Structures – Multifamily Residential: Primary Structures & Subsection 4.2.1.7.6 Nonconforming Structures – Commercial and Industrial (Primary and Accessory) the existing language in these sections are deleted and replaced with simplified language to improve clarity and implementation. This includes clarification that nonconforming structures can be reconstructed to the footprint and bulk dimensions existing prior to a catastrophic event and any elective reconstruction must be completed in conformance with the SMP.

Subsection 4.2.1.7.8 Regulations – Encumbered and Nonconforming Lots this section is re-worded and slightly re-organized to improve implementation, but substantive standards are not changed.

SMP Chapter 8 Definitions

The following definitions are modified:
Activity, Director, Fish and Wildlife Habitat Conservation Areas, Hazard Tree, Invasive Species, Landslide Hazard Areas, Low Impact Development (LID), Normal maintenance, Wetlands.
The definitions for the following terms are added:
Alteration, Aquifer recharge protection area, Arborist, Bank stabilization, Best available science, Biodiversity areas and corridors, bog, Coppicing, Critical facilities, Cutting vegetation, Education or scientific activities, Engineering geologist, Essential single-family residential accessory structure, Estuarine wetland, fish, fish habitat, fisheries biologist, functions and values, Habitat Management Plan (HMP), Habitat of local importance, Hedge, Hydrogeologist, Land disturbing activity, Land divisions, Landslide hazard area setback, Liquefaction, Low Impact Development Best management Practices (LID BMPs), Nonconforming development or nonconforming structure, Nonconforming Lot, Nonconforming Use, Pruning, Pruning amount, Ravine, Redevelopment, Removal vegetation, Shrub, Site, Species of local importance, Streams, Tree, Wetland boundary, Wetland category, Wetlands specialist, Wildlife biologist, Wildlife habitat.
The following terms are removed from the definitions section:
Existing development, Nonconforming structure, Wetlands Jurisdictional.

Amendment History, Review Process

The record indicates that the proposed SMP amendments originated from a local planning process related to the City's Comprehensive Plan and Critical Areas Ordinance (CAO) updates. The SMP CAO provision update process began in conjunction with the citywide CAO provision update which was completed in April 2018. The City had originally planned to eliminate SMP Appendix B, which contains the SMP CAO provisions, and replace it with the updated CAO provisions via an incorporation by reference. The City later decided to eliminate Appendix B and replace it with CAO provisions imbedded directly into SMP section 4.1.5 Critical Areas.

The Planning Commission discussed the CAO integration SMP amendment at the following meetings: October 12, 2018, November 16, 2018, April 19, 2018, and April 26, 2018. The City elected to use the optional joint review process of WAC 173-26-104 for this amendment. The City and Ecology held a joint local/state comment period on the proposed critical areas provisions SMP amendment following procedures outlined in WAC 173-26-104. The joint comment period began on May 11, 2018 and continued through June 11, 2018. A joint local/state public hearing was held on May 24, 2018 during the City Planning Commission Meeting. Affidavits of publication provided by the City indicate notice of the hearing was published in the *Bainbridge Island Review*. The City Planning Commission elected to continue the Public Hearing to the following meeting on June 7, 2018.

The City provided notice to local interested parties, created a list-serve for email notifications, and maintained a webpage dedicated to this SMP amendment. Ecology distributed notice of the joint comment period and public hearing to state interested parties, including emails and postcards sent on May 10, 2019 and letters to potentially interested Tribes on May 7, 2018. Public comments and concerns were focused on why this amendment was proceeding separate from another amendment the City was working on related to nonconforming structures, uses, and lots. As a result of these concerns, the City modified its proposed SMP amendment to include changes to the nonconforming provisions.

The Planning Commission decided not to send the original CAO related SMP amendment to Ecology for initial determination of consistency. Instead the City decided to combine the CAO and Nonconforming

provisions amendment into one and elected to re-notice the joint local/state comment period and public hearing with the new expanded scope.

The second joint comment period began on September 10, 2018 and continued through October 10, 2018. A joint local/state public hearing was held on September 11, 2018 during the City Council Meeting. Affidavits of publication provided by the City indicate notice of the hearing was published in the *Bainbridge Island Review*. The City Council elected to extend the comment period, for an additional 30-days, until November 9, 2018 at 5:00 pm.

The City provided re-notice to local interested parties via email notifications and updated the webpage dedicated to this SMP amendment. Ecology distributed re-notice of the joint comment period and public hearing to state interested parties, including emails and postcards sent on September 10, 2018 and letters to potentially interested Tribes on September 6, 2018. Both the City and Ecology webpages were updated to reflect the public comment period extension.

According to the record, the City identified 37 individuals, organizations, groups, or Tribes that provided comment on the combined CAO/Nonconforming provisions SMP Amendment between May 8th 2018 and November 12, 2018. The City prepared a comment summary, which included responses to comments, as needed. This summary identifies 51 topics listed by commenter in chronological order. Ecology concurs with the City's responses to comments.

Several suggestions, made prior to September 11th, intended to improve clarity within the Nonconforming SMP Section 4.2.1 were incorporated into the 9/11/2018 Public Comment Draft. The following additional revisions were made to the draft SMP as a result of public comments:

- The direct reference to a November 26, 1996 SMP effective date was removed and replaced with language similar to the Ecology default nonconforming language found in WAC 173-27-080.
- The term "rebuilt" is replaced with "replaced" in numerous places.
- The city-wide Aquifer Recharge Protection Area (ARPA) standards were determined to inapplicable to the shoreline jurisdiction and were removed from this proposed amendment.
- Most restrictive clause of SMP 4.0.1.7 is revised for clarity and to improve consistency with the purpose and intent of the SMA.

The nonconforming language was the subject of further discussion at meetings on November 27, 2018 and January 8, 2019 and City staff prepared a comparison of other jurisdictions as part of their November 27, 2018 staff memo and prepared additional responses to City Council questions within a *Nonconforming Policy Questions* matrix, dated December 11, 2018.

The City consulted with Ecology and solicited comments throughout the review process.

The City also issued a SEPA non-project action Determination of Non-Significance (DNS) for the City of Bainbridge Island Shoreline Master Program Amendment on October 12, 2018. The DNS describes the scope of the amendments as updates to the critical areas provisions and revisions to provisions related to nonconforming structures, uses, and lots. A copy of this DNS was provided to Ecology for this SMP Amendment adoption record.

The City provided their initial submittal of the proposed SMP amendments to Ecology pursuant to WAC 173-26-104 via regular mail on April 22, 2019 and the submittal was determined to be complete. This began Ecology's review and initial determination.

Consistency with Chapter 90.58 RCW

The proposed amendments have been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The City has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).

Consistency with applicable guidelines (Chapter 173-26 WAC, Part III)

The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review for compliance with the SMP amendment criteria found in WAC 173-26-201(1)(c).

Consistency with SEPA Requirements

The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendments. Ecology did not comment on the DNS.

Summary of Issues Identified by Ecology as Relevant to Its Decision

Ecology is required to review all SMPs to ensure consistency with the Shoreline Management Act (SMA) and implementing rules including WAC 173-26, State Master Program Approval/Amendment Procedures and Master Program Guidelines. WAC 173-26-186(11) specifies that Ecology "shall insure that the state's interest in shorelines is protected, including compliance with the policy and provisions of RCW 90.58.020."

Based on review of the proposed amendments to the SMP for consistency with applicable SMP Guidelines requirements and the Shoreline Management Act, and consideration of supporting materials in the record submitted by the City, the following issues remain relevant to Ecology's final decision on the proposed amendments to the City's SMP, with Findings specific to each issue identifying amendments needed for compliance with the SMA and applicable guidelines:

Critical Areas Protection Standards of the SMP

The City proposes to eliminate Appendix B and relocate those critical areas provisions within the SMP to address SMA required critical areas protection standards. Ecology has identified changes to the City's proposed amendment to the SMP's critical areas provisions that are necessary for consistency with WAC 173-26-201(2)(a) & (c), WAC 173-26-221, and WAC 173-26-191(2)(b) & (c) (Attachment 1, Items Req-1 & Req-2).

Findings. *Ecology finds that if the Required Changes identified within Attachment 1 are accepted by the City, the proposed amendment would be consistent with the policy and standards of RCW 90.58 and the applicable guidelines.*

Additional items identified as recommended changes

In addition to the issues identified above as requiring changes to ensure consistency with the SMA and its implementing guidelines, Ecology has also identified changes recommended to fix minor errors, provide clarity or improve implementation. These items can be found within Attachment 1, items Rec-1 through Rec-5.

Findings. *Ecology finds that Attachment 1, items Rec-1 through Rec-5 recommended changes, if implemented would be consistent with the policy and standards of RCW 90.58 and the applicable guidelines, however, the inclusion of these changes are at the discretion of the City and are not necessary in order to approve this Periodic Review amendment.*

INITIAL DETERMINATION

After review by Ecology of the complete record submitted, Ecology has determined that the City proposed amendments, subject to and including Ecology's required and recommended changes (itemized in Attachment 1), are consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions).

NEXT STEPS

- Consider the changes recommended by Ecology as required and recommended to resolve the issues identified above and within Attachment 1. Please let me know if you would like to discuss alternative language or different approaches for resolving these issues.
- If these issues are resolved prior to local adoption, we anticipate being able to approve your Locally Initiated SMP Amendment promptly after formal submittal is provided consistent with WAC 173-26-110.

Initial Determination of Consistency - Attachment 1

Ecology Recommendations to Resolve Issues Identified as Required and Recommended, December 9, 2019

The changes in red are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in blue are recommended and consistent with SMA (RCW 90.58) policy and the SMP Guidelines (WAC 173-26, Part III).

Item	SMP Submittal Provision	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
Rec-1	**SMP 4.1.5.1 Applicability**	This section provides policies and regulations that apply to critical areas located within the shoreline jurisdiction, including wetlands, streams, geologically hazardous areas, frequently flooded areas, fish and wildlife habitat conservation areas, and critical saltwater habitat. This section applies to all development, uses and activities within areas or adjacent to areas designated as critical areas. No action shall be taken by any person, company, agency, governmental body (including the city), or applicant, which results in any alteration of a critical area except as consistent with the goals, policies, purposes, intent, requirements, and development standards of this section.	Recommended change: Include the list of critical areas that this section applies to. Ecology recommends including some of the language back into this section that the City currently proposes to delete.
Req-1 Rec-2	**SMP 4.1.5.3 Purpose and intent**	1. The purpose of this section is to designate and classify ecologically sensitive and hazardous areas as critical areas and to protect, maintain and restore these areas and achieve no net loss of their functions and values ~~and allow for reasonable use of public and private property~~. 2. This section is intended to implement the goals, policies, guidelines, and requirements of the city comprehensive plan and the ~~Growth Management Act (Chapter 36.70A RCW)~~ Shoreline Management Act (Chapter 90.58 RCW). 3. Critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the city and its residents. Critical areas may also pose a threat to human safety or to public and private property. The beneficial functions and values provided by critical areas include, but are not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation of flood waters, ground water recharge and discharge, erosion control, wave attenuation, and protection from hazards and the impacts of climate change. Groundwater recharge is of particular concern for the city because the Island's drinking water is supplied solely by groundwater. 4. This section is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this section to make a parcel of property unusable by denying its owner reasonable use of the property or to prevent the provision of public facilities and services necessary to support existing development. If the provision of this Chapter result in the denial of reasonable use of a property, relief can be sought through the Shoreline Variance permit process.	Required change: Remove references to reasonable use allowances, because in the shoreline that review is conducted through a shoreline variance permit. The City's SMP must demonstrate no net loss of shoreline ecological function so the CAO standards should be written to achieve critical area function protection. If an applicant cannot achieve reasonable use while meeting those standards they can apply for relief using the shoreline variance permit process. Required change: Replace the reference to the GMA with a reference to the SMA. Critical areas located within the shoreline jurisdiction are regulated through the authority of the SMA not the GMA, Recommended Change: Clarify that these regulation considered and made every attempt to provide flexibility, but these are bulk, dimensional, or performance standard of the SMP that cannot be further varied administratively. A shoreline variance is the SMA required permit path to grant relief to provide reasonable use of shoreline properties.

Req-2	**SMP 4.1.5.5 Policies**	1. Provide a level of protection to critical areas that protects, maintains and restores these areas, achieves no net loss of their functions and values ~~and allows for reasonable use of public and private property.~~ 3. Locate, design, construction, and manage all shoreline uses and activities in ways that assure no net loss of shoreline ecological functions and ecosystem-wide processes, and protect critical saltwater habitat, including fish and wildlife habitat conservation areas.	Required change: Delete reference to reasonable use. According to RCW 90.58 and RCW 36.70A wetlands are to be protected. Required Change: Retain this existing language. It provides for no net loss of shoreline ecological function, which is not the same as the standard provided above in Policy 1 for critical area functions.
Rec-3	**SMP 4.1.5.6 Allowed Activities within Critical Areas**	1. The following activities are allowed within critical areas and buffers and do not require review for compliance with critical area regulations. Any activity not subject to critical areas regulations that constitutes development pursuant to Section 8, Definitions, is subject to applicable review under this Program. 2. The following activities are allowed within critical areas and their buffers, without a shoreline variance, ~~only~~ after review and authorization by the city. Any activity not subject to critical areas regulations that constitutes development pursuant to Section 8, Definitions, is subject to applicable review under this Program. Review and authorization may occur over-the-counter and will require a written letter of approval or shall be reviewed for consistency with this section as part of the require shoreline review or permit.	Recommended Change: Add some context for how these allowed activities will be authorized. These activities should be reviewed for consistency with this section as part of the required shoreline review or permit. As written this implies that the critical areas protection standards of the SMP do not apply, but this section is intent to provide activity specific allowances that can be completed consistent with the critical areas protection and no net loss of shoreline ecological function standards of the SMP.
Rec-4	**SMP 4.1.5.11 Regulations – Geologically Hazardous Areas**	1. Applicability. This section applies to all geologically hazardous areas classified pursuant to SMP 4.1.5.~~10~~11.2, below.	Recommended Change: Correct this internal reference.
Rec-5	**SMP 4.2.1.7.2 Non-conforming Structures – Residential Single-Family: Primary structures**	1. A nonconforming primary residential structure located within the shoreline buffer may be altered, expanded, or rebuilt, provided the proposal is consistent with all of the following:	Recommended Change: For ease of implementation. Clarify that the list that follows is inclusive and all applicable standards must be met.

RESOLUTION NO. 2019-05

A RESOLUTION of the City of Bainbridge Island, Washington, approving a draft Shoreline Master Plan amendment relating to critical areas regulations and nonconforming structures, uses, and lots and directing staff to submit the draft to the Department of Ecology for initial state review pursuant to WAC 173-26-104.

WHEREAS, the Washington 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 that state and local governments must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; and

WHEREAS, pursuant to the SMA, the City of Bainbridge Island ("City") adopted a comprehensive update to its Shoreline Master Program (Ordinance No. 2014-04) in 2014; and

WHEREAS, WAC 173-26-090(1) directs local governments to review their shoreline master program and make amendments deemed necessary to reflect changing local circumstances, new information, or improved data; and

WHEREAS, the SMA and Chapter 173-26 WAC require that the City prepare and adopt amendments to the City's Shoreline Master Program that are based on state laws and rules set forth in Chapter 173-26 WAC; and

WHEREAS, RCW 36.70A.480(4) requires that shoreline master programs provide a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources; and

WHEREAS, on February 27, 2018, the City updated its Critical Areas Ordinance ("CAO") (Ordinance 2018-01); and

WHEREAS, the City desires to integrate the updated critical areas regulations into its Shoreline Master Program; and

WHEREAS, the City's updated critical areas regulations cannot be integrated into its Shoreline Master Program without an amendment; and

WHEREAS, at its October 12 and November 16, 2017, April 26, and August 30, 2018 meetings, the Planning Commission reviewed draft amendments to the Shoreline Master Program related to critical areas; and

WHEREAS, at its January 11, February 8, March 8 and 29, April 12 and 19, and August 30, 2018 meetings, the Planning Commission reviewed draft amendments to the Shoreline Master Program related to nonconforming structures, uses, and lots; and

WHEREAS, the City elected to use the optional joint review process for amending shoreline master programs pursuant to WAC 173-26-104; and

WHEREAS, the City and the Department of Ecology provided a 30-day formal comment period on a draft amendment related to critical areas regulations between May 8 and June 9, 2018, including a joint local/state public hearing on May 24, 2018 to consider the draft amendment; and

WHEREAS, the joint local/state public hearing on May 24, 2018 was continued to June 7, 2018; and

WHEREAS, at its June 7, 2018 meeting, the Planning Commission recommended that the draft amendment not be forwarded to the Department of Ecology until proposed revisions related to nonconforming structures, uses, and lots were included; and

WHEREAS, at its July 24, 2018 meeting, the City Council directed staff to include nonconforming structures, uses, and lots in the draft amendment and schedule a public hearing on the amendment on September 11, 2018; and

WHEREAS, the City and the Department of Ecology provided a 30-day formal comment period on a draft amendment related to critical areas regulations and nonconforming structures, uses, and lots between September 10 and October 10, 2018, including a joint local/state public hearing on September 11, 2018 to consider the draft amendment; and

WHEREAS, in accordance with WAC 173-26-104 and RCW 36.70A.106, a Notice of Intent was transmitted to the Washington State Department of Commerce; and

WHEREAS, a Determination of Non-Significance consistent with the State Environmental Policy Act (Chapter 43.21C RCW) was published, and no person filed an appeal; and

WHEREAS, at its October 2, 9, and 16, November 27, and December 11, 2018 and January 8, 2019 meetings, the City Council considered and deliberated about the draft amendment, including related to the public comment that was submitted regarding the amendment.

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

Section 1. The City's draft Shoreline Master Program amendment is hereby approved as shown on the attached **Exhibit A**, which is hereby incorporated into this resolution as if set forth in full.

Section 2. The Director of Planning and Community Development is authorized to submit the draft Shoreline Master Program amendment and all supporting documentation required to accompany the Shoreline Master Program amendment to the Washington State Department of Ecology for initial review in accordance with WAC 173-26-104.

PASSED by the City Council this 8th day of January, 2019.

APPROVED by the Mayor this 8th day of January, 2019.

Kol Medina, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	January 4, 2019
PASSED BY THE CITY COUNCIL:	January 8, 2019
RESOLUTION NO.	2019-05

Exhibit A: Draft Shoreline Master Program Amendment

READER'S GUIDE

The draft amendment focuses on revisions related to critical areas and nonconforming structures. The majority of proposed revisions are located in:

- **SECTION 4.1.5, CRITICAL AREAS – PAGES 104-157**
- **SECTION 4.2.1, NONCONFORMING USES, NONCONFORMING STRUCTURES, AND NONCONFORMING LOTS – PAGES 168-181**
- **SECTION 8.0, DEFINITIONS – PAGES 276-321**

PROPOSED AMENDMENTS ARE SHOWN IN
RED ~~STRIKETHROUGH~~/UNDERLINE TEXT.

Other minor changes are located throughout the document to create consistency with the revisions made in the above changes (section titles, internal references, etc.).

Other minor changes that we brought up during the Planning Commission review and public process – related to applicability and conflict – are located on page 18 and 38.

City of Bainbridge Island Shoreline Master Program

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

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1.0 Introduction

1.1 Shoreline Master Program Introduction

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

1.1.1 Purpose and Intent

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

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

1.2 Requirements of the Shoreline Management Act

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

Management Act establishes a planning and regulatory program, initiated at the local level under state guidelines.

1.2.1 Shoreline Management Act Administration

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

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

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

1.2.2 Scope of Shoreline Management Act

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

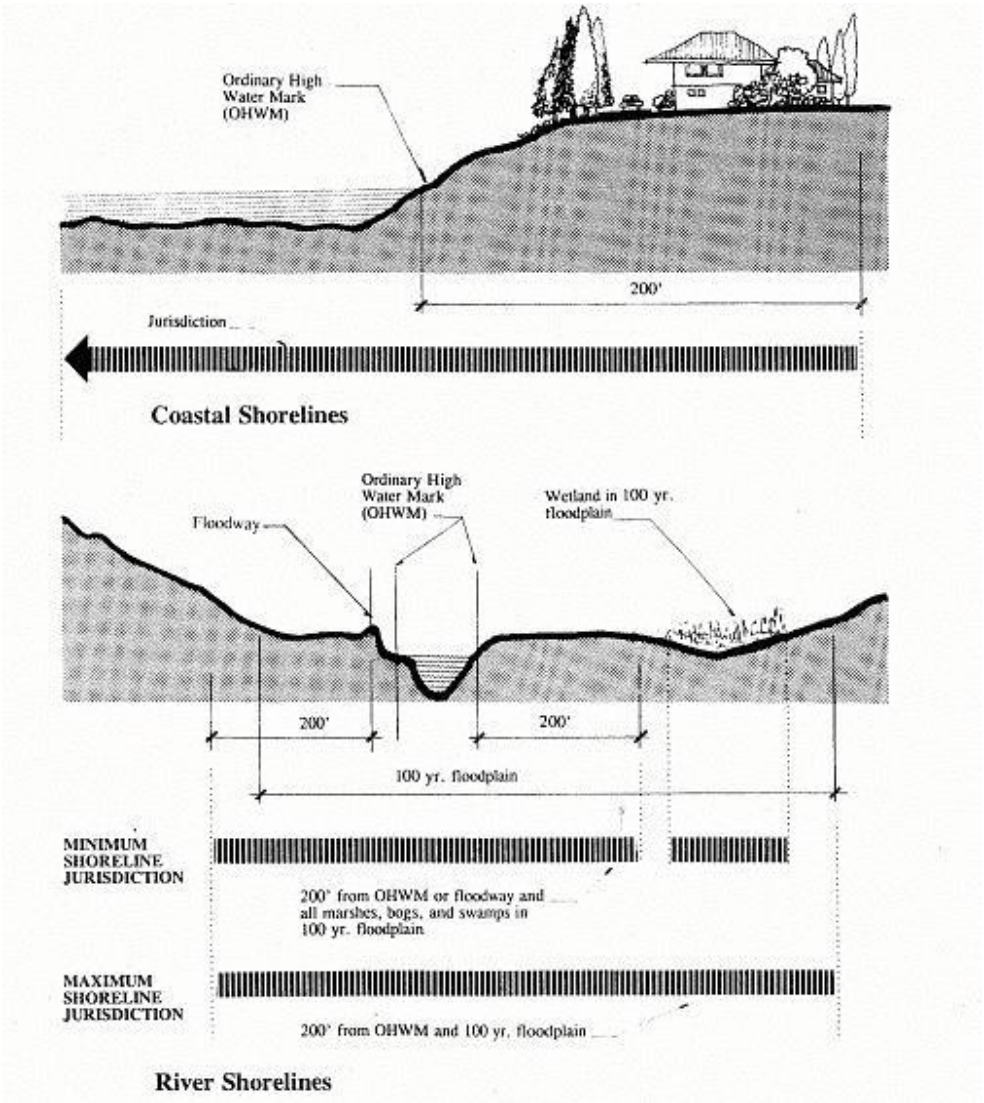


Figure 1-1 Shoreline Jurisdiction

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

1. All marine waters of the state, together with the lands underlying them;

2. Segments of streams and rivers where the mean annual flow is more than 20 cubic feet per second (cfs);

3. Lakes and reservoirs 20 acres and greater in area;

4. Shorelands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous flood plain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters; and

5. Shorelines of state-wide significance as defined in RCW 90.58.030 or its successor. This includes those areas of Puget Sound lying seaward from the line of extreme low tide.

1.2.3 Development of the City's Shoreline Master Program

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

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

1.2.4 Public Involvement

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

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

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

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

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

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

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

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

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

Citizen Committees

The City solicited citizen volunteers and formed topic-based workgroups to assist in drafting revisions to SMP policies and regulations that reflected the requirements of the State SMP Guidelines and community values. Four community organizations (Bainbridge Shoreline Property Owners, Bainbridge Concerned Citizens, Association for Bainbridge Communities, and Bainbridge Island People for Puget Sound) self-selected members to represent their organization on the SMP Workgroups. The remaining volunteers were selected by the SMP Ad Hoc

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

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

The City Council considered the Planning Commission recommendations conducting eleven (11) study sessions from May 2012 to April 2013, and holding a public hearing on May 8, 2013. The Council approved the amendments on May 15, 2013 and forwarded the program to the Department for review on June 7, 2013. After the City held a final public hearing on the draft on July 14, 2014, the Department of Ecology approved the amended program on July 16, 2014.

1.3 Bainbridge Island's Shoreline Master Program (SMP)

1.3.1 Bainbridge Island's Shorelines

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

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

Located on the eastern border of Kitsap County, Bainbridge Island is connected to the rest of Kitsap County by one bridge and to Seattle (King County) by a 35-minute ferry ride. Because of its proximity to Seattle, the island has close cultural and economic ties to Seattle. Approximately 23,000 people currently live on Bainbridge Island. The population increased from 15,846 in 1990 to 23,090 in 2012. Until 2008 with the national economic decline, the Island

grew at a fairly steady rate of approximately 300 people each year. This increased growth, reflected in higher waterfront land values and taxes, along with a growing concern for the environment, motivated citizen participation in the update of the SMP. The program must strike a balance between imposing regulatory powers for the benefit of the community at large and the rights of the individual property holder. Fortunately, the Act and the public trust doctrine provide the guidance to create a program which recognizes both of these values.

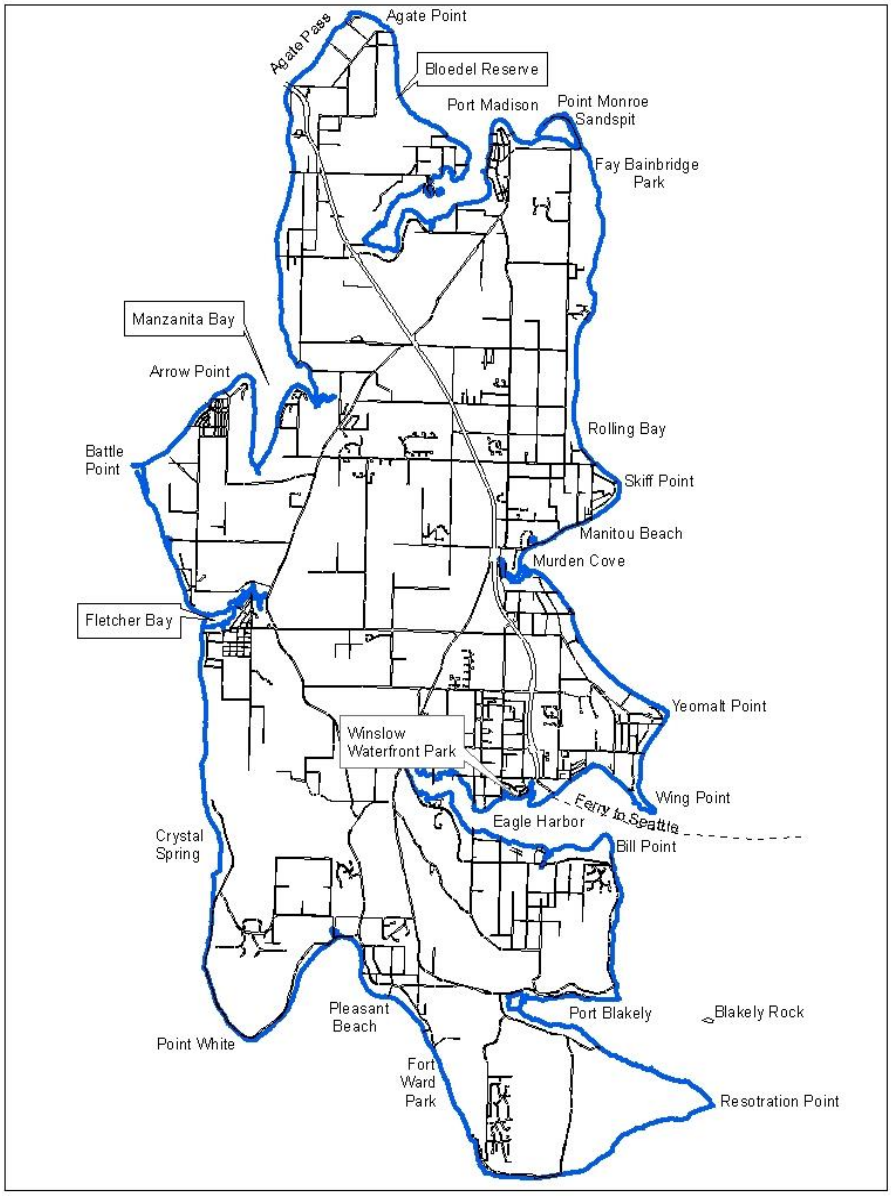


Figure 1-2 Map of Bainbridge Island

1.3.2 Title

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

1.3.3 Adoption Authority

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

1.3.4 Relationship to Other Plans and Regulations

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

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

1.3.5 Applicability of Bainbridge Island Shoreline Master Program

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

2. The provisions of ~~the~~ this Program apply to both existing and new development, uses, lots, and activities as follows: ~~and are not retroactive.~~

a. Development, uses, lots, and activities lawfully occurring, established or constructed prior to the effective date of the initial adoption of the 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.

b. All existing legally constructed single-family residences and accessory structures, including lawns, landscaping and recreation areas, which do not meet the ~~adopted~~ standards of this ~~Shoreline Master~~ Program are allowed to continue, and are allowed to ~~may~~ be maintained, repaired, ~~and~~ remodeled or replaced. ~~if destroyed or damaged by natural causes as provided in Section 4.2.1 Nonconforming Uses, Nonconforming Lots, and Existing Development.~~

c. ~~Residences may be expanded, provided the expansion meets the provisions of this Program, including addressing environmental impacts and meeting the standard for no net loss of ecological functions and ecosystem-wide processes as provided in Section 4.1.2, Environmental Impacts.~~ All proposed uses and development occurring within shoreline jurisdiction must ~~conform to~~ be consistent with Chapter 90.58 RCW, the Shoreline Management Act and this ~~Shoreline Master~~ Program.

d. ~~All u~~Uses and activities that do~~, even those~~ not meet~~ing~~ the definition of development~~, are~~ may be subject to the provisions and ~~development~~ regulations of this ~~Shoreline Master~~ Program~~, even though a permit may not be required~~.

3. Any person wishing to undertake activities constituting "development" within shoreline jurisdiction shall apply to the Administrator for a Shoreline Permit. Based on the provisions of this Master Program, the Administrator shall determine if a Letter of Exemption, a Substantial Development Permit, a Shoreline Conditional Use Permit, and/or a Shoreline Variance is required. Substantial development shall not be undertaken within the jurisdiction of the Act and this Master Program unless a Substantial Development Permit has been obtained and the appeal period has been completed and any appeals have been resolved and/or the project proponent is allowed to proceed under the provisions of the Act or by court order. "Substantial development" shall be defined as it is by the Act (RCW 90.58.030) and supplementing provisions of the Washington Administrative Code (WAC 173-27-040).

4. Developments exempt from a Substantial Development Permit, which are outlined in BIMC Section 2.16.165, shall require a Letter of Exemption. A project that qualifies as "exempt

development" may also require a Shoreline Conditional Use Permit, and/or a Shoreline Variance.

5. This Master Program shall apply to every individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other entity which develops, owns, leases or administers lands, wetlands, or waters that fall under the jurisdiction of the Act.

6. Applicability of this Master Program to federal lands and agencies shall be consistent with WAC 173-27-060.

1.3.6 Program provisions

1. Exempt developments shall not be undertaken within the jurisdiction of the Act and this Master Program, unless a Letter of Exemption has been obtained documenting that the development is consistent with the policies and procedures of the Act, all applicable state regulations and this Master Program.

2. The request for a Letter of Exemption shall be in writing, on forms required by the Administrator, and include the information required by the Administrator.

3. Approved shoreline restoration projects that cause a landward shift in the ordinary high water mark may be relieved from the standards of this Program pursuant to RCW 90.58.580.

4. The "policies" in this Master Program provide broad guidance and direction and will be used by the City in applying the "regulations."

1.3.7 Bainbridge Island Shoreline Master Program Administrative Procedures

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

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

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

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

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

1.4 Restoration Planning

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

The Restoration Plan provides the following information for shoreline improvements:

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

1.5 Master Goal

The City's shorelines are among the most valuable and fragile of our natural resources and their use, protection, restoration, and preservation is of public interest to all residents of the City. The Island shorelines provide for a significant part of our way of life as a place of residence, recreational enjoyment, and occupation. It is the intent of this program to manage the shorelines of Bainbridge Island consistent with the requirements of the Shoreline Management Act, the Shoreline Master Program Guidelines, and the Growth Management Act, giving preference to water-dependent and water-related uses, and to encourage all reasonable and appropriate development and other activities to occur in a manner which will promote and enhance the public

interest and protect environmental resources. An over-arching goal of this master program is to ensure that future use and development of the City's shoreline maintain a balance between competing uses, results in no net loss of shoreline ecological functions, and achieves a net ecosystem improvement over time.

2.0 Shoreline Inventory and Characterization

2.1 Summary

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

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

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

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

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

3.0 Shoreline Designation Policies and Regulations

3.1 General

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

Shoreline Designation Map

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

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

Designation Boundaries

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

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

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

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

3.2 Upland Designations

3.2.1 Urban

3.2.1.1 Purpose

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

3.2.1.2 Designation Criteria

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

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

3.2.1.3 Management Policies

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

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

3.2.2 Shoreline Residential

3.2.2.1 Purpose

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

3.2.2.2 Designation Criteria

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

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

3.2.2.3 Management Policies

1. Development and new uses should assure no net loss of shoreline ecological function by compliance with:
    a. Minimum frontage width, setbacks, and buffers;
    b. Lot coverage limitations;

c. Shoreline stabilization standards; and

d. Protective measures for vegetation conservation, critical areas and water quality.

2. New development should be permitted only in those shoreline areas that are capable of supporting the proposed use in a manner which protects or enhances the shoreline environment, and reflects the character of the surrounding area such as providing open space and maintaining shoreline vegetation buffers.

3. Public access to shorelines should be required for multi-family residences, apartments, and subdivisions. Common access for single-family residential short subdivisions should be encouraged and should be required where feasible.

4. Recreational developments should provide shoreline areas for community or public open space and public access to shorelines.

5. Access, utilities and public services should be available and adequate to serve existing needs and planned future development.

6. Developments within the Shoreline Residential designation should be compatible with uses and activities in adjacent designations, including Aquatic and Priority Aquatic.

7. Restoration of shoreline ecological functions and ecosystem-wide processes should be encouraged through non regulatory programs.

3.2.3 Shoreline Residential Conservancy

3.2.3.1 Purpose

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

3.2.3.2 Designation Criteria

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

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

2. Areas that are not generally suitable for commercial/industrial water-dependent uses or more intensive uses due to the potential impacts these uses may have on the existing shoreline characteristics; and one or more of the following criteria:

a. Areas subject to severe biophysical limitations such as:

i. Sediment sources for littoral cell (Feeder Bluffs).

ii. Flood-prone areas.

iii. Geo-hydraulic shoreforms (e.g., accretion beaches, barrier beaches, and sand spits).

iv. Wetlands and estuaries

v. Areas important to the maintenance of surface water level groundwater flow, and water quality.

vi. Biodiversity maintenance.

b. Areas that retain important ecological functions and processes, even though partially developed.

c. Areas with valuable historic or cultural features.

3.2.3.3 **Management Policies**

1. New residential and other development that preserves the natural character of the area, maintains shoreline vegetation buffers and/or promotes preservation of open space, floodplains or sensitive lands, either directly or over the long-term, should be the principal uses. Development that enhances or results in restoration of ecological functions and ecosystem-wide processes should be encouraged if the use is otherwise compatible with the purpose of the designation, the setting, and with adjacent uses and activities, including aquatic designations.
2. Standards should be established for protecting the sensitive shoreline characteristics in this designation to assure no net loss of shoreline ecological functions and ecosystem-wide process, including measures that provide the following:
    a. Minimum frontage width;
    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

3.2.4.1 Purpose

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

3.2.4.2 Designation Criteria

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

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

3.2.4.2 Management Policies

1. New recreational uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long-term should be the principal uses. Uses that enhance or result in restoration of ecological functions and ecosystem-wide processes should be strongly encouraged if the use is otherwise compatible with the purpose of the designation, the setting, and with adjacent uses and activities, including aquatic environments.

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

3.2.5 Natural

3.2.5.1 Purpose

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

3.2.5.2 Designation Criteria

Areas to be designated Natural shall meet the following criteria:

1. Areas that perform irreplaceable shoreline ecological functions or ecosystem-wide process that would be damaged by human activity, including areas that contain largely undisturbed or restored shoreline features or unique natural features, such as wetlands,

estuaries, unstable bluffs, coastal dunes, sand spits, and ecologically intact shoreline habitats, and one or more of the following:

a. Wildlife Habitats.

   i. A shoreline area that provides food, water, or cover and protection for any rare, endangered, or diminishing species, or for significant populations of flora or fauna during critical stages of their life cycle.

   ii. A seasonal area for concentration of native animals, fish, or fowl such as a migration route, breeding site, rearing ground, or spawning site.

b. Areas of Scientific and Educational Value.

   i. Areas considered to best represent basic ecosystems and geologic types that are of particular scientific and educational interest.

   ii. Areas which best represent undisturbed natural areas.

   iii. Areas with established histories of scientific research.

c. Areas of Scenic and Recreational Value

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

   ii. Areas having a high value for wilderness experience.

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

d. Areas with Restoration Potential.

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

3.2.5.3 **Management Policies**

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

   a. Residential uses.

   b. Agriculture uses.

   c. Commercial uses.

   d. Industrial uses.

   e. Nonwater-oriented recreation.

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

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

3.3 Aquatic Designations

3.3.1 Aquatic

3.3.1.1 Purpose

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

3.3.1.2 Designation Criteria

Aquatic areas include:

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

3.3.1.3 Management Policies

1. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the restoration objectives, and then only when the impacts are mitigated to assure no net loss of ecological functions and ecosystem-wide processes. Compatibility between upland and aquatic uses should be confirmed.

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

3.3.2 Priority Aquatic

3.3.2.1 Purpose

The purpose of the Priority Aquatic designation is to protect, preserve, restore and manage aquatic areas of sensitive and unique ecological value that include those portions of the

marine waters of the City that exist in a relatively natural state, free of human influence, or which contain resources, biological diversity, or other features that are particularly sensitive to human activity, or which contain unique, historical, archeological, cultural, or educational features that merit special protection.

3.3.2.2 Designation Criteria

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

1. Priority Aquatic Category A is more protective and intended to be the default classification.
    a. Those areas previously designated Aquatic Conservancy are designated Priority Aquatic Category A.

2. Priority Aquatic areas located adjacent to upland areas with a high level of existing development are classified as Priority Aquatic B.

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

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

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

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

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

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

Criterion I:	The area between the OHWM and MLLW that provides a habitat for at least one quarter (1/4) acre of salt-tolerant vegetation. Vegetated patches may be smaller than one quarter (1/4) acre, but the total vegetated area must be at least one quarter (1/4) acre.
Criterion II:	At least one quarter (1/4) acre of exposed flats is exhibited between OHWM and MLLW whose sediments are at least thirty (30) percent muds.

3.3.2.5 Type 3: Marine Vegetation

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

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

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

The City shall keep a record and review data annually to determine whether sites are appropriate for nomination under Type 3. If areas are determined to be appropriate for

designation, an amendment to this program is required to designate Priority Aquatic and shall be processed as an amendment as specified in the Shoreline Master Program Administration, BIMC Section 2.16.200.

3.3.2.6 Type 4 Other areas

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

3.3.2.7 Priority Aquatic Category A Management Policies

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

3.3.2.8 Priority Aquatic Category B Management Policies

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

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

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

1. For properties zoned single family residential, the default shoreline designation is Shoreline Residential.
2. Properties within the Winslow Master Plan area will be designated Shoreline Residential to accommodate the comprehensive plan policy of focusing new residential development into the plan's service area.
3. If less than ten parcels or 1,000 linear feet exist between Shoreline Residential Conservancy designations, then the properties between the two designations will also

be designated Shoreline Residential Conservancy to avoid fragmented management of ecological functions and ecosystem-wide processes.

4. If a property has a conservation easement and is adjacent to either a Shoreline Residential Conservancy or Island Conservancy designation, then the property is designated Shoreline Residential Conservancy.
5. All publicly owned open space or park properties shall be designed Island Conservancy or Natural.
6. All publicly owned saltwater road ends shall be designated Island Conservancy.

4.0 General (Island-wide) Policies and Regulations

Introduction

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

4.0.1 Regulations - General

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

10. Submittal requirements for all shoreline development permits or shoreline exemptions are in BIMC Title 2 and the Administrative Manual.

EXPLANATION OF TABLE ABBREVIATIONS

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

Table 4-1. Shoreline Use and Modification Table

Table 4-1 Shoreline Use and Modification Table

"P" = Permitted Use "X" = Prohibited Use "A" = Accessory Use
"C" = Conditional Use "#" = Same as Upland Property "CA" – Conditional Accessory Use

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Natural Resource Management									
Agriculture	X	X	X	X	X	X	X	X	
Aquaculture	C[1]	X	C	C	C	C	C[1]	C[1]	
Aquaculture, Shellfish Garden	X	P	P	P	P	P	P[1]	P[1]	
Flood Hazard Management [7]	X	C	C	C	C	#	X	X	
Stormwater Management [7]	X	P	P	P	P	#	X	X	
Forest Practices	X	X	C	C	C	X	X	X	
Shoreline Restoration	P	P	P	P	P	P	P	P	
Commercial Development									
Boating Facilities	X	C[8]	X	C[9]	P	#	X	X	
Nonwater-Oriented	X	X[8]	X[22]	X	C[17]	X	X	X	
Water-Dependent	X	X	X[22]	C	P	#	X	X	
Water-Related or Enjoyment	X	X	X[22]	C	P	X	X	X	
Educational and Community Facilities									
Educational Facility	X	C	C	C	P	X	X	X	

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	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Governmental Facility	X	X	C	C	P	X	X	X	
Religious Facility	X	C	C	C	P	X	X	X	
Cultural and Entertainment Facilities									
Club	X	C	C	C	P	X	X	X	
Commercial Amusement	X	X	C	C	P	X	X	X	
Cultural Facility	X	C	C	C	P	X	X	X	
Entertainment Facility	X	X	C	C	P	X	X	X	
Industrial									
Mining	X	X	X	X	X	X	X	X	
Nonwater-Oriented	X	X	X	X	X	X	X	X	
Solid Waste Disposal	X	X	X	X	X	X	X	X	
Water-Dependent	X	X	X	X	P	#	X	X	
Water-Related	X	X	X	X	C	#	X	X	
Water Enjoyment	X	X	X	X	X	X	X	X	
Overwater Structures									
Boatlift	X	X	P	P	P	#	X	#	
Marine Railway	X	X	P	P	P	#	X	X	
Marine Railway, Retractable [12]	X	P	P	P	P	#	X	#	

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	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Mooring Buoys	X	P	P	P	P	#	X	X	
Piers and Docks	X	C[16]	P	P	P	#	X	P	
Recreational Floats	X	X	X	P	P	#	X	X	
Recreational Development									
Golf Courses	X	C	X	C	C	X	X	X	
Nonwater-Oriented	X	X	X	C	C	X	X	X	
Recreation, Active	X	C[16]	C[19]	C	P	#	X	X	
Recreation, Passive	P	P	P	P	P	#	P[14]	P[14]	
Event: Recreation, Culture, Education									
Water-Oriented	X	P	P	P	P	#	X	X	
Residential									
Accessory Dwelling Unit	X	C	C[19]	C	C	X	X	X	
Subdivision	C	P	P	P	P	#	#	#	
Multi-family [22]	X	X	X	P	P	X	X	X	
Single-family	X	C	P	P	P	X	X	X	
Shoreline/Aquatic Modification [5] [7]									
Beach Nourishment (Mitigation)	C	P	P	P	P	#	#	#	

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	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Beach Enhancement (non-restoration) [6]	C[12]	C[12]	C[12]	C[12]	C[12]	#	#	#	
Breakwaters	X	X	X	X	X	X	X	X	
Dredging	X	X	X	X	X	C	X	C	
Drift Sill	X	X	X	X	X	P	P	P	
Landfill	C	C	C	C	C	#	X	X	
Fill	X	C	X	X	C	#	X	X	
Repair of Shoreline Stabilization	X	P	P	P	P	#	#	#	
New or Replacement Shoreline Stabilization, Hard [4]									
New Bulkheads	X	X	P[19]	P	P	#	X	X	
Replacement Bulkheads	X	X	P[19]	P	P	#	#	#	
Gabions	X	X	X	X	X	X	X	X	
Weirs, Groins (rock or concrete)	X	X	X	X	X	X	X	X	
Jetties	X	X	X	X	X	X	X	X	
Levees/Dikes	X	X	X	X	X	X	X	X	
Retaining Walls and Bluff Walls	X	C	C	C	C	X	X	X	
Revetments	X	X	X[2]	X[2]	X[2]	#	X	X	
Seawalls	X	X	X	X	X	X	X	X	

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	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Hybrid	X	P	P	P	P	#	#	#	
New or Replacement Shoreline Stabilization Non-Structural and Soft									
Non-Structural Stabilization, Soft-treatment	X	P	P	P	P	#	#	#	
Transportation									
Existing Road repair	X	P	P	P	P	X	X	X	
New Arterials	X	X	X	X	X	X	X	X	
New Highways	X	X	X	X	X	X	X	X	
New Secondary Arterials	X	X	X	X	X	X	X	X	
Float Plane Facilities and Services	X	X	X	X	C	#	X	X	
Heliports	X	X	X	X	X	X	X	X	
Additional Bridge to Bainbridge Island	X	X	X	X	X	X	X	X	
Parking (primary)	X	X	X	X	X	X	X	X	
Public Access Facilities									
Public Ferry Terminal Facilities and Services	X	X	X	X	P	#	X	X	

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	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Over-water Public Ferry Terminal Facilities and Services	X	X	X	X	C[10]	#	X	X	
Railroads	X	X	X	X	X	X	X	X	
Trails	P	P	P	P	P	#	#	#	
Utilities & Telecommunication									
Utilities (primary)	X	X	C[11]	C[11]	C[11]	#	X	X	
Signs									
Primary	X	X	X	X	X	P	X	X	
Accessory Structures									
All Uses									
Potable Water Wells	X	A	A	A	A	X	X	X	
Signs	X[20]	X[20]	P	P	P	P	X[20]	X[20]	
Tram	X	A	A	A	A	#	X	X	
Underground Utilities	X	A[21]	A[21]	A[21]	A[21]	#	X	X	
Residential									
Upland appurtenant Structures	X	CA	A	A	A	#	X	X	
Commercial									

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	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Upland appurtenant structures that support a water-dependent use [13]	X	X	X	CA	A	#	X	X	
Upland appurtenant structures that support a water related or water enjoyment use [13]	X	X	X	CA	A	X	X	X	
Upland appurtenant structures that support a non-water oriented use [13]	X	X[8]	X	X	C[17]	X	X	X	
Industrial									
Upland appurtenant structures that support a water-dependent use [13]	X	X	X	X	A	#	X	X	
Upland appurtenant structures that support a water related [13]	X	X	X	X	CA	#	X	X	
Upland appurtenant structures that support a water enjoyment use [13]	X	X	X	X	X	X	X	X	
Upland appurtenant structures that support a non-water oriented use [13]	X	X	X	X	X	X	X	X	

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

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	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Marine Railway									
Setbacks									
	X	X	10’						
Height Limit									
Upland	X	X	10’						
Marine Railway, Retractable [12]									
Setbacks									
	X	10’							
Height Limit									
Upland	X	10’							
Mooring Buoys									
Setbacks									
From Overwater Structures	100’								

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Accessory Use									
Setbacks									
Access Roads	X	75'[1][3]	75'[1][3]	75'[1]	50'[1][3]				
Parking	X	100'[1]	100'[1]	100'	50'				
Events, Recreation; Education; Culture									
Setbacks									
Water-Dependent	X	0'	0'	0'	0'				
Water-related/Enjoyment	X	50'[1]	50'[1]	50'[1]	30'				
Residential									
Flex lot Subdivision									
Setbacks									
SUBJECT TO 30% SIDE YARD SETBACK, SHORELINE SETBACK AND ZONING AND SUBDIVISION REQUIREMENTS									

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Height Limit									
Upland	X	30’	30’	30’	30’				
Multi-family									
Setbacks									
SUBJECT TO 30% SIDE YARD SETBACK, SHORELINE SETBACK AND ZONING REQUIREMENTS AND BIMC Title 18									
Height Limit									
Upland	X	X	30’	30’	30’				
Single-family									
Setbacks									
SUBJECT TO 30% SIDE YARD SETBACK, SHORELINE SETBACK AND ZONING REQUIREMENTS									
Height Limit									
Upland	X	30’	30’	30’	30’				
Shoreline/Aquatic Modification [5] [7]									
Utilities & Telecommunication									
Utilities (primary)									

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Primary Structure	X	200'	200'	200'	200'				
Accessory Use	X	100'	100'	100’	100'				
Telecommunication Accessory Use	X	100'	100'	100’	100'				
Height									
Distribution Poles	X	X	30’[1][5]	30’[1][5]	30’[1][5]				
Buildings, storage Tanks, Accessory Uses	X	X	30’[1][4]	30’[1][4]	30’[1][4]				

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Setbacks									
	15’	75’	75’	75’	50’				
Event, Recreation; Culture; Education									
Setbacks									
	N/A	75’[1]	75’[1]		75’[1]				
Parking	N/A	100’[1][3]	100’[1[3]]		100’[3]				

[1] Must be located outside of site specific Zone 1
[2] Same as Use specific setback
[3] ADA access roads may be allowed a lesser setback than standard 5.6.5(2)

Table 4-3 Shoreline Buffer Standards Table

Additional Use restrictions for BIMC Titles 17 and 18 may apply

SHORELINE USE	UPLAND DESIGNATION				
	Natural	**Island Conservancy**	**Shoreline Residential Conservancy**	**Shoreline Residential**	**Urban**
The shoreline buffer consists of two management areas Zone 1 and Zone 2. Zone 1 is located closest to the water; it is a minimum of 30 feet in all designations, except in Natural and Island Conservancy the minimum is 50' and expands to include existing native vegetation. Zone 2 is the remaining area of the shoreline buffer. See figure XXX					
Category A: Low bank lots with 65% Canopy Area in Zone 1, OR spit/barrier/backshore, marsh lagoon, or rocky shores. Category B: Low bank with less than 65% Canopy Area in Zone 1, or lots with a depth < 200' or High Bluff. *Geomorphic Class (i.e. low bank, High Bluff) shall be determined by Battelle 2004 Nearshore Characterization and Inventory.*					
Developed lots					
Category A	200'	150'	115'	75'	30'
Category B	200'	100'[1]	75'[1]	50'[1]	30 [1]
Undeveloped lots					
	200'	150'	150'	75/150'[2]	30'
1. For High bluff properties the greater distance of 50' from the top of the bluff or the standard shoreline buffer. 2. If adjacent to the Priority Aquatic designation then 150' is required.					

4.1 Environmental Quality and Conservation

4.1.1 Shorelines of State-wide Significance

4.1.1.1 Purpose

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

4.1.1.2 Applicability

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

4.1.1.3 Policies (In order of preference)

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

a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.

b. In general, preserve resources and values of shoreline of state-wide significance for future generations and restrict or prohibit development that would irreversibly damage shoreline resources.

c. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.

4. Protect the resources and ecology of the shoreline.

   a. Minimize development activity that will interfere with the natural functioning of the shoreline ecosystem including, but not limited to, stability, drainage, aesthetic values, and water quality.

   b. All shoreline development should be located, designed, constructed, and managed to avoid disturbance of, and to minimize adverse impacts on, fish and wildlife resources including spawning, nesting, rearing, and habitat areas and migratory routes.

   c. Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human uses.

   d. Shoreline materials including, but not limited to, bank substrate, soils, beach sands, and gravel bars should be left undisturbed by shoreline development.

5. Increase public access to publicly owned areas of the shorelines.

   a. Give priority to developing paths and trails to shoreline areas, linear access along the shorelines, and to upland parking.

   b. Locate development landward of the ordinary high water mark.

   c. Limit public access when environmental or habitat values warrant such limitations.

6. Increase recreational opportunities for the public on the shoreline.

   a. Plan for and encourage development of facilities for recreational use of the shorelines.

4.1.2 Environmental Impacts

4.1.2.1 Applicability

All shoreline development and activity shall be located, designed, constructed, and managed in a manner that avoids, minimizes and/or mitigates adverse impacts to the shoreline environment. The preferred mitigation sequence (avoid, minimize, rectify, reduce, or compensate for the environmental impact) shall follow that listed in WAC 173-26-201(2)(e). See definition of "Mitigation" listed in this Master Program, in Section 8.0, Definitions.

In approving shoreline development, the City shall ensure that shoreline development, use, and/or activities will result in no net loss of ecological functions and ecosystem-wide processes necessary to sustain shoreline resources, including loss that may result from the cumulative impacts of similar developments over time consistent with constitutional and statutory limitations on the regulation of private property. To this end, the City may require modifications to the site plan and/or adjustments to proposed project dimensions, intensity of use, and screening, as deemed appropriate. If impacts cannot be avoided through design modifications, the City shall require compensatory mitigation commensurate with the project's adverse impacts.

4.1.2.2 Goal

Minimize impacts of shoreline development, uses and activities on the environment during all phases of development (e.g. design, construction, and management).

4.1.2.3 Policies

1. Ensure all shoreline uses, activities and developments are designed and located in a manner that prevents or mitigates adverse impacts to shoreline ecological functions and ecosystem-wide processes, including the use of the mitigation sequence (avoid, minimize, rectify, reduce, compensate); and make available flexible alternatives to accommodate preferred shoreline uses.
2. Ensure, through appropriate monitoring and enforcement measures that all required conditions are met, and improvements are installed and properly maintained.
3. Promote shoreline uses and activities within critical areas which do not cause significant adverse impacts to ecological functions and ecosystem-wide processes, such as public access on publicly owned lands.
4. In assessing the potential for new uses, activities and developments to cause adverse impacts, take into account all of the following:

    a. Effects on ecological functions and ecosystem-wide processes, including temporal loss of functions; and

    b. Effects that occur on-site and effects that may occur off-site; and

    c. Direct and indirect effects and long-term effects of the project; and

    d. Effects of the project and the incremental or cumulative effects resulting from the project added to other past, present, and reasonably foreseeable future actions; and

    e. Compensatory mitigation actions that offset adverse impacts of the development action and/or use.

5. To provide for comprehensive management strategies for shoreline areas, integrate planning and regulatory measures, such as those within the comprehensive plan, regional watershed plans, or state and federal regulations.

4.1.2.4 Regulations-Impact Analysis and No Net Loss Standard

1. All shoreline development, use and activities, including preferred uses, and uses that are exempt from a shoreline substantial permit, shall be located, designed, constructed, and maintained in a manner that protects ecological functions and ecosystem-wide processes. All proposed shoreline development, uses and activities shall:
    a. Utilize the required mitigation sequence of Section 4.1.2.6, Regulations – Mitigation; and
    b. Utilize effective erosion and scour control methods during project construction and operation; and
    c. Minimize adverse impacts to critical salt water habitat, fish and wildlife conservation areas, and/or other ecological functions and ecosystem-wide processes, such as those provided by shoreline vegetation; and
    d. Minimize interference with beneficial natural shoreline processes, such as water circulation, sand and gravel transport movement, erosion, and accretion; and
    e. Avoid hazards to public health and safety; and
    f. Minimize the need for shoreline stabilization measures and flood protection in the future; and may require a geotechnical analysis to ensure that the proposed activity meets this regulation (See Section 6.2, Shoreline Stabilization); and
    g. Result in no net loss of ecological functions and processes necessary to sustain shoreline resources, including loss that may result from the cumulative impacts of similar developments over time.
2. In reviewing and approving shoreline development, use or activity, regardless of whether a permit is required the following shall apply:
    a. The Administrator shall condition the shoreline development, use, and/or activities such that it will:
        i. Meet provisions in subsection 1 above; and
        ii. Employ measures to mitigate adverse impacts on shoreline functions and, processes, if necessary; and
        iii. Modify the site plan and/or adjust the project dimensions, intensity of use, or screening as deemed appropriate to address impacts. If impacts cannot be avoided through design modification, the Administrator shall require compensatory mitigation, pursuant to regulations in Sections 4.1.2.5, Regulations – Revegetation Standards, and 4.1.2.6, Regulations – Mitigation; and
    b. If a proposed shoreline development, use or activity is determined by the Administrator to result in significant short-term, long-term, or cumulative

adverse environmental impacts lacking appropriate compensatory mitigation, it shall be sufficient reason for the Administrator to deny a permit.

3. To assure that development activities contribute to meeting the no net loss provisions pursuant to subsection 1 and 2 above, an applicant is required to submit a site-specific analysis of potential impacts and a mitigation plan that includes compensatory mitigation measures when determined necessary as a result of the analysis. The site-specific analysis shall be prepared in accordance with Section 4.1.2.9, Submittal Requirements – Site-Specific Impact Analysis and Mitigation Plan.

4. To mitigate anticipated impacts and meet the no net loss standards in subsection 1 and 2 above, an applicant for a single family residential development or accessory structures may choose to use the Standard Residential Mitigation Manual in Appendix D in lieu of a site-specific impact analysis and mitigation plan. If an applicant uses the Single Family Residential Mitigation Manual, compensatory mitigation requirements provided in the manual shall be included in the project submittal.

4.1.2.5 Regulations – Revegetation Standards

1. Vegetation replanting is required for all development, uses or activities within the 200-foot shoreline jurisdiction that either alters existing native vegetation or any vegetation in the required Shoreline Buffer or Vegetation Management Areas, whether a permit is required or not. This includes invasive species removal. Minimum requirements for planting plans can be found in the City's Administrative Vegetation Management Manual. The following information shall be submitted for approval prior to vegetation disturbance as part of a project proposal or clearing permit pursuant to BIMC 15.18, Land Clearing:

    a. Residential, Industrial and Commercial Development.

        i. Vegetation disturbance of 200 square feet or less requires submittal of an annotated list of proposed plants and their spacing specifications and location.

        ii. Vegetation disturbance-greater than 200 square feet requires that the planting plan shall be completed by a qualified professional or the applicant may use the single-family residential mitigation manual.

    b. Public Park and City Maintained Areas.

        i. Vegetation disturbance of 2,500 square feet or less requires submittal of an annotated list of proposed plants and their spacing specifications and location.

        ii. Vegetation disturbance greater than 2,500 square feet requires that the planting plan shall be completed by a qualified professional.

2. For vegetation mitigation in the Shoreline Buffer or Site-specific Vegetation Management Areas, all new plantings shall meet the provisions in Section 4.1.3.5(5), except for the Point Monroe District which shall meet special provisions in subsection 6,

3. If the Shoreline Buffer is altered or reduced pursuant to provisions of Section 4.1.3, Vegetation Management or Section 4.2.1, Nonconforming Uses, **Nonconforming Structures, and Nonconforming Lots** ~~**Non-Conforming Lots, and Existing DevelopmentNonconforming Structures, Uses**~~, the following shall occur in Zone 1:

a. Retain existing native vegetation; and

b. Plant the entire area of Zone 1. Obtain 65% vegetation canopy coverage within 10 years.

4. When vegetation mitigation is required for new upland development, uses, or activities the mitigation plan shall include new plantings that are protective of views from the primary structure of the subject property and in proportion to the identified impact. Mitigation shall be located in the following sequence, except for the Point Monroe District which shall meet special provisions in subsection 6,

    a. Within Zone 1, plant vegetation to obtain a minimum of 65% native vegetation canopy coverage;

    b. In Zone 2, plant to increase canopy coverage, in a manner that promotes contiguous native vegetation or in areas nearest the shoreline;

    c. In the Shoreline Buffer, plant in a manner that promotes a contiguous native vegetated corridor that connects to the shoreline;

    d. Outside of the Shoreline Buffer, plant in a manner that promotes a contiguous native vegetated corridor to the shoreline;

    e. Outside of the Shoreline Buffer; or

    f. At an off-site location approved by the Administrator, within Zone 1, plant to meet the standard of subsection a.

5. When mitigation is required for shoreline stabilization projects due to site disturbance, the required planting plan shall also include the following, unless an alternative planting plan is approved by the Administrator:

    a. Replant 75% of the shoreline area located along the upland edge of the shoreline stabilization structure to a minimum depth of ten (10) feet, unless demonstrated to be infeasible to the Administrator;

        i. The depth may be reduced to five (5) feet to allow for landscape design variation, provided that the total square footage of the area planted equals the required 75% of the shoreline;

    b. Planting plans shall meet provisions in Section 4.1.3.5(5), and shade bearing plants shall be provided at suitable fish spawning sites; and

    c. Include plantings equivalent to one tree per ever 20 linear feet of shoreline and one shrub per ever five linear feet, which may be planted with due consideration of views from the primary structure of the subject property.

6. Special Mitigation Provisions for Point Monroe District. When vegetation mitigation is required for new development, uses, or activities in the Point Monroe District, the mitigation plan shall include new vegetation communities appropriate for dune, sand spit, barrier beach, barrier estuary, or barrier lagoon,

including salt marsh that shall be installed within the spit-specific vegetation management area (SVMA) as defined in Section 4.1.3.5(9), thirty (30) foot setback between the OHWM and the primary structure, or where area is available on the site.

4.1.2.6 Regulations – Mitigation

1. Mitigation Sequence: Mitigation shall include the following actions in order of priority (a-e), and (f) is required for all mitigation activities:
    a. Avoiding the impact altogether by not taking a certain action or parts of an action;
    b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
    c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
    d. Reducing or eliminating the impact over time by preservation and maintenance operations;
    e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
    f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
2. When compensatory mitigation is necessary to offset impacts, mitigation measures in the immediate vicinity of the impact shall be the preferred mitigation option. Property owners may be required to perform the balance of compensatory mitigation off-site if the property cannot support required mitigation or when off-site mitigation can be demonstrated to the satisfaction of the Administrator to be more beneficial to shoreline ecological functions and processes. For example, off-site mitigation may be the better choice if large, cohesive areas are available off-site while only small fragmented areas are available on-site for mitigation.
3. Mitigation actions shall not have a significant adverse impact on other preferred shoreline uses promoted by the policies of the Shoreline Management Act.
4. When compensatory mitigation measures are required, all of the following shall apply:
    a. The quality and quantity of the replaced, enhanced, or substituted resources shall be the same or better than the affected resources; and
    b. The mitigation site and associated vegetative planting shall be nurtured and maintained such that healthy native plant communities can grow and mature over time; and
    c. Unless the Single-family Residential Mitigation Manual is being used for single-family residential development and accessory structures pursuant to Section

4.1.2.4(4), the mitigation shall be informed by pertinent scientific and technical studies, including but not limited to the Shoreline Inventory and Characterization Report, the Shoreline Restoration Plan and other background studies prepared in support of this Program; and

d. The mitigation activity shall be monitored and maintained to ensure that it achieves its intended functions and values, pursuant to Section 4.1.2.7, Surety Regulations.

5. To encourage shoreline property owners to remove bulkheads and perform other beneficial shoreline restoration actions in advance of shoreline development or redevelopment, the City may give mitigation credit to any beneficial restoration action that occurred within 10 years of the proposed development/redevelopment activity provided that:

   a. The applicant/property owner declares the intent of the restoration or enhancement project as mitigation credit at the time of the restoration permit application; and

   b. The City can confirm via site inspection, photographs, or other evidence that the restoration actions have improved shoreline conditions.

6. Where feasible, replacement compensatory mitigation should be required prior to impact and, if applicable, prior to final inspection and approval of building occupancy; and to ensure no net loss, the mitigation shall replace the functions as quickly as possible following the impact.

4.1.2.7 Regulations – Surety

1. The applicant/property owner shall provide assurance to the satisfaction of the Administrator, that the restoration area (including off-site mitigation) will be maintained in perpetuity. The assurance can be in the form of notice on title, conservation easement, or similar mechanism as approved by the City Attorney.

2. Except for projects undertaken by public entities, performance and/or maintenance bonds or other security shall be required by the City to assure that work is completed, monitored, and maintained. The bond/surety shall be refunded to the depositor upon completion of the mitigation activity and any required monitoring.

4.1.2.8 Regulations – Monitoring and Maintenance

1. When mitigation is required, a periodic monitoring program shall be included as a component of the required mitigation plan. To ensure the success of the required mitigation, monitoring shall occur for a minimum duration of five years from the date of the completed development. The monitoring plan may also require that periodic maintenance measures be included as recommended by a qualified professional. The duration of monitoring may be extended if the project performance standards set forth in the approved mitigation plan fail to be accomplished, or, due to project complexity, the approved mitigation plan requires a longer period of monitoring.

2. Monitoring programs may be forwarded for review and comment to state and/or federal resource agencies and affected tribes with jurisdiction.
3. Monitoring programs shall meet the requirements established in Section 4.1.5.14, Critical Area Reports ~~Monitoring Requirements, Appendix B, B-6(C)(2)(e)~~.
4. All new and replacement shoreline stabilization projects shall complete and submit a minimum five-year monitoring and maintenance program that addresses the shoreline stabilization mitigation measures, and shall at a minimum include:
    a. An annual site visit by a qualified professional for each of the five (5) years to assess the effectiveness of the mitigation; and
    b. A progress report submitted to the Administrator annually, which includes any monitoring or maintenance recommendations of the qualified professional.

4.1.3 Vegetation Management

4.1.3.1 Applicability

Vegetation management is required for protection and conservation within the shoreline jurisdiction. Dimensional and other development standards, including buffers, are established based on site-specific development and conditions or as specified for that particular shoreline designation. The purpose of vegetation management is to protect and enhance the Island's natural character, water quality, native plant communities, and wildlife habitat within the shoreline jurisdiction. Vegetation management activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.4, Land Modification; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

Vegetation management includes conservation activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions and processes of shoreline areas. Vegetation management provisions include vegetation restoration, the prevention or restriction of plant clearing and earth grading, and the control of invasive weeds and nonnative vegetation species.

The Vegetation Management provisions apply to all shoreline development, and regulated uses and activities, including those that do not require a shoreline permit. Similar to other master program provisions, vegetation standards do not apply retroactively to existing uses and structures unless changes or alterations are proposed. Standards for vegetation management are established using current scientific and technical information pursuant to WAC 173-26-221(5)(b) and173-26-201(2)(a), and are based on the use category, shoreline characterization and the designation. Standards are provided in Section 4.0, and Tables 4-2 and 4-3.

4.1.3.2 Goal

Protect and restore shoreline vegetation to maintain and enhance ecological functions and processes, shoreline views and vistas, human safety, and personal property.

4.1.3.3 Policies

1. Maintain existing shoreline vegetation to protect ecological functions and/or processes from adverse impacts of uses, activities and developments within the shoreline jurisdiction.
2. Emphasize the use of native vegetation species to maintain the ecological functions and/or processes and mitigate the direct, indirect, and/or cumulative impacts of shoreline development, uses and activities.
3. Provide flexible dimensional standards for buffers and setbacks that are based on performance standards designed to protect ecological functions and ecosystem-wide processes, including considering alternatives to planting native vegetation species if it can be demonstrated that the equivalent ecological functions can be provided.
4. Use monitoring programs to ensure the protection of shoreline ecological functions and ecosystem-wide processes, particularly when non-native vegetation species are used as an alternative to native vegetation.
5. Encourage the restoration or enhancement of shoreline vegetation through incentive programs.
6. Establish buffers immediately upland of OHWM for each shoreline designation, recognizing the pattern of development, shoreline ecological functions and ecosystem-wide processes, and using current science and technical information, as described in WAC 173-26-201(2)(a). In establishing buffers, consideration should be given to the land use patterns to minimize the number of existing structures that would not conform to buffer dimensional standards.
7. At the time of a proposal, allow site-specific dimensional standards for vegetation management areas for shoreline development, use or activity. Dimensional standards must protect shoreline ecological functions and ecosystem-wide processes.
8. Implement a public education program emphasizing the importance of shoreline vegetation management.
9. Allow selective vegetation clearing for views for new development and to maintain views from existing residences when slope stability and ecological functions and ecosystem-wide processes are not compromised. Trimming and pruning are generally preferred over removal of native shoreline vegetation.
10. Develop specific regulations for Point Monroe, based on vegetation and management practices appropriate for dune communities, sand spits, barrier beaches, barrier estuaries or barrier lagoons.

4.1.3.4 Regulations – Exceptions

1. Vegetation management standards shall not apply retroactively to existing lawfully established conforming and nonconforming uses and developments, including maintenance of existing residential landscaping, such as lawns and gardens. Property owners are strongly encouraged to voluntarily improve shoreline vegetation conditions over the long term.

2. Existing buffers and setbacks that have been established through previously approved subdivisions and indicated on the face of an approved plat shall be recognized and adhered to.

3. The following shall be exempt from the provisions of Section 4.1.3.
   a. Maintenance trimming of vegetation that has a main stem or supporting structure which is less than three (3) inches in diameter; except that tree topping or other vegetation removal is not exempt.
   b. Buffer enhancement through the removal of noxious or invasive weeds, provided the following are met:
      i. The vegetation removal is based on consultation with the Kitsap County Noxious Weed Board or the species being removed are on the Washington State Noxious Weed List (WAC 16-750, or its successor); and
      ii. The vegetation removal is conducted in a manner consistent with best management practices (BMP); and
      iii. Replanting occurs in the disturbed area in accordance with Section 4.1.2.5, Revegetation Standards.
   c. Removal of hazard trees~~, as defined in Appendix B,~~ where a report by an arborist or other qualified professional demonstrates to the satisfaction of the Administrator that trimming is not sufficient to address the hazard provided:
      i. Mitigation is provided in accordance with Section 4.1.2, Environmental Impacts, including:
         A. Requiring that the downed tree be retained on the site to provide or enhance wildlife or marine habitat; and/or
         B. When possible, require that the hazard tree be topped for safety and remain as a wildlife snag; or
      ii. When a hazard tree is located in a geologically hazardous area, the applicant shall submit ~~a Bluff Management Plan~~ documentation of compliance with development standards pursuant to Section 4.1.5.10.4, Critical Areas. The hazard tree may be removed prior to the approval of the plan if it is necessary to protect life and property.
   d. Commercial forest practices and the removal of trees pursuant to a Forest Practices Permit (Class II, III and IV-S only) issued by the Washington State Department of Natural Resources under the Washington State Forest Practices Act (RCW 76.09), except where such activities are associated with a conversion to other uses or other forest practice activities over which local governments have authority. For the purposes of this Program, preparatory work associated with

the conversion of land to non-forestry uses and/or developments shall not be considered a forest practice and shall be reviewed in accordance with the provisions for the proposed non-forestry use, the general provisions of this Program~~, including Appendix B,~~ and shall be limited to the minimum necessary to accommodate an approved use.

4.1.3.5 Regulations - General

1. Development within the shoreline jurisdiction shall be located and designed to protect existing native vegetation from disturbance to the fullest extent possible, to mitigate impacts to existing vegetation, and to meet the standard of no net loss of ecological functions and processes, Section 4.1.2, Environmental Impacts.
2. Vegetation clearing~~,~~ or grading, may not be undertaken within the shoreline jurisdiction without prior review and approval by the Administrator, unless otherwise exempt under Section 4.1.3.4, Regulations – Exceptions, or as provided in subsection 7 below, with an approved Standard Operation Procedure (SOP) manual. Clearing and grading may be subject to Section 4.1.4, Land Modification.
3. Two alternative methods may be used to meet the goals and policies of the Vegetation Management Section, as provided below, except the Point Monroe District shall meet the special provisions provided in subsection 9:
    a. Site-Specific Vegetation Management Areas
        i. As an alternative to the Shoreline Buffer dimensions provided in subsection b, below, an applicant may propose specific dimensional standards that meet the Vegetation Management goals and policies as determined through a Habitat Management Plan ~~prescribed in Appendix B, Section B-4,~~ provided that the plan demonstrates the following:
            A. The proposed development is for a residential use.
            B The site-specific proposal assures there is no net loss of the property's specific shoreline ecological functions and associated ecosystem-wide processes pursuant to Section 4.1.2, Impact Analysis and No Net Loss; and
            C. The site-specific proposal uses the scientific and technical information* compiled to support the Shoreline Buffer standards of Section 4.1.3.5(3)(b), and/or other appropriate technical information which, as determined by a qualified professional, demonstrates how the proposal protects ecological functions and processes and how it meets the goals and policies of this Section.
        ii. The Habitat Management Plan shall be reviewed by the Administrator in accordance with provisions in Section 4.1.5.14 ~~Appendix B~~. The Administrator may approve, approve with conditions, or deny the request.

The Administrator shall have the Habitat Management Plan reviewed by an independent third party, the cost of which will be borne by the applicant.

iii. If the Site-specific Vegetation Management Area is approved, prior to permit issuance, the applicant shall record with the County Auditor a notice on title, or other similar document subject to the approval of the Administrator.

*Footnote: Scientific and technical information supporting the Shoreline Buffer standards is provided in the following documents available at the City of Bainbridge Island's Department of Planning and Community Development: *Documentation of Marine Shoreline Buffer Recommendation Discussions*, Memorandum, 2011, Herrera Environmental; *Addendum to Summary of Science*, 2011, Herrera Environmental; *Bainbridge Island Current and Historic Coastal Geomorphic/Feeder Bluff Mapping*, 2010, Coastal Geologic Services, Inc.; *Best Available Science*, 2003, Battelle; *Bainbridge Island Nearshore Habitat Characterization and Assessment*, 2004 Battelle.

b. As an alternative to a Site-specific Vegetation Management Area, a Shoreline Buffer shall be maintained immediately landward of the OHWM and managed according to provisions of this section. The Shoreline Buffer shall meet the location and design standards of Section 4.1.3.6, Regulations – Shoreline Buffer – Location and Design Standard. The Shoreline Buffer shall be composed of two zones:

i. Zone 1, an inner protective buffer area located immediately abutting the OHWM; and

ii. Zone 2, the remaining portion of the Shoreline Buffer located immediately abutting Zone 1.

4. The Shoreline Buffer or Site-specific Vegetation Management Area shall be maintained in a predominantly natural, undisturbed and vegetated condition. Unless specifically allowed by this program, the following standards shall apply:

a. All existing native groundcover, shrubs and significant trees located within the Shoreline Buffer or Site-specific Vegetation Management Area shall be retained;

b. All activities shall be performed in compliance with the applicable standards contained in the Vegetation Management Section, unless the applicant demonstrates that alternate measures or procedures are equal or superior in accomplishing the purpose and intent of the Vegetation Management Section, including no net loss of ecological functions and ecosystem-wide processes.

c. The use of pesticides are prohibited unless specifically allowed in Section 4.1.6, Water Quality and Stormwater Management.

5. New vegetation planted in the Shoreline Buffer or Site-specific Vegetation Management Area, unless otherwise provided for in zone-specific requirements Section 4.1.3.6 (6), shall be:

    a. Native species using a native plant-community approach of multi-storied, diverse plant species that are native to the Central Puget Lowland marine riparian zone.

    b. Other plant species may be approved that are similar to the associated native species in diversity, type, density, wildlife habitat value, water quality characteristics, and slope stabilizing qualities, excluding noxious/invasive species provided that, as submitted by a qualified professional, it is demonstrated to the satisfaction of the Administrator that the selected ornamental plants can serve the same ecological function as native plant species.

6. Significant trees located outside the Shoreline Buffer or Site-specific Vegetation Management Area but within the shoreline jurisdiction, shall be retained unless allowed to be removed under the exceptions or other provisions of this program provided:

    a. The Administrator may require alterations of a site plan in order to retain significant trees outside the Shoreline Buffer or Vegetation Management Area. This may include minor adjustments to the location of building footprints, the location of driveways and access ways, or the location of walkways, easements or utilities.

7. Vegetation clearing and maintenance activities, except those which are part of new construction, are allowed consistent with an approved SOP manual for vegetation maintenance and management of public parks, public trails, public rights-of-way or easements, publicly-owned property, and/or other areas normally maintained by the City. A shoreline substantial development permit may be required for the SOP manual. The SOP manual shall include the following prescriptive elements:

    a. Procedures for maintaining vegetation on shoreline properties, shoreline trails or shoreline rights-of-way and easements, including procedures for noxious weed removal;

    b. Procedures for maintaining vegetation in Critical Areas, Shoreline Buffers, or Site-specific Vegetation Management Areas, or other sensitive land areas, including areas with cultural resources;

    c. Procedures for mitigation and vegetation replanting including appropriate species list; and

    d. Procedures for review and approval of allowed activities occurring under the scope of the SOP, including procedures for documenting activities.

8. Minor vegetation removal outside the shoreline buffer or site-specific vegetation management area on a developed property not associated with new construction may be allowed, as provided in this program with an approved clearing permit provided:

a. The Administrator may grant approval of minor vegetation clearing if it meets the provisions of this Program and the following:

i. The minor vegetation clearing allowed within a three (3) year period will include an area no greater than 200 square feet in area and/or no more than 3 non-significant trees per 20,000 square feet up to a maximum of six (6) trees; and

ii. Native vegetation will not be removed from the Shoreline Buffer or Vegetation Management Area; and

iii All applicable standards of an approved Vegetation Management Plan are met; and

iv. The replanting is performed pursuant to Section 4.1.2.5, Revegetation Standards; and

v. ~~A Bluff Management Plan is provided pursuant to~~ Documentation of compliance with the development standards in Section 4.1.5.10.4 provided by a licensed geotechnical engineer ~~Section 4.1.5, Critical Areas~~ for any vegetation alteration in a geologically hazardous area.

b. Proposed clearing must meet the provisions of Sections 4.1.2, Environmental Impacts and 4.1.4, Land Modification.

9. **Special Provisions for Point Monroe District**. Shoreline Buffers or Site-specific Vegetation management Areas are not required for properties located in the Point Monroe District;-the following specific vegetation provisions shall apply:

a. All properties in the Point Monroe District shall retain existing native vegetation and shall be subject to a Point Monroe vegetation management area (PVMA).

b. The PVMA shall include areas that are:

i. Within thirty (30) feet of the OHWM and within the required side yard and the salt marsh fringe; and

ii. Outside any designated development area as approved pursuant to Section 5.9.6(2).

c. The PVMA shall be managed and maintained in vegetation communities appropriate to dune, sand spit, barrier beach, barrier estuary, or barrier lagoon, including salt marsh.

d. Developed properties shall retain existing native vegetation (including dune grass and salt marsh plant communities) in those areas that are not developed with legally established impervious surfaces.

e. Any new development or alterations and expansion of existing development shall assess impacts to existing vegetation and meet the no net loss standard pursuant to Section 4.1.2, Environmental Impacts.

4.1.3.6 Regulations – Shoreline Buffer – Location and Design Standard

1. The total depth of the Shoreline Buffer is based on the shoreline designation and the physical and most predominant geomorphic characteristics of the property. The depth of the Shoreline Buffer will be determined by the Administrator according to criteria below.

a. Property-specific physical and geomorphic characteristics of the particular lot will determine the maximum width (Category A) or minimum width (Category B) of the Shoreline Buffer, as follows:

i. Shoreline Buffer Category A: The property contains or abuts a spit/barrier/backshore, or marsh, or lagoon; or

The property contains or abuts a low bank and the existing native tree and shrub vegetation cover is at least 65% of the area of Shoreline Buffer Zone 1.

ii. Shoreline Buffer Category B: The property is shallow (200 feet in depth or less, as measured landward), or located on a high bluff, or does not meet any of the characteristics of Category A.

b. Shoreline Buffer standard depth in Table 4-3

c. As determined by the Administrator, buffers do not extend beyond an existing public paved street or an area which is determined by the Administrator to be functionally isolated from the shoreline or critical area. In these limited instances the no net loss of shoreline ecological function and processes still apply to properties within the shoreline jurisdiction.

2. The total area of the Shoreline Buffer shall be the equivalent of the length of the property along the shoreline, multiplied by the required buffer depth as prescribed for the specific shoreline designation in which the property is located. See Figure 4-1.

3. The Shoreline Buffer consists of two zones. The depth of each of the two zones within the Shoreline Buffer is determined as follows:

a. Zone 1 shall extend from the ordinary high water mark (OHWM) a minimum of 30 feet, or to the limit of existing native vegetation whichever is greater. The native vegetation limit is determined through a site-specific analysis of existing conditions, and in no case shall Zone 1 be greater than the depth of the Shoreline Buffer.

b. Zone 2 shall be established immediately landward of the Zone 1 and extend no further than the depth of the Shoreline Buffer.

4. The following zone specific planting regulations apply to the Shoreline Buffer:

a. New lawns are not permitted in Zone 1.

b. In Zone 2, one-third (1/3) of the area may be planted in a combination of grass lawns and approved structures provided:

i. Significant native trees are not removed to establish such use, or

ii. The buffer has been reduced through view provisions of Section 4.1.3.11.

c. The remaining two-thirds (2/3) of Zone 2 shall be maintained in a native vegetative state.

d. Planted areas in which fertilizers might be applied-shall be located as far landward of Zone 1, as feasible.

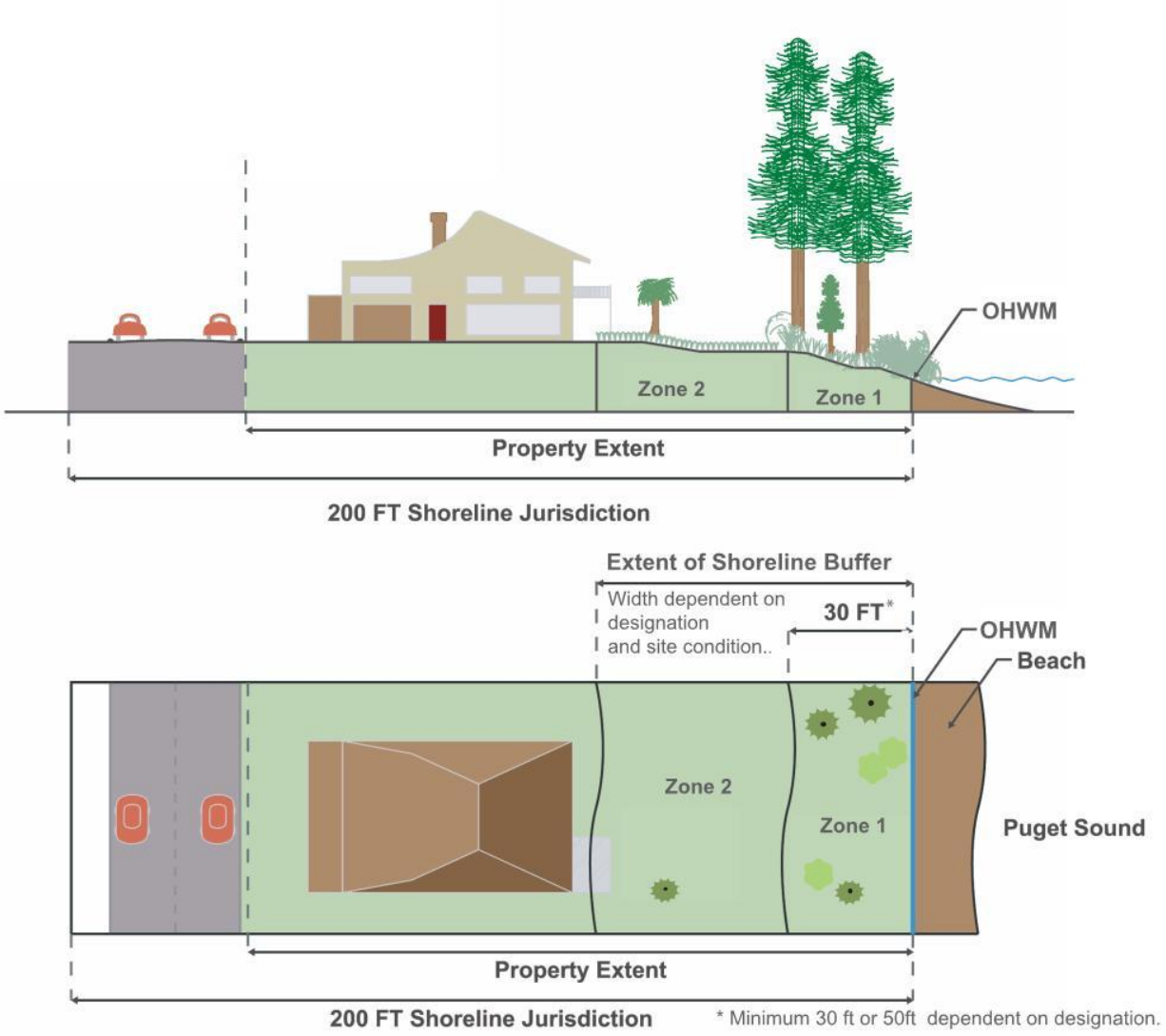


Figure 4-1 Dual Shoreline Buffer

4.1.3.7 Regulations – General Vegetation Alterations in Shoreline Buffers or Site-specific Vegetation Management Areas

1. The following activities are allowed within the Shoreline Buffer and Site-specific Vegetation Management Area with an approved clearing permit. Such activities shall meet the standards of Section 4.1.4, Land Modification.

a. Existing landscape areas may be retained within the Shoreline Buffer or Site-specific Vegetation Management Area. However, any changes from the existing landscape to a different landscaping use or activity will require that the modified area comply with the provisions of 4.1.3, Vegetation Management, and the intent of providing native vegetation to maintain ecological functions and processes.

b. Minor Pruning. Tree pruning, including thinning of lateral branches to enhance views, or trimming, shaping, thinning or pruning necessary for plant health and growth and which does not harm the plant, is allowed consistent with the following standards:

   i. All pruning shall meet the American National Standard Institute (ANSI) tree pruning standards;

   ii. In no circumstance shall removal of more than one-fourth (1/4) of the original crown be permitted within a three year period;

   iii. Pruning shall not include topping, stripping of branches or creation of an imbalanced canopy; and

   iv. Pruning shall retain branches that overhang the water.

c. Vegetation Removal Related to Construction. Tree or vegetation removal within the Shoreline Buffer or Site-Specific Vegetation Management Area that is associated with new construction may be allowed, but must retain significant trees and shall meet the requirements of Section 4.1.2, Environmental Impacts, including replanting provisions.

d. Vegetation Removal Related to Public Facility Maintenance. Tree or vegetation removal within the Shoreline Buffer or Site-specific Vegetation Management Area that is associated with maintenance of existing public facilities (including: roads, paths, bicycle ways, trails, bridges, sewer infrastructure facilities, storm drainage facilities, fire hydrants, water meters, pumping stations, street furniture, potable water facilities, and other similar public infrastructure), may be approved by the Administrator if no significant trees are removed, the requirements of Section 4.1.2, Environmental Impacts are met, and the maintenance is measures meet the goals and policies of Section 4.1.3, Vegetation Management, or as approved in a SOP manual as provided in Section 4.1.3.5(7). The following activities are exempt from this requirement:

   i. Removal of vegetative obstructions required for sight distance and visual clearance at street intersections provided in the Public Works Design and Construction Standards and Specifications.

e. Underground Utilities. Utilities that run approximately perpendicular to the buffer (for example, a stormwater tightline to the water to protect a slope or a sewer line to a marina), may be allowed within the Shoreline Buffer or Site-

specific Vegetation Management Area, provided that disturbance is minimized and the disturbed area is revegetated after construction; and

f. Other Approved Development in the Shoreline Buffer or Site-specific Vegetation Management Area.

i. Potable water wells; and

ii. Approved shoreline stabilization;

2. Shoreline Buffer Reductions.

a. When the prescriptive buffer depth is reduced or dimensions altered through provisions of this Program, the applicant shall record a notice on title, or other similar document with the County Auditor prior to permit issuance, subject to the approval of the Administrator.

b. If the required depth of a Shoreline Buffer for a single-family residential property is reduced in accordance with the Shoreline Structure Setback provisions of Section 4.1.3.11 or other reductions allowed through this Program, Zone 1 must be restored in accordance with provisions of Section 4.1.2.5.

3. Stairways to the shoreline shall not exceed 300 square feet for private use, the minimum necessary for public use and are not included in the total square footage allocations prescribed in subsections 4.1.3.8(3) of this Program.

a Larger stairway~~s~~ serving a single-family residence may only be allowed through approval of a Shoreline Variance.

i. As an alternative to a stairway larger than 300 square feet and to reduce environmental impacts, a tram may be allowed without a variance.

b. Stairway design shall meet the following minimum criteria:

i. International Codes for:

A. Hand Railings;

B. Stairway width; and

C. Tread Depth.

ii. Landings are required, unless demonstrated not to be necessary, and shall be determined by:

A. Existing site topography;

B. Personal safety; and

C. Slope stability.

4.1.3.8 Vegetation Alterations Standards – Residential Development

Minor clearing, grading or construction may be allowed within the Shoreline Buffer or Site-specific Vegetation Management Plan for a residential development with approval of the

Administrator pursuant to Section 4.1.3.7(1)(a), and only for the following activities as prescribed below and pursuant to Section 4.1.4, Land Modification:

1. Maintenance of existing residential landscaping is allowed subject to Sections 4.1.3.5(8) and 4.1.3.7. 2. One (1) hand installed pervious trail to the shoreline not more than four (4) feet in width, which may include hand installed steps, and shall be designed to minimize environmental impacts. No significant trees shall be removed. The trail may be wider when required for handicapped or public access. For single-family residential development vegetation trimming is limited to two (2) feet on either side of the trail.

3. Non-habitable structures appurtenant to a single-family use, such as a boat house, deck/patio and/or stairway may be allowed consistent with the following standards, except that all structures are prohibited in Zone 1 when upland of a Priority Aquatic – Category A designation.

    a. For Site-specific Vegetation Management Areas, the total square footage of all buildings or structures must not exceed 300 square feet in area.

    b. For Shoreline Buffer areas, the total square footage of all buildings or structures must not exceed 400 square feet or 10% of the Shoreline Buffer area, whichever is less.

    c. For Shoreline Buffer areas, only 10% of the total allowed square footage or 300 square feet, whichever is less, can be located in Zone 1, except when upland of Priority Aquatic B, the total allowable square footage is 5% of Zone 1 or 150 square feet, whichever is less.

    d. All structures must be designed to not significantly impact views from adjoining property primary buildings.

    e. All structures must meet the following standards:

        i. Only water-related structures are allowed within 30 feet of the OHWM or in Zone 1, including a boathouse, permeable deck, boat storage, or staircase.

        ii. Shall not exceed 12 feet in height above existing grade.

        iii. Decks and/or patios shall be permeable and shall not exceed 30 inches in height above existing grade.

4. View Maintenance – Single-family Residential Only.

    Shoreline residential use and development shall use all feasible techniques to maximize retention of existing native shoreline vegetation within the Shoreline Buffer and the Site-specific Vegetation Management Area.

    a. Limited removal of existing trees or vegetation located on the same property as a single-family residence may be allowed for maintenance of a pre-existing view from the primary structure, or to establish a view for a new primary structure provided the following are met:

i. The applicant demonstrates to the satisfaction of the Administrator that the vegetation removal is the minimum necessary to re-establish or establish a view of the water similar to that enjoyed by other residences in the area and that pruning methods are not sufficient to provide an adequate view of the water similar to that enjoyed by other residences in the area; and

ii. Existing significant native trees are not removed within the Shoreline Jurisdiction, unless exempt; and

iii. In no instance, including accounting for other approved alterations as provided in Section 4.1.3, shall vegetation removal exceed twenty (20) percent of the required Shoreline Buffer area or Site-specific Vegetation Management Area or reduce the vegetation canopy coverage to less than 65% in the Shoreline Buffer or Vegetation Management Area.

A. Vegetation removal occurring adjacent to the shoreline shall also be limited to fifteen (15) linear feet of the water frontage; and

iv. ~~The applicant shall obtain an approved Bluff Management Plan pursuant to Section 4.1.5, Critical Areas~~ Documentation of compliance with the development standards in Section 4.1.5.10.4 provided by a licensed geotechnical engineer for any vegetation alteration in a geologically hazardous area. The cost and preparation of the plan is the responsibility of the applicant; and

v. All vegetation removal complies with other applicable requirements of this Program (such as clearing and grading, forest practices, and protection standards for fish and wildlife habitat), including the no net loss and/or revegetation standards in Section 4.1.2.

b. The Administrator my deny a request or condition approval for vegetation alteration proposals for view maintenance if it is determined that the action will result in an adverse effect to any of the following:

i. Slope stability;

ii. Habitat value;

iii. Health of surrounding vegetation;

iv. Risk of wind damage to surrounding vegetation;

v. Nearby surface or ground water; or

vi. Water quality of a nearby water body.

4.1.3.9 Vegetation Alteration Standards – Commercial and Industrial Development in Shoreline Buffers

Minor clearing, grading, or construction may be approved within the Shoreline Buffer for a commercial or industrial development with approval of the Administrator pursuant to Section

4.1.3.7(1)(a) and only for the following activities as prescribed below and pursuant to Section 4.1.4, Land Modification:

1. Primary appurtenant structures to a commercial use that either support public access or are necessary to support a water-dependent use shall be allowed within the buffer when the applicant has demonstrated a need for the shoreline location, except that all structures are prohibited in Zone 1 when upland of a Priority Aquatic designation.
2. When appurtenant structures are allowed they must be the minimum necessary to meet the needs of the water-dependent use or public access requirements of Section 4.2.4, Public Access.

4.1.3.10 Vegetation Alteration Standards – Public Park Development in Shoreline Buffers

Minor clearing, grading, or construction may be allowed within the Shoreline Buffer for a public park development with approval of the Administrator consistent with the following or pursuant to Section 4.1.3.7:

1. Vegetation clearing and maintenance is allowed in accordance with an approved SOP manual that meets Section 5.1.3.5(7) and the standards of this Program.
2. Maintenance of existing public trails, provided the vegetation trimming is limited to four (2) feet on either side of the trail and no significant trees are removed.
3. Alterations that are included in a Park Development or Concept Plan. Minor clearing, grading, or construction for which the size and extent of proposed disturbed areas located within the Shoreline Buffer have been determined as part of a park development plan or concept park plan, with due consideration of the intended park use; and provided all proposed disturbance areas meet the no net loss standards pursuant to in accordance with Section 4.1.2. Environmental Impacts; and provided appropriate permits are obtained, including those pursuant to Section 4.1.4, Land Modification;
4. Alterations that are not part of a Park Development or Concept Plan. The following minor clearing, grading, or construction activities may be allowed without an approved park development plan or conceptual park plan:
    a. Maintenance of existing public trails is allowed, provided maintenance is limited to the existing size of the trail, any vegetation trimming is limited to four (4) feet on either side of the trail, and no significant trees are removed.
    b. New public pathways or trails to the shoreline provided it is demonstrated that the size and extent of the public pathways has been determined with due consideration of the intended park use.
    c. Structures.
        i. Primary appurtenant structures to a public park and recreational use that either support public access or are necessary to support a water-dependent

recreation use shall be allowed within the Shoreline Buffer when a need for the shoreline location is demonstrated, except that all structures are prohibited in Zone1 when upland of a Priority Aquatic designation. When appurtenant structures are allowed, they must be the minimum necessary to meet the needs of the water-dependent use or public access requirements of Section 4.2.4, Public Access.

ii. The total square footage of all buildings or structures must not exceed 6,000 square feet or 10% of the Shoreline Buffer area, whichever is less.

A. Only 10% of the total allowed square footage or 1,000 square feet, whichever is less, can be located in Zone 1.

iii. All structures must be designated to not significantly impact views from adjoining property primary buildings.

iv. All structures must meet the following standards:

A. Only water-related recreational furniture, amenities and structures are allowed in Zone 1, including but not limited to, picnic tables, benches, interpretive kiosks, viewing platforms, boardwalks, pervious trails or staircases, recreational furniture, signs, pervious trails, and staircases are not included in the maximum square footage allocations prescribed in subsection 4.c.ii, above;

B. Accessory recreation buildings, including restrooms, picnic pavilions and service roads that serve such structures may be allowed in Zone 2 and buildings shall not exceed 12 feet in height above existing grade;

C. Stairways may exceed 300 square feet, provided that it is demonstrated that a greater area is necessary to meet public access and public use demands Stairways shall conform to the standards of the Building Code as adopted in BIMC Chapter 15.04.; and

D. Boat ramps and other boating facilities may be allowed pursuant to Section 5.4, Boating Facilities.

4.1.3.11 Regulations – Shoreline Structure Setback View Requirement

1. To protect existing predominate shoreline views and accommodate shoreline views for a new single-family primary residential structure or addition to a primary residential structure, the Administrator may allow Zone 2 of the Shoreline Buffer to be altered when there is an existing primary residential structure located within 100 feet of the property line of the subject property and topographical or other relevant information indicates that the view of the shoreline from the subject property or the adjacent residence would be impacted by existing or proposed development. The shoreline structure setback line may also require that new structures be set farther away from the shoreline to preserve existing views

enjoyed by an adjoining single-family primary structure that was established earlier. These provisions apply to single-family residences only, except in the Point Monroe District.

a. Setbacks for the purpose of this subsection are based on the location of primary residential structure(s) existing at the time a new primary residential building permit is submitted. A primary residential structure constructed in compliance with the required shoreline setback is not made nonconforming by the later construction of a primary residential structure in a different location on an adjoining lot.

b. The shoreline structure setback provisions apply only to primary single-family residential structures located within the 200-foot shoreline jurisdiction, where an existing primary single-family residential structure is located within 100 feet of the subject property line. All measurements are to the closest primary residential structure on either side of the subject property as measured parallel to the shoreline.

c. In determining the shoreline structure setback line, the Administrator may also consider topography or other physical property constraints in addition to the provisions of subsection 4 and 5, below. Applicants may submit detailed information regarding how property constraints impact the predominate shoreline views from either the subject property's proposed primary residential structure or adjoining properties' primary residential structure(s).

2. The Shoreline Buffer on the subject property may be reduced below the depth requirements identified in Table 4-3 to allow a new primary residential structure to be located within Zone 2 provided the conditions in Section 4.1.3.7(2) are met.-Mitigation of proposed residential development shall be required pursuant to Section 4.1.2, Environmental Impacts.

3. In no case shall the subject property be permitted to locate a new primary residential structure within the site's specified Zone 1 of the Shoreline Buffer, unless a Shoreline Variance is granted.

4. Adjoining Development Located Within Shoreline Buffer. The setback requirement for the subject property shall be based on the location of the adjoining properties' primary residential structure(s) as described in subsections (a) through (d) below.

a. Primary Residential Structure Located on One Side. When an existing primary residential structure is located on one side of the subject property, the shoreline structure setback line shall be determined as follows:

i. If the adjoining primary residence is partially or wholly located within Zone 2, the shoreline setback line is determined by drawing a line from the most waterward point of the adjoining primary residential structure to the point at which the subject property's Shoreline Buffer boundary intersects the subject property's opposite property line. (See Figure 4.1.a below).

ii. If the adjoining primary residence is located partially or wholly in Zone 1, the shoreline structure setback line shall be determined by drawing a line from the point of intersection of the subject property and the adjoining property's Zone 1 boundary, to the point at which the subject property's Shoreline Buffer boundary intersects the subject property's opposite property line. (See Figure 4.1.b, below).

b. Primary Residential Structure Located on Both Sides. When existing primary residential structures are located on both sides of the subject property, the shoreline structure setback line shall be determined as follows:

i. If both the adjoining primary residential structures are located partially or wholly in Zone 2, then the shoreline structure setback line shall be determined by drawing a line between the most waterward points of each of the adjoining primary residential structures. (See Figure 4.1.b, below)

ii. If one of the adjoining primary residences is partially or wholly in Zone 1, and the other adjoining primary residence is partially or wholly in Zone 2, the shoreline structure setback line shall be determined by drawing a line from the point of intersection of the subject property and the adjoining property's Zone 1 boundary (for that adjoining residence located in Zone 1), to the most waterward point of the other adjoining primary residential structure located in Zone 2. (See Figure 4.1.b, below).

iii. If both of the adjoining primary residences are located partially or wholly within Zone 1, the shoreline structure setback line shall be determined by drawing a line from the point of intersection of the subject property's Zone 1 boundary and the adjoining property's Zone 1 boundary to the same intersection point on the subject property's opposite property line. (See Figure 4.1.c. below)

c. Primary Residential Structure Located on a Shoreline Forming a Cove or Headland. The Administrator shall make the determination whether a shoreline forms a cove or headland. When existing primary residential structures are located on a cove or headland, the shoreline structure setback line shall be determined as follows:

i. If there is a primary residential structure on only one side of the subject property, then the shoreline structure setback line for the subject property shall be either the distance from the OHWM to the most waterward portion of the primary residence structure of the adjoining property, or the subject property's Zone 1, whichever is greater.

ii. If there are adjoining primary residential structures located on both sides of the subject property, the shoreline structure setback line shall be determined by averaging the distance from OHWM to the most waterward portion of the two adjoining property's primary residential structures. (See Figure 4-1(c) ii, below)

5. Adjoining Development Located Outside the Shoreline Buffer. The setback requirement for the subject property shall be based on the location of the adjoining properties' primary residential structure(s) as described in subsections (a) and (b) below.

    a. Primary Structure Located on One Adjoining Property, Outside Shoreline Buffer. When an existing primary residential structure is located on one side of the subject property, the shoreline structure setback line shall be determined by drawing a line from the most waterward point of the primary residential structure of the adjoining property to a point at which the subject property's Shoreline Buffer boundary intersects the subject property's opposite property line. (See Figure 5-1(a), below).

    b. Primary Structures Located on Both Adjoining Properties, Outside the Shoreline Buffer. When existing primary residential structures are located on both sides of the subject property, the shoreline structure setback line shall be determined by drawing a line between the most waterward points of each of the adjoining primary residential structures. (See Figure 5-1(b), below).

    c. Primary Structures Located on Both Adjoining Properties, Outside the Shoreline on a Cove or Headland. When existing primary residential structures are located on both sides of the subject property, the shoreline structure setback line shall be determined by averaging the distance from OHWM to the most waterward portion of the two adjoining property's primary residential structures. (See Figure 5-1(c), below).

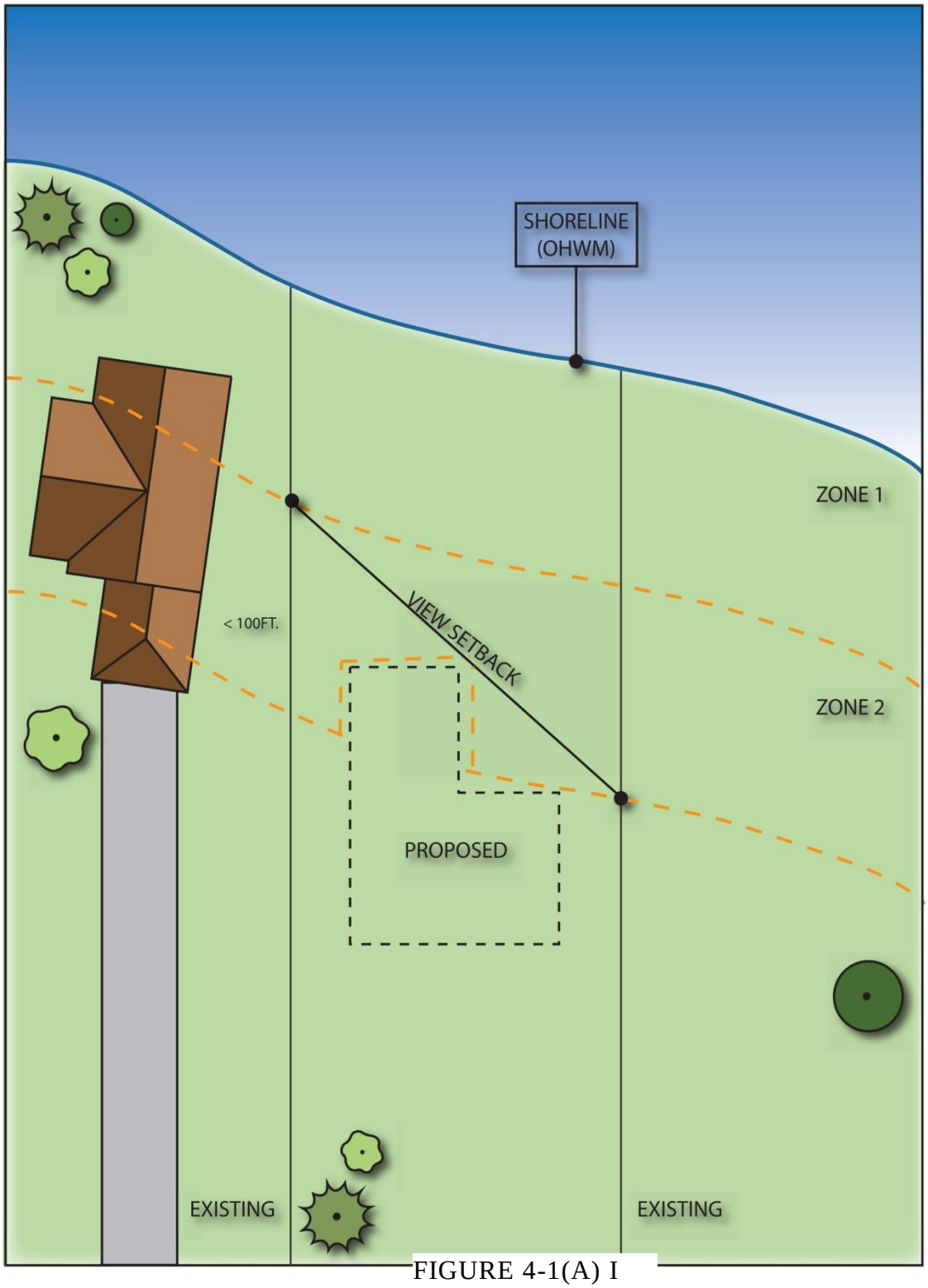

SHORELINE
(OHWM)
ZONE 1
ZONE 2
< 100FT.
VIEW SETBACK
PROPOSED
EXISTING
EXISTING

FIGURE 4-1(A) I

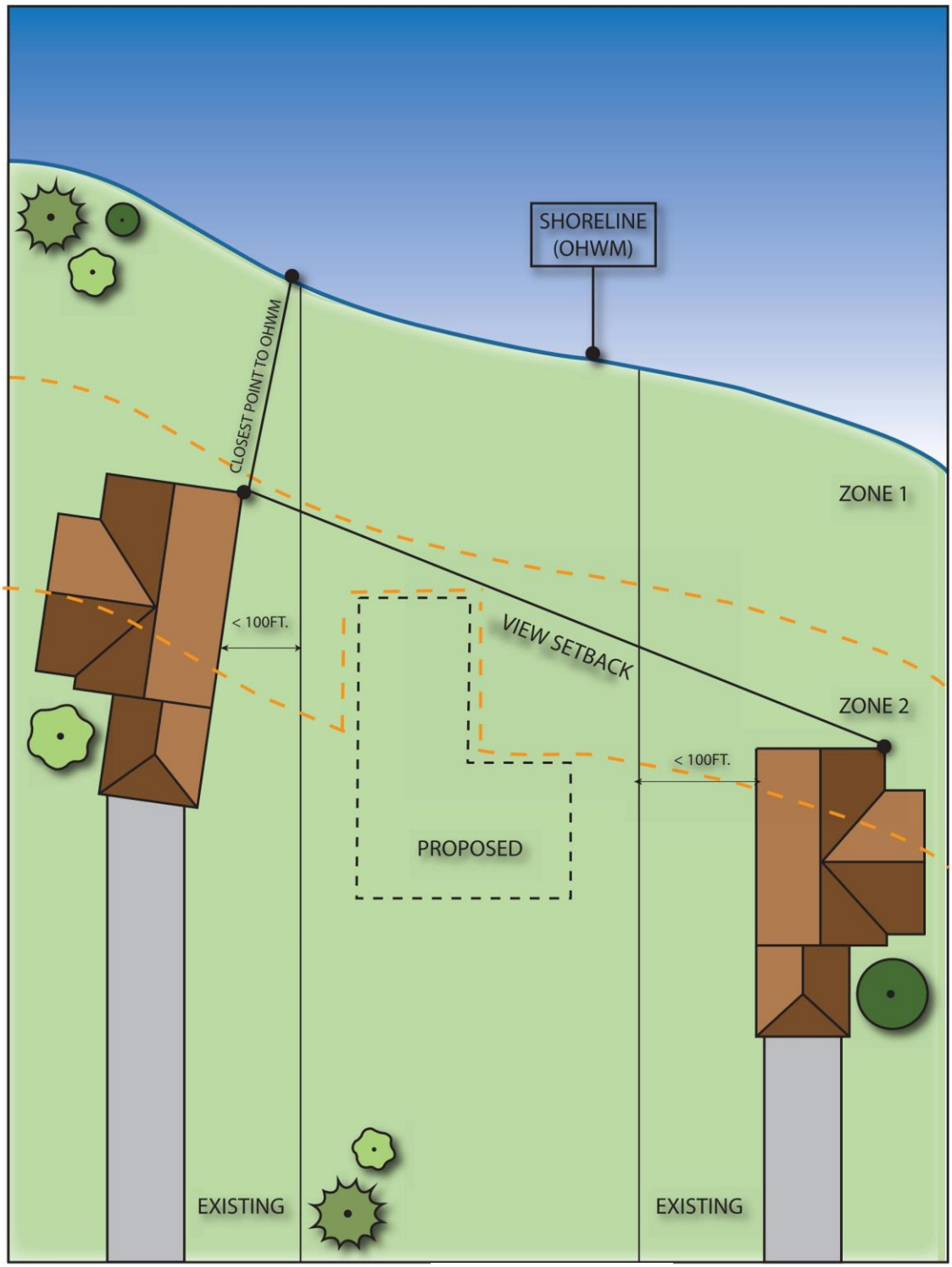

SHORELINE
(OHWM)
CLOSEST POINT TO OHWM
ZONE 1
< 100FT.
VIEW SETBACK
ZONE 2
< 100FT.
PROPOSED
EXISTING
EXISTING

FIGURE 4-1(B) I

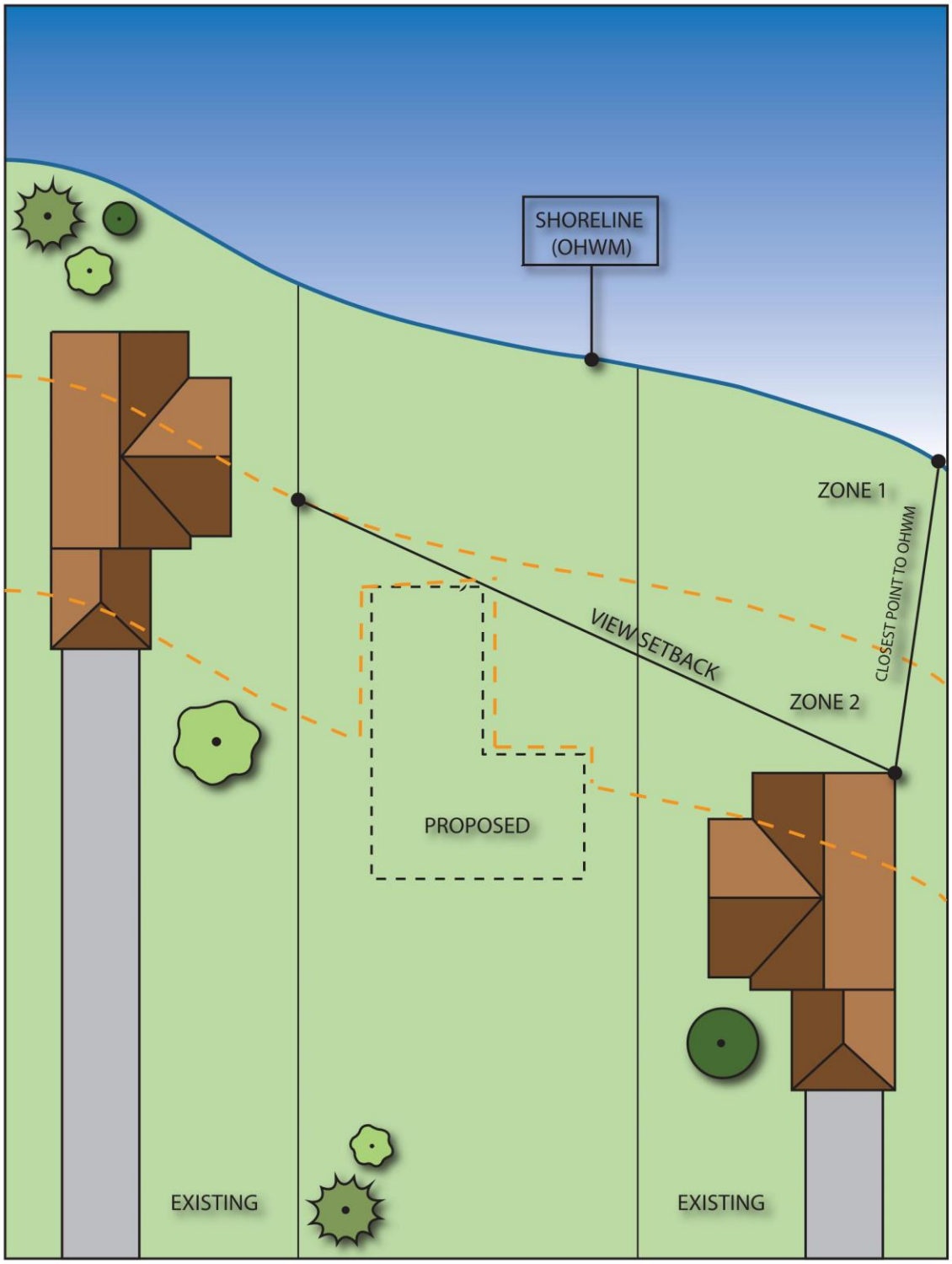


FIGURE 4-1(B) II

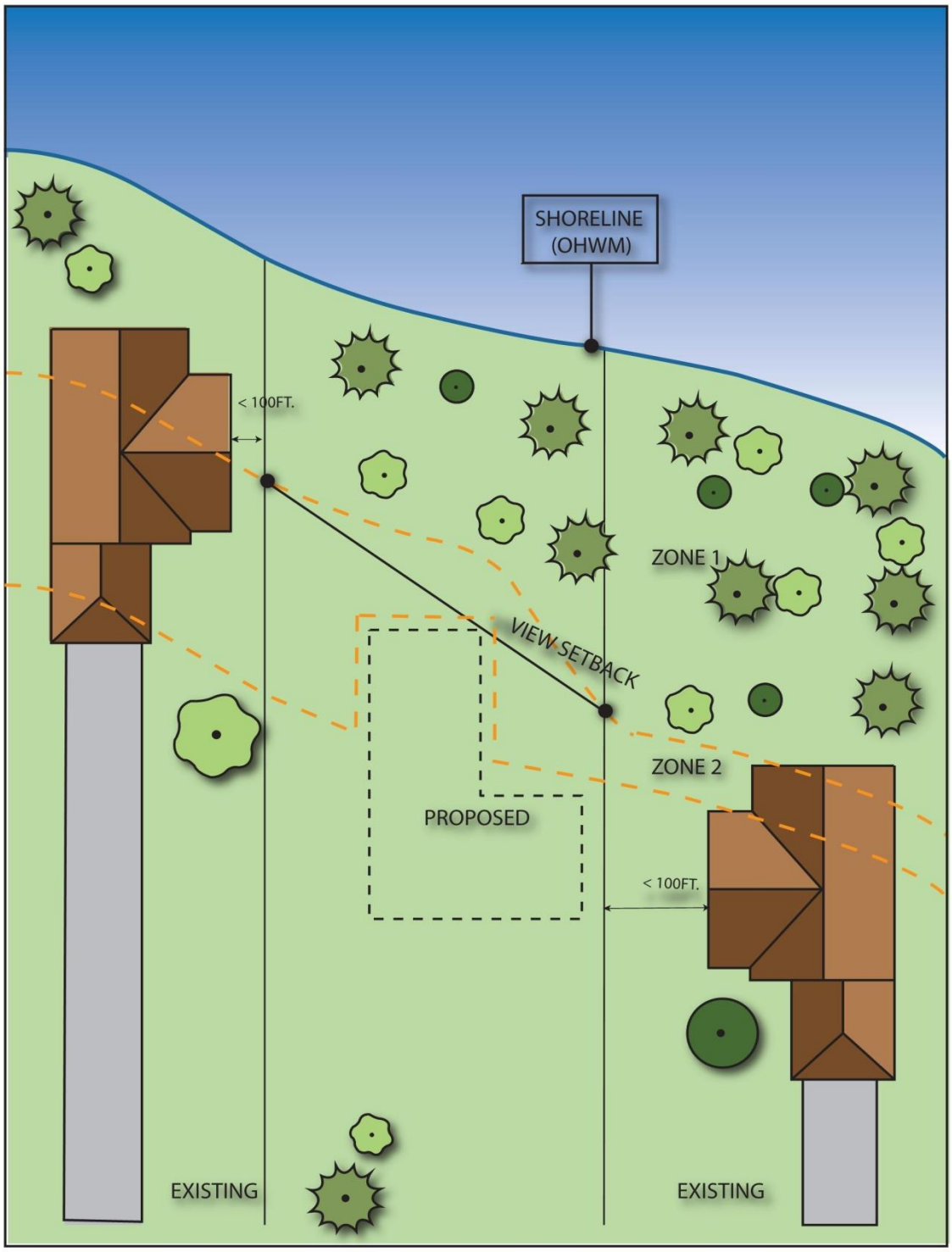


FIGURE 4-1(B) III

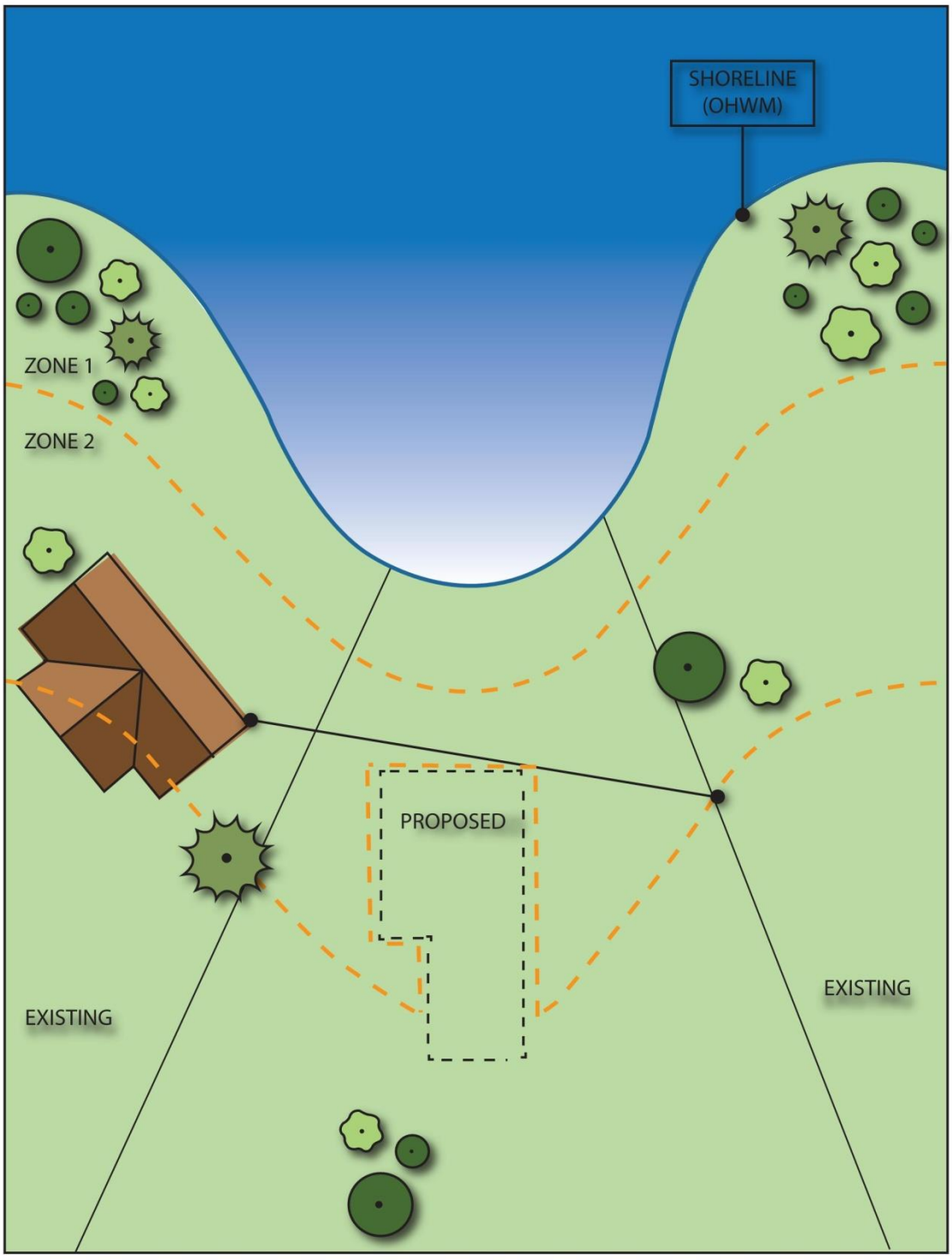


FIGURE 4-1(C) I

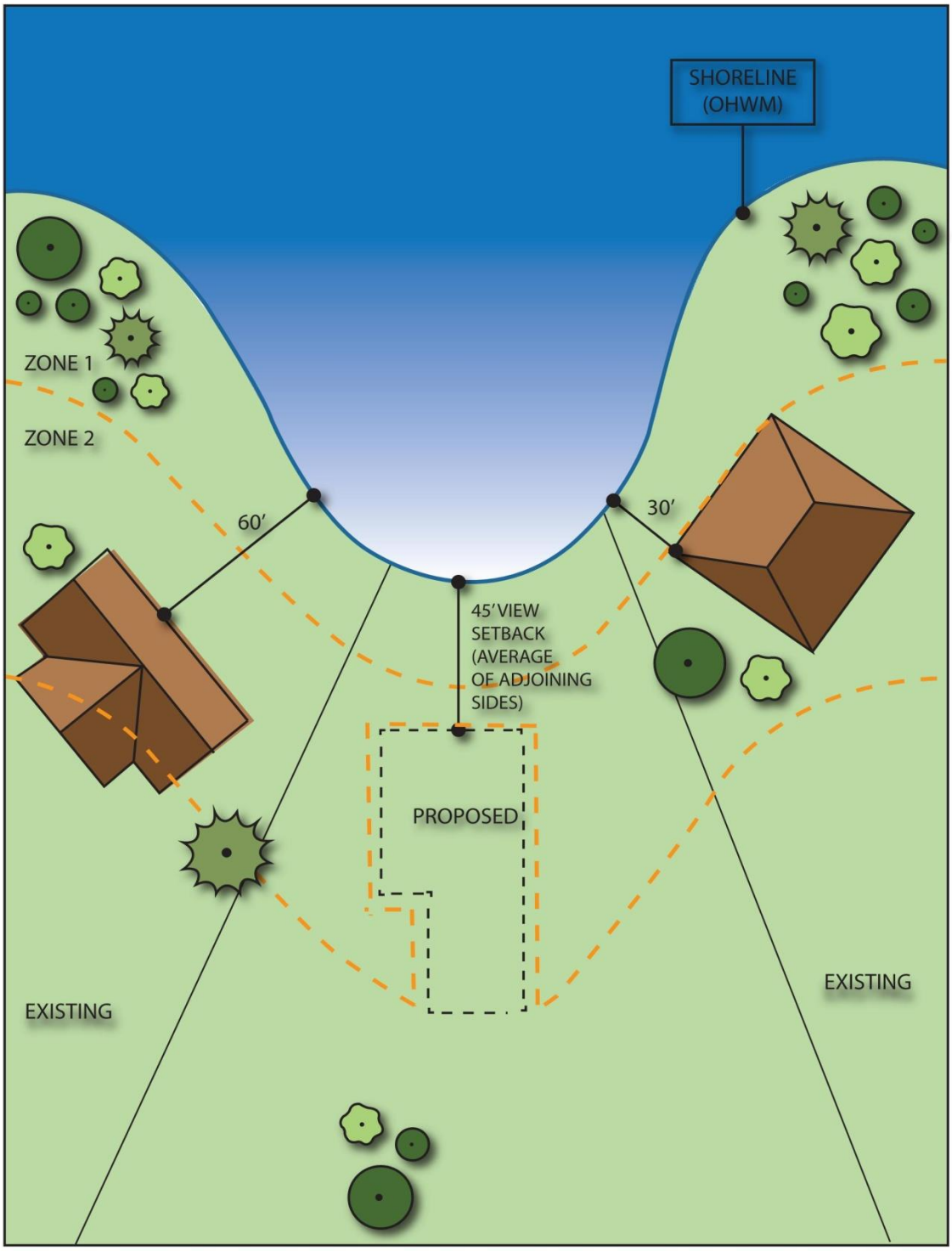


FIGURE 4-1(C) II

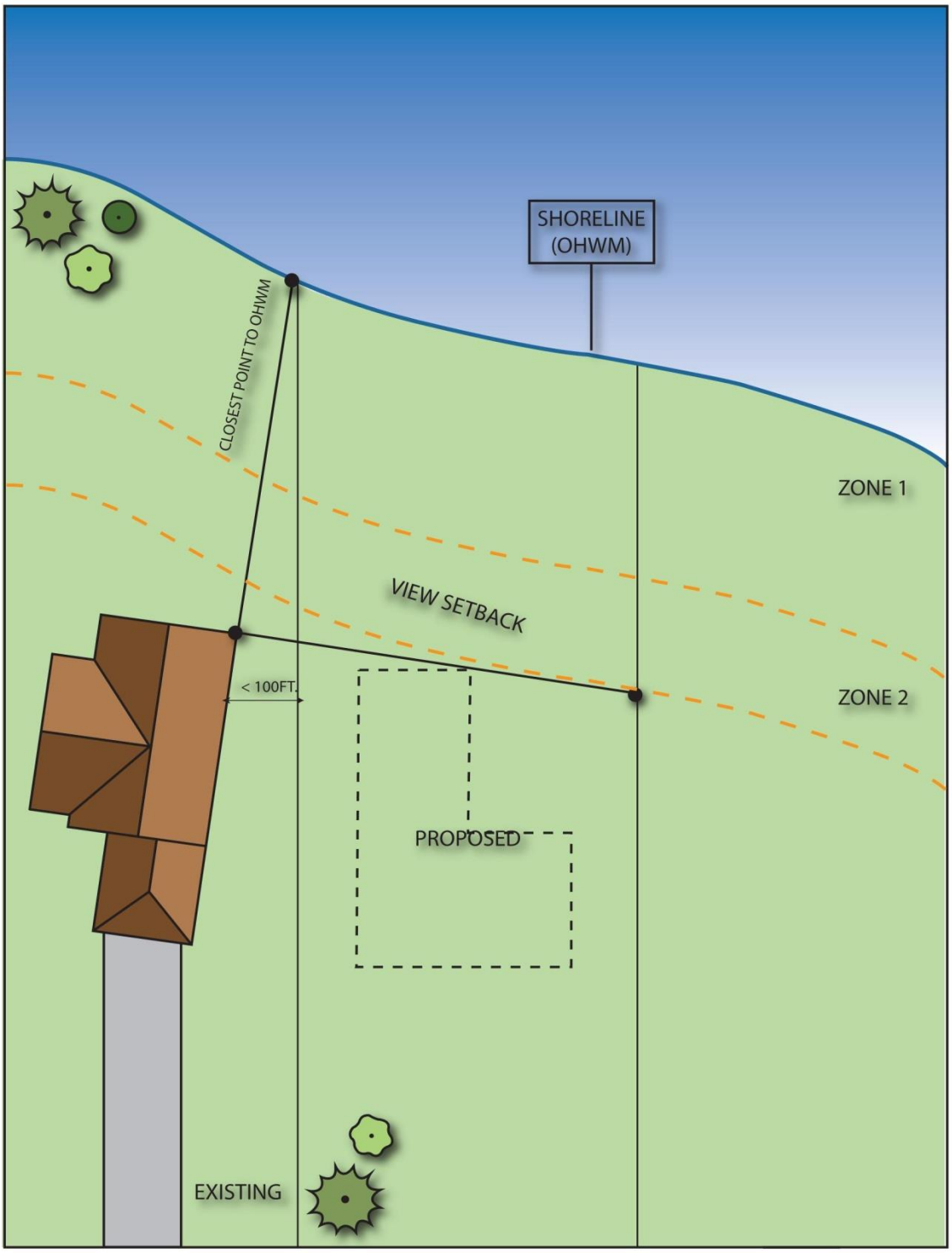

SHORELINE
(OHWM)
CLOSEST POINT TO OHWM
ZONE 1
VIEW SETBACK
< 100FT.
ZONE 2
PROPOSED
EXISTING

FIGURE 5-1(A)

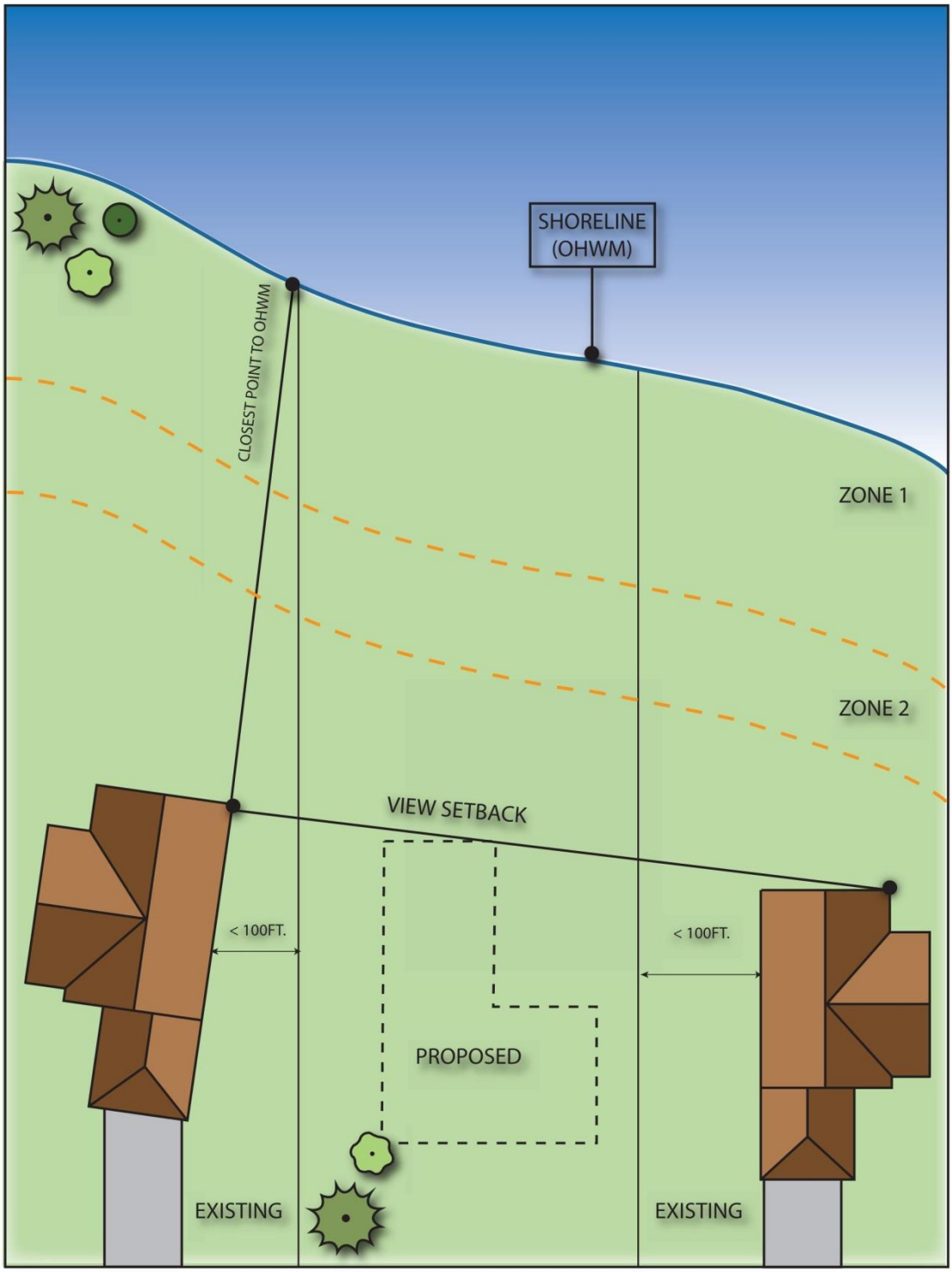

SHORELINE
(OHWM)
CLOSEST POINT TO OHWM
ZONE 1
ZONE 2
VIEW SETBACK
< 100FT.
< 100FT.
PROPOSED
EXISTING
EXISTING

FIGURE 5-1 B

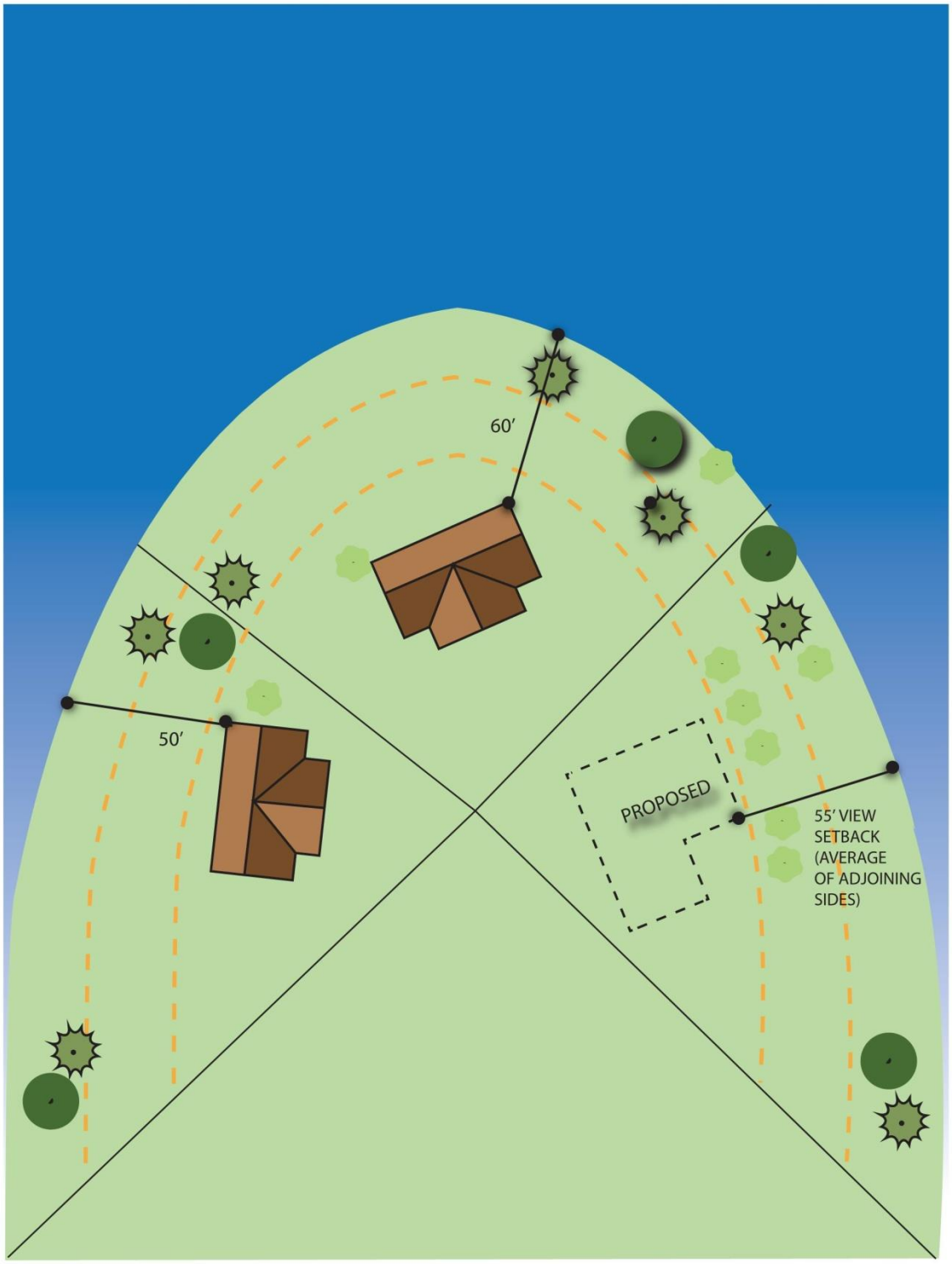


FIGURE 5-1 C

4.1.4 Land Modification

4.1.4.1 Applicability

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

4.1.4.2 Policies

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

4.1.4.3 Regulations – Prohibited

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

4.1.4.4 Regulations - General

1. Clearing and/or grading within shoreline jurisdiction shall require an approved clearing or grading permit in association with an existing legal use or a new permitted or allowed shoreline use or development. Such activities shall meet the mitigation and revegetation provisions in Section 4.1.2, Environmental Impacts and Section 4.1.3, Vegetation Management.

2. Upon completion of development, use or activity, the remaining cleared areas shall be replanted within the first applicable planting season.

3. All vegetation that is intended to be retained but may likely be disturbed by the clearing and grading activity shall be protected in accordance with the standards of BIMC Chapter 18.15.010, Landscaping, Screening, and Tree Retention, Protection and Replacement.

4. Land alteration (clearing, grading, and filling) shall be limited to the minimum extent necessary for the proposed development, use or activity. All land alteration must meet the standards of BIMC Chapter 15.20 Surface and Storm Water Management.

4.1.5 Critical Areas

4.1.5.1 Applicability

~~This section provides policies and regulations that apply to critical areas including critical saltwater and freshwater habitats as defined by WAC 173-26-221(2)(c)(iii) and (iv), including those portions of streams and wetlands, and flood plains or other flood prone areas within the shoreline jurisdiction. These policies and regulations apply in addition to the critical areas protection standards for fish and wildlife habitat conservation areas found in Appendix B. All shoreline uses and activities, including development which does not require a shoreline permit, must conform to these provisions. Shoreline development and activities associated with critical areas will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.~~

This section applies to all development, uses and activities within areas or adjacent to areas designated as critical areas. No action shall be taken by any person, company, agency, governmental body (including the city), or applicant, which results in any alteration of a critical area except as consistent with the goals, policies, purposes, intent, requirements, and development standards of this section.

4.1.5.2 Goal

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

accurate, and complete scientific and technical information. **By avoiding and limiting adverse impacts to and alteration of critical areas, this section seeks to protect the Island's special character and accomplish the following goals:**

1. To conserve the biodiversity of plant and animal species, protect, maintain and restore healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including, but not limited to, ground and surface waters, wetlands, fish and wildlife and their habitats;

2. Direct development, uses and activities to less environmentally sensitive sites and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas;

3. Prevent cumulative adverse environmental impacts to water quality, water quantity, wetlands, and fish and wildlife habitat, and the overall net loss of wetlands, frequently flooded areas, aquifer recharge, and habitat conservation areas;

4. Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, or flooding; and

5. Alert owners, potential purchasers, real estate agents, appraisers, lenders, builders, developers and other members of the public to natural conditions that pose a hazard or otherwise limit development.

4.1.5.3 Purpose and intent

1. The purpose of this section is to designate and classify ecologically sensitive and hazardous areas as critical areas and to protect, maintain and restore these areas and achieve no net loss of their functions and values and allow for reasonable use of public and private property.
2. This section is intended to implement the goals, policies, guidelines, and requirements of the city comprehensive plan and the Growth Management Act (Chapter 36.70A RCW).
3. Critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the city and its residents. Critical areas may also pose a threat to human safety or to public and private property. The beneficial functions and values provided by critical areas include, but are not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation of flood waters, ground water recharge and discharge, erosion control, wave attenuation, and

protection from hazards and the impacts of climate change. Groundwater recharge is of particular concern for the city because the Island's drinking water is supplied solely by groundwater.

4. This section is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this section to make a parcel of property unusable by denying its owner reasonable use of the property or to prevent the provision of public facilities and services necessary to support existing development.

4.1.5.4 Protection of Critical Areas

1. All proposed development, uses and activities subject to this section shall utilize mitigation sequencing pursuant to Section 4.1.2.6.
2. The precautionary principle shall be applied in the review of any action, taken or proposed, that does not conform to the requirements of this section. The burden of proof that the action will cause no net loss or harm to persons or property falls on the applicant or the property owner.

4.1.5.~~3~~5 Policies

1. Provide a level of protection to critical areas that protects, maintains and restores these areas, achieves no net loss of their functions and values and allows for reasonable use of public and private property ~~assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources~~.

~~1. Protect shoreline resource areas, including but not limited to critical areas, including:~~

~~a. Critical Aquifer Recharge Areas~~

~~b. Fish and Wildlife Habitat Conservation Areas~~

~~c. Frequently Flooded Areas~~

~~d. Geologically Hazardous Areas~~

~~e. Wetlands~~

~~f. Critical Saltwater and Freshwater Habitat Areas~~

~~g. Critical Habitat~~

2. Encourage development proposals to include elements of preservation, conservation, restoration, or enhancement of critical areas, including saltwater habitat and fish and wildlife conservation areas, through incentives and ecosystem-wide restoration planning.

~~3. Locate, design, construction, and manage all shoreline uses and activities in ways that assure no net loss of shoreline ecological functions and ecosystem-wide processes, and protect critical saltwater habitat, including fish and wildlife habitat conservation areas.~~

34. Locate and design shoreline uses, activities, and/or development to avoid risks to people and property. See also Section 3.0, Shoreline Designation Policies and Regulations, for additional provisions.

~~5. Ensure that proposed shoreline uses, activities and/or development proposed adjacent to critical areas or their buffers, will not adversely impact shoreline ecological functions and/or ecosystem-wide process or critical areas, fish and wildlife habitat conservation areas and critical saltwater habitat.~~

46. Promote ~~and manage~~ water-related shoreline uses and activities, such as public access and recreation, that are compatible with critical areas, provided they do not result in a net loss of critical area functions and values.~~adversely impact ecological function.~~

~~7. Monitor critical areas, including critical saltwater habitats, and fish and wildlife habitat conservation areas, to assure that these areas are not being adversely impacted by approved development or restoration projects.~~

4.1.5.46 Allowed Activities within Critical Areas

1. The following activities are allowed within critical areas and do not require review for compliance with critical area regulations. Any activity not subject to critical areas regulations that constitutes development pursuant to Section 8, Definitions, is subject to applicable review under this Program.

    a. Normal and routine yard and garden activities including, but not limited to, cutting and mowing lawns, weeding, removal of noxious and invasive species, harvesting and replanting of garden plants and crops, incidental vegetable gardening, and pruning and planting of noninvasive ornamental vegetation, intended to maintain the general condition and extent of such areas; provided, that such activities are limited to legally existing yard and garden areas, do not further expand into critical areas or associated buffers, do not significantly alter topography, and do not diminish water quality or quantity. Normal and routine activities cannot result in a change to the location, size at the ground level or configuration of existing yard and garden areas.

    b. Class I, II and III forest practices regulated pursuant to Chapter 76.09 RCW.

    c. Minor site investigative work. Work necessary for land use review submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require a clearing permit pursuant to Section 4.1.3 or construction of new roads. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored. Minor site investigative work may include educational and scientific research activities.

    d. Activities within the improved right-of-way. Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances,

when such facilities are located within the improved portion of the public right-of-way or easement of a private street, except those activities that alter a wetland or watercourse, such as culverts or bridges, or result in the transport of sediment or increased stormwater.

e. The installation of low impact fencing within critical area buffers provided the location does not result in restricting wildlife movement, the location and installation is the least impactful to the critical area and buffer as possible, and there is no alternative to fencing to achieve the purpose of the fence.

f. Signs for marking critical area boundaries, interpretive signs and survey markers or property boundaries.

g. Development, uses or activities within critical aquifer recharge areas that do not have the potential to generate a pollutant identified as a potential source of drinking water contamination pursuant to Section 4.1.9 and are outside an Aquifer Recharge Protection Area (ARPA) if one has been designated pursuant to BIMC 16.20.100 and any other critical area or its buffer or setback.

2. The following activities are allowed within critical areas only after review and authorization by the city. Review and authorization may occur over-the-counter and will require a written letter of approval. Any activity not subject to critical areas regulations that constitutes development pursuant to Section 8, Definitions, is subject to applicable review under this Program.

a. Activities within a portion of a wetland buffer or fish and wildlife habitat conservation area buffer separated from the critical area by an existing permanent substantial development, use or activity which serves to eliminate or greatly reduce the impact of the proposed activity on the critical area are exempt from establishing the full required buffer width; provided, that impacts to the critical area do not increase. The director shall review the proposal to determine the likelihood of associated impacts and may require the applicant to provide a critical areas report prepared by a qualified professional that demonstrates through a site assessment or functional analysis that the interrupted buffer area is functionally isolated from the critical area. The director shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the physical separation.

4.1.5.47 Regulations – General

~~1. Development, uses, and activities proposed within shorelines of the state shall meet the requirements of the City's shoreline-specific Critical Areas Regulations as contained in Appendix B, in addition to the requirements found elsewhere in the Master Program.~~

~~2. Development, uses, and activities adjacent to critical areas, including critical saltwater habitats and fish and wildlife habitat conservation areas, proposed within shorelines of the state shall be monitored to assure that these areas are not being adversely impacted by approved development or restoration projects, consistent with Section 4.1.2 monitoring and mitigation requirements and the monitoring and mitigation requirements in Appendix B.~~

~~3. Special Reports. For development proposed on property with marine bluffs, steep slopes, erosion hazard areas and/or landslide hazard areas, a geotechnical report shall be required to assess potential hazards and propose measures to mitigate such hazards consistent with the requirements of this Master Program and attached appendices.~~

1. Any proposed development or activity within a critical area or its buffer or setback requiring review under this Program shall be reviewed based on the proposal's ability to comply with all of the following criteria:

   a. The proposal minimizes the impact on critical areas in accordance with mitigation sequencing (SMP 4.1.2.6);
   b. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
   c. The proposal is consistent with the general purposes of this section and the public interest;
   d. Any alterations permitted to the critical area are mitigated in accordance with mitigation requirements in SMP 4.1.2.6;
   e. The proposal protects the critical area functions and values consistent with best available science and results in no net loss of critical area functions and values;
   f. The proposal addresses cumulative impacts of the action; and
   g. The proposal is consistent with other applicable regulations and standards.

2. The city may condition the proposed activity as necessary to mitigate impacts to critical areas and to conform to the standards required by this section.

3. Except as provided for by this section, any project that cannot adequately mitigate its impacts to critical areas in the sequencing order of preferences in SMP 4.1.2.6 shall be denied.

4. Support Information Requirements. Any application for proposed development or activity requiring review under this Program shall include the following:

   a. A site plan drawn to scale identifying locations of critical areas and their buffers, location of proposed development, uses and activities, location and estimated quantity of earthwork and vegetation clearing and location and type of drainage features or infrastructure.

   b. Any critical area report or study required by this section. Such reports or studies shall be prepared by qualified professionals in the area of concern as defined in Section 8.0,

Definitions, and in accordance with the requirements provided in Section 4.1.5.14 (Critical Areas Reports) as follows:

i. Aquifer recharge study: Hydrogeologist;

ii. Geological hazard assessment: Engineering geologist; geotechnical engineer, provided that:

i. An engineering geologist may provide a study, including interpretation, evaluation, analysis, and application of geological information and data and may predict potential or likely changes in types and rates of surficial geologic processes due to proposed changes to a location, provided it does not contain recommended methods for mitigating identified impacts, other than avoidance, structural impacts to, or suitability of civil works; and
ii. Engineering geologists may not provide engineering recommendations or design recommendations, but may contribute to a complete geotechnical report that is co-sealed by a geotechnical engineer.

a. Stream buffer enhancement plan: Biologist with stream ecology expertise; fish or wildlife biologist; a civil engineer may provide studies for drainage, surface and subsurface hydrology, and water quality;
b. Wetland buffer enhancement plan, wetland critical area report, wetland mitigation plan: Wetlands specialist.
c. Habitat Management Plans: Wildlife biologist and/or fisheries biologist.
d. The director is authorized to retain experts at the applicant's expense and request review from other jurisdictional agencies to assist in the review of application materials; and

3. Any additional information determined as relevant by the director.

5. Notice on Title

a. The owner of any property with field-verified presence of critical area or buffer on which a development proposal is submitted shall file for record with the Kitsap County auditor a notice approved by the director in a form substantially as set forth in Subsection 2 of this Section. Such notice shall provide notice in the public record of the presence of a critical area and buffer, the application of this section to the property, and that limitations on actions in or affecting such areas may exist. The applicant shall submit proof that the notice has been filed for record before the city shall approve any development proposal for such site. The notice shall run with the land and failure to provide such notice to any purchaser prior to transferring any interest in the property shall be in violation of this section.

b. Form of Notice.

Critical Areas
and/or
Critical Areas Buffer Notice

Legal Description:_____
Present owner: _____
NOTICE: This property contains critical areas or their buffers as defined by the City of Bainbridge Island Ordinance No. _____. The property
_____ was the subject of a development proposal for

_____
(type of permit) application # _____ filed on ___(date)___. Restrictions on use or alteration of the critical areas or their buffers may exist due to natural conditions of the property and resulting regulations. Review of such application has provided information on the location of critical areas or critical area buffers and restrictions on their use through setback areas. A copy of the plan showing such setback areas and other restrictions or required enhancements is attached hereto.
Signature of owner_____

STATE OF WASHINGTON)
COUNTY OF _____)
On this day personally appeared before me to me known to be the individual(s) described in and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein stated.
Given under my hand and official seal this ____ day of _____, _____. NOTARY PUBLIC in and for the state of Washington, residing at _____.

4.1.5.~~5~~8 Regulations – ~~Fish and Wildlife Habitat Conservation Areas and~~ Critical Saltwater Habitat

1. Water-dependent development and uses, including marinas, docks, piers, mooring areas, underwater parks, utility crossings, and shoreline modifications, shall not intrude into or be built over critical saltwater habitat unless:

   a. The applicant can show that all of the following criteria can be met:

      i. The use preferences of Section 4.1.1 shall be utilized for uses in Shorelines of State-wide Significance; and

      ii. The need for such a structure is clearly demonstrated and an alternative alignment or location on the property that would avoid impacts to critical saltwater habitats is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose, as demonstrated through an alternatives analysis. The analysis should include in part, shoreline bathymetry, shoreline features at the site, and substrate composition;

iii. It can be demonstrated that the project is consistent with the state's interest in resource protection and species recovery; and

iv. Impacts to critical saltwater habitat functions and processes are mitigated to result in equal or better ecological function; or

b. The proposal is for private, non-commercial, residential docks for single use, community, or joint-use, which may be authorized, provided that:

i. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible; and

ii. The project, including any required mitigation, will result in no net loss of ecological functions and processes associated with critical saltwater habitat.

c. New or expanded overwater structures shall be located the greater or most protective of:

i. A horizontal distance of 25 feet from the outside edge of the structure to native aquatic vegetation attached to or rooted in substrate;
ii. A horizontal distance equal to the maximum distance shade will be cast by the structure and vessel;
iii. A 4-foot vertical distance from eelgrass or relevant submerged aquatic vegetation;
iv. A distance the diameter of the turning circle, if the structure is to be utilized for motorized vessels. The turning circle is defined as 3.5 times the length of the longest vessel to use the structure.
v. Alternative measures that demonstrate no net loss of ecological functions.

d. For projects within WDFW documented Pacific herring spawning locations, in-water activities that would affect herring spawn should be restricted to WDFW's approved work window for Bainbridge Island (May 1 through January 14). For aquaculture projects, the City may consider alternative methods that are contained in federal and/or state aquaculture permits for reducing impacts to herring spawning habitat and other forage fish spawning habitat.

e. For projects other than commercial aquaculture within WDFW documented sand lance and surf smelt spawning locations, no activities should occur during spawning windows as identified by WDFW. For commercial aquaculture projects within WDFW documented sand lance and surf smelt spawning locations, no harvesting may occur during the surf smelt or sand lance spawning seasons until a spawning survey is conducted. If surf smelt or sand lance spawn are present in the growing area to be harvested or adjacent tidelands, then no harvest activities may occur until the eggs are hatched. Extreme caution should be taken to avoid impact and minimize disturbance of sand lance and surf smelt larvae that are present.

2. Aquatic herbicide treatments, mechanical removal of vegetation or aquatic pesticide treatments shall not be used on critical saltwater habitats, except for approved habitat restoration or enhancement measures that meet the provisions of Section 4.1.6, Water Quality and Stormwater Management.

3. Sand, gravel or other materials shall not be added or removed from critical saltwater habitat, unless approved as part of a restoration effort or beach nourishment program or as allowed in 1, above.

4. New outfalls (including stormwater and sewer outfalls) and discharge pipes shall not be located in critical saltwater habitats or areas where outfall or discharge will adversely affect critical saltwater habitat, unless the applicant can show that all of the following can be met:

   a. There is no feasible alternative location for the outfall or pipe; and

   b. The outfall or pipe is placed below the surface of the beach or bed of the water body; and

   c. The discharge point(s) on the outfall or discharge pipe is located so the discharges, including nutrients and flow, do not adversely affect critical saltwater habitats; and

   d. For public sewage outfalls:

      i. The outfall discharges waterward of the intertidal zone.

      ii. The disturbed area will be revegetated with native vegetation.

5. The use of existing outfalls shall be maximized to limit the need for additional outfalls, provided the existing outfall meets the standards of this section, or unless an alternatives analysis demonstrates the dispersal is less impacting to the shoreline environment.

~~6. For activities adjacent to fish and wildlife habitat conservation areas the maximum prescribed buffer shall apply. These buffers can be modified on a case-by-case basis through a habitat management plan, pursuant to Section B-4 contained in Appendix B. In order to determine the need or extent of a buffer, a critical area report shall be required for all development in or adjacent to a habitat conservation area.~~

   ~~a. In addition to the requirements in Appendix B, the Habitat Management Plan shall:~~

      ~~i. Describe actions that will be implemented to ensure that buffer areas provide ecological functions and processes equivalent to a dense native plant community to the extent possible given the area that is feasibly available; and~~

      ~~ii. Demonstrate that no net loss of ecological functions and processes in critical saltwater habitat and other critical areas will occur, as specified in WAC 173-26-201(3)(d) and WAC 173-26-221(2)(c)(iii).~~

7. Until an inventory of critical saltwater habitat is completed, all over water and near-shore development shall conduct an inventory of site and adjacent beach sections to assess the presence of critical saltwater habitat and/or functions and processes. The inventory shall occur prior to construction and the methods and extent of the inventory shall be consistent with accepted research methodology. New studies shall be required only when existing information is out dated or does not exist.

~~**4.1.5.6 Regulations – Frequently Flooded Areas**~~

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

4.1.5.9 Aquifer Recharge Areas

1. Applicability. Aquifer recharge areas are areas that have a critical recharging effect on groundwater used for potable water supplies and/or that demonstrate a high level of susceptibility or vulnerability to groundwater contamination from land use activities. In accordance with WAC 365-190-100, the entirety of Bainbridge Island is classified as an aquifer recharge area to preserve the volume of recharge available to the aquifer system and to protect groundwater from contamination.

2. Prohibited Activities and Uses. The following activities and uses are prohibited within critical aquifer recharge areas due to the probability or potential magnitude of their adverse effects on groundwater:

    a. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste, and inert and demolition waste landfills;

    b. Underground Injection Wells. Class I, III, and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells;

    c. Chemical wood preservation and/or treatment facilities;

    d. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store (other than minor sources such as medicinal uses or industrial testing devices), process, or dispose of radioactive substances;

    e. Hazardous liquid transmission pipelines;

    f. Commercial mining and chemical washing of metals, hard rock, sand, and gravel;

    g. Hydrocarbon extraction, reprocessing, refinement, and storage;

    h. Electroplating/metal finishing;

    i. Facilities that treat, store, process, or dispose of hazardous waste; and

    j. Other Prohibited Uses or Activities.

i. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source; and
ii. Activities that would significantly reduce the recharge to aquifers that are a source of significant baseflow to a stream.

3. Development standards – general

a. No development, use or activity may exceed water quality standards or otherwise violate the anti-degradation requirements specified in WAC Chapter 173-200.

4.1.5.10 Fish and Wildlife Habitat Conservation Areas

1. Fish and Wildlife Habitat Conservation Areas include:

a. Streams. Within the city of Bainbridge Island, streams shall include those areas which meet the definitions in Section 8.0, Definitions. Streams shall be classified in accordance with the Washington Department of Natural Resources water typing system (WAC 222-16-030), which is hereby adopted in its entirety by reference and summarized as follows:

i. Type F: streams which contain fish habitat pursuant to Section 8.0 (Definitions);
ii. Type Np: perennial non-fish habitat streams; and
iii. Type Ns: seasonal non-fish habitat streams.

b. Habitats recognized by federal or state agencies for federal- and/or state-listed endangered, threatened, sensitive and candidate/monitored species which presence is documented in maps or databases available to City of Bainbridge Island.

c. Areas that contain habitats and species of local importance. Any person may nominate for designation a species or habitat of local importance. Nominations will be processed pursuant to definitions in Section 8.0, Definitions and nomination criteria developed by the director.

d. Biodiversity areas and corridors as defined in the 2008 Washington Department of Fish and Wildlife Priority Habitat and Species List, or as amended.

e. All areas within the city of Bainbridge Island meeting one or more of the preceding criteria in this Section, regardless of any formal identification or mapping, are hereby designated critical areas and are subject to the provisions of this section and shall be managed consistent with the best available science, such as the Washington Department of Fish and Wildlife's most recent Management Recommendations for Priority Habitat and Species.

2. Mapping

The location and extent of all mapped critical areas shown on the city of Bainbridge Island critical area maps are approximate and shall be used as a general guide only. The type, extent and boundaries shall be determined in the field by a qualified professional according to the requirements of this section. The critical area maps are adopted as part of this section and are incorporated herein by this reference. Washington Department of Natural Resource (DNR) and Washington Department of Fish and Wildlife maps are not the only source of data. Any request to change the city's existing map shall be accompanied by a report from a qualified professional that includes a description of the critical area and a summary of how it meets the definitions in Section 8.0, Definitions. The inventory and cited resources are to be used as a guide for the city, project applicants, and/or property owners and may be continuously updated as new or altered critical areas are identified.

3. Development Standards – Streams

a. All designated streams require a buffer pursuant to Table 4-4. Buffers shall remain as undisturbed or enhanced vegetation areas for the purpose of protecting the integrity, function, and value of stream resources. Any buffer modification proposed shall be through an approved Buffer Enhancement Plan. No uses or activities shall be allowed within the buffer unless allowed by this Section. If the buffer has previously been disturbed, the director may require the disturbed buffer area be enhanced, including revegetation with native plant species, pursuant to an approved Buffer Enhancement Plan meeting the requirements of Section 4.1.5.14. No refuse, including but not limited to household trash, yard waste and commercial/industrial refuse, shall be placed in the buffer.

b. The required minimum buffers listed in Table 4-4 are based on the assumption that the buffer is well vegetated with native species appropriate to the site. If the buffer does not consist of vegetation adequate to provide stream protection and buffer functions, the director may require that the buffer be planted to achieve such protection and function.

Table 4-4. Stream Buffers

Stream Type	Buffer Width
F	200
Np	100
Ns (connected to F or Np)	75
Ns (not connected to F, Np)	50

c. Buffer distances shall be measured from the ordinary high water mark (OHWM) or from the top of each bank where the OHWM cannot be identified.

d. The buffer width shall be increased to include streamside wetlands which provide overflow storage for stormwater, feed water back to the stream during low flow, or provide shelter and food for fish. In braided channels, the ordinary high water mark or top of bank shall be defined to include the entire stream feature.

e. Streams in Ravines - Buffers. For streams in ravines outside the Mixed Use Town Center with ravine sides 10 feet or greater in height, the buffer width shall be the greater of:

i. The buffer width required for the stream type; or
ii. A buffer width which extends 25 feet beyond the top of the ravine.

f. Increased buffer provisions. The director may increase buffer widths, up to 50 percent greater than the applicable buffer set in this section for critical areas with known locations of endangered, threatened, or state monitor or priority species for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species. Such determination shall be based on site-specific and project-related conditions.

g. Structure or hard surface setback. A structure or hard surface setback line of fifteen feet is required from the edge of any stream buffer. Minor structural or impervious surface intrusions into the areas of the setback, such as but not limited to fire escapes, open/uncovered porches, landing places, outside walkways, outside stairways, retaining walls, fences and patios, may be permitted if the department determines upon review of an analysis of buffer functions submitted by the applicant, that construction and/or maintenance of such intrusions will not encroach into the stream buffer or adversely impact the stream. The functional analysis shall include a functional methodology supported by best available science. The setback shall be identified on a site plan and filed as an attachment to the notice on title as required by Section 4.1.5.6 (Notice on Title).

h. Buffer Modification. Modification to buffer widths may be allowed provided the applicant demonstrates the need for modification through mitigation sequencing pursuant to Section 4.1.2.6.

i. Buffer Width Averaging. The width of a required buffer may be averaged if the applicant can demonstrate that averaging can provide equal or greater functions and values as would be provided under the required buffer and all of the following conditions are met:

A. The total area of buffer after averaging is equal to the area required without averaging.
B. Averaging does not result in the any portion of the buffer being reduced more than 25 percent of its required width.

ii. Any request for buffer modification outlined above shall be reviewed in conjunction with the underlying land use or construction permit. Requests for buffer reduction

shall include a buffer enhancement plan prepared by a qualified consultant that meets the requirements of Section 8.0, Definitions.

iii. The city may request technical review of a buffer enhancement plan from other agencies to ensure consistency with state, federal or tribal management recommendations.

iv. Any other buffer modification, other than non-compensatory enhancement, requires a shoreline variance.

9. Development Standards – Other Fish and Wildlife Habitat Conservation Areas

a. All development, uses and activities within known fish and wildlife habitat conservation areas require submittal and approval of a Habitat Management Plan (HMP) as specified in Section 4.1.5.14, Critical area reports. The HMP shall consider measures to retain and protect the fish and wildlife habitat and shall consider the effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of existing native vegetation.

b. In the case of bald eagles, the HMP shall comply with the federal Bald and Golden Eagle Protection Act (16 USC 668) to avoid impacting eagles and their habitat.

10. Standards for specific development, uses and activities. The following development, uses and activities may be allowed within fish and wildlife habitat conservation areas and their buffers. Any proposal for the following development shall comply with the standards of this Section, other applicable sections of this Program, and other applicable state, federal and local regulations. The director may require submittal of a Habitat Management Plan unless project impacts are demonstrated to be de minimis through mitigation sequencing pursuant to Section 4.1.2.6.

a. Stream Crossings. Any private or public road or driveway expansion or construction proposed to cross streams classified within this section shall comply with the following minimum development standards. All other state and local regulations regarding water crossing structures shall apply, and the use of the *Water Crossing Design Guidelines* (WDFW, 2013), or as amended, is encouraged.

i. Bridges or bottomless culverts shall be required for all Type F streams. Other alternatives may be allowed upon (i) submittal of a Habitat Management Plan which demonstrates that other alternatives would not result in significant impacts to the fish and wildlife conservation area and (ii) as determined through the Hydraulic Project Approval (HPA) process administered by the Washington Department of Fish and Wildlife. The plan must demonstrate that fish habitat will not be reduced in area or function.

ii. Crossings shall not occur in fish-bearing streams unless no other feasible crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall

be located as determined necessary through coordination with Washington Department of Fish and Wildlife;

iii. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists;

iv. Crossings shall not diminish flood carrying capacity;

v. Crossings shall serve multiple properties whenever possible;

vi. Where there is no reasonable alternative to providing a conventional culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity.

b. Stream Relocations. Stream relocations may be allowed only for the purpose of flood protection and/or fisheries restoration and only when consistent with a Washington Department of Fish and Wildlife Hydraulic Project Approval (HPA) process and the following minimum performance standards:

vii. The channel, bank, and buffer areas are replanted with native or equivalent vegetation that replicates a natural, undisturbed riparian condition;

viii. For those waters designated as Frequently Flooded Areas pursuant to BIMC 15.16, a professional engineer licensed in the State of Washington provides information demonstrating that the equivalent base flood storage volume and function will be maintained; and

ix. Relocated stream channels are designed to meet or exceed the functions and values of the stream to be relocated.

c. Pesticides, Fertilizers and Herbicides. No pesticides, herbicides or fertilizers may be used in fish and wildlife conservation area or their buffers, except those approved by the U.S. Environmental Protection Agency (EPA) and approved under a Washington Department of Ecology Water Quality Modification Permit for use in fish and wildlife conservation area environments and applied by a licensed applicator in accordance with the safe application practices on the label.

d. Land Divisions and Land Use Permits. All land divisions and land uses proposed on a site that includes Fish and Wildlife Habitat Conservation Areas shall comply with the following procedures and development standards:

i. The open water area of lakes, streams, and tidal lands shall not be permitted for use in calculating minimum lot area.

ii. Land division approvals shall be conditioned so that all required buffers are designated as an easement or covenant encumbering the buffer. Such easement or covenant shall be recorded together with the land division and represented on the final plat, short plat or binding site plan.

iii. In order to avoid the creation of nonconforming lots, each new lot shall contain at least one building site that meets the requirements of this section, including buffer requirements for fish and wildlife habitat conservation areas. Each lot must also

have access and a sewage disposal system location that are suitable for development that do not adversely impact the fish and wildlife conservation area.

iv. After preliminary approval and prior to final land division approval, the director may require that the common boundary between a required buffer and the adjacent lands be identified using permanent signs. In lieu of signs, alternative methods of buffer identification may be approved when such methods are determined by the director to provide adequate protection to the aquatic buffer.

e. Utilities. Placement of utilities within designated fish and wildlife conservation area may be allowed pursuant to the following standards:

i. Construction of utilities may be permitted in fish and wildlife conservation area or their buffers, only when no practicable or reasonable alternative location is available and the utility meets the requirements for installation, replacement of vegetation and maintenance outlined below.

ii. Sewer or on-site Sewage Utility. Construction of sewer lines or on-site sewage systems may be permitted in fish and wildlife conservation area or their buffers when the applicant demonstrates it is necessary to meet state and/or local health code requirements; there are no other practicable alternatives available; and construction meets the requirement of this Section. Joint use of the sewer utility may be allowed.

iii. New utilities shall not be allowed in fish and wildlife conservation area with known locations of federal or state listed endangered, threatened or sensitive species, heron rookeries or nesting sites of raptors which are listed as state candidates except in those circumstances where an approved Habitat Management Plan indicates that the utility will not significantly impact the conservation area;

iv. New Utility Construction. Utility construction and maintenance shall protect the environment of fish and wildlife conservation area and their buffers.

A. New utilities shall be aligned whenever possible to avoid cutting or root damage to trees greater than 12 inches in diameter at breast height (four and one-half feet) measured on the uphill side.

B. Any area of disturbance shall be revegetated with appropriate native or equivalent vegetation at not less than pre-construction vegetation densities or greater, immediately upon completion of construction or as soon thereafter as possible due to seasonal growing constraints. The utility or landowner responsible for installation shall ensure that such vegetation survives.

C. Any additional access for maintenance shall be provided wherever possible at specific points rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width but no greater than 15 feet; and shall be contiguous to the location of the utility corridor on the side away from the conservation area.

v. Utility maintenance shall include the following measures to protect the environment of regulated fish and wildlife habitat conservation areas.

A. Utility towers shall not be sandblasted or spray-painted. Lead-based paint is prohibited.
B. Pesticides, fertilizers and herbicides: No pesticides or fertilizers may be used in fish and wildlife habitat conservation areas or their buffers, except those applied by a licensed applicator in accordance with the safe application practices on the label.

f. Bank Stabilization.

i. A stream channel and bank may be stabilized when naturally occurring earth movement threatens existing structures (defined as requiring a building permit pursuant to the applicable building code), public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property, and, in the case of streams, when such stabilization results in maintenance of fish and wildlife habitat, flood control, and improved water quality.
ii. Where bank stabilization is determined to be necessary, bioengineering or other non-structural methods should be the first option for protection. Structural methods, or hard stabilization, may only be utilized where it can be demonstrated by a professional engineer licensed in the State of Washington that an existing primary residential structure or essential public facility cannot be safely maintained without such measures, and that the resulting hard stabilization is the minimum length necessary to provide a stable building area for the structure. The director may require that bank stabilization be designed by a professional engineer licensed in the State of Washington with demonstrated expertise in hydraulic actions of shorelines. Bank stabilization projects may also require a City of Bainbridge Island clearing or grading permit and Hydraulic Project Approval from the Washington Department of Fish and Wildlife.
iii. Nonstructural streambank protective techniques are preferred to bulkheads or other types of streambank armoring. Nonstructural techniques include but are not limited to vegetation plantings and bioengineering.

g. Fencing and Signs. Prior to approval or issuance of permits for land divisions or other new development, the director may require that the common boundary between a required buffer and the adjacent lands be identified using fencing or permanent signs. In lieu of fencing or signs, alternative methods of buffer identification may be approved when such methods are determined by the director to provide adequate protection ~~to~~ for the buffer.
h. Forest Practice, Class IV General and Conversion Option Harvest Plans (COHPs). All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of this chapter, and the Stormwater Management standards in Chapters 15.20 and 15.21 BIMC, including the maintenance of buffers, where required.

i. Road/Street Repair and Construction. Any private or public road or street expansion or construction which may be allowed in a Fish and Wildlife Habitat Conservation Area or its buffer shall comply with the following minimum development standards:

i. No other reasonable or practicable alternative exists and the road or street crossing serves multiple properties whenever possible;
ii. Expansion or construction of any private or public road shall only be allowed when adverse impacts can be avoided;
iii. Public and private roads should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.; and
iv. The road or street construction is the minimum necessary, as required by the Department of Public Works, and shall comply with the Department of Public Works' guidelines to provide public safety and mitigated stormwater impacts.
v. Construction time limits shall be determined in consultation with Washington Department of Fish and Wildlife in order to ensure habitat protection.

4.1.5.~~7~~11 Regulations – Geologically Hazardous Areas

~~1. All new development and new uses within the jurisdiction of this Master Program shall comply with regulations for Geologically Hazardous Areas as set forth in the shoreline-specific Critical Areas Regulations contained in Section B-9 of Appendix B of this Master Program.~~

~~2. Additional standards for marine bluffs (i.e., slopes greater than 40 percent that exceed a vertical height of 10 feet within the marine shorelines jurisdiction) are provided in section 4.1.5.8, Special Reports and Determination of Buffers, and 4.1.5.9, Regulations – Bluff Drainage, below.~~

1. Applicability. This section applies to all geologically hazardous areas classified pursuant to SMP 4.1.5.10.2.

2. Classification.

a. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, and seismic hazard areas (including fault and liquefaction hazard areas). Zone of influence areas are not considered geologically hazardous areas.

b. Geologically hazardous areas shall be classified based upon landslide history and the presence of unstable soils, steepness of slopes, erosion potential, and seismic hazards. Areas in this category are a potential threat to public health, safety, and welfare when construction is allowed. While some potential risk due to construction can be reduced through engineering design, construction in these areas should be avoided when the potential risk cannot be reduced to a level comparable to the risk if the site were initially stable prior to construction. Classification and rating shall be based upon the risk to the environment and to development in geologically hazardous areas.

3. Review procedures. Applications for proposed activities in geologically hazardous areas shall include:

   a. Indemnification. An indemnification or hold harmless agreement shall be required for all projects in geologically hazardous areas, except erosion hazard areas and landslide hazard area setbacks. The form of the agreement shall be approved by the city and executed prior to the commencement of construction or any land disturbing activity.
   b. Notice. A notice of intent to construct on a landslide hazard area or reduce the standard setback in a landslide hazard area shall be given pursuant to BIMC 2.16.020.H.2. The notice of intent shall be issued within 14 days of a complete application pursuant to BIMC 2.16.020.K. The notice shall include a 21-day comment period and no permits or approval of reduced setbacks shall be issued before the end of the comment period.
   c. Geological Hazards Assessment. A geological hazards assessment is required for all projects in geologically hazardous areas and landslide hazard area setbacks in accordance with Section 4.1.5.14, Critical area reports. To protect public health, safety and welfare, the director may require third party review of any geological hazards assessment or geotechnical report in cases where there may be potential for substantial damage to life, property or the environment should the proposed engineering solution fail. When a third-party review is required, costs incurred for a qualified third party geologist or geotechnical engineer to perform the review shall be borne by the applicant.

4. Regulations – Development Standards – General. The following development standards apply to all activities within any geologically hazardous area or associated landslide hazard area setback:

   a. The proposed activity shall not create a net increase in geological instability, either on- or off-site, which is defined as follows:

      i. The subject parcel shall not be less stable after the planned development than before; and
      ii. The adjacent parcels shall not have greater risk or be less stable after the planned development than before.

   b. The proposed activity shall not increase the risk of life safety due to geological hazards above professionally acceptable levels.

   c. The proposed activity shall not increase the risk due to geological hazards above professionally acceptable levels for:

      i. Property loss of any habitable structures or their necessary supporting infrastructure on-site or;

ii. Risk to any off-site structures or property of any kind; and

d. Proposed buildings shall be constructed using appropriate engineering methods that respond to the geologic characteristics specific to the site in order to achieve a high standard of safety and meet professional practice standards and codes.

e. The proposed activity shall not further degrade the values and functions of the associated critical areas.

f. Unless allowed pursuant to Section 4.1.2 or Section 4.1.3 or as part of an approved building permit, removal of vegetation from an erosion or landslide hazard area or setback is prohibited.

5. Development Standards -- Landslide Hazard Areas. The following requirements shall apply to any land disturbing activity or construction within a landslide hazard area or its setback as described herein:

a. Prohibited activities. Development of habitable structures and critical facilities is prohibited in landslide hazard areas and landslide hazard area setbacks.

b. Allowed activities. The following minor development may be allowed in landslide hazard areas on slopes forty (40) percent or greater and landslide hazard area setbacks if the development standards of this Section are met:

i. Surface water management, including outfalls
ii. Septic facilities, including drainfields
iii. Trails and stairs
iv. Cable lifts and trams
v. Public or private utilities or streets
vi. Seismic or other safety upgrades to protect existing habitable structures
vii. Other non-habitable structures

c. Any land disturbing activity or construction within a landslide hazard area or its setback shall meet the following requirements:

i. All development proposals shall be designed to avoid impacts to geologically hazardous areas. The development shall be designed to minimize the footprint of building in other disturbed areas, minimize removal of vegetation, minimize topographic change, and retain open space to the maximum extent practicable;
ii. Development design shall utilize clustering, under-structure parking, multi-level construction, and tiered foundations to the extent feasible to minimize impervious lot coverage, slope disturbance, and changes to the natural topography;
iii. Access shall be in the least sensitive part of the site, and common access drives and utility corridors are required to the extent feasible;

iv. Roads, walkways and parking areas shall be designed to parallel the natural contours to the extent feasible;
v. Cut and fill slopes shall be prepared and maintained to control against erosion and instability; and
vi. Drainage and stormwater designs in zones of influence shall incorporate elements of low impact design, add examples to the extent feasible, and shall be designed in such a manner that stormwater outlet discharges do not create additional impacts.

d. Factors of safety. Factors of safety in accordance with Table 4-5 are required. Analysis of dynamic conditions shall be based on the minimum horizontal acceleration for the probabilistic maximum considered earthquake as established by the currently adopted version of the International Building Code.

Table 4-5. Factors of safety and standard setbacks

Structure, use or activity	Static factor of safety	Dynamic (seismic) factor of safety	Standard setback
Habitable structure	1.5	1.0	Top of slope: Height of slope up to maximum of 75 feet Bottom of slope: Height of slope
High-risk non-habitable structure	1.3	As determined by geological hazards assessment.	Top of slope: Height of slope up to maximum of 75 feet Bottom of slope: Height of slope
Lower-risk non-habitable structures	As determined by geological hazards assessment.	As determined by geological hazards assessment.	Height of slope up to 75 feet.
Other structure or use	As determined by geological	As determined by geological	Height of slope up to 75 feet.

	hazards assessment.	hazards assessment.	
Tree and vegetation activities in accordance with Section 4.1.3	n/a	n/a	25 feet only from top of slope.

e. Setback requirement. Setbacks from landslide hazard areas are required. A setback shall be established from all edges of a landslide hazard area as follows:

i. A standard setback in accordance with Table 4-5; or
ii. A setback established by the findings of a geological hazards assessment prepared by a licensed geologist or geotechnical engineer that protects and minimizes the risk of property damage, death or injury resulting from a potential landslide impact. The geological hazards assessment shall require a third-party independent review by a qualified geologist or geotechnical engineer at the cost to the applicant;
iii. A setback less than 20 feet is prohibited for habitable structures;
iv. The setback for tree and vegetation activities in accordance with Section 4.1.3 is 25 feet only from the top of slope.
v. No setback is required for slopes forty (40) percent or greater with a vertical elevation change of up to twenty (20) feet, if compliance with development standards in Section 4.1.5.10.4 and 5 is documented by a geotechnical engineer licensed in the State of Washington;
vi. The setback may be increased beyond that specified in subsection (a) above if the director determines a larger setback is necessary to prevent risk of damage to proposed adjacent development and the associated critical areas.

f. For the purposes of establishing the factors of safety and setback using Table 4-5, the following categories shall apply:

i. Habitable structure: residences, accessory dwelling units, garages;
ii. High-risk non-habitable structure: decks, patios, pool/hot tub, driveways, trams, cable lifts, carports;
iii. Lower-risk habitable structure: storage shed, boathouse, stairs, pathways, structures intended for short-term use;
iv. Other structures or uses: septic facilities including drainfields, drainage outfalls, bulkheads, landscape walls, other utilities; and
v. If a proposed structure, use or activity is not included in Section 4.1.5.10.5.f, the category shall be determined by the City Engineer.

g. Zone of influence. A zone of influence shall be established 300 feet upslope from slopes greater than 40 percent and 200 feet upslope from slopes greater than 15 percent but less than 40 percent that are determined to be geologically hazardous areas to assess changes in land use and hydrology that may affect the stability of the geologically hazardous area.

i. The applicant shall have the stormwater pollution prevention plan (erosion control plan) for the project reviewed by a geotechnical engineer to determine if there are any potentially adverse impacts to the landslide hazardous area. The report shall contain recommendations to avoid adverse impacts to the geologically hazardous area. Concentrated discharge of stormwater shall only be allowed where specifically recommended in the report and authorized by the City Engineer.

ii. If the geotechnical engineer or the City Engineer determines that there are potential adverse impacts, the applicant shall provide a geotechnical analysis containing information specified by the City Engineer which analyzes the potential impacts to the geological hazard from the proposed development in the zone of influence and meets the standards of this section.

h. Field marking requirements. Proposed clearing and work limit lines and landslide hazard setbacks shall be marked in the field for inspection and approval by the city prior to start of any land disturbing activity. Field marking shall remain in place until construction is completed and final inspection is completed by the city.

~~4.1.5.8 Special Reports and Determination of Buffers~~

~~1. Applicants proposing development adjacent to a marine bluff shall submit a geotechnical engineering report prepared in accordance with the requirements of this Master Program and the shoreline-specific Critical Areas regulations contained in Appendix B. In terms of this regulation, "adjacent" means development proposed either within 50 feet from the crest of a marine bluff or within a distance equal to the height of the slope from the crest (measured from the top), whichever is greater.~~

~~2. The geotechnical engineering report shall be prepared by a Washington State licensed professional civil engineer with a specialty in geotechnical engineering or an engineering geologist with a Washington State specialty license in engineering geology as specified in RCW 18.220, Geologists. The report shall be based upon the most appropriate and current science, existing and proposed uses, risks of slope failure, and coastal erosion rates over at least 100 years, if applicable.~~

~~3. All proposed development on the face of a marine bluff or in the required buffer area shall be prohibited, except:~~

~~a. Development may be allowed as specified in Appendix B; Subsection B-9(E)(3)(a)(i)(F) of this Master Program;~~

~~b. Minor development for public access (e.g., public trails, stairs, or view points) may be allowed, provided that environmental impacts are mitigated and the development can meet the factor of safety in Appendix B; subsection B-9(E)(1); and~~

~~c. Minor development permitted in the Shoreline Buffer and Site-specific Vegetation Management Area pursuant to Sections 4.1.3.8 through 4.1.3.11 such as boathouses, decks, stairs, trams, piers, and docks except at the toe of unstabilized feeder bluffs and the development can meet the factor of safety in Appendix B; subsection B-9(E)(1).~~

~~4. All alterations to the vegetation within a geological hazardous area shall provide a Bluff Management Plan developed by qualified professional(s) to address vegetation management for slope stability and ecological functions and processes for a ten year period. The plan at a minimum shall include:~~

~~a. A geotechnical analysis of slope stability as defined in B-9, Geologically Hazardous Areas of Appendix B.~~

~~b. A site plan showing existing vegetation location and species.~~

~~c. An analysis of identified vegetation appropriate for removal or alteration.~~

~~d. An analysis of vegetation management strategies for slope stability.~~

~~e. A mitigation plan developed according to Section 4.1.2, Environmental Impacts and Section 4.1.3, Vegetation Management.~~

~~f. The Administrator may include additional conditions for a site-specific analysis and require a third party review by a qualified professional at the cost of the applicant.~~

4.1.5.~~9~~12 Regulations – Bluff Drainage

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

4.1.5.1~~0~~13

Regulations – Wetlands

1. Applicability. This section applies to:

a. All wetlands designated pursuant to Section 4.1.5.12.2.
b. All wetland buffers as shown in the tables in Section 4.1.5.12.8.

2. Identification and designation.

a. Identification of wetlands and delineation of their boundaries pursuant to this section shall be done in accordance with the federal wetland delineation manual and applicable regional supplements (as updated), as required by WAC 173-22-035. All areas within the city meeting the wetland designation criteria, regardless of any formal delineation, are hereby designated as wetlands and are subject to provisions of this section unless not included in the definition of wetland provided in Section 8.0, Definitions.

b. Wetland delineations shall be conducted by a qualified professional, in accordance with Section 4.1.5.6.4.

c. The wetland boundary shall be marked in the field and surveyed by a licensed surveyor. The surveyed wetlands shall be sized and mapped on a scaled site plan. The director may require the wetland delineation to be verified in the field by the Army Corps of Engineers or the Washington State Department of Ecology when there is uncertainty in the wetland boundary or there was unauthorized wetland disturbance. The requirement for a licensed surveyor to survey the wetland boundaries may be waived in limited circumstances, such as when there is no access to the wetland property or there is no proposed impact to the wetland and wetland buffer, with authorization from the director.

d. Wetland delineations shall be valid for five years from the date of the delineation.

e. A wetland delineation shall be required for any proposed development within 300 feet of a designated wetland. If any portion of the designated wetland is on a different site than the proposed development, the location of the wetland boundary may be determined using best professional judgement.

3. Wetland Categories. Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington – 2014 Update (Ecology Publication No. 14-06-029, October 2014), as revised. The wetland categories determined by the rating are as follows:

a. Category I wetlands are:

i. Relatively undisturbed estuarine wetlands larger than one acre;

ii. Wetlands that are, or may be in the future, identified by scientists of the Washington Natural Heritage Program/Department of Natural Resources as wetlands of high conservation value;
iii. Bogs;
iv. Mature forested wetlands larger than one acre;
v. Wetlands in coastal lagoons; and
vi. Wetlands that perform many functions well and score 23 points or more in the wetland rating. These wetlands are those that represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, or are relatively undisturbed and contain ecological attributes that are impossible to replace within one human lifetime.

b. Category II wetlands are:

i. Wetlands with a moderately high level of functions and score 20 to 22 points in the wetland rating.
ii. Estuarine wetlands smaller than one acre or disturbed estuarine wetlands larger than one acre.

c. Category III wetlands are:

i. Wetlands with a moderate level of functions and score between 16 to 19 points in the wetland rating.

d. Category IV wetlands are:

i. Wetlands with a low level of functions, scoring less than 16 points in the wetland rating.

e. Date of Wetland Rating. The wetland rating categories in this Section shall be applied to wetland studies including but not limited to delineations, on or after the date of adoption of the ordinance codified in this section. The wetland rating shall be valid for five years unless the state rating system changes or the wetland and/or the wetland buffer have been altered since the rating.

f. A wetland rating pursuant to Section 4.1.5.12.3 shall be required for any proposed development within 300 feet of a designated wetland. If any portion of the designated wetland is on a different site than the proposed development, the rating may be determined using best professional judgement.

g. Illegal modifications. Wetland rating categories shall not change due to illegal modifications.

4.

Mapping

The location and extent of all mapped critical areas shown on the City of Bainbridge Island critical area maps are approximate and shall be used as a general guide only. The type, extent and boundaries shall be determined in the field by a qualified professional according to the requirements of this section. The critical area maps are adopted as part of this section and are incorporated herein by this reference. In addition, the National Wetlands Inventory and Soil Maps produced by the U.S. Department of Agriculture, National Resources Conservation Service may be useful in helping to identify potential wetland areas. The inventory and cited resources are to be used as a guide for the city, project applicants, and property owners, and may be continuously updated as new or altered critical areas are identified.

5.

Protection of Wetlands

a. Any action taken pursuant to this section shall result in equivalent or greater functions and values of the wetlands and wetland buffers associated with the proposed action, as determined by the best available science. All actions and developments shall be designed and constructed in accordance with mitigation sequencing as described in Section 4.1.6 and WAC 197-11-768.

b. Applicants must first demonstrate an inability to avoid or reduce impacts, before compensation of impacts will be allowed. No activity or use shall be allowed that results in a net loss of the functions or values of critical areas.

c. Permanent protection of critical areas that are part of an approved mitigation plan or buffer enhancement plan shall be achieved through a Notice to Title recorded at the Kitsap County Auditor's Office, or similar means of protection in perpetuity.

6.

Prohibited activities

a. The following development, uses and activities are prohibited in all wetlands:

i. Draining, excavation, placement of fill material and flooding not associated with an exempt or regulated use
ii. Forest Practices – Class IV General or Conversion Option Harvest Plan
iii. New or expanded agriculture
iv. On-site sewage facility

b. The following development, uses and activities are prohibited in Category I and II wetlands:

i. Fish hatchery
ii. Golf course
iii. Mineral extraction
iv. Public facility
v. Public communications tower
vi. New public road/street
vii. New private access road or driveway
viii. Stormwater retention/detention facility
ix. Primary utility

7. Standards for specific development, uses and activities. The following development, uses and activities may be allowed within wetlands and their required buffers. Any proposal for the following development shall comply with the standards of this Section, other applicable sections of this Program, and other applicable state, federal and local regulations.

a. Road/street repair and construction: Any private or public road or street repair, maintenance, expansion or construction may be allowed within a wetland or its required buffer only when all of the following conditions are met:

i. No other reasonable or practicable alternative exists and the road or street crossing serves multiple properties whenever possible;
ii. Publicly owned or maintained road or street crossings should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.; and
iii. The road or street repair and construction are the minimum necessary to provide safe roads and streets.
iv. Mitigation shall be performed in accordance with specific project mitigation plan requirements.

b. Land Divisions and Land Use Permits. All land divisions and land uses proposed on a site that includes regulated wetlands shall comply with the procedures and standards listed below. When a parcel contains a wetland, city policy shall always be to primarily protect the functions and values of the wetland, while recognizing the value of the development rights provided to the property by its zoning.

i. Density Calculation

A. The actual density that will allowed to be built upon a parcel containing a wetland shall ultimately be determined during the site specific review of the parcel's planned development.

B. In determining the actual density of a parcel based on a specific site plan, the site plan shall locate all buildings outside of any wetland and its required buffers;
C. The number of development rights allowed for any residentially-zoned parcel shall be its size in square feet divided by the number of square feet per home that is required by its zoning;
D. If the land can be subdivided such that all setbacks, buffers, and other zoning requirements can be observed, and no zoning variances are requested, the density from the wetland, except the area with permanent open water, can be transferred within the property;
E. To the extent that the number of allowable development rights cannot be used on-site, they may be sold, traded, or transferred by the property owner through the transfer of development rights program pursuant to Chapter 18.37 BIMC;
F. Property owners may voluntarily extinguish development rights that are provided by the underlying zoning, but the city shall not extinguish any of these rights outside the aforementioned transactions.

ii. Land division approvals shall be conditioned to require that wetlands and wetland buffers be designated as an easement or covenant encumbering the wetland and wetland buffer. Such easement or covenant shall be recorded together with the land division and represented on the final plat or binding site plan, and title.

iii. In order to implement the goals and policies of this section, to accommodate innovation, creativity, and design flexibility, and to achieve a level of environmental protection that would not be possible by typical lot-by-lot development, the use of the clustered development or similar innovative site planning is strongly encouraged for projects with regulated wetlands on the site.

c. Surface Water Management. Surface water structures or discharges from stormwater facilities may be allowed within wetlands and their required buffers only when the applicant has an approved Site Assessment Review (SAR) pursuant to the requirements of BIMC 15.20 and the proposal meets criteria in Appendix I-D, Guidelines for Wetlands when Managing Stormwater, from Washington State Department of Ecology's 2012 Stormwater Management Manual for Western Washington, as amended in 2014.

d. Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities, such as benches and viewing platforms, are allowed in wetlands or wetland buffers only when the following standards are met:

i. Trails and related facilities shall be placed on existing road grades, utility corridors, or any other previously disturbed areas if present at the site and consistent with trail planning objectives.

ii. Trails and related facilities shall be planned to minimize removal of trees, soil disturbance, and maintain existing hydrological characteristics, shrubs, snags, and important wildlife habitat.

iii. Viewing platforms and benches, and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected wetland. Viewing platforms shall be limited to one hundred (100) square feet in size, unless demonstrated through a wetland critical areas report and mitigation plan that a larger structure will not result in a net loss of wetland functions.

iv. Trail planning shall utilize mitigation sequencing in Section 4.1.2.6.1 to first avoid siting trail and trail-related facilities within wetlands and their required buffers. Trails and trail-related facilities are allowed within wetlands or wetland buffers if there are no reasonable alternatives for meeting an applicant's trail planning objectives and it is demonstrated through a wetland critical areas report and mitigation plan that the proposal will not result in a net loss of wetland functions.

v. Trails shall be limited to non-motorized use. Trail width shall not exceed six feet unless there is a demonstrated need, subject to review and approval by the director. Trails shall be constructed with pervious materials unless otherwise approved by the director.

e. Utilities. Installation of utilities within wetlands or their required buffers may be allowed when the following standards are met:

i. Construction of new utilities outside the road right-of-way or an existing utility corridor may be permitted in wetlands or wetland buffers, only when no reasonable alternative location is available and the utility meets the requirements for installation, replacement of vegetation and maintenance outlined below, and as required in the filing and approval of applicable permits and special reports required by this section.

ii. Sewer or On-site Sewage Utility. Construction of sewer lines or on-site sewage systems may be permitted in wetland buffers only when:

A. The applicant demonstrates it is necessary to meet state and/or local health code minimum design standards (not requiring a variance for either horizontal setback or vertical separation); and/or

B. There are no other practicable or reasonable alternatives available and construction meets all other applicable requirements of this Section. Joint use of the sewer utility corridor by other utilities may be allowed.

iii. New utilities shall not be allowed when the wetland or buffer has known locations of federal or state listed endangered, threatened, monitored or sensitive species, heron rookeries or nesting sites of raptors which are listed as species of concern, except in those circumstances where an approved Habitat Management Plan indicates that the utility corridor will not significantly impact the wetland or wetland buffer;

iv. New utility construction and maintenance shall protect the wetland and buffer environment by utilizing the following methods:

A. New utilities shall be aligned to avoid tree removal to the greatest extent practicable.
B. Any area of disturbance resulting from installation of a utility shall be revegetated with appropriate native or equivalent vegetation at preconstruction densities or greater, immediately upon completion of construction, or as soon thereafter as possible, if due to seasonal growing constraints. The utility or landowner responsible for installation shall ensure that such vegetation survives.
C. Any access for maintenance shall be provided as much as possible at specific points, rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width but no greater than 15 feet; and shall be contiguous to the location of the utility corridor on the side away from the wetland. Mitigation will be required for any additional access through restoration of vegetation in disturbed areas.
D. The director may require additional mitigation measures.
E. Utility maintenance shall include the following measures to protect the wetland and buffer environment:

1. Painting of utility equipment such as power towers shall not be sprayed or sandblasted. Lead-based paints are prohibited.
2. No pesticides, herbicides or fertilizers may be used in wetland areas or their buffers except those approved by the U.S. Environmental Protection Agency (EPA) and Washington Department of Ecology and applied by a licensed applicator in accordance with the safe application practices on the label.

f. Parks. Development of public park and recreation facilities may be allowed; provided, that no alteration of wetlands or wetland buffers is allowed except as allowed in Section 4.1.5.6 (Allowed Activities within Critical Areas) and Section 4.1.5.12.7 (Allowed Activities within Wetlands).

8.

Wetland Buffers

a. Buffers shall remain as undisturbed or enhanced vegetation areas for the purpose of protecting the integrity, function, and value of wetland resources. Any buffer modification proposed shall be through an approved Buffer Enhancement Plan meeting the requirements of Section 4.1.5.14. No uses or activities shall be allowed within the buffer unless allowed by this Section. If a buffer on a site subject to land use review or a building permit application has previously been disturbed, the director may require the disturbed buffer area be enhanced, including revegetation with native plant species, pursuant to an approved Buffer Enhancement Plan meeting the requirements of Section 4.1.5.14. No refuse, including but not limited to household trash, yard waste and

commercial/industrial refuse, shall be placed in the buffer.

b. All regulated wetlands shall be surrounded by a buffer, based upon *Appendix 8-C, Section 8C.2.3 of Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands* (Ecology Publication #05-06-008), as amended. Standard buffer widths are shown in Tables 1 through 4. If a wetland meets more than one of the criteria listed in each table, the buffer needed to protect the wetland is the widest one.

c. Standard buffer widths are based on impact of land use, which is categorized as follows:

i. High impact land use includes commercial development, industrial development, institutional development, residential (all residential zoning classifications other than R-0.4, R-1 and R-2) development, new agriculture (high-intensity such as dairies, nurseries, greenhouses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), forestry activities, and high-intensity recreation such as golf courses and ballfields.

ii. Moderate impact land use includes residential development (R.0-4, R-1 and R-2 residential zoning classifications), new agriculture (moderate-intensity such as orchard and hay fields), paved trails, and construction of temporary logging roads.

iii. Low impact land use includes low-intensity open space such as passive recreation, natural resources preservation, and unpaved trails.

d. The required minimum buffers listed in Tables 4-6 through 4-9 are based on the assumption that the buffer is well vegetated with native species appropriate to the site. If the buffer does not consist of vegetation adequate to provide wetland protection and buffer functions, the director may require that the buffer be planted to achieve such protection and function.

Table 4-6: Category I Wetlands - Buffers

Wetland Characteristics	Impact of Land Use	Buffer Width	Other Protection
Natural Heritage Wetlands	Low Moderate High	125 ft 190 ft 250 ft	No additional discharge of surface water. No septic systems within 300 ft. Restore degraded parts of the buffer
Bogs	Low Moderate High	125 ft 190 ft 250 ft	No additional surface discharges. Restore degraded parts of the buffer.
Forested	Low Moderate High	125 ft 190 ft 250 ft	If forested wetland scores high for habitat, maintain connectivity to other natural areas.
Estuarine	Low Moderate High	100 ft 150 ft 200 ft	N/A

Wetland Characteristics	Impact of Land Use	Buffer Width	Other Protection
Wetlands in Coastal Lagoon	Low Moderate High	100 ft 150 ft 200 ft	N/A
High level of function for habitat (score for habitat is 8-9 pts.)	Low Moderate High	150 ft 225 ft 300 ft	Maintain connectivity to other natural areas. Restore degraded parts of the buffer.
Moderate level of function for habitat (score for habitat is 5-7pts.)	Low Moderate High	75 ft 110 ft 150 ft	N/A
High level of function for water quality improvement and low for habitat (score for water quality pts.; habitat less than 5 pts.)	Low Moderate High	50 ft 75 ft 100 ft	No additional discharges of untreated runoff.
Not meeting any of the above criteria.	Low Moderate High	50 ft 75 ft 100 ft	N/A

Table 4-7: Category II Wetlands - Buffers

Wetland Characteristics	Impact of Land Use	Buffer Width	Other Protection
High level of function for habitat (score for habitat is -9 pts.)	Low Moderate High	150 ft 225 ft 300 ft	Maintain connectivity to other natural areas.
Moderate level of function for habitat (score for habitat is 5-7pts.)	Low Moderate High	75 ft 110 ft 150 ft	N/A
Estuarine	Low Moderate High	75 ft 110 ft 115 ft	N/A
Not meeting any of the above criteria	Low Moderate High	50 ft 75 ft 100 ft	N/A

Table 4-8: Category III Wetlands - Buffers

Wetland Characteristics	Impact of Land Use	Buffer Width	Other Protection
Moderate level of function for habitat (score for habitat is 5-7pts.)	Low Moderate High	75 ft 110 ft 150 ft	N/A
Not meeting above criterion	Low Moderate High	40 ft 60 ft 80 ft	N/A

Table 4-9: Category IV Wetlands - Buffers

Wetland Characteristics	Impact of Land Use	Buffer Width	Other Protection
All	Low Moderate High	25 ft 40 ft 50 ft	N/A

9. Buffer Measurement. All buffers shall be measured on a horizontal plane from the delineated wetland edge as marked in the field a qualified professional.

10. Fencing and Signs. This section applies to those wetlands and their buffers that are within 200 feet of regulated development activities.

    a. Wetland buffers shall be temporarily fenced or otherwise suitably marked between the area where the construction activity occurs and the buffer. Fences shall be made of a durable protective barrier and shall be highly visible. Silt fences and plastic construction fences may be used to prevent encroachment on wetlands or their buffers by construction. Temporary fencing shall be removed after the site work has been completed and the site is fully stabilized per city approval.
    b. The director may require that permanent signs and/or fencing be placed on the common boundary between a wetland buffer and the adjacent land. Such signs will identify the wetland buffer. The director may approve an alternate method of wetland and buffer identification, if it provides adequate protection to the wetland and buffer.

11. Structure or hard surface setback. A structure or hard surface setback line of fifteen feet is required from the edge of any wetland buffer. Minor structural or impervious surface intrusions into the areas of the setback, such as but not limited to fire escapes, open/uncovered porches, landing places, outside walkways, outside stairways, retaining walls, fences and patios, may be permitted if the department determines upon review of an analysis of buffer functions submitted by the applicant, that construction and/or maintenance of such intrusions will not encroach into the wetland buffer or adversely impact the wetland. The functional analysis shall include a functional methodology

supported by best available science. The setback shall be identified on a site plan and filed as an attachment to the notice on title as required by Section 16.20.070 (Notice on Title).

12. Buffer Modification. Modifications to buffer widths may be allowed provided the applicant demonstrates the need for modification through mitigation sequencing pursuant to Section 4.1.2.6.

    a. Buffer Width Averaging. The width of a required buffer may be averaged if the applicant can demonstrate that averaging can provide equal or greater functions and values as would be provided under the required buffer and all of the following conditions are met:

        i. The total area of buffer after averaging is equal to the area required without averaging.
        ii. Averaging cannot result in the any portion of the buffer being reduced more than 25 percent of its required width.

    b. The required buffer widths for proposed land uses with high-intensity impacts to wetlands may be reduced to those required for moderate-intensity impacts under the following conditions:

        i. For wetlands that score moderate or high for habitat (5 points or more for the habitat function), the width of the buffer may be reduced if both of the following criteria are met:
        ii. A relatively undisturbed, vegetated corridor at least 100-feet wide is provided if the wetland contains any priority habitats as defined by the Washington Department of Fish and Wildlife. "Relatively undisturbed" and "vegetated corridor" are defined in the Western Washington Wetland Rating System. The corridor must be protected for the entire distance between the wetland and the priority habitat by some type of legal protection, such as a Notice to Title.
        iii. Measures to minimize the impacts of different land uses on wetlands, such as the examples in Table 5, are applied.
        iv. For wetlands that score less than 5 points for habitat, the buffer width may be reduced to that required for moderate land use impacts by applying measures to minimize the impacts of different land uses on wetlands, such as the examples in Table 4-10.

c. Any request for buffer modification outlined above shall be reviewed in conjunction with the underlying land use or construction permit. Requests for buffer averaging or buffer reduction shall include a Buffer Enhancement Plan prepared by a qualified professional that meets the requirements of Section 4.1.5.14. Buffer enhancement plans shall be reviewed pursuant to the criteria in Section 4.1.5.6.

d. Any other buffer modification resulting in a reduced buffer area, other than non-compensatory enhancement, requires a shoreline variance.

Table 4-10: Examples of measures to minimize impacts to wetlands from different types of activities.

Examples of Disturbance	Examples of Measures to Minimize Impacts	Activities that Cause the Disturbance
Lights	• Direct lights away from wetland.	Parking lots, warehouses, manufacturing, residential
Noise	• Locate activity that generates noise away from wetland. • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. • For activities that generate relatively continuous, potentially disruptive noise, such as heavy industry or manufacturing, establish an additional 10-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.	Manufacturing, residential
Toxic runoff*	• Route all new runoff away from wetland. • Establish covenants limiting use of pesticides within 150 feet of wetland. • Apply integrated pest management.	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Stormwater runoff	• Retrofit stormwater detention and treatment for roads and existing adjacent development. • Prevent channelized flow from lawns that directly enters the buffer. • Use Low Impact Development techniques consistent with BIMC 15.20.	Parking lots, roads, manufacturing, residential areas, landscaping
Change in water regime	Infiltrate or treat, detain, and disperse new runoff into buffer.	Impermeable surfaces, lawns, tilling

Pets and human disturbance	• Plant buffer with dense, impenetrable native vegetation appropriate for region. • Install low impact fencing at buffer perimeter. • Place wetland and its buffer in separate open space tract or protect with conservation easement.	Residential areas
Dust	Utilize best management practices to control dust.	Tilled fields
* These examples are not necessarily adequate to meet the rules for minimizing toxic runoff if threatened or endangered species are present at the site.		

13. Wetland mitigation requirements

a. Mitigation sequencing. All development, uses and activities proposed to impact wetlands shall be mitigated according to this Section and the mitigation sequencing steps outlined in Section 4.1.2.6. The applicant shall demonstrate to the satisfaction of the director that each step of mitigation sequencing has been adequately addressed prior to approval of impacts to wetlands.

b. Compensatory mitigation shall be required for development, uses or activities that result in the loss of wetland acreage or in the reduction of wetland functions or values.

c. Mitigation report. Where mitigation is required under the sequencing in subsection (1), a mitigation plan is a required component of a critical areas report meeting the requirements in Section 4.1.5.14, Critical area reports.

d. Wetland replacement

i. The ratios shown in Table 4-11 shall be used to determine the required amount of wetland mitigation. The first number specifies the amount of wetland area to be restored, rehabilitated, created or enhanced, and the second number specifies the amount of wetland area lost. The director may decrease these ratios when there are findings of special studies coordinated with agencies with expertise which demonstrate that no net loss of wetland function or value is attained under the decreased ratio.

ii. Mitigation requirements may also be determined using the credit/debit tool described in Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report (Ecology Publication #10-06-011, March 2012), or as revised) consistent with Table 4-11.

Table 4-11: Replacement Ratios for Wetlands

Category and Type	Re-establishment or Creation	Rehabilitation	1:1 Re-establishment or Creation (R/C) and Enhancement (E)	Enhancement Only
I – Mature Forested	6:1	12:1	1:1 R/C and 10:1 E	24:1
I – Based on functions	4:1	8:1	1:1 R/C and 6:1 E	16:1
I – Bog or Natural Heritage Site	Not considered possible	6:1	Case by Case	Case by Case
II	3:1	6:1	1:1 R/C and 4:1 E	12:1
III	2:1	4:1	1:1 R/C and 2:1 E	8:1
IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1

e. Approaches to compensatory mitigation.

i. Compensatory mitigation may occur at the site of the allowed impacts or at an off-site location. Considerations for determining whether off-site mitigation is preferable include, but are not limited to one or more of the following:

A. On-site conditions do not favor mitigation success due to soil conditions, hydrology or adverse impacts of adjacent land uses;
B. On-site conditions are isolated from other aquatic or riparian habitats;
C. An off-site location is beneficial to larger ecosystem or watershed functions;
D. An off-site location has greater likelihood of success or will provide greater functional benefits;
E. The proposal for an off-site location uses a watershed approach consistent with Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Ecology Publication #09-06-32, December 2009).

ii. Off-site compensatory mitigation may include the use of a wetland mitigation bank or an in-lieu fee program, if such instruments are available within the city limits.

iii. Advanced mitigation. Compensatory mitigation in advance of proposed impacts may be allowed on a case-by-case basis for projects with pre-identified impacts consistent

with Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation (Ecology Publication #12-06-015, December 2012).

~~1. All development, development proposals and alterations that are located within or adjacent to shoreline jurisdictional wetlands or their buffers, or that are likely to significantly impact shoreline jurisdictional wetlands shall prepare a wetland analysis pursuant to Subsection B-4.7 10 of Appendix B, of this Master Program. The wetland analysis shall include the wetland rating (using the Washington State Wetland Rating System for Western Washington (2006) or as revised by Ecology), a functional assessment of potential buffers (based on Ecology's best available science for wetlands), and noting of any water features and other critical areas and their related buffers in the proximity of the proposed development.~~

~~2. Wetlands will be delineated using the Regional Supplement to the Army Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region or the current Washington State Department of Ecology methodology. The wetland buffer for shoreline wetlands shall be established pursuant to the provisions of Subsection B-10 in Appendix B of this Master Program.~~

~~3. Alteration of wetlands and their buffers is prohibited, unless:~~

~~a. Such a prohibition is deemed a violation of constitutional or statutory limitations on regulations of private property; or~~

~~b. The proponent can conclusively demonstrate to the satisfaction of the Administrator that the impacts are unavoidable.~~

~~4. In either case of subsection 3.a or 3.b, above, the proponent shall provide mitigation to achieve no net loss of wetland functions and values, according to an approved mitigation plan prepared consistent with this Master Program, including Section B-4 and B-6 of Appendix B, shoreline-specific Critical Areas Regulations.~~

4.1.5.14 The Winslow Ravine – Special Rules in Mixed Use Town Center

A portion of the "Winslow Ravine" which contains a ravine, a Type F stream, and several wetlands, is located in the Mixed Use Town Center (MUTC) zoning designation. In order to accommodate more dense development within the MUTC, and recognizing the significant distance from the top of the ravine to the stream and its adjacent wetlands, in lieu of the buffer and setback rules provided for streams (Section 4.1.5.10) and wetlands (Section 4.1.5.12), an applicant may select the prescriptive option or the mitigated option with respect to the Winslow Ravine within the MUTC as described below:

Table 4-12. "Option A" - Prescriptive Standards

CATEGORIES	BUFFER WIDTH STANDARD	MINIMUM STRUCTURE AND HARD SURFACE SETBACK	OTHER DEVELOPMENT STANDARDS
Streams and wetlands associated with the Winslow Ravine within the MUTC	50 feet measured from the top of the Winslow Ravine	15 feet beyond the buffer	No development, uses or activities are allowed within the buffer. Refuse, including but not limited to household trash, yard waste and commercial/industrial refuse, shall not be located in the buffer and shall be removed if present.

Table 4-13. "Option B" - Mitigated Standards. The applicant shall demonstrate by submittal of necessary studies and proposed mitigation, that measures can and will be taken to ensure that the functions and values provided by the buffers prescribed under "Option A" are retained or improved.

CATEGORIES	BUFFER WIDTH STANDARD	MINIMUM STRUCTURE AND HARD SURFACE SETBACK	OTHER DEVELOPMENT STANDARDS
Streams and wetlands associated with the Winslow Ravine within the MUTC	25 feet measured from the top of the Winslow Ravine	15 feet beyond the buffer	No development, uses or activities are allowed within the buffer other than for public access meeting the standards in Section 5.8. If the buffer has previously been disturbed, the disturbed buffer area shall be revegetated pursuant to an approved Buffer Enhancement Plan meeting the requirements of Section 4.1.5.14. Refuse, including but not limited to household trash, yard waste and commercial/industrial refuse, shall not be located in the buffer and shall be removed if present.

4.1.5.15 Critical area reports

A. Aquifer recharge areas hydrogeological site assessment.

1. The hydrogeological site assessment shall include:

    a. A site map drawn to scale which indicates the location of known or geologically representative wells (abandoned and active), springs, and surface water features within 1,000 feet of the project property boundary;
    b. A description of the site-specific hydrogeological characteristics. At a minimum this will include a description of the lithology, depth and static water level of known underlying aquifer(s) and depiction of groundwater flow direction and patterns on the site map;
    c. A description of the proposed land use and activities specifically detailing water consumption; an inventory of all chemical use, storage, transportation, production (including process wastewater), and disposal; and any potential pollutant identified by the U.S. EPA as a potential source of drinking water contamination (Appendix A of the Washington State Critical Aquifer Recharge Area Guidance Document) or known to be deleterious to the environment or human health; and
    d. A general discussion of surface and groundwater quality and quantity in the area and the identification of the potential adverse quality and quantity impacts to groundwater and surface water features within 1,000 feet of the project.

2. In-depth Site Assessment Elements. The required elements of the in-depth site assessment for a given development or re-development will be based on the initial site assessment review by the city, the Kitsap Public Health District, affected Tribes, and affected public water purveyors.

One or more of the elements listed below may be required based upon the proposed project activity, complexity of underlying hydrogeological conditions, and the perceived potential to adversely impact groundwater or surface water quality or quantity. One or more of these elements may also be required if the applicant chooses to demonstrate that mitigation measures are not necessary to protect the quantity or quality of groundwater or surface water or that the project does not pose a risk of detriment to groundwater or surface water. Additional in-depth site assessment elements may include:

    a. Lithologic characteristics and stratigraphic relationships of the affected aquifer(s) and overlying geologic units and soil types including thickness, horizontal and vertical extent, permeability, and infiltration rates of surface soils.
    b. Delineation of identified structural features such as faults, fractures, and fissures.
    c. Aquifer characteristics including determination of recharge and discharge areas, transmissivity, storage coefficient, hydraulic conductivity, porosity, and estimate of groundwater flow direction, velocity and patterns for the affected aquifer(s).

d. Estimate of precipitation and evapotranspiration rates for the project area.
e. Preparation of appropriate hydrogeological cross sections depicting underlying lithology and stratigraphy, aquifer(s), and potential or probable contaminant pathways to both surface and groundwater from a chemical release.
f. Determination of background or existing groundwater quality underlying the project area and water quality of surface water bodies.
g. Contaminant fate and transport including probable migration pathways and travel time of potential contaminant release(s) from the site through the unsaturated zone to the aquifer(s) and through the aquifer(s), and how the contaminant(s) may be attenuated within the unsaturated zone and the aquifer(s) with consideration to advection, dispersion, and diffusion of contaminants in the groundwater.
h. Delineation of areas potentially affected by contaminant migration on the ground surface and/or through potentially affected aquifer(s).
i. Determination of the degree of continuity between groundwater and nearby surface water including potential impacts to baseflow in streams from proposed groundwater withdrawals, and potential impacts to surface water quality from site runoff or contaminated groundwater discharge.
j. Assessment of the potential for pumping-induced seawater intrusion.
k. Nitrate Loading Assessment. For projects that have the potential to adversely impact groundwater quality by nitrate loading, the applicant shall test existing wells and/or required test wells for nitrate as nitrogen and calculate the current and projected future groundwater nitrate concentrations at full project build-out, at appropriate point(s) of compliance, as determined by project characteristics, and in a methodology approved by the city. If the calculated nitrate loading in the intended water supply equals or exceeds 5 milligrams per liter nitrate as nitrogen, the applicant shall develop a mitigation plan with the point(s) of compliance determined based on project characteristics.
l. Multiple-stage (or phased) development must consider impacts of the total build-out of the project to allow for an assessment of the cumulative impacts of the entire development on critical aquifer recharge areas.

B. Aquifer Recharge Mitigation Plan.

For proposals requiring aquifer recharge area impact mitigations, the applicant shall develop for approval by the city a mitigation plan for the proposed development. Affected public water purveyors (Group A & B), affected Tribes, and the Kitsap Public Health District will be notified and invited to comment on all mitigation plans. The city will consider all recommendations submitted by these entities when developing appropriate permit conditions.

The city may, based on performance criteria and monitoring results, require additional amendments to the plan. The city reserves the right to submit mitigation plans for a third-party review at the applicant's expense and to reject any proposed land use or activity that poses significant risk to groundwater or surface water quality or quantity that cannot be satisfactorily mitigated.

1. The mitigation plan shall contain the project's permit conditions and, as applicable:

   a. A description of the mitigation measures to be taken, how they will be implemented, and performance criteria.
   b. A groundwater and surface water monitoring program to measure potential impacts of the development to underlying aquifer(s) and surface water. The monitoring plan will describe monitoring, maintenance, and reporting requirements.
   c. A contingency plan describing spill response and corrective actions to be taken if a release of a pollutant occurs or monitoring results indicate that mitigation measures are not effectively protecting groundwater and surface water resources and human health. The city shall have the authority to impose additional required corrective actions where such measures are necessary to protect groundwater and surface water resources or human health. Where appropriate contingencies are not feasible and result in an activity posing unacceptable risk to groundwater or surface water resources or human health, the city shall deny the proposal.
   d. Multiple-stage (or phased) development must consider mitigation for each phase of development as well as the total build-out of the project to allow for an assessment of the cumulative impacts of the entire development on critical aquifer recharge areas.
   e. Conditions that would arise that warrant ceasing the project operation altogether.
   f. Wellhead Protection Mitigation. Where a wellhead protection plan addressing the project area exists, the city shall use the recommendations contained in the wellhead protection plan as a basis for formulating required mitigation measures. In the absence of such a mitigation plan, the city shall contact the owner of the public water system (Group A and B) impacted by the proposed project and jointly develop mitigation measures, a summary of which shall be signed by the applicant and recorded with the applicant's property title.

   g. Nitrate Loading Mitigation.

      i. General Requirements. If a calculated nitrate loading concentration for a project at the designated point(s) of compliance is equal to or greater than 5 milligrams per liter nitrate as nitrogen, then the applicant shall be required to place a notification on the documents of title for the property affected. A monitoring plan shall be developed to monitor the nitrate level and include a contingency plan to be implemented if the nitrate level exceeds 10 milligrams per liter nitrate as nitrogen.
      ii. Land Divisions. If the calculated nitrate loading concentration for a land division at the designated point(s) of compliance is equal to or greater than 5 milligrams per liter nitrate as nitrogen, then the applicant shall:
         (A) Develop a mitigation plan to minimize the nitrate loading rate; and
         (B) Develop a contingency plan to be implemented if the nitrate concentration exceeds 10 milligrams per liter nitrate as nitrogen; and
         (C) Submit the contingency plan with the final plat application. The contingency plan must be approved by the city, and then recorded with the Kitsap County

Auditor as part of the final plat. Conditions of the contingency plan shall be listed on the face of the plat.

ii. Mitigation of nitrate in groundwater from on-site septic systems may include decreasing the density of septic system drainfields.

2. Recording of Mitigation Plan Summaries.

a. General Requirements. The city may require that the applicant record a city-approved summary of the mitigation plan on the property title. A copy of the recorded summary shall be provided to the city in hard copy and electronic format. If a property owner can demonstrate, to the satisfaction of the city, that mitigation measures are no longer necessary, the city shall approve the addition of language on the title for the property nullifying the mitigation requirements.
b. Land Divisions. The mitigation plan must be approved by the city, and then recorded with the Kitsap County Auditor as part of the final plat. Conditions of the mitigation plan shall be listed on the face of the plat.

3. Performance Surety. The director may require that the applicant provide a performance surety to ensure conformance with mitigation requirements of the Aquifer Recharge Mitigation Plan pursuant to Section 4.1.5.14.

C. Habitat management plan.

1. A habitat management plan (HMP) is a detailed report that outlines and documents the location of fish and wildlife conservation areas, any planned incursions or habitat impacts and a strategy for limiting impacts.

2. HMP review. All HMPs shall be submitted to the Washington State Department of Fish and Wildlife habitat biologist and to the Suquamish Tribe for review and comment within 14 days of a complete application pursuant to BIMC 2.16.030. If the HMP recommends mitigation involving federally listed threatened or endangered species, migratory waterfowl or wetlands, the U.S. Fish and Wildlife Service shall receive a copy of the draft HMP. Within that same time frame, the city's Environmental Technical Advisory Committee shall be asked to review the HMP and provide comments.

3. Map. The HMP shall contain a map prepared at an easily readable scale, showing:

a. The location of the proposed development site;
b. Property boundaries;
c. The relationship of the site to surrounding topographic and aquatic features and any connectivity to other wildlife habitat and corridors;
d. Proposed building locations;

e. A legend which includes acreage of the parcel, scale, north arrow, and date of map revision.

4. Report. The HMP shall contain a report that includes:

   a. A description of the nature and intensity of the proposed development
   b. Identification of existing habitat functions and values;
   c. An analysis of the effect of the proposed development, activity or land use change upon the wildlife species and habitat features and processes identified for protection;
   d. Any review comments received from a habitat biologist from the Washington State Department of Fish and Wildlife, and the Suquamish Tribe and U.S. Fish and Wildlife Service;
   e. Demonstration of consistency with current Washington State Department of Fish and Wildlife Habitat Management Recommendations for the applicable habitat or species. If the recommendations are not followed, the HMP report should identify the best available science guidance that is being followed or applied;
   f. A description of proposed seasonal activity restrictions in accordance with the Washington State Department of Fish and Wildlife Habitat Management Recommendations;
   g. An analysis of the feasibility to maintain wildlife corridors and connectivity, if applicable;
   h. A plan identifying proposed measures to mitigate any adverse impacts to wildlife habitats created by the proposed development. Proposed mitigation measures shall be specific to the affected habitat or species; and
   i. A schedule for periodic monitoring, and a contingency plan with corrective actions if conservation or mitigation actions do not lead to the desired outcome.

5. HMP adequacy. If there is a disagreement between the director and the applicant as to the adequacy of the HMP, the issue of plan adequacy shall be resolved by consulting with the Washington Department of Fish and Wildlife. If the Washington Department of Fish and Wildlife is not available to review the HMP in a timely manner, the applicant may choose to have the city refer the HMP to a third party consultant at the expense of the applicant. After consultation with such State departments or third party consultant, the director shall make a final decision on the adequacy of the HMP.

6. Timing. An HMP must be developed and approved prior to issuance of a building permit or underlying land use application and must be implemented before the city grants a certificate of occupancy, as applicable.

7. Performance Surety. The director may require that the applicant provide a performance surety to ensure conformance with mitigation requirements of the habitat management plan pursuant to Section 4.1.2.7.

D. Buffer Enhancement Plan

1. As part of a buffer modification request, the applicant shall submit a buffer enhancement plan that assesses the functions and values of the buffer and the effects of the proposed modification on those functions and values.

2. The buffer enhancement plan shall clearly demonstrate that equal or greater protection of the functions and values of critical areas and their buffers can be achieved through the buffer modification than could be achieved through providing the required buffer using an appropriate function assessment methodology.

3. The buffer enhancement plan shall identify how the applicant proposes to mitigate any adverse impacts to the critical area or buffer created by the proposed development.

4. The buffer enhancement plan shall be prepared in accordance with the applicable requirements of Section 4.1.5.14, Critical areas reports.

E. Geological Hazards Assessment

1. A geological hazards assessment shall contain the following site- and proposal-related information at a minimum:

   a. Site and Construction Plans. The report shall include a copy of the site plans for the proposal showing:

      i. The type and extent of geologic hazard areas, any other critical areas, and buffers on, adjacent to, or within a zone or distance of potential significant influence as determined by a professional engineer/ geologist;
      ii. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain, if available;
      iii. The topography, as determined by a professional engineer or geologist, of the project area and all hazard areas addressed in the report; and
      iv. Clearing limits.

   b. Assessment of Geological Characteristics. The report shall include an assessment of the geologic characteristics of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region. The assessment shall include, but not be limited to:

i. A description of the surface and subsurface geology, including complexes, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;

ii. A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and

iii. A description of the vulnerability of the site to seismic and other geologic events.

c. Analysis of Proposal. The report shall contain a hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.

d. Minimum Buffer and Building Setback. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis. Where the recommended buffers are less than the standard setbacks set forth in Section 4.1.5.10, the rationale and basis for the reduced buffer shall be clearly articulated and demonstrate that the protection standard set forth in that section has been met.

e. A review of, and recommendations relating to, the low impact development (LID) infeasibility criteria in the 2014 Stormwater Management Manual for Western Washington, as amended, demonstrating reasonable consideration of all applicable LID practices.

2. Landslide Hazard and Erosion Hazard Areas. In addition to the basic geologic hazards assessment, an assessment for an erosion hazard or landslide hazard area shall include the following information at a minimum:

a. Erosion Control. An erosion control plan prepared by a civil engineer shall be submitted to the city prior to the issuance of a building permit.

b. The applicant shall provide a geotechnical analysis containing the following information:

i. Site Plan. The critical area report shall include a copy of the site plan for the proposal showing:

A. The height of slope, slope gradient, and cross-section of the project area;

B. The location of springs, seeps, or other surface expressions of ground water on or a zone or distance of potential significant influence as determined by a professional engineer/ geologist; and

C. The location and description of surface water run-off features.

c. Hazards Analysis. The hazards analysis component of the critical areas report shall specifically include:

i. A description of the extent and type of vegetative cover;

ii. A description of subsurface conditions based on data from site-specific explorations;
iii. Descriptions of surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements;
iv. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;
v. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one hundred-year storm event;
vi. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties;
vii. A study of slope stability including an analysis of proposed cuts, fills, and other site grading;
viii. Recommendations for building siting limitations; and
ix. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion; and
x. A description of the potential modes of failure.

3. Geotechnical Engineering Report. The technical information for a project within a landslide hazard area shall include a geotechnical engineering report prepared by a licensed engineer that presents engineering recommendations for the following:

   a. Parameters for design of site improvements including appropriate foundations and retaining structures. These should include allowable load and resistance capacities for bearing and lateral loads, installation considerations, and estimates of settlement performance;
   b. Recommendations for drainage and subdrainage improvements;
   c. Earthwork recommendations including clearing and site preparation criteria, fill placement and compaction criteria, temporary and permanent slope inclinations and protection, and temporary excavation support, if necessary; and
   d. Mitigation of adverse site conditions including slope stabilization measures for seismically unstable soils, surface water management, location and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability if appropriate.

4. Seismic Hazards Areas. In addition basic geologic hazards assessment, an assessment for a seismic hazard area shall also meet the following requirements:

   a. Fault Hazard. The applicant shall provide a geologic/geotechnical analysis containing information specified by the City Engineer that documents the presence or absence of any surface deformation on the site in areas mapped by the city. If deformation is located, the applicant shall provide a geotechnical analysis containing information specified by the City Engineer, which concludes that the development proposal as mitigated meets the standards of this section.

b. Liquefaction Hazard. The applicant shall provide a geotechnical analysis containing information specified by the City Engineer that meets the standards of this section (as mitigated).
c. Seismic Landslide Hazard. The applicant shall provide the same analysis and plan as required for landslide hazard areas.

5. Tsunami Hazards. The city shall provide applicants for development in low lying shoreline areas and other areas where flood elevation is controlled by tide level with information on tsunami hazards.

F. Wetland critical areas report.

A wetland critical areas report shall include, but not necessarily be limited to, the following:

1. A site plan showing the following:

a. Surveyed wetland boundaries based upon a delineation by a wetland specialist or wetland boundaries recorded using a differential global positioning system, based upon a delineation by a wetland specialist.
b. Location of required buffers pursuant to Section 4.1.5.11 or as proposed through buffer modification.
c. Site boundary property lines and roads;
d. Internal property lines, rights-of-way and easements;
e. Existing physical conditions of the site, including buildings, fences and other structures, existing hard surfaces, utilities, etc.
f. Contours at the smallest readily available intervals;
g. Hydrologic mapping showing patterns of surface water movement and known subsurface water movement into, through, and out of the site;
h. Location of all test holes and vegetation sample sites, numbered to correspond with flagging in the field and field data sheets; and
i. An aerial photograph with overlays displaying the site boundaries and wetland delineation.

2. A report including the following:

a. Vicinity map
b. Location information (parcel number and address)
c. General site conditions including topography, size and surface area of all wetlands identified and water bodies within one-quarter mile of the site
d. Analysis of functional values of existing wetlands
e. Summary of proposed development, use or activities and potential impacts to wetlands
f. Copies of rating forms and maps from the Wetland Rating System for Western Washington – Revised (2014) or as amended.
g. Required buffers pursuant to Section 4.1.5.11.

h. Complete U.S. Army Corps of Engineers wetland determination data forms
i. National Wetland Inventory map
j. Wetland mitigation plan, if compensatory mitigation is required.

G. Wetland mitigation plan.

1. Compensatory mitigation plans shall be consistent with Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans – Version 1 (Ecology Publication #06-06-011b, March 2006), as revised, and, if applicable, Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)(Ecology Publication 09-06-032, December 2009) and meet the following standards:

   a. All critical area restoration, creation and/or enhancement projects required pursuant to this section either as a permit condition or as a result of an enforcement action shall follow a mitigation plan prepared by an expert approved by the director. The applicant or violator shall receive written approval of the mitigation plan by the director prior to commencement. Compensatory mitigation is not required for allowed activities which utilize best management practices to protect the functions and values of regulated critical areas.
   b. Purpose of Mitigation Plan. The mitigation plan shall provide information on land acquisition, construction, maintenance and monitoring of the replaced critical area. The mitigation plan shall recreate as nearly as possible the original critical area in terms of its acreage, function, geographic location and setting.
   c. Mitigation Plan Submittal Requirements. A complete mitigation plan shall consist of plot plans, a written report, and performance bonds, as required below. The plot plans and written report shall be prepared by qualified professionals approved by the director.

2. Plot Plan Requirements. The following information shall be submitted on one or more plot plans (as determined by the director):

   a. A legal description and a survey (boundary and topography) prepared by a licensed surveyor of the proposed development site, compensation site, and location of existing critical area(s) on each. This shall include wetland delineation and existing wetland acreage.
   b. Scaled plot plan(s) indicating:
      i. Proposed construction;
         A. Zoning setback and critical area buffer requirements;
         B. Construction phasing and sequence of construction;
         C. Site cross-sections, percent slope, existing and finished grade elevations;
         D. Soil and substrate conditions;
         E. Grading and excavation plan, including erosion and sediment control plans needed for construction and long-term survival; substrate stockpiling

locations and techniques, and source controls needed for critical area construction and maintenance;

F. Landscape plans indicating species, types, quantities, locations, size, spacing or density of planting; planting season or timing; planting instructions, watering schedule and nutrient requirements; source of plant materials or seeds; and, where appropriate, measures to protect plants from destruction or predation; and

G. Water control structures and water-level maintenance practices needed to achieve the necessary hydrocycle/hydroperiod characteristics, etc.

3. Written Report Requirements. A written report shall accompany the plot plan(s) and shall provide the additional information required below. In addition, the report should be used as needed to clarify or explain elements of the plot plan(s).

   a. Baseline Information.
      i. Wetland delineation and existing wetland acreage;
      ii. Vegetative, faunal and hydrologic characteristics;
      iii. Soil and substrate conditions;
      iv. Relationship within watershed and to existing streams, wetlands, ponds, or saltwater;
      v. Existing and proposed adjacent site conditions; and
      vi. Existing and proposed ownership.
   b. Environmental Goals and Objectives. The report shall contain a description of the environmental goals and objectives to be met by the compensation plan. The goals and objectives shall be related to the functions and values of the original critical area or, if out-of-kind wetland mitigation, the type of wetland to be emulated. This analysis shall include, but is not limited to the following:
   c. Site selection criteria;
      i. Identification of compensation goals;
      ii. Identification of functions and values;
      iii. Dates for beginning and completion of the project and compensation plan;
      iv. A complete description of the relationship between and among structures and functions sought;
      v. Review of available literature and/or known like-projects to date in restoring or creating the type of critical area proposed;
      vi. Likelihood of success of the proposed compensation project at duplicating the original critical area. This shall be based on experiences of comparable projects identified in the literature review or existing projects, if any; and
      vii. Likelihood of the ability of the created or restored critical area to provide the functions and values of the original critical area. This shall be based on such factors as surface water and groundwater supply and flow patterns; dynamics of the ecosystem; sediment or pollutant influx and/or erosion, periodic flooding and drought, etc.; presence of invasive flora or fauna; potential human or animal disturbance; and previous comparable projects, if any.

d. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project are met and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance, and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.

e. Detailed Specifications. Written specifications and descriptions of compensation techniques shall be provided. These shall include, but not be limited to, items in Subsection C.2 of this Section.

f. Monitoring Program. A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided. Monitoring may include, but is not limited to:

   i. Establishing vegetation plots to track changes in plant species composition and density over time;

   ii. Using photo stations to evaluate vegetation community response;

   iii. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals);

   iv. Measuring base flow rates and storm water runoff to model and evaluate water quality predictions, if appropriate;

   v. Measuring sedimentation rates, if applicable; and

   vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity.

   vii. A protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. A monitoring report shall be submitted annually, at a minimum, documenting milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than seven years.

   viii. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

      A. Performance and Maintenance Surety and Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise to successfully execute the compensation project shall be provided. A compensation project manager shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects. In addition, a surety ensuring fulfillment of the compensation project, monitoring program, and any contingency measure shall be posted pursuant to Section 4.1.2.7.

4. City Consultation. The city may consult with and solicit comments from any federal, state, regional, or local agency, including tribes, having any special expertise with respect to any environmental impact prior to approving a mitigation proposal which includes critical areas compensation. The compensation project proponents should provide sufficient information on plan design and implementation in order for such agencies to comment on the overall adequacy of the mitigation proposal.

5. Permit Conditions. Any compensation project prepared pursuant to this section and approved by the director shall become part of the application for the permit.

4.1.6 Water Quality and Stormwater Management

4.1.6.1 Principles

Water quality is affected in numerous ways by human activity. Impervious surfaces that accompanies development increases surface water runoff; which causes scouring and erosion of stream banks. Erosion increases suspended solid levels and a greater amount of stormwater carries heavy metals, household wastes, and excess nutrients into the waters of the state. Increased nutrient enrichment depresses dissolved oxygen levels. Degradation of water quality adversely impacts wildlife habitat and public health. The purpose of these provisions is to minimize water quality impacts of shoreline uses and activities. Shoreline master programs shall, as stated in RCW 90.58.020, protect against adverse impacts to the public health, to the land and its vegetation and wildlife, and to the waters of the state and their aquatic life, through implementation of the following principles:

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

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

4.1.6.2 Applicability

These provisions apply to all shoreline development, including that which does not require a Shoreline Substantial Development Permit. The use of pesticides, herbicides or fertilizers within the shorelines jurisdiction, including applications of herbicides to control noxious aquatic vegetation, shall comply with regulations of Section 4.1.5, Critical Areas and responsible federal and state agencies. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.3, Vegetation Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.1.6.3 Goal

Maintaining high water quality standards and restoring degraded systems is mandated in the Shoreline Management Act (RCW 90.58.020 or its successor). The purpose of these provisions is to maintain existing water quality, restore impaired water bodies and minimize water quality impacts of shoreline uses and activities.

4.1.6.4 Policies

1. Require all shoreline uses and activities, and developments to be located, designated, constructed, and maintained to avoid or minimize adverse impacts to water quality, quantity, or hydrology.
2. Ensure that shoreline uses, activities, and developments are consistent with the City's Stormwater Management Plan and stormwater ordinances. Protect ecological functions and/or ecosystem-wide processes by avoiding and minimizing adverse impacts to water quality through shoreline vegetation management and stormwater management.
3. Use effective public education programs, site planning and best management practices to avoid or minimize the need for chemical fertilizers, pesticides, herbicides, and fungicides that could contaminate surface or ground water or cause adverse effects of shoreline ecological functions and ecosystem-wide processes.
4. Encourage the use of low impact development techniques as water quality treatment of surface water runoff, unless precluded by soil conditions, slope or other sensitive area conditions.

4.1.6.5 Prohibited

1. Wood that is treated with creosote, copper chromium arsenic (CCA) or pentachlorophenol (PCP) in or above shoreline water bodies, unless otherwise approved in Section 6.3, Overwater Structures.
2. Use of pesticides within a Shoreline Buffer and Site-specific Vegetation Management Areas, except as follows:
    a. All shoreline developments and activities shall comply with the following standards in the application of pesticides or herbicides.
        i. As part of an integrated pest management plan which is administered by a qualified professional to control rodents.
        ii. When it is the accepted practice to successfully eradicate aquatic or upland invasive/noxious vegetation species and Department of Ecology has approved a method of application.

4.1.6.6 Regulations – General

1. All shoreline development shall minimize any increase in surface runoff through control, treatment, and release of surface water runoff so that the receiving water quality, shore properties, and features are not adversely affected, and through compliance with the

standards established in the City's adopted Stormwater Management Manual in BIMC 15.20.

2. Shoreline use and development shall incorporate measures to protect and maintain surface and ground water quantity and quality in accordance with all applicable laws.

3. Low impact development techniques shall be considered and implemented consistent with the City's adopted Low Impact Development Manual cited in BIMC 15.20.050.C unless the site is demonstrated to the satisfaction of the Administrator to be unsuitable for low impact development techniques.

    a. When a direct discharge pipe is demonstrated to be necessary, the conveyance shall consist of the following:

        i. A continuous heat welded high density polyethylene (HDPE) pipe; and

        ii. Devices to keep the pipe stationary and set off bank; and

        iii. An energy dissipation pad or water dissipater installed at the end of the pipe. The dissipation pad shall extend the minimum distance necessary to protect the beach substrate.

4. All proposals for bulk storage of oil, fuel, chemicals, or hazardous materials, on either a temporary or a permanent basis, shall require adequate secondary containment and an emergency spill response plan in place when appropriate. It shall be the responsibility of property owners to fund and implement the approved spill containment and cleanup plans and to complete the work by the deadline established in the plans according to BIMC 15.22.

5. Allowances to alter stormwater management standards of BIMC 15.20 may be approved by the City, provided it can be demonstrated that off-site facilities would provide better treatment, or where common retention, detention and/or water quality facilities meeting such standards have been approved as part of a comprehensive regional stormwater management plan.

6. Best management practices (BMP's) for control of erosion and sedimentation shall be implemented for all development in shorelines through an approved Stormwater Pollution Prevention Plan (SWPPP), as required by BIMC 15.20, Surface and Storm Water Management, or administrative conditions.

7. To avoid water quality degradation by malfunctioning or failing septic systems located within shoreline jurisdiction, on-site sewage systems shall be located landward of any new residence or business or if determined to be infeasible, in a location approved by the Administrator and designed to meet all applicable water quality, utility, and health standards. The owner must be in compliance with the Kitsap Health District, and any state and federal laws.

8. New residences or businesses on the shoreline located within two hundred (200) feet of an existing sewer line and/or within an established sewer service area shall be connected to the sewer system.

9. All materials that may come in contact with surface water or stormwater shall be constructed of materials, such as untreated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. To avoid discharge of pollution, decking material or other structural components shall be approved by applicable state agencies for contact with water.

10. As a condition of permit approval, the Administrator may apply the following conditions to protect water quality:

    a. Shoreline uses and activities shall apply Best Management Practices (BMP's) to minimize any increase in surface runoff and to control, treat and release surface water runoff so that receiving properties, receiving waters, wetlands or streams, and are not adversely affected, consistent with the City's adopted Stormwater Management Manual.

    b. All types of BMPs shall be regularly maintained to continue to function as intended, according to the BIMC 15.21, Storm Water Facilities Maintenance Program. Such measures may include, but are not limited to:

        i. Vegetated shoreline buffers and setbacks.

        ii. Low Impact Development techniques for infiltration (rain gardens, pervious surfaces).

        iii. Methods described in the City's adopted Stormwater Manual (catch basins or settling ponds, oil interceptor drains, grassy swales).

        iv. The release of oil, chemicals (including pesticides and herbicides), fertilizer or hazardous materials, and others listed in BIMC 15.26~~2~~2 onto land or into the water is prohibited within the shoreline jurisdiction.

        v. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

11. The use of fertilizer is allowed within the Shoreline Buffer and Site-specific Vegetation Management Area when measures are taken to protect the waters of the state.

    a. Minimize or prevent the runoff of chemical laden into adjacent water bodies.

    b. The direct runoff of fertilizer chemicals into adjacent water bodies is prohibited.

    c. Application of fertilizer shall utilize BMPs outlined in the City's adopted Stormwater Management Manual.

4.1.7 Flood Hazard Management

4.1.7.1 Applicability

These provisions apply to primary flood hazard projects or programs. They also apply to construction, maintenance, repair, modification and/or expansion of flood hazard

management systems. Provisions applicable to individual properties are in Section 6.0, Shoreline Modification Policies and Regulations. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.1.7.2 Policies

1. Base flood hazard management planning on applicable watershed management plans, critical area ordinances, and other comprehensive planning efforts. Coordinate flood hazard management among affected property owners and public agencies by considering the system-wide impacts of individual projects, cumulative impacts of individual projects, and ensuring that flood hazard protection measures do not result in a net loss of ecological function.
2. Allow removal of gravel for flood control should only if a biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction and that no net loss of ecological functions and ecosystem-wide processes will result. Removal must be part of a comprehensive flood management solution.
3. Ensure flood hazard management works are located, designed, constructed, and maintained to provide:
    a. Protection of shoreline ecological functions and ecosystem-wide processes which may be damaged by interruptions of the geo-hydraulic system;
    b. Protection of water quality and natural ground water movement;
    c. Protection of fish, vegetation and other life forms and their habitat vital to the aquatic food chain; and
    d. Protection of recreation resources and aesthetic values such as point and channel bars, islands, and other shore features and scenery.
4. Give preference to non-structural methods over structural flood control methods wherever feasible, including prohibiting or limiting development in historically flood prone areas, regulating structural design, and limiting increases in peak-flow runoff from new upland development. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that nonstructural solutions would not sufficiently reduce the damage.

4.1.7.3 Prohibited

1. Flood control works are prohibited on estuary or embayment shores, on point and channel bars, and in salmon spawning areas, except for the purpose of fish or wildlife habitat enhancement or restoration or as approved for a foundation for redevelopment of a legally established primary residential structure in the Point Monroe District.

2. Flood control structures and stream channelization projects that damage fish and wildlife resources, recreation or aesthetic resources, or create high flood stages and velocities shall be prohibited.

4.1.7.4 Regulations – General

1. Flood hazard management shall be a conditional use in the Shoreline Residential Conservancy, Island Conservancy, Shoreline Residential, Urban and Aquatic designations and prohibited in the Natural and Priority Aquatic designations, except in the Point Monroe District.
2. The City shall require the applicant to provide the following information during its review of shoreline flood management projects and programs.
    a. Channel hydraulics and floodway characteristics up and downstream from the project area;
    b. Existing shoreline stabilization and flood protection works within the area;
    c. Physical, geological and soil characteristics of the area;
    d. A biological resource inventory and analysis prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources; and
    e. A hydraulic analysis prepared by a licensed professional engineer that describes anticipated effects of the project on hydraulics including:
        i. Potential increases in base flood elevation; and
        ii. Geo-hydraulic processes leading to erosion or adverse effects to shoreline resources and uses; and
        iii. Potential for redirection of the normal flow of the affected stream; and
        iv. Predicted impact upon adjacent properties and shoreline and water uses; and
        v. Analysis of alternative flood protection measures, both structural and nonstructural; and
        vi. An analysis of the flood frequency, duration and severity and expected health and safety risks as a rationale and justification for the proposed structure; and
        vii. Proposed provisions for accommodating public access to and along the affected shoreline, as well as any proposed on-site recreational features; and
        viii. A description of any proposed plans to remove vegetation and revegetate the site following construction.
3. The City shall require flood control structures to be professionally engineered and designed prior to final approval. The design shall be consistent with the Department of Fish and

Wildlife Aquatic Habitat Guidelines and other applicable guidance and regulatory requirements.

4. Flood control structures shall be permitted only when there is credible engineering and scientific evidence that:
    a. They are necessary to protect existing, lawfully established development; and
    b. They are consistent with BIMC 15.16, Flood Damage Prevention and the City Comprehensive Plan; and
    c. Non-structural flood hazard reduction measures are infeasible; and
    d. Proposed measures are consistent with an adopted comprehensive flood hazard management plan, if available.
5. When permitted, flood control structures shall be:
    a. Constructed and maintained in a manner that does not degrade the quality of affected waters or the habitat value associated with the in stream and riparian area; and
    b. Placed landward of the OHWM except for weirs, current deflectors and similar structures to protect public bridges and roads; and
    c. Placed landward of associated wetlands and designated habitat conservation areas, except for structures with a primary purpose of improving ecological functions and processes; and
    d. Designed based on engineering and scientific analyses that provide the highest degree of protection to shoreline ecological functions or processes; and
    e. Designed to allow for normal ground water movement and surface runoff. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless they are actually causing bank erosion or higher flood stages; and
    f. Designed to allow streams to maintain point bars and associated aquatic habitat through normal accretion so that the stream can maintain normal meander progression and maintain most of its natural storage capacity.
6. No flood control structure shall be installed or constructed without first having obtained all applicable federal, state, and local permits and approvals, including but not limited to a hydraulic project approval (HPA) from the Department of Fish and Wildlife and Federal Emergency Management Agency (FEMA) requirements for National Flood Insurance Program (NFIP) communities pertaining to flood prone areas. Conditions of the hydraulic project approval permit (HPA) issued by Washington State Department of Fish and Wildlife shall be incorporated into permits issued for flood protection.
7. Removal of beaver dams to control or limit flooding shall be allowed provided that the project proponent coordinates with the Department of Fish and Wildlife and obtains all necessary permits and approvals from the state.

8. Flood protection measures that alter, reroute, or change the shoreline may be approved as a conditional use only if it is demonstrated that other flood protection and planning measures would be insufficient. Alternative measures shall be considered in the following sequence:

    a. No action

    b. Non-structural measures such as vegetation enhancement or comprehensive planning

    c. Increase building setbacks and/or relocate structures to a feasible location and/or elevate the structures.

    d. Implement flexible/natural materials and methods, beach nourishment, protective berms, bioengineered solutions or other soft-treatment measures.

    e. Apply development restrictions.

4.1.8 Shoreline Restoration and Enhancement

4.1.8.1 Applicability

This section provides for restoration and enhancement of ecologically impaired areas or areas with the goal of achieving a net gain in shoreline ecological functions and ecosystem-wide processes above the baseline conditions as of the adoption of this shoreline master program. Restoration and enhancement provisions apply to activities and projects proposed and conducted specifically for the purpose of establishing, restoring, or enhancing ecological functions and ecosystem-wide processes within shoreline upland, beach and/or aquatic areas measured below the ordinary high water mark (OHWM). Shoreline restoration activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater; Section 4.1.3, Vegetation Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.1.8.2 Goal

Over time, create net ecosystem-wide improvement in the shoreline environment by improving impaired shoreline ecological functions and ecosystem-wide processes that have been degraded or diminished. This will be accomplished through voluntary and incentive-based public and private programs and actions that restore and enhance shoreline areas prioritized through a restoration plan.

4.1.8.3 Policies

1. Improve shoreline ecological functions and ecosystem-wide processes through restoration and enhancement actions designed using principles of landscape and conservation ecology with the primary goal being to restore and/or enhance physical and biological ecosystem-wide processes that create and sustain shoreline habitat structures and functions.

2. Encourage and facilitate cooperative shoreline restoration and enhancement programs between local, state, and federal agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or ecosystem-wide processes.
3. Target restoration and enhancement actions to improve habitat requirement of priority species, such as Chinook and other species and/or locally important plant, fish and wildlife species; and/or other populations or habitats for which a prioritized restoration of recovery plan is available.
4. Integrate restoration and enhancement with other natural resources management efforts such as Puget Sound Salmon recovery planning, West Sound Watershed planning and Water Resource Inventory Area(WRIA) 15 Watershed Management planning.
5. As feasible, include provisions for shoreline vegetation restoration, fish and wildlife habitat enhancement, and low impact development techniques in projects located within the shoreline through project mitigation and incentive-based restoration.
6. Seek funding from state, federal, private and other sources to implement restoration and enhancement, and provide support to restoration work by identifying shoreline restoration priorities and organizing information on available funding sources for restoration implementation.
7. Encourage restoration and enhancement projects by developing project permitting and processing guidelines that will streamline the review of restoration-only projects.
8. Identify and encourage the use of tax incentive programs, mitigation banking, grants, land swaps, or other programs as they are developed, to encourage restoration and enhancement of shoreline ecological functions and ecosystem-wide processes and to protect habitat for fish, wildlife and plants.
9. Avoid adverse impacts to existing critical saltwater habitat areas, fish and wildlife habitat conservation areas, water quality and flood holding capacities.
10. Restore or enhance Island shorelines in conjunction with shoreline stabilization, recreational enhancement, and aquatic habitat creation or restoration. Do not allow creation of new land area along the shoreline below the OHWM to raise the elevation to create dry upland areas.
11. Encourage supplementary beach nourishment where existing shoreline stabilization has the potential to decrease existing beach materials at or down-drift from the project site and should be coordinated with an Island-wide shoreline restoration plan.
12. Promote shoreline stabilization that incorporates beach restoration or enhancement in accordance with the restoration provisions of this Master Program.

4.1.8.4 Objectives

1. Encourage and facilitate cooperative restoration and enhancement programs between local, state and federal public agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or ecosystem-wide processes.

2. Restore and enhance shoreline ecological functions and processes as well as shoreline features through voluntary and incentive-based public and private programs.
3. Target restoration and enhancement towards improving habitat requirements of priority and/or locally important wildlife species.
4. Ensure restoration and enhancement is consistent with and, where practicable, prioritized based on the biological recovery goals for Chinook and bull trout populations and other species and/or populations for which a recovery plan is available.
5. Seek funding for various restoration actions and programs from local sources and by working with the Bainbridge Island Metropolitan Park and Recreation District and other jurisdictions in the WRIA 15 and stakeholders to seek federal, state, grant and other funding opportunities.
6. Continue to develop and implement the City's Shoreline Stewardship Program as a public education program to inform private property owners in the shoreline jurisdiction and in the remainder of the City about the effects of land management practices and other unregulated activities (such as vegetation removal, pesticide/herbicide use, car washing) or fish and wildlife habitats.

4.1.8.5 Regulations – Restoration

1. Restoration activities are permitted in all designations, and shall be carried out in accordance with the objectives of an approved shoreline restoration plan and in accordance with the policies and regulations of this Program.

4.1.8.6 Beach Nourishment and Enhancement

4.1.8.6.1 Policies

1. All beach enhancement projects should ensure that aquatic habitat, existing water quality levels and flood-holding capacities are maintained.
2. Beach restoration/enhancement utilizing self-sustaining systems should be required where;
    a. The length and configuration of the beach will accommodate such systems;
    b. Such protection is a reasonable solution to the needs of the specific site; and
    c. Beach restoration/enhancement will accomplish one or more of the following objectives:
        i. Recreate or enhance natural conditions.
        ii. Create or enhance natural habitat.
        iii. Mitigate erosion.
        iv. Enhance access to the shoreline.

3. Supplementary beach nourishment should be encouraged where existing shoreline stabilization is likely to increase impoverishment of existing beach material at or down drift from the project site.

4.1.8.6.2 Regulations – Prohibited

1. Dikes, levees, jetties, groins, gabions and breakwaters, are prohibited. Drift sills for enhancement or restoration projects may be allowed.
2. Beach nourishment is prohibited unless part of an approved mitigation plan or restoration project within spawning, nesting, or breeding habitat and/or where littoral drift of the enhancement materials enhances shoreline and does not adversely affects shoreline ecological functions and shoreline ecosystem-wide processes or adjacent properties.

4.1.8.6.3 Regulations – General

1. Mitigation/enhancement/restoration proposal design alternatives shall include the best available technology.
2. Mitigation/enhancement/restoration proposals shall not:
    a. Detrimentally interrupt littoral drift, or redirect waves, current or sediments to other shorelines;
    b. Result in any exposed groin-like structures, provided that small "drift sill" groins may be used as a means of stabilizing restored sediment as part of a permitted beach restoration program;
    c. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;
    d. Result in contours sufficiently steep to impede easy pedestrian passage, or to trap drifting sediments;
    e. Create additional dry land mass; or
    f. Disturb valuable shallow-water fish/wildlife habitat as determined by the Department of Fish and Wildlife, unless such habitat is immediately replaced by new habitat that is comparable or better.
3. Beach Restoration Construction Standards:
    a. The size and/or mix of new material to be added to a beach shall be as similar as possible to the undisturbed bluff sediment and Washington Department of Fish and Wildlife approved material (i.e. "Fish mix, or smaller grain size). The material shall not predominately consist of grain size similar to clay or silt.

b. The restored beach shall approximate, and may slightly exceed, the natural beach width, height, bulk, or profile (but not so as to obviously create additional dry land mass).

4.1.8.6.4 Specific Regulations – Beach Enhancement

1. Beach enhancement shall be a conditional use in all environments and shall be undertaken only for restoration, enhancement and maintenance of natural resources, or to enhance public access to the shoreline. Beach enhancement is prohibited if undertaken upland of Priority Aquatic designation.

4.2 General Use

4.2.1 Nonconforming ~~Uses, Non-Conforming Lots, and Existing Development~~ Nonconforming Structures, and Nonconforming Lots

4.2.1.1 Applicability

This section applies to shoreline uses and/or structures that were lawfully established or constructed prior to the effective date of the initial adoption of the Master Program (November 26, 1996) or ~~its amendments, but which do not conform to present regulations or standards of the Master Program.~~amendments thereto, and which do not conform to current regulations or standards of this Program. This section does not apply to shoreline modification or shoreline stabilization.

Nonconforming uses, lots and structures are not required to meet this Program's requirements, unless new development or changes to a use, lot or structure that would require review under this Program are proposed.

4.2.1.2 Definitions

1. Nonconforming Use. A nonconforming use means an existing shoreline use that was lawfully established prior to the effective date of this Program (November 26, 1996), as amended, but which does not conform to present use regulations due to subsequent changes to the Program.

2. Nonconforming Lot. A nonconforming lot means a lot that met dimensional requirements of the applicable SMP at the time of its establishment (November 26, 1996), as amended, but now contains less than the required width, depth or area due to subsequent changes in the Program.

3. Nonconforming development" or "nonconforming structure" means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.

4.2.1.~~2~~3 Goal

~~It is the purpose of this program to recognize legally established primary residential structures, and to allow them to be maintained, repaired, remodeled, replaced and in some cases expanded in conformance with these rules. Residential structures that do not conform to this program should, over time, as the owner proposes changes to the structure, conform as completely as possible to this program, with due regard to unique site conditions and property rights.~~

~~It is further the purpose of this program to ultimately, over time, have uses and commercial structures conform to the provisions of this program. Over time, uses and commercial structures that do not conform to the standards of this program should be phased out as uses cease or redevelopment of structures occurs.~~

~~Note: Existing structures and uses that do not conform to this Program are not required to meet its requirements, unless the owner proposes changes to a structure or use that would require review under this Program.~~

It is the purpose of this section to recognize legally established uses, lots, and structures, and to allow them to be maintained, repaired, remodeled, replaced, and, in some cases expanded, in conformance with Section 4.2.1.5 through 4.2.1.8 of this Program with due regard to unique site conditions and property rights.

4.2.1.~~3~~4 Policies

~~1. Lawfully constructed commercial and industrial structures shall be allowed to be repaired, maintained, and remodeled provided that the alteration does not increase the nonconformity.~~

~~2. Lawfully constructed structures, established uses, public facilities, transportation structures, and/or lots of record located within the shoreline jurisdiction prior to the effective date of the Master Program but which do not conform to the present policies, regulations or standards, shall be allowed to continue and be repaired and maintained.~~

~~3. Lawfully constructed residential structures may be repaired, maintained and remodeled provided the alteration meets the goals and provisions of this program.~~

~~4. Lawfully constructed residential structures may be expanded in some circumstances, provided the expansion will not result in adverse impacts to shoreline ecological functions and processes, and mitigation is provided.~~

~~5. Once discontinued, re-establishment of nonconforming uses located in the shoreline jurisdiction shall be restricted.~~

~~6. Lawfully constructed commercial structures that are located in the shoreline jurisdiction are to be phased out over time. Depending on the extent and intensity of the nonconformity, a primary residential structure and primary appurtenance, may be allowed certain alteration or expansion, provided that adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.~~

~~7. Lawfully constructed structures that are destroyed by fire, explosion, flood, or other casualty may be restored or replaced without increasing or expanding the nonconformity, and are encouraged to decrease nonconformity. Legally established overwater structures that are destroyed may be reconstructed to the same size, but the configuration may be altered to reduce the impact to the shoreline environment provided the size of the nonconformity is not increased. Such redevelopments may be permitted provided that impacts to shoreline functions and processes are mitigated or restored, and the reconstruction application is submitted within two years of the date of destruction.~~

~~8. Provisions for reconstruction of a lawfully constructed residential house shall allow certain expansions of the existing structure when it can be demonstrated that the expansion will not result in adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.~~

~~9. Legally created nonconforming lots of record may be developed provided that adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.~~

~~10. Redevelopment of nonconforming public rights-of-way and associated existing transportation structures may be permitted for purposes of facilitating essential public access, development of public trails and/or public shoreline access.~~

1. Nonconforming structures may be replaced, repaired, maintained, or remodeled and, in some cases, nonconforming structures may be expanded provided the change meets the current regulations and standards of this Program. Decreases in nonconformity should be encouraged.
2. Once discontinued, reestablishment of nonconforming uses and nonconforming commercial structures located in the shoreline jurisdiction should be restricted or phased out over time.
3. Nonconforming overwater structures may be reconstructed to the same size and modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.
4. Nonconforming lots of record may be developed consistent with the standards and regulations of this Program.
5. Redevelopment of nonconforming public rights-of-way and associated existing transportation structures may be permitted for purposes of facilitating essential public access, development of public trails and/or public shoreline access.

4.2.1.~~4~~5 Regulations – General

~~1. Nonconforming uses and developments and/or existing buildings and structures that were lawfully constructed or existed prior to the effective date of initial adoption of this Program (November 26, 1996), or its amendments, but which do not meet the specific standards of this Program, may be continued subject to the provisions of this section;~~

~~provided that shoreline modifications shall conform to Section 6.1, General Shoreline Modification Provisions, and Section 6.2, Shoreline Stabilization.~~

~~2. A complete application for any reconstruction under this section must be submitted within two (2) years of the date of damage or removal, and upon approval of the application, redevelopment must be completed within one (1) year of the commencement of reconstruction. A one (1) year extension may be granted, provided that a written request is submitted no later than twenty-one (21) days prior to either deadline and provided that the owner is not responsible for the delay.~~

~~3. An existing use designated by the adoption of an applicable amendment hereto as a conditional use that lawfully existed prior to the adoption of the Program or the adoption of an applicable amendment hereto and which has not obtained a conditional use permit, shall be considered a legal nonconforming use and may be continued subject to the provisions of this section without obtaining a conditional use permit.~~

~~4. A structure for which a variance has been issued but which does not comply with applicable requirements of this Program as amended shall be considered a legal existing structure and the requirements of this section shall apply.~~

~~5. Any permitted remodel or expansion shall not cause adverse impacts to shoreline ecological functions and/or processes.~~

1. Nonconforming uses, lots, and structures may continue subject to the provisions of this section.
2. Any alterations to nonconforming uses or structures shall meet the no net loss standard pursuant to Section 4.1.2.4. The current condition of the shoreline, including nonconforming uses and structures, shall be the starting point or baseline for determining compliance with the no net loss standard.

4.2.1.~~5~~6 Regulations - Nonconforming Uses

1. Nonconforming uses shall not be altered or expanded in any way that increases the nonconformity.
2. If a nonconforming use is discontinued for twelve (12) consecutive months, any subsequent use shall be conforming; except that if a nonconforming use is operated within a nonconforming structure that is accidently damaged or destroyed and reconstruction is proposed under Section 4.2.1.~~6.1(3)~~7, then the use may be re-established within the same time period as the reconstruction for the nonconforming structure pursuant to Section 4.2.1.~~4(2)~~7.1(7).
3. A nonconforming use cannot be changed to another nonconforming use.
4. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, provided that all provisions are met.

4.2.1.~~6~~7 Regulations – ~~Existing Development~~ Nonconforming Structures

4.2.1.~~6~~7.1 General Provisions – Nonconforming Structures

~~1. Existing structures may be maintained, repaired, renovated, or remodeled provided all the following is met:~~

~~a. Changes to the structure that would alter or increase the nonconformity are not permitted;~~

~~i. Any vertical or horizontal extension of a wall must meet the provisions of this program.~~

~~ii. Adding to the footprint of an existing structure is permitted as long as the addition meets the requirements of this program.~~

~~b. There is no further encroachment into the buffers unless allowed by this program or through an approved variance;~~

~~c. Renovations or remodels are entirely contained within the building;~~

~~d. If moved, the structure shall be made to conform to regulations of this program.~~

~~2. If an existing primary structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event, provided the use is conforming or meets the provisions of Section 4.2.1.4, Regulations-General, and 4.2.1.5, Regulations – Nonconforming Uses, above.~~

~~a. This provision shall not apply to structures that are destroyed due to a criminal act initiated by the property owner; and~~

~~b. The replacement structure shall not warrant new shoreline stabilization for the life of the new structure.~~

~~c. The replacement structure meets geologically hazard provision for existing development in Section 4.1.5, Regulations – Nonconforming Uses, and Appendix B.~~

1. All nonconforming structures may be maintained, repaired, renovated, remodeled, or rebuilt. In some cases, nonconforming structures may be expanded subject to the specific provisions of this Program.
2. Nonconforming structures shall not be reconstructed, altered, or expanded in any way that increases the nonconformity.

3. No further encroachment into the shoreline buffer established in accordance with Section 4.1.3 is allowed unless permitted by this Program.

4. Any nonconforming structure that is relocated must conform to regulations of this Program.

5. The enlargement or replacement of a structure shall not warrant new shoreline stabilization for the life of the new structure; and

6. A replacement structure, or portion thereof, must meet geologically hazardous provisions in Section 4.1.5.

7. A complete application for any reconstruction under this section must be submitted within three (3) years of the date of damage or removal and must include documentation of site conditions and building configuration existing immediately prior to the time the structure was demolished or destroyed. Upon approval of the application, redevelopment must be completed within one (1) year of the commencement of reconstruction. A one (1) year extension may be granted, provided that a written request is submitted no later than twenty-one (21) days prior to either deadline and provided that the owner is not responsible for the delay.

Note: Commercial and Industrial structures moved to Section 4.2.1.7.6

~~***4.2.1.6.2 Existing Structures – Commercial and Industrial (Primary and Accessory)***~~

~~1. Existing commercial structures shall not be altered or expanded in any way that increases the nonconformity without first obtaining a variance.~~

~~2. Reconstruction of existing commercial structures and buildings intentionally demolished or destroyed in any other manner than described in Section 4.2.1.6.1(2), shall be in conformance with all standards of the Program.~~

4.2.1.~~6.3~~7.2 ~~Existing Structures~~ Nonconforming Structures – Residential Single-Family: Primary Structures

~~1. If an existing primary residential structure is damaged or destroyed as described in Section 4.2.1.6.1(2), the existing primary residential structure configuration may be altered or expanded pursuant to subsections 4.2.1.6.3(2-4).~~

~~2. An existing primary residential structure may be altered or expanded to the extent allowed by this Program, provided:~~

~~a. Enlargement or expansion of the building configuration, including any new impervious surfaces located within the Shoreline Buffer shall be located landward of the existing or original building footprint, only one such expansion may occur within the lifetime of the development, and the expansion shall not exceed:~~

~~i. The allowed building area for Point Monroe District, Section 5.9.6(2).~~

~~ii. The allowed building area for encumbered lots, Section 4.2.1.7.~~

~~iii. For structures not meeting i or ii; twenty five percent (25%) of the existing building footprint.~~

~~b. Any vertical expansion must meet height requirements of this Program;~~

~~c. Remnant foundation and/or impervious surfaces located within the Shoreline Buffer shall be removed;~~

~~d. Mitigation of the shoreline buffer is provided in accordance with Section 4.1.2, Environmental Impacts;~~

~~e. The remodel or expansion shall not cause adverse impacts to shoreline ecological functions and/or processes; and~~

~~f. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.~~

~~3. Permitted expansion of an existing structure shall not substantially impact the existing views of the water from primary waterfront residences or public rights-of-way to any greater degree than a fully conforming structure.~~

~~4. Increases in structure footprint outside of the Shoreline Buffer shall be allowed, even if all or a portion of the existing footprint is within the Shoreline Buffer. In such case, the addition or enlargement shall be treated as a separate building or structure in determining conformity to all of the requirements of this Program.~~

1. A nonconforming primary residential structure located within the shoreline buffer may be altered, expanded, or rebuilt, provided:

   a. If an existing primary residential structure is damaged or destroyed by any means, it may be reconstructed to the same footprint and bulk dimensions existing immediately prior to the demolition or destruction.

   b. Any enlargement or expansion of the building, including any new impervious surfaces, shall be located landward of the existing or original building footprint.

   c. No enlargement or expansion shall be located within Zone 1 of the shoreline buffer.

   d. Expansion is limited to an increase of up to 500 square feet of the existing footprint over the lifetime of the structure.

   e. For structures not within an encumbered lot, enlargement or expansion may be allowed as follows:

      A. If the total footprint of any remaining portion of the existing primary structure, the proposed additional footprint, and any existing and proposed hard surfaces is less than or equal to four thousand square

feet expansion is allowed with mitigation as required in the Single Family Shoreline Mitigation Manual.

B. If the total footprint of any remaining portion of the existing primary structure, the proposed additional footprint, and any existing and proposed hard surfaces is greater than four thousand square feet expansion is allowed with submittal of a site-specific impact analysis and approval of a shoreline conditional use permit.

f. No landmark trees as defined in BIMC 16.24 shall be removed to accommodate the enlargement or expansion.

g. No significant trees shall be removed to accommodate the enlargement or expansion unless the Administrator determines all of the following are met:

A. The use of mitigation sequencing pursuant to Section 4.1.2.6 is demonstrated prior to removal of the tree.

B. The healthy trees remaining on the property are able to maintain existing shoreline ecological function and processes.

C. Reasonable and feasible alternatives that would allow for the preservation of the tree are not available.

h. Permitted expansion of a nonconforming structure shall not substantially impact the existing views of the water from primary residences or public rights-of-way to any greater degree than a fully conforming structure in accordance with Section 4.1.3.11.

i. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.

Note: Multifamily primary structures moved to Section 4.2.1.7.5

~~***4.2.1.6.4 Existing Structures – Multifamily Residential: Primary Structures***~~

~~1. If an existing primary multifamily residential structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event, including building height and footprint of the structure.~~

~~a. This provision shall not apply to structures that are destroyed due to a criminal act involving the property owner; and~~

~~b. The replacement structure shall not warrant new shoreline armoring for the life of the new structure; and~~

~~c. The reconstruction shall not cause adverse impacts to shoreline ecological functions and processes.~~

~~d. The replacement structure meets geologically hazard provision for existing development in Section 4.1.5, Critical Areas, and Appendix B.~~

~~2. An existing primary multifamily residential structure or portion thereof may be reconstructed, altered, or expanded, including the footprint and/or the height increased, to the extent allowed by this Program, if the following are met:~~

~~a. Public access is provided pursuant to Section 4.2.4.6, Regulations – Public Access Design and Location Standards; and~~

~~b. Mitigation of the shoreline buffer is provided to meet no net loss, as detailed in Section 4.1.2, Environmental Impacts, including revegetation standards in Section 4.1.2.5(3).~~

4.2.1.~~6.5~~7.3 ~~Existing~~ Nonconforming Structures – Residential: Accessory Structures

1. If ~~an existing~~ a nonconforming residential accessory structure is damaged, destroyed or intentionally demolished, ~~the~~ any reconstruction shall be in conformance with all standards of the~~is~~ Program.~~, except~~:

2. If a nonconforming essential single-family residential accessory structure is damaged, destroyed or intentionally demolished, it may be replaced in the same location provided all other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Public Health District, and any state and federal laws.

~~a. An existing essential single family residential accessory structure may be reconstructed as follows:~~

~~b. Replacement structure is the same bulk dimension as the existing structure.~~

~~c. Replacement structure may be located within Zone 2 provided mitigation occurs in accordance with 4.1.2.5, Regulations – Revegetation Standards.~~

~~d. Attached decks essential to a single family residence may be replaced in the same location.~~

~~e.. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.~~

Note: Encumbered and nonconforming lots moved to Section 4.2.1.8

~~4.2.1.7 Regulations – Encumbered and Nonconforming Lots~~

~~1. Single-family development and redevelopment, except in the Point Monroe District, that is proposed on a legal nonconforming lot located in the shoreline jurisdiction or proposed for a shoreline property that is significantly encumbered by shoreline or~~

~~critical area buffers, may be allowed without a shoreline variance when the following criteria are met:~~

~~a. A lot contains a building area of 2,500 square feet or more available for a single-family residence and normal appurtenances and unrestricted by buffers from shorelines or critical areas shall comply with the provisions of this Program. The building area means the entire area that will be disturbed to construct the home, normal appurtenances (except drainfields), and landscaping; or~~

~~b. A lot that does not meet the requirement of subsection 1.a above, shall meet the following:~~

~~i. Landslide hazard provisions of Section 4.1.5, Critical Areas, and Appendix B and provide the maximum buffer dimension feasible for critical areas; and~~

~~ii. Provide a building area not to exceed 2,500 square feet with maximum lot coverage of 1,200 square feet. The building area shall be located on the portion of the lot providing the maximum Shoreline Buffer dimension with consideration given to view; and~~

~~iii. All single-family residential development approved under this section shall meet the shoreline structure view setback provisions in Section 4.1.3.11, Regulations – Shoreline Structure Setback View Requirement; and~~

~~c. The area between the structure and the shoreline and/or critical area shall comply with revegetation standards in Section 4.1.2.5(3), the vegetation conservation standards of Section 4.1.3, Vegetation Management, and provisions of Section 4.1.5 Critical Areas, and Appendix B; and~~

~~d. Development may not take place waterward of the ordinary high water mark; and~~

~~e. Facilities such as a conventional drainfield system may be allowed outside of the building area specified above, and allowed within buffer areas, except wetlands buffers. Such facilities shall not be located closer than 75ft to OHWM; and shall be subject to regulations of Section 4.1.5, Critical Areas.~~

4.2.1.7.4 Nonconforming Structures – Residential and Commercial Overwater Structures

1. ~~Existing docks floats, and buoys may be repaired and replaced in the same foot print and shall comply with this Program's requirements for materials and standards, to the extent practicable.~~

~~a. Except that as a conditional use, an existing dock may be modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.~~

Nonconforming docks, piers, floats, and buoys may be replaced in the same footprint and shall comply with this Program's requirements for materials and standards, to the extent practicable.

2. Nonconforming docks, piers, floats, and buoys may be modified, reoriented or altered within the same general location without a substantial development permit if the resulting structure is more consistent with this Program's requirements for materials and standards.

3. ~~Except for docks and floats, repair and replacement up to 50% of the footprint of any existing aquatic structures, including shoreline modifications, or buildings or portions thereof within the Aquatic or Priority Aquatic designations, shall only be done once within any five year period. Such replacements shall comply with this Program's requirements for materials and standards to the extent practicable. If the structure is composed of several components, then the 50% shall be calculated independently for each component.~~ Replacement of nonconforming overwater structures other than docks, piers, floats, and buoys may be replaced if such replacement is authorized as normal repair consistent with WAC 173-27-040(2)(b).

~~3. The replacement shall meet Section 4.1.2, Environmental Impacts, including the mitigation sequencing standards of Section 4.1.2.6, Regulations-Mitigation, to meet the standard of no net loss of shoreline ecological functions and/or processes. Shoreline stabilization shall also meet the alternative analysis provision of Section 6.2.8(1).~~

~~4.2.1.7.5 Nonconforming Structures – Multifamily Residential: Primary Structures~~

~~1. If an existing primary multifamily residential structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event, including building height and footprint of the structure.~~

~~a. This provision shall not apply to structures that are destroyed due to a criminal act involving the property owner; and~~

~~b. The replacement structure shall not warrant new shoreline armoring for the life of the new structure; and~~

~~c. The reconstruction shall not cause adverse impacts to shoreline ecological functions and processes.~~

~~d. The replacement structure meets geologically hazard provision for existing development in Section 4.1.5, Critical Areas, and Appendix B.~~

~~2. An existing primary multifamily residential structure or portion thereof may be reconstructed, altered, or expanded, including the footprint and/or the height increased, to the extent allowed by this Program, if the following are met:~~

~~a. Public access is provided pursuant to Section 4.2.4.6, Regulations – Public Access Design and Location Standards; and~~

~~b. Mitigation of the shoreline buffer is provided to meet no net loss, as detailed in Section 4.1.2, Environmental Impacts, including revegetation standards in Section 4.1.2.5(3).~~

1. A nonconforming primary multifamily residential structure, or any portion thereof, may be reconstructed only in conformance with the current regulations and standards of this Program, including provisions for public access (Section 4.2.4.6) and residential development (Section 5.9).
2. A nonconforming primary multifamily residential structure, or any portion thereof, that is damaged or destroyed by a natural catastrophic event, may be reconstructed to the footprint and bulk dimensions existing immediately prior to the catastrophic event.

4.2.1.7.6 Nonconforming Structures – Commercial and Industrial (Primary and Accessory)

~~***4.2.1.6.2 Existing Structures – Commercial and Industrial (Primary and Accessory)***~~

~~1. Existing commercial structures shall not be altered or expanded in any way that increases the nonconformity without first obtaining a variance.~~

~~2. Reconstruction of existing commercial structures and buildings intentionally demolished or destroyed in any other manner than described in Section 4.2.1.6.1(2), shall be in conformance with all standards of the Program.~~

1. Nonconforming commercial and industrial structures, or any portion thereof, demolished or destroyed by any means may be reconstructed only in conformance with the current regulations and standards of this Program; except, nonconforming commercial structures utilized wholly for water-oriented uses may be reconstructed to the same footprint and bulk dimensions existing immediately prior to destruction by catastrophic event or intentional demolition.

4.2.1.~~8~~7.7 Regulations – Nonconforming Public Facilities & Transportation

1. Nonconforming public facilities shall be allowed to continue and to be repaired, maintained, or remodeled.
2. Redevelopment of nonconforming public rights-of-way and associated transportation structures ~~are~~ is allowed for purposes of facilitating essential public access, development of public trails, and/or public shoreline access, provided that no other alternative is feasible and redevelopment shall be otherwise consistent with the provisions of this Program, including but not limited to the provisions for public access and no net loss of shoreline ecological functions and processes.

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

~~1. Existing docks floats, and buoys may be repaired and replaced in the same foot print and shall comply with this Program's requirements for materials and standards, to the extent practicable.~~

~~a. Except that as a conditional use, an existing dock may be modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.~~

~~2. Except for docks and floats, repair and replacement up to 50% of the footprint of any existing aquatic structures, including shoreline modifications, or buildings or portions thereof within the Aquatic or Priority Aquatic designations, shall only be done once within any five year period. Such replacements shall comply with this Program's requirements for materials and standards to the extent practicable. If the structure is composed of several components, then the 50% shall be calculated independently for each component.~~

~~3. The replacement shall meet Section 4.1.2, Environmental Impacts, including the mitigation sequencing standards of Section 4.1.2.6, Regulations-Mitigation, to meet the standard of no net loss of shoreline ecological functions and/or processes. Shoreline stabilization shall also meet the alternative analysis provision of Section 6.2.8(1).~~

4.2.1.~~7~~8 Regulations – Encumbered and Nonconforming Lots

1. Single-family development and redevelopment, except in the Point Monroe District, that is proposed on a ~~legal~~ nonconforming lot ~~located in the shoreline jurisdiction~~ or proposed for a shoreline property that is significantly encumbered by ~~shoreline or critical area buffers~~ critical areas, critical areas buffers or setbacks, or shoreline buffers, may be allowed without a shoreline variance when the following criteria are met:

   a. If a lot contains a building area of 2,500 square feet or more that is unrestricted by critical areas, critical areas buffers or setbacks, or shoreline buffers, development of a single-family residence and normal appurtenances shall occur within that unrestricted development area and comply with the provisions of this Program. The development area means the entire area that will be disturbed to construct the home, normal appurtenances (except drainfields), and landscaping.

   ~~A lot contains a building area of 2,500 square feet or more available for a single-family residence and normal appurtenances and unrestricted by buffers from shorelines or critical areas shall comply with the provisions of this Program. The building area means the entire area that will be disturbed to construct the home, normal appurtenances (except drainfields), and landscaping; or~~

   b. ~~A lot that does not meet the requirement of subsection 1.a above, shall meet the following~~ If a lot does not contain a development area of 2,500 square feet or more available for a single-family residence and normal appurtenances that is

unrestricted by critical areas, critical areas buffers or setbacks, or shoreline buffers, development shall meet the following provisions:

i. Landslide hazard provisions of Section 4.1.5, Critical Areas~~, and Appendix B~~ and provide the maximum buffer dimension feasible for critical areas; and

ii. Provide a ~~building~~ development area not to exceed 2,500 square feet with maximum lot coverage of 1,200 square feet. The ~~building~~ development area shall be located on the portion of the lot providing the maximum Shoreline Buffer dimension with consideration given to view; and

iii. All single-family residential development approved under this section shall meet the shoreline structure view setback provisions in Section 4.1.3.11, Regulations – Shoreline Structure Setback View Requirement; and

c. The area between the structure and the shoreline and/or critical area shall comply with revegetation standards in Section 4.1.2.5(3), the vegetation conservation standards of Section 4.1.3, Vegetation Management, and provisions of Section 4.1.5 Critical Areas~~, and Appendix B~~; and

d. Development may not take place waterward of the ordinary high water mark; and

e. Facilities such as a conventional drainfield system may be allowed outside of the development area specified above, and allowed within buffer areas, except wetlands buffers. Such facilities shall ~~not be located closer than 75ft to OHWM~~ be located a minimum of 75 feet from the ordinary high water mark; and shall be subject to regulations of Section 4.1.5, Critical Areas.

4.2.2 Cultural Resources

4.2.2.1 Applicability

The following provisions apply to cultural, archaeological and historic resources that are either recorded by the State Historic Preservation Office, affected Indian tribes and/or by local jurisdictions, or have been inadvertently uncovered. Archaeological sites located both in and outside shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with C~~c~~hapter 25-48 WAC (archaeological excavation and removal permit) as well as the provisions of this Master Program. Shoreline development and activities associated with cultural resources will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.2.2 Policies

1. Due to the limited and irreplaceable nature of the resource(s), prevent the destruction of or damage to, any site having historical, cultural, scientific or educational value as identified by the appropriate authorities, including affected Indian tribes, and the Washington State Department of Archaeology and Historic Preservation.
2. Ensure that public or private uses and activities are compatible with any site having historic, prehistoric, cultural, scientific or educational purpose or value as identified by the appropriate authorities.
3. Develop guidelines to direct private and public development with regard to historic structures and areas. Require on-site interpretive signs, plaques or other interpretive and educational measures when a project impacts or retains cultural resources, unless prohibited by law.
4. Coordinate with the Metropolitan Park District to ensure Comprehensive Plan's consistency with cultural resource management policies.

4.2.2.3 Regulations - General

1. New or expanded shoreline use and development, including preferred uses, restoration projects and uses exempt from permit requirements shall:
    a. Preserve and protect cultural resources that are recorded by the Washington State Department of Archaeology and Historic Preservation or local registry and resources that are inadvertently discovered during use or development activities; and
    b. Consult the City, the Washington State Department of Archaeology and Historic Preservation and affected tribes prior to beginning development so there is ample time to assess the site and make arrangements to preserve cultural resources; and
    c. Comply with all state and federal regulations pertaining to archaeological sites.
2. Significant cultural resources shall be permanently preserved for scientific study, education, and public observation. Employ all feasible means to ensure that data, structures, and sites having historical, archaeological, cultural, scientific, or educational significance are preserved, extracted, or used in a manner commensurate with importance. Unless an alternate period is agreed to by the applicant, or if a different federal or state law supersedes this SMP, the City may postpone development activities a maximum of 90 days to allow for the:
    a. Development of a Cultural Resource Management Plan and/or retrieval and preservation of significant artifacts.
    b. Investigation of public acquisition potential, including:
        i. Consulting with Historic Preservation Commission on grant opportunities; and

ii. Informing City Council of opportunity.

3. When determining potential impacts to cultural resources, the project area shall be limited to proposed development use pattern, including associated areas, such as paths, equipment storage and appurtenances.

4. Archaeological excavations may be permitted subject to the provisions of this program.

4.2.2.4 Regulations - Procedure

1. When reviewing a permit, the City will use the following methods to determine probability of cultural resources occurrence:

   a. Predictive models;

   b. Local and State Inventory; and

   c. Registries:

      i. National Register of Historic Places

      ii. Washington Heritage Register

      iii. Heritage Barn Register

2. The following shall be required of the City when permits or statements of exemptions are issued in areas known to contain, or to have a significant probability of containing cultural resources:

   a. The Washington State Department of Archaeology and Historic Preservation and affected tribes shall be notified of the proposed activity, including timing, location, scope, and resources affected; and

   b. The applicant shall provide a Cultural Resource Site Assessment and a Cultural Resource Management Plan, for review and approval pursuant to subsection 3, below; and

   c. Costs for the Cultural Resource Site Assessment and Cultural Resource Management Plan are the responsibility of the applicant; and

   d. The applicant shall identify areas and fence off known or suspected archaeological middens and areas of cultural significance according to the Cultural Resource Management Plan, prior to site development or proposed activities.

3. If a Cultural Resource Assessment identifies significant cultural resources, the applicant shall be required to submit a Cultural Resource Management Plan (CRMP) which shall include:

   a. An analysis of actions to be taken by the property owner, applicant, archaeologist, or historic preservation professional in the event that an inadvertent discovery of historic, archaeological, or cultural sites or artifacts occurs during site development; and

b. An explanation of why the proposed activity requires a location on, or access across and/or through, a significant cultural resource; and

c. A description of the cultural resources affected by the proposal; and

d. An assessment of the cultural resource and an analysis of the potential adverse impacts as a result of the activity; and

e. Measures recommended to prevent adverse impacts or to address review comments from the City, Washington State Department of Archaeology and Historic Preservation, and affected tribes;

f. Measures recommended for mitigation; and

g. Measures for identification and education. Interpretive signs, plaques, or other interpretive and educational measures of historical and archaeological features shall be provided, unless the identification of the location of the cultural resource is protected by state or federal laws. (See Applicability for laws governing Archaeological sites.)

4. If archaeological resources are inadvertently uncovered during construction or other activities, the property owner(s) shall immediately stop work and comply with the provisions of Subsection 2, and the following:

   a. The applicants(s) must first receive permission from the State Office of Archaeology and Historic Preservation and the City, prior to further site disturbance (RCW 27.53.060 or its successor).

5. Identified historical or archaeological resources shall be considered during project planning for all park, open space, public access and projects with access to such areas. Projects shall be designed and managed to give maximum protection to retain cultural resources and surrounding environment.

6. The project may be exempt from shoreline permit requirements in the event that unforeseen factors constituting an emergency (as defined in RCW 90.58.030 or its successor) necessitate rapid action to retrieve or preserve artifacts or data. When such a waiver is provided, the City shall notify the Washington State Department of Ecology, the State Attorney General's Office~~,~~ and the Washington State Department of Archaeology and Historic Preservation.

4.2.3 Parking

4.2.3.1 Applicability

The following should apply only to parking that is accessory to a permitted shoreline use. Additional parking regulations in the BIMC Title 18, Zoning, may also apply. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; ~~Appendix B;~~ and BIMC

Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.3.2 Policies

1. Allow parking that directly serves a shoreline use and that is sensitive to adjacent shorelines and properties. Encourage accessible parking for road ends; limit accessory motorized parking within the shoreline jurisdiction, except for ADA parking services; and encourage parking facilities for non-motorized transportation.
2. Ensure parking facilities are located, designed, constructed, and operated to minimize adverse impacts to water quality, aesthetics, public access, vegetation and habitat, stormwater runoff, noise, and glare. Low impact development techniques, such as permeable surfaces and/or rain gardens (bio-retention cells), should be required of all parking, including single-family residences where suitable site conditions exist.
3. Design and locate parking to serve more than one use (e.g., recreational use on weekends, commercial uses on weekdays).

4.2.3.3 Regulations – Prohibited Uses

1. Parking as a principal use (i.e., not accessory to an authorized use) except when provided as part of a public road end or scenic vista.
2. Parking shall be prohibited over water except at the publicly-owned ferry terminal in the Urban designation.

4.2.3.4 Regulations – General

1. Parking in the shoreline jurisdiction shall directly serve a shoreline use and shall require a conditional use permit in the Natural designation.
2. Parking supporting specific land use activities within the shoreline jurisdiction is subject to the requirements and standards set forth in BIMC 18.15.020, in addition to the specific use regulations of this section.
3. Parking shall be prohibited over water except at the publicly-owned ferry terminal in the Urban designation.
4. Parking areas shall serve multiple facilities unless shown to the satisfaction of the Administrator not to be feasible.

4.2.3.5 Regulations – Location and Design

Parking shall comply with the following design standards as applicable (e.g. item 1 would not apply to over-water ferry terminal parking):

1. Parking facilities shall be located upland of the water-oriented portions of the development and where feasible, landward of the principal buildings unless contained within a permitted structure, and set back from the OHWM as established in Section 4.0, Table 4-2, Shoreline Setback.

2. The design and construction for single-family residential parking and parking facilities shall assure that surface water runoff will not pollute adjacent waters or cause soil or beach erosion, and shall meet the standards of Section 4.1.6. Water Quality and Stormwater Management. Oil separators and detention facilities shall be required for new parking facilities. Alternatives to conventional stormwater treatment, such as use of pervious materials, shall be considered where appropriate in order to minimize impacts of runoff and/or the need for stormwater treatment.
3. Security lighting associated with parking facilities shall be beamed, hooded, or directed so as to not cause a nuisance glare.
4. Parking facilities shall be separated from residential, recreation, and natural areas (e.g., the shoreline) by landscaping and/or screening in accordance with the landscaping requirements of BIMC Title 18, Zoning.
5. Parking facilities shall be designed and landscaped to minimize adverse impacts to adjacent shorelines and properties. Landscaping shall be designed and installed pursuant to BIMC 18.15.010(F), Parking Lot Landscaping, and shall provide screening within three (3) years of planting. Plantings shall be maintained for the life of the parking facility. The requirement for screening may be waived or modified by the Administrator, where screening would impact shoreline views from public property or public roadway or to address public safety concerns. Landscape areas shall not be used for the storage of materials or parking of automobiles or other vehicles.
6. Parking facilities shall provide safe and convenient pedestrian circulation within the parking area, and to the shoreline and building entrances. Pedestrian connections must be at least five (5) feet wide and shall either be a raised sidewalk or composed of a different material than the parking lot material. Parking facilities shall meet ADA standards.
7. Surface parking areas shall be developed using low impact development techniques whenever possible, including but not limited to the use of permeable surfacing materials.
8. Parking facilities contained in buildings that face a public pedestrian walkway, public use area, or public park must incorporate vegetation and/or building surface treatment to mitigate the visual impacts of the structured parking.

4.2.3.6 Regulations – Use Specific Parking and Circulation

1. See Table 4-1, Shoreline Use and Table 4-2, Shoreline Setback, for restrictions related to specific uses and the following regulations.

4.2.3.7 Specific Regulations – Boating Facilities Parking

1. Short-term loading areas may be located at ramps or near berthing areas. Long-term parking that is greater than 24 hours, and long-term paved storage areas shall be separated from the OHWM by a native vegetation buffer and setback at least one-hundred (100) feet, unless demonstrated to the satisfaction of the Administrator not to be feasible.

2. To the maximum extent possible, marinas and accessory uses shall share parking facilities, giving preference to marina use.
3. Parking facilities shall be provided according to the following schedule

First 50 moorage slips:	1 vehicle space per 2 slips
Slips 51 to 100:	1 vehicle space per 3 slips
Slips over 100:	1 vehicle space per 4 slips

4. Additional parking space shall be provided as follows:
    a. An additional space for every four hundred (400) square feet of interior floor space devoted to accessory retail sales or services.
    b. Where live-aboards are permitted, additional parking shall be provided at a rate of 1 vehicle per live-aboard vessel or houseboat allowed, except open water moorage and anchorage areas shall follow (c) and (d) below.
    c. Live-aboard tenants of open water moorage and anchorage areas shall provide either:
        i. Evidence of access to one legal vehicle parking space per anchorage/moorage space for the duration of the anchorage/moorage period; or
        ii. An affidavit stating that no vehicle is owned or used by the tenant.
    d. Two load/unload parking spaces shall be provided for transient users of open water moorage and anchorage areas.
5. Marinas and launch ramps shall be located where access streets are adequate to handle the traffic load generated by the facility and shall be designed to minimize other circulation and access conflicts. Backing of trailers on public roads shall be discouraged and appropriate signage shall be provided.
6. Roads between marinas and arterial routes shall be satisfactory to the City for marina access including:
    a. All-weather surfacing;
    b. Width;
    c. Safety;
    d. Alignment;
    e. Sign distance;
    f. Grade; and
    g. Intersection controls.

7. Marinas and boat launches shall be designed so that existing or potential public access along beaches is not unnecessarily blocked nor made dangerous, and so that public use of the surface waters below the OHWM is not unduly impaired.
8. At each public or quasi-public launch ramp, at least ten (10) car and trailer spaces measuring at least ten (10) feet by forty (40) feet shall be provided for each ramp lane.

4.2.3.8 Specific Regulations – Road Ends and Scenic Viewpoints Parking Facilities

1. Road ends shall contain a minimum number of two parking stalls, if feasible, which shall be designed pursuant to BIMC 18.15.020.
2. Trailheads shall contain a minimum number of two parking stalls, if feasible, which shall be designed pursuant to BIMC 18.15.020.

4.2.4 Public Access – Visual and Physical

4.2.4.1 Principles

The provisions of this section are intended to:

1. Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.
2. Protect the rights of navigation and space necessary for water-dependent uses.
3. To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.
4. Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.

4.2.4.2 Applicability

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and shoreline from adjacent locations. Public access provisions apply to all shoreline as prescribed by this program. Development, uses, and activities shall be consistent with Section 4.1.3, Vegetation Management. Public access provisions must be consistent with the Non-motorized Transportation Plan, a component of the Transportation Element of the Comprehensive Plan. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.4.3 Goal:

Provide, maintain and enhance a safe, convenient and balanced system of visual and physical public access to the shoreline which includes a diversity of opportunities for the public to enjoy the shorelines of the state, including ADA access to the extent feasible, while recognizing or acknowledging the fragile natural features of the shoreline and the rights of private property ownership.

4.2.4.4 Policies

1. Develop, adopt and implement a comprehensive shoreline public access plan that incorporates public access into new shoreline development, unifies individual public access points into a system plan, and seeks new waterfront access points to increase visual and physical shoreline access through enhancement of publicly held land, incentives, easements, land acquisition, and other appropriate means.
2. Locate, design, manage and maintain public access in a manner that protects shoreline ecological functions and ecosystem-wide processes and the public health and safety.
3. Preserve and enhance physical and visual shoreline access. Shoreline development, uses, and activities should not unreasonably impair or detract from the public's physical and visual access to the water. Development provisions, such as height limits, setbacks and view corridors, should be utilized to minimize impacts to existing views from public property or substantial numbers of residences. Physical public access shall have priority over maintenance of views from adjacent properties, unless there is a compelling reason to the contrary. View enhancement should not adversely impact the ecological functions of shoreline vegetation.
4. Expand the amount and diversity of public shoreline access opportunities and promote public access to the water via road rights-of-way ("road ends") and public utility corridors and easements (where possible), with a goal of providing comparable access in all neighborhoods.
5. New commercial use development or development by public entities must include public access to the shoreline as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment. Where feasible, public access should be provided parallel to the beach (such as a walking/bicycling path or promenade) and waterward of all buildings in all commercial and all Urban designation.
6. The Winslow Waterfront Trail should be completed and protected through acquisition, easement dedication, or other appropriate means.
7. Require public access, both visual and physical, as a condition of approval for any new private shoreline development which diminishes existing public access or increases demand for public access commensurate with the impacts of such development and the corresponding benefit to the public. In such cases, public access should be required unless health, safety, or environmental protection needs cannot be met.

8. Public access should be designed to avoid or minimize adverse impacts to the shoreline environment; to minimize impacts to private property and individual privacy; to distinguish between public and private property; and to ensure public safety.
9. City-owned shorelines should be reserved for water-dependent or public recreational uses, or maintained as open space.
10. Shoreline and water views from public upland areas should be preserved and enhanced where it would not risk environmental damage. However, vegetation alteration or removal to achieve a filtered view should not be excessive.

4.2.4.5 Regulations - General

1. New development increasing demand for public access and/or reducing existing access by blocking or discouraging its use, shall incorporate provisions for visual and/or physical public access into any shoreline development that meets one or more of the following tests:
    a. Any uses, except for single-family residential development with four or fewer dwelling units or building lots located in the Urban designation;
    b. Includes commercial, industrial or any nonresidential uses located in any shoreline designations;
    c. Includes residential development and/or residential land division that provides five or more dwelling units or building lots located in any shoreline environments.
2. When public access provisions are required for development, the Administrator shall prepare written findings demonstrating consistency with the principles of nexus and proportionality and the test stated in regulation (1), above. The determination shall include:
    a. Project-specific expected impacts;
    b. Specific reasoning for determination of need for public access requirements;
    c. How the suitable public access options are related to the specific project.
3. Public access will not apply as prescribed in regulation (1) above, if the determination does not demonstrate the need or the applicant demonstrates to the satisfaction of the City one or more of the following:
    a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means.
    b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
    c. The cost of providing the access, easement, or an alternative public access amenity on or off the development site is unreasonably disproportionate to the total long-term cost of the proposed development.

d. Environmental impacts which cannot be adequately mitigated will result from the public access.

e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.

4. Prior to deciding public access is not required pursuant to regulation (2) or (3) above, the applicant must first demonstrate, and the City determine in its findings, that all reasonable alternatives have been exhausted, including, but not limited to:

   a. Regulating access by such means as maintaining a gate and/or limiting hours of use.

   b. Designing separation of uses and activities (e.g., fences, terracing, use of one-way glazing, hedges, other landscaping).

   c. Provision(s) for access on a site geographically separate from the proposal such as a road end, vista, tideland or trail system.

5. Development, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's existing physical and visual access to the water and shorelines; and shall balance the public's visual access to the shoreline with the retention of existing shoreline vegetation so as not to adversely impact the ecological functions and processes of existing shoreline vegetation.

   a. The public's physical shoreline access is a priority over maintenance of adjacent shoreline properties shoreline views.

   b. Where a development or use will interfere with an existing public access, the development or use shall apply mitigation sequencing principles and provide public access in proportion to the impact.

   c. Public upland properties may preserve and enhance public shoreline views through limited vegetation pruning and/or vegetation removal to achieve a filtered view as described in the filtered screen landscaping provisions of BIMC 18.15.010, provided that it is demonstrated to the satisfaction of the Administrator that such visual enhancement measures

      i. Do not adversely impact the environment, including the ecological functions of shoreline vegetation; and

      ii. Meet the standards of Section 4.1.3, Vegetation Management of this Master Program.

6. The public's visual and physical access provided by shoreline road ends, public utilities, and rights-of-way shall not be diminished. [RCW 35.79.035 or its successor and RCW 36.87.130 or its successor]. Submerged public rights-of-way shall be preserved for public access.

7. Publicly owned shoreline properties shall be reserved for public water-dependent uses, public recreational uses, or public open space.

8. Development by public entities shall include public access to the shoreline, unless suchaccess is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

4.2.4.6 Regulations – Public Access Design and Location Standards

1. Public access shall consist of a dedication of land, easement, and/or a physical improvement such as a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters and may include interpretive centers and displays.
2. The minimum width of public access easements shall be 10 feet, unless the Administrator determines that undue hardship would result. In such cases, easement widths may be reduced only to the extent necessary to relive hardship.
3. Public access shall incorporate the following location and design standards:
    a. A public pedestrian access walkway located generally parallel to the ordinary high water mark of the property and waterward of buildings shall be required in the Urban designation, or for new commercial developments or where open space is provided along the shoreline, provided that the public access can be designed in a manner that will not adversely impact shoreline ecological functions and/or processes.
        i. The walkway shall be buffered from sensitive ecological features and provide limited and controlled access to sensitive features and the water's edge where appropriate.
        ii. Fencing may be provided temporarily to control damage to plants and other sensitive ecological features and permanently where appropriate.
        iii. Trails should be constructed of materials, such as permeable material or elevated structures appropriate for conditions to limit impacts to ecologically sensitive areas and should be limited to 4 feet in width to reduce impacts to ecologically sensitive resources.
    b. Public access where applicable should be designed to:
        i. Be located adjacent to other public areas, accesses or connecting trails;
        ii. Connect to the nearest public street and include connections to the Winslow Waterfront Trail and other planned trails as required and specified in the City's Non-Motorized Transportation Plan or Metropolitan Park District Comprehensive Plan; and
        iii. Include provisions for handicapped and physically impaired persons where feasible and consistent with applicable state and federal law.

c. Where views of the water or shoreline are available and physical access to the water's edge is not present or appropriate, a public viewing area shall be provided.

d. Design shall minimize intrusions on privacy by avoiding locations adjacent to windows and/or private open spaces or by screening or other separation techniques.

e. Public amenities that are appropriate to the level of expected use shall be provided to serve the users of a public access area, such as benches, picnic tables and sufficient public parking. Vista parking facilities shall include a significant public view and provide recreational opportunities such as picnic tables or viewing benches.

f. Public facilities, public uses and commercial developments that attract a substantial number of people, and developments by government/public entities may be required to provide public restrooms, facilities for disposal of animal waste, and other appropriate public facilities.

4.2.4.7 Regulations – Public Access Permit Requirements

1. Development with public access requirements shall meet the following:

   a. The required public access shall be fully developed and available for public use at the time of occupancy of the use or activity in accordance with conditions of approval, or in accordance with other provisions for guaranteeing installation within a 5-year period through a monetary performance assurance as approved by the City Attorney.

   b. Public access easements and conditions of approval shall be recorded on the deed of title and/or on the face of the plat or short plat as a condition running with the authorized land use. Recording with the County Auditor's office shall occur at the time of permit approval. [RCW 58.17.110 or its successor].

   c. The standard state-approved logo or other approved sign(s) that indicate the public's rights of access and hours of access shall be constructed, installed, and maintained in conspicuous locations at public access sites. In accordance with regulation 4.2.4.6(3)(a) above, the City may control or restrict public access as a condition of permit approval.

   d. Public access facilities shall be maintained over the life of the use or development unless the City approves amending access to provide equal or greater public access than currently provided. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.

2. When properties are subdivided, owners of newly created lots which do not have frontage on the water shall be provided common access to the water, to the extent

feasible and provided that it will not cause unacceptable environmental harm which cannot be adequately mitigated.

4.2.5 Signs

4.2.5.1 Applicability

Signs are regulated primarily through BIMC 15.08, Sign Code. The following provisions apply to all signs within the jurisdiction of the Shoreline Master Program, including signs used for the purpose of providing information related specifically to enhancing the public enjoyment of the shorelines through education and/or noting areas of special cultural or historical significance. These provisions do not apply to publicly owned signs where the purpose is to provide information regarding safety, direction, directions, and the like. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.5.2 Policies

1. Signs should be designed and placed so they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.
2. Signs should not block or otherwise interfere, during daylight or non-daylight hours, with visual access to the water or shorelands.
3. Signs should be of a permanent nature, should serve an approved use, and should be located on the property approved for such use.

4.2.5.3 Regulations - General

1. Signs for specific land use activities within the shoreline jurisdiction are subject to the requirements and standards set forth in the Bainbridge Island Municipal Code, Chapter 15.08, Sign Code, in addition to the regulations of this section.
2. Overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or as approved as part of a water-dependent use.
3. The following types of signs may be permitted, subject to the provisions contained within this section:
    a. Water navigational signs and highway and road signs necessary for operation, safety and direction;
    b. Public information/interpretive signs directly relating to a shoreline resource, use or activity;

c. Off-premise, free-standing signs for community identification, information, or directional purposes;

d. Signs with changing messages, provided that the information displayed on a non-lighted sign is limited to displaying time, temperature or date or public non commercial messages. Commercial electric signs with changing messages are prohibited;

e. National, state or institutional flags or temporary decorations customary for special holidays and similar events of a public nature; and

f. Temporary directional signs to public or quasi-public events if removed within ten (10) days following the event and permitted in accordance with BIMC Chapter 15.08.

4.2.5.4 Regulation – Public Access Signs

1. Signs indicating the public's right to access shoreline areas shall be installed and maintained in conspicuous locations at recreational facility points of access and entrances.
2. The location of new public access sites shall be clearly identified. Signs with the appropriate agency's logo shall be constructed, installed and maintained by the project proponent in conspicuous locations at the public access sites and/or along common routes to public access sites. The signs shall indicate the public's right of access, the hours of access, and other information.

4.2.6 Transportation Facilities

4.2.6.1 Applicability

Transportation facilities are also subject to Section 4.0, General (Island-wide) Policies and Regulations, including Tables 4-1 through 4-3; Section 3.0, Shoreline Designation Policies and Regulations; Section 4.1.5, Critical Areas ~~and Appendix B;~~ Section 4.1.6, Water Quality and Stormwater Management; Section 6.0, Shoreline Modification Policies and Regulations; Section 6.4, Dredging and Dredge Material Disposal; and Section 6.5, Fill. Construction and maintenance activities related to transportation facilities may require a Vegetation Management Plan and/or a Stormwater Pollution Prevention Plan (SWPP) pursuant to BIMC Chapter 15.20, Surface and Storm Water Management, and Master Program Sections 4.1.3, Vegetation Management, and 4.1.6, Water Quality and Stormwater Management. Transportation facility development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts and may also be reviewed under BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.6.2 Policies

1. Plan, locate and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, and will not result in a net loss of shoreline ecological functions and ecosystem-wide processes or adversely impact existing or planned water-dependent uses.
2. In planning for new transportation systems, give priority to transportation modes favoring multimodal systems. New roads and bridges should not be allowed, except access roads (including driveways) or when a bridge provides the least adverse impact to ecological functions and ecosystem-wide process.
3. Encourage trail and bicycle systems as a preferred access to and along the shoreline. Road reconstruction projects should include non-motorized transportation facilities.
4. When existing transportation corridors are vacated, acquire them for water-dependent use or public access.
5. Encourage joint use of transportation and utility rights-of-way within shoreline jurisdiction for roads and utilities.
6. Encourage state highway and public street modifications that promote stream restoration or mitigate existing environmental damage.
7. Encourage the completion of the Eagle Harbor Waterfront Trail.
8. Locate nonwater-oriented and water-related transportation facilities outside the shoreline jurisdiction.
9. Promote public views from roads and encourage projects to incorporate ADA compliant shoreline access opportunities.
10. Allow reconstruction of public roads located in the shoreline that are in danger of loss or substantial damage and which serve as the primary means of access to a substantial number of residents, if no feasible alternative is possible for relocating the road out of danger or where it would cause more ecological damage to do so, and where mitigation of impacts avoids a net loss of shoreline ecological functions and ecosystem-wide processes.

4.2.6.3 Regulations – Prohibited

1. The following transportation facilities are prohibited:
   a. New highways, arterials, secondary arterials, railroad facilities, and heliports;
   b. Additional bridges over Puget Sound waters to and from Bainbridge Island;
   c. In the Priority Aquatic designation all transportation facilities, except trails; and
   d. New transportation facilities in front of feeder bluffs, over driftways or on accretion shoreforms.
2. Fills for transportation facility development are prohibited in water bodies, wetlands, marshes, bogs, swamps and on accretion beaches except when there is a demonstrated

purpose and public need that supports the uses consistent with this program, and alternatives to accomplish the same purpose have been shown to be infeasible. Such fill may be permitted by a conditional use permit and must comply with the provisions of Section 6.5, Fill.

3. Herbicides for roadside brush control on city roads in the shoreline jurisdiction, except when a city-approved integrated pest management plan is implemented. See Section 4.1.6, Water Quality and Stormwater Management.

4.2.6.4 Regulations – General

1. Pervious trails shall be permitted in upland shoreline designations.
2. Publicly-owned ferry terminals and services, except over-water facilities, are allowed as a permitted use in the Urban designation and in the adjacent aquatic environment. New over-water facilities in conjunction with a permitted ferry terminal are a conditional use in the Urban designation and in the adjacent aquatic environment and are prohibited in all other environments.
3. Float plane facilities and services are a conditional use in the Urban designation.
4. New access roads shall be allowed only where required because of one of the following:
    a. Other means of access are demonstrated to the satisfaction of the Administrator to be infeasible or environmentally unacceptable; or
    b. The road is needed for ferry service.
5. Transportation facilities and services shall utilize existing transportation corridors whenever possible, provided that facility additions and modifications will not adversely impact shoreline resources and are otherwise consistent with this program. Expansion of the existing corridor shall meet the provisions of Section 4.1.3, Environmental Impacts.
6. Shoreline road ends may not be vacated except in compliance with RCW 35.79.035 or its successor and RCW 35.79.035 or its successor.
7. Transportation facilities including, but not limited to, ferry terminals, and/or float plane terminals shall meet the height and setback standards in Table 4-2.

4.2.6.5 Regulation – Design, Construction and Maintenance

4.2.6.5.1 Construction and Maintenance

1. Waste material from both construction and maintenance activities, including drainage ditch clearing, shall not be deposited into or cast on the side of roads within a shoreline, water body, wetland, estuary, tideland, accretion beach, and other unique natural area. Such materials shall be deposited in stable locations where re-entry and erosion into such areas is prevented.

2. No machinery shall be operated within or along a stream bed, marine shoreline, lake, wetland or pond except in compliance with a hydraulics permit approval (HPA) issued by the Washington State Department of Fish and Wildlife. If an HPA is not required, operation of machinery may be approved by the Administrator.

3. Existing roads corridors shall be adequately maintained with site-appropriate native vegetation where feasible to provide slope stability and to enhance shoreline function. Shoreline scenic drives and viewpoints may provide breaks periodically in the vegetative buffer to allow open views of the water.

4.2.6.5.2 Road Design

1. Transportation facilities shall employ low impact development techniques according to the provisions of Section 4.1.6, Water Quality and Stormwater Management.

2. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies; where doing so minimizes adverse impacts to the shoreline.

3. Roadway design shall include facilities for bicycle and pedestrian routes as prioritized in the Non-Motorized Transportation Plan.

4. Culverts, bridges and similar devices shall be designed to pass water, sediment, and debris loads anticipated under appropriate hydraulic analysis in compliance with the stormwater regulations of BIMC 15.20, Surface and Storm Water Management, and shall not impede the migration of anadromous fish.

5. The use of hard shoreline stabilization in transportation facility design shall be employed only when it is demonstrated to the Administrator that alternatives are impracticable or infeasible.

4.2.7 Utilities (Primary and Accessory)

4.2.7.1 Applicability

These provisions apply to services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. On-site utility features serving a principal use, such as water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the principal use. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; Section 6.0, Shoreline Modification Policies and Regulations; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.7.2 Policies – Primary Utility

1. Design and locate utility facilities to assure no net loss of shoreline ecological functions and ecosystem-wide processes, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.
2. Ensure utilities utilize existing transportation and utility sites, rights-of-way, and corridors whenever possible, rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.
3. Do not allow utility production and processing facilities, such as power plants, sewage treatment plants, and solid waste disposal activities and facilities, or parts of those facilities that are nonwater-oriented in shoreline areas unless it can be demonstrated that no other feasible option is available.
4. Do not allow new utilities where shoreline stabilization is required.
5. Ensure utilities and utility corridors locations do not obstruct or otherwise affect scenic views. Whenever feasible, such facilities should be placed underground or alongside or under bridges.
6. Locate transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, outside of the shoreline area where feasible, and when necessarily located within the shoreline area, assure such facilities demonstrate no net loss of shoreline ecological function. Communication towers shall be prohibited in the shoreline area.
7. Discourage development of pipelines and cables on tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance which disrupt shoreline ecological functions and ecosystem-wide processes, except where no other feasible alternative exists. When permitted, provisions shall assure that the facilities do not result in a net loss of shoreline ecological functions and ecosystem-wide processes or significant impacts to other shoreline resources and values.

4.2.7.3 Policies – Accessory Utilities

1. On-site utilities and rights of way should be:
    a. Located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.
    b. Designed and located in a manner which preserves the shoreline ecology, water quality and the natural landscape to avoid and minimize adverse affects to shoreline ecological functions and ecosystem-wide processes, and minimizes conflicts with existing or planned land uses.

4.2.7.4 Regulations - Prohibited

1. The following uses associated with utilities shall be prohibited within shoreline jurisdiction:
    a. New solid waste disposal sites and facilities;
    b. Primary radio, cellular phone and microwave towers;
    c. Utilities requiring withdrawal of water from streams, and
    d. Primary power-generating facilities including solar power and wind generation that are not considered accessory structures in BIMC 18.09, except public facilities necessary to serve a public system, such as sewer lift stations or similar facilities which must be located within the shoreline area due to the system design of the existing public facility.
    e. Land filling in shoreline jurisdiction for utility or utility line development purposes is prohibited.

4.2.7.5 Regulations - General

1. Primary utilities may be allowed as a conditional use in the Shoreline Residential Conservancy, Shoreline Residential, Urban, and Aquatic designations. They are prohibited in Natural, Island Conservancy and Priority Aquatic designations.
2. Utility development shall comply with required setbacks. (See Section 3.0, Shoreline Designation Policies and Regulations and Table 4-2.) Primary Utilities shall provide screening of facilities from water bodies and adjacent properties. Type of screening required shall be determined by the City on a case-by-case basis.
3. All utilities shall meet the height and setback standards in Table 4-2.
4. Utilities shall be located and designed so as to avoid the use of any shoreline stabilization or flood protection works.
5. Where utilities own rights-of-way in fee title, utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way, provided such uses will not unduly interfere with utility operations, endanger public health and safety, or create a significant and disproportionate liability for the owner. Such uses include shoreline access points, trail systems, and other forms of recreation and transportation.
6. Utility lines, such as transmission and distribution, shall:
    a. Utilize existing rights-of-way, corridor and/or bridge crossings whenever possible and shall avoid duplication and construction of new parallel corridors in all shoreline areas. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes.
    b. Be completely buried under the stream bed in all in-stream crossings except for appropriate water or sewage treatment plant intake pipes or outfalls.

c. Cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.

d. Be designed to minimize impacts to scenic shoreline views and located where major facilities must be placed in a shoreline area.

7. Permitted crossings shall utilize pier or open pile techniques.

8. Clearing of native vegetation for the installation or maintenance of utilities shall be kept to a minimum. Upon project completion, disturbed vegetation areas shall be replanted according to the provisions of Section 4.1.3, Vegetation Management. Other disturbed areas shall be replanted with native or other approved species. Replanted areas shall be regularly maintained until established.

4.2.7.6 Regulations – Primary Utility Location and Design

4.2.7.6.1 Water Systems

1. Components of water systems which are not water-dependent shall be located outside shoreline jurisdiction, except waterlines serving shoreline uses or unless alternative locations, including alternative technology, are demonstrated to be infeasible to the Administrator and the facilities do not result in a net loss of shoreline ecological functions and processes or significant adverse impacts to other shoreline resources and values such as parks and recreation facilities, public access or archaeological, historic and cultural resources, or aesthetic resources.

2. Private and public intake facilities, and wells in the shoreline jurisdiction should be located where there will be no net loss in ecological functions and processes or adverse impacts upon shoreline resources, values, natural features, or other uses. Construction and maintenance activities shall follow best management practices and meet provisions of Section 4.1.6, Water Quality and Stormwater Management.

3. Desalinization facilities shall be located consistent with critical area regulations and buffers in Section 4.1.5, Critical Areas ~~Appendix B~~, except for water-dependent components such as water intakes.

4.2.7.6.2 Sewage Systems

1. Sewage trunk lines, interceptors, pump stations, treatment plants and other components that are not water-dependent shall be located outside shoreline jurisdiction unless alternative locations, including alternative technology, are demonstrated to be infeasible to the Administrator and the facilities do not result in a net loss of shoreline ecological functions and processes or significant impacts to other shoreline resources and values such as parks and recreation facilities, public access or archaeological, historic and cultural resources, or aesthetic resources.

2. Outfall pipelines and diffusers are water-dependent, but should be located only where there will be no net loss in shoreline ecological functions and processes or adverse impacts upon shoreline resources and values.

4.2.7.6.3 Natural Gas Transmission

1. Natural gas pipelines, except local service lines, shall not be located in shoreline jurisdiction unless alternatives are demonstrated to be infeasible to the Administrator. Application materials shall include analysis of alternative routes avoiding aquatic lands and including alternative technology.
2. Natural gas local service lines shall not be located in shoreline areas unless serving approved shoreline uses. Crossings of water bodies shall not be approved unless alternatives are demonstrated to be infeasible to the Administrator. Application materials shall include an analysis of alternative routes avoiding aquatic lands, including an analysis of alternative technology.
3. Application for natural gas pipelines shall demonstrate that the facilities do not result in a net loss of shoreline ecological functions and processes or significant impacts to other shoreline resources and values.
4. Developers and operators of pipelines and related appurtenances for natural gas are to be required to demonstrate adequate provisions for preventing spills or leaks, as well as established procedures for mitigating damages from spills or other malfunctions and shall demonstrate that periodic maintenance will not disrupt shoreline ecological functions and processes.
5. Utilities for new development within the shoreline shall be installed underground.

4.2.7.6.4 Electrical Energy and Communication Systems

1. Energy and communication systems including substations, towers, transmission and distribution lines have critical location requirements, but are not normally water-dependent. System components that are not water-dependent shall not be located in shoreline jurisdiction, except lines serving shoreline uses or unless alternatives are demonstrated to be infeasible to the Administrator. Application materials for such facilities shall include an analysis of alternative routes avoiding aquatic lands, including an analysis of alternative technology.
2. Underground placement of lines shall be required for new or replacement lines that are parallel to the shoreline, and do not cross water or other critical areas regulated in Section 4.1.5, Critical Areas ~~and defined in Appendix B~~, provided that maintenance of existing aerial lines may be permitted above ground where alternatives are demonstrated to be impractical and/or infeasible to the Administrator.
3. New or replacement lines that cross water bodies or other critical areas regulated in Section 4.1.5, Critical Areas ~~and defined in Appendix B~~, may be required to be placed underground depending on impacts on ecological functions and processes

and visual impacts; provided that maintenance of existing aerial lines may be permitted above ground where alternatives are demonstrated to be impractical and/or infeasible to the Administrator.

4. Poles or other supports treated with creosote or other wood preservatives that may leach contamination in water shall not be used along shorelines or associated wetlands. No new overhead wiring shall be installed between the road and OHWM, where road rights-of-way or easements are within 150 feet and also are parallel to shoreline for more than 500 feet.

5. Utilities for new development within the shoreline shall be installed underground.

4.2.7.6.5 Tidal Energy

1. System components of tidal energy or tidal power-generating facilities which are nonwater-dependent shall be located outside shoreline jurisdiction unless alternative locations, including alternative technology, are demonstrated to the Administrator to be infeasible, and that the facilities do not result in a net loss of shoreline ecological functions and processes or significant adverse impacts to other shoreline resources and values such as parks and recreation facilities, public access or archaeological, historic and cultural resources, or aesthetic resource.

4.2.7.6.6 Fire Protection Facilities

1. Storage and handling facilities for water borne fire fighting or rescue equipment may be permitted on shoreline jurisdiction at locations which are demonstrated to the Administrator to be suitable considering the purpose of the proposal and the policies of this Program.

4.2.7.6.7 Other Essential Public Utility Facilities

1. Other utility processing facilities, such as power plants, that are nonwater-oriented shall not be allowed in shoreline jurisdiction unless no other feasible alternative is available.

4.2.7.6.8 Site Coverage

1. Maximum site coverage for utility development including parking and storage areas shall not exceed standards in the underlying zoning in BIMC Title 18, and shall not exceed fifty percent (50%) in Urban, and thirty-five percent (35%) in Shoreline Residential and Shoreline Residential Conservancy.

4.2.7.7 Regulations – Accessory Utility Location and Design

1. Accessory utility must be subordinate to principal use, such as utilities serving a residential use, and shall meet BIMC 18.09, Use Regulations, in addition to the provisions below.

a. Temporary storage of solid waste in suitable receptacles is permitted as an accessory use to a primary permitted use, or for litter control.

b. New residences or businesses on the shoreline within two hundred (200) feet of an existing sewer line and/or within an established sewer service area shall be connected to the sewer system. Existing residences shall be connected when the on-site sewage system has reached the end of its useful life.

c. On-site sewage systems shall be located on the landward side of any new residence or business or in a location approved by the Administrator and designed to meet all applicable water quality, utility, and health standards.

d. Accessory utilities shall be located outside of the shoreline area unless no suitable location is feasible. When utility lines require a shoreline location, they shall be placed underground.

5.0 SPECIFIC SHORELINE USE AND DEVELOPMENT POLICIES AND REGULATIONS

Introduction

This section contains policies and regulations for the following shoreline uses: agriculture, aquaculture, boating facilities, commercial development, forest practices, industrial development, mining, residential, recreational development, and residential development. The policies and regulations developed for each shoreline use, or category, are the primary set of criteria for evaluating proposed shoreline development. Some proposals will be subject to provisions of more than one use. Proposed development must also comply with Section 4.0, General (Island-wide) Policies and Regulations and Section 6.0, Shoreline Modification Policies and Regulations provisions.

While not all shoreline uses require a shoreline permit, no development shall be undertaken on the shorelines of Bainbridge Island except those which are consistent with the Shoreline Management Act (Act), applicable state guidelines, and the Master Program.

Shoreline uses which are not specifically identified shall be evaluated on a case-by-case basis for consistency with the Act and the requirements of the Master Program, and shall require a conditional use permit.

5.1 Agriculture

5.1.1 Applicability

These provisions apply to activities which are primarily commercial including cultivation of soil, production of crops, or the raising of livestock. Gardening activities primarily for on-site consumption and maintenance of household pets shall be considered accessory to residential uses.

5.1.2 Policies

1. Agriculture shall not be allowed in the shoreline jurisdiction.

5.1.3 Regulation - General

1. Agriculture is prohibited in the shoreline jurisdiction.

5.2 Aquaculture

5.2.1 Applicability

These provisions apply to the commercial cultivation and harvesting of fish, shellfish or other aquatic animals or plants, and also to non-commercial harvesting, and to the incidental preparation of fish and shellfish for human consumption, or cultivation for restoration purposes.

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

5.2.2 Policies

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

5.2.3 Regulations - Prohibited

1. Aquaculture is prohibited in the Natural and Priority Aquatic designations, except as provided in Section 5.2.4 (1), below.
2. Aquaculture that uses or releases herbicides, pesticides, antibiotics, fertilizers, parasites, pharmaceuticals, genetically modified organisms, feed or other materials known to be potentially harmful into surrounding waters is prohibited, unless:

a. When conducted for native population recovery in accordance with government/Tribal approved plan and all state and federal regulations; or

b. If approved by all appropriate state and federal agencies and proof thereof is submitted to the City.

3. Mechanical and/or hydraulic harvesting or other activities that involve substantial substrate modification shall be prohibited in existing kelp beds or in beds of native eel grass (Zostera marina).

5.2.4 Regulations - General

1. Aquaculture may be allowed as follows:
   a. Aquaculture as a conditional use in Shoreline Residential, Urban, and adjacent Aquatic designations.
   b. Community Shellfish Gardens are allowed as a conditional use in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential, and Urban designations, and in adjacent Aquatic designations.
   c. Individual Shellfish Gardens are allowed in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential and Urban shoreline designations and in adjacent Aquatic designation Priority B. They also are allowed in Aquatic Priority A when for the recovery of native populations, restoration, or personal use.
2. When a shoreline conditional use permit is issued for a new aquaculture use or development, that permit shall apply to the initial siting, construction, and/or planting or stocking of the facility or farm, and shall be valid for the period specified in the permit.
3. Aquaculture shall avoid:
   a. A net loss of ecological functions or processes;
   b. Adverse impacts to eelgrass and macro algae;
   c. Significant conflicts with navigation and water-dependent uses;
   d. The spread of disease to native aquatic life;
   e. Establishing new non-native species that cause significant ecological impacts;
   f. Significant impacts to shoreline aesthetic qualities; and/or
   g. Significant modifications of the substrate.

5.2.5 Regulations – Design Standards

1. Floating and submerged aquaculture structures shall be located to avoid or minimize interference with navigation and the normal public use of the surface waters. Floating structures shall remain shoreward of principal navigation channels. Other restrictions on the scale of aquaculture activities to protect navigational access may be necessary based

on the size and shape of the affected water body. Netting and fencing shall be the minimum necessary to deter targeted predators and shall not exceed six (6) feet in height, as measured from water surface.

2. Aquacultural structures and activities that are not water-dependent (e.g., warehouses for storage of products, parking lots) shall be located landward of the OHWM, upland of water-dependent portions of the project, and shall avoid or minimize detrimental impacts to the shoreline.

3. Hatchery and other aquaculture operations shall be required to maintain a vegetated buffer zone along the affected stream as prescribed in Section 4.1.5~~Appendix B,~~ provided that clearing of vegetation shall be permitted for essential water access points.

4. Onshore support structures shall meet the height and setback standards established in Table 4-2, Site Development Dimensional Standards Table, except that reduced setbacks may be permitted through a shoreline variance where necessary for the operation of hatcheries and rearing ponds.

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

   a. Submerged or intertidal structures.

   b. Land-based facilities.

   c. Structures which modify substrate.

6 Floating/hanging aquaculture facilities and associated equipment, except navigation aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts. All materials, including those used for incidental aquaculture for personal consumption, shall be marked with owners' contact information to provide identification after storm disturbance. All floating and submerged aquaculture facilities in navigable waters shall comply with all applicable state and federal requirements.

7. Floating aquaculture facilities may require a visual impact analysis consisting of information comparable to that found in the Department of Ecology's Aquacultural Siting Study (1986), as updated. Such analysis may be prepared by the applicant without professional assistance, provided that it includes an adequate assessment of impacts, as determined by the Administrator.

8. For aquacultural projects using over-water structures, storage of necessary tools and apparatus waterward of the OHWM shall be limited to containers of not more than three (3) feet in height, as measured from the surface of the raft or dock, provided that, in locations where the visual impact of the proposed aquaculture structures will be minimal, the City, based upon written findings and without requiring a variance, may authorize storage containers of greater height. In such cases, the burden of proof shall be on the applicant. Materials which are not necessary for the immediate and regular operation of the facility shall not be stored waterward of the ordinary high water mark. A temporary sanitation station may be allowed on fixed overwater pier structures when utilities are not available within a reasonable distance.

9. Shellfish Gardens for personal consumption are allowed on private lands provided the following can be met:

   a. They comply with all state and federal regulations, including transfer and harvest permits required by WDFW.

   b. The cultivation and harvesting is limited to native species of shellfish acquired from a licensed source consistent with state law; and

   c. The operation may utilize bottom culture or off-bottom culture bags if in accordance with best management practices and it does not significantly alter the tidal bed.

5.2.6 Regulations – Operational Standards

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

5.2.7 Commercial Geoduck Requirements

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

5.3 Boating Facilities

5.3.1 Applicability

Boating facilities include marinas (both backshore and foreshore, dry storage, and wet moorage and open water types), boat launch ramps, covered moorage, marine railways, and marine travel lifts (Refer to Section 8.0, Definitions). Community, yacht club, camp, and resort moorage facilities must comply with boating facility requirements if they provide moorage for six (6) or more vessels. Both marina and non-marina boating facilities, including single-family, must comply with Section 4.0, General (Island-wide) Policies and Regulations, including the standards in Table 4-1 through 4-3, Section 3.0, Shoreline Designation Policies and Regulations, and Section 6.3, Overwater Structures. Boating facilities development will be reviewed under the "no net loss" provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

Accessory uses found in marinas may include fuel docks and storage, boating equipment sales and rental, repair services, boat launches, bait and tackle shops, potable water, waste disposal, administration, parking, and grocery and dry good shops. Uses which are not clearly accessory are also subject to the respective provisions in this section. (Examples might include commercial, industrial, or transportation facilities.)

Regulations governing boating activities in the bays and harbors of Bainbridge Island are contained in BIMC Chapters 12.24, Waterfront Park and Other City Harbors, and 12.40, Watercraft and Floating Homes, and may also apply. See Section 6.3.7.7 and 8, for regulations governing mooring buoys. Boating facility development and/or renovation shall comply with all other applicable state and federal agency policies and regulations including, but not limited to, the Department of Fish and Wildlife, Washington Department of Natural Resources, Federal Marine Sanitation standards (Environmental Protection Agency 1972) requiring water quality certification from the U.S. Army Corps of Engineers (33 USC § 403), U.S. Army Corps of

Engineers dredging standards (33 USC § 404), and state and federal standards for the storage of fuels and toxic materials.

5.3.2 Goal

Boating facilities, including marinas and boat launch ramps, are priority water-dependent uses and should be located, designed, and operated with appropriate mitigation to avoid and minimize adverse effects on shoreline functions and processes; prevent conflicts with navigation and other allowed uses; and provide public access and enjoyment of water of the state.

5.3.3 Policies

1. Locate new or expanding boating facilities only where suitable environmental conditions are present. Avoid:
    a. Critical saltwater habitat, including kelp beds, eelgrass beds, spawning areas for forage fish (such as herring, surf smelt and sandlance);
    b. Subsistence, commercial and recreational shellfish beds;
    c. Mudflats or intertidal habitats with vascular plants;
    d. Areas with which priority species have a primary association;
    e. Areas which have been identified as hazardous due to storm tides, high winds, or flooding; and
    f. Embayments with poor flushing action.
2. Design and locate boating facilities to minimize adverse effects upon shoreline processes such as erosion, littoral or riparian transport, and where feasible, enhance degraded, scarce, and valuable shore features including accretion shoreforms.
3. Design, locate, construct, and maintain boating facilities to:
    a. Avoid adverse proximity impacts such as noise, light and glare; and
    b. Assure that their structures and operations will be aesthetically compatible with the area visually affected, and will not unreasonably impair shoreline views from adjacent shoreline properties or the public's visual access to the shore~~;~~
    c. Assure vegetation screening should be utilized to reduce visual impacts of associated parking and storage
4. Consider regional as well as local needs when determining the location of marinas and boat launches. Identify potential sites near high-use or potentially high-use areas.
5. Minimize displacement of limited shoreline resources by considering:
    a. Expanding existing marinas over adding new marina sites;
    b. Developing marinas and launch ramps over developing individual docking facilities for private, noncommercial pleasure craft; and

c. Utilizing launching ramps and water-dependent dry storage or other new technologies over year-round wet-moorage.

6. Ensure the location and design of boating facilities does not unduly obstruct navigable waters, and avoids adverse effects to recreational opportunities or the use and enjoyment of the water or beach of adjoining properties.

7. Design, locate and construct new marina facilities to accommodate public access and enjoyment of the shoreline, including provisions for walkways, view points, restroom facilities, and other recreational uses according to the scale of the facility.

8. Encourage innovative construction techniques and methods of foreshore marinas to prevent degradation of fish and/or shellfish resources and habitat.

9. Require the installation and maintenance of sewage disposal (pump-out) facilities or services. These should be conveniently available to all users of marina facilities.

10. Prohibit floating houses. Allow live-aboard vessels only in those limited circumstances where their environmental and use impacts can be substantially avoided, minimized, or mitigated.

11. Ensure transient moorage is made available, with most of this need being met through use of short-term vacancies.

12. Work with the City Harbor Commission to establish regulations governing a uniform speed code, harbor safety, and harbor navigation through amendments to the municipal code.

5.3.4 Regulations - Prohibited

1. Boating facilities in the Shoreline Residential Conservancy, Island Conservancy, Natural, and Priority Aquatic designations, except that boating facilities may be permitted as a conditional use in public parks designated Island Conservancy.

2. Backshore marinas involving the creation of a basin for wet moorage.

3. Covered moorage.

4. Floating homes.

5.3.5 Regulations - General

1. Boating facilities, including marinas, shall be allowed as follows:

   a. Boating facilities shall be permitted in the Urban designation and allowed as a conditional use in the Shoreline Residential designation.

   b. Boating facilities in the Aquatic designation are allowed as-permitted in the adjacent upland designation pursuant to Table 4-2.

   c. One (1) public open water moorage and anchorage area shall be a permitted in the Aquatic designation located in Eagle Harbor.

2. Accessory uses at a marina or public launch ramp shall be limited to those which are water-dependent, related to boating, necessary for marina operation, or which provide physical or visual shoreline access to a substantial numbers of the general public. Accessory uses shall be consistent in scale and intensity with the marina and/or launch ramp and surrounding uses.
3. All marina developments shall provide boater education addressing boater impacts on water quality and other shoreline resources, and boater safety and requirements for boater use of sewage pump-outs to their marina users.
4. Live-aboard vessels, including houseboats, shall be permitted only in marinas. No more than 10% of the surface area of a marina or 10% of its slips, whichever is less, shall be devoted to live-aboard vessels, including houseboats, except that the percentage of live-aboard vessels in marinas may be increased through an approved conditional use permit. [WAC 332-30-171 or its successor]

5.3.6 Regulations - Location

1. When new marina sites are considered, sufficient evidence must be presented to show there is a regional demand and existing marinas are inadequate and cannot be expanded to meet regional demand.
2. Marinas shall be sited to prevent any restrictions in the use of commercial and recreational shellfish beds or commercial aquaculture operations. The specific distance shall be determined in conjunction with the Washington State Department of Health Services, the Washington State Department of Ecology, and other agencies with expertise. Criteria for determining the specific distance may include:
    a. The size and depth of the water body;
    b. Tidal flushing action in the project area;
    c. Size of the marina and projected intensity of use;
    d. Whether fuel will be handled or stored;
    e. Location of a sewer hook-up; and
    f. Expected or planned changes in adjacent land uses that could result in additional water quality impacts or sanitary treatment requirements.
3. Marinas shall be allowed only on stable shoreline areas where water depth is adequate to eliminate or minimize the need for channel dredging (for construction or maintenance), soil disposal, filling, beach enhancement, and other harbor and channel maintenance activities.
4. Marinas shall be located only in areas where there is adequate water mixing and flushing and shall be designed so as not to reduce or negatively influence flushing characteristics.
5. Boating facilities shall not require fixed breakwaters.

6. Marinas shall be clearly separated from beaches commonly used for swimming and shall provided signage and provide protection measures to insure the safety of swimmers.
7. Marinas shall not be located at or along:
    a. Significant littoral drift cells, including resource material areas, such as feeder bluffs and accretion beaches, barrier beaches, points, sand spits and hooks; or
    b. Wetlands, marshes, bogs, swamps and lagoons; or
    c. Mud flats and salt marshes; or
    d. Fish and shellfish spawning and rearing areas.
8. Marinas shall not extend waterward farther than the following limits:
    a. The Construction Limit Line or the Harbor Structure Limit Line as depicted in Appendix E; except the public open water moorage and anchorage areas shall be allowed waterward of the Construction Limit Line.
    b. Where no limit line is depicted, not more than two hundred (200) feet beyond extreme low tide, the 18 MLLW depth contour, or the line of navigation whichever is closer to the shore. However, the distance from shore may be less in locations where it is necessary to protect the navigational rights of the public. [WAC 332-30-122(1)(ii) or its successor]

5.3.7 Regulations – Design/Renovation/Expansion

1. Proposals for marinas shall include public launch facilities unless the applicant can demonstrate that providing such facilities is not feasible.
2. Boating facilities shall be designed, constructed and maintained to:
    a. Provide thorough flushing of all enclosed water areas and shall not restrict the movement of aquatic life requiring shallow water;
    b. Minimize interference with geo-hydraulic processes and disruption of existing shore forms;
    c. Be aesthetically compatible with existing shoreline features and uses;
    d. Avoid adverse proximity impacts such as noise, light and glare;
    e. Include vegetative screening for parking, and upland storage areas and facilities consistent with landscaping standards for parking lots as prescribed in BIMC Section 18.15.010, Development Standards and Guidelines; Landscaping, Screening, and Tree Retention, Protection, and Replacement; and
    f. Include public restrooms, accessory parking or other recreational uses according to the scale of the facility.
3. Short-term loading/unloading areas and hand-launch storage areas may be located at ramps or near berthing areas and should be constructed of pervious material. Long-term

parking and dry moorage and all other storage areas shall be set back at a distance of one-hundred (100) feet from the OHWM.

4. Public access, both visual and physical, such as viewpoints or walkways, shall be an integral part of all marina design and development commensurate with the particular proposal and must meet the standards of Section 4.2.4, Public Access.
5. Innovative construction techniques and construction methods of foreshore marinas may be allowed when demonstrated to the satisfaction of the Administrator that the design will prevent degradation of fish migration, critical saltwater habitat and/or shellfish resources.

5.3.8 Regulations - Utilities

1. All marinas shall have accessible boat sewage disposal systems or other pump-out services available on site. Existing marinas shall comply within one (1) year of the effective date of this regulation.
2. The marina shall provide facilities for the adequate collection and dumping of marina originated materials, including but not limited to, sewage, solid waste, and petroleum waste.
3. All marinas shall provide restrooms for boaters' use, including upland or floating facilities supporting open water moorage and anchorage areas. Upland restrooms shall be located within seventy-five (75) feet of the landward end of the dock or pier and floating restroom facilities shall be located to conveniently serve the tenants. Restrooms shall be identified by signs and be accessible to tenants twenty-four (24) hours a day.
    a. Marinas with fewer than ten (10) slips shall provide one (1) toilet and hand washing facility
    b. Marinas with ten (10) to one hundred (100) slips shall provide one (1) toilet and hand washing facility for each gender.
    c. Marinas exceeding one hundred (100) slips shall provide an additional toilet and lavatory for each gender
    d. Existing marinas shall comply within one (1) year of the effective date of this regulation.
4. Distribution systems for plumbing and wiring at a marina site shall be placed at or below ground and dock levels, in accordance with national marine standards.
5. Public boat launch facilities shall provide and maintain at least one restroom or portable toilet; required number may increase based on projected level of service.
6. Public boat launch facilities that also include a public dock shall provide and maintain a dump station.

5.3.9 Regulations – Management and Operations

1. The discharge of sewage and/or toxic material from boats and/or shore installations is prohibited. The responsibility for the adequate and approved collection and disposal of marina originated sewage, solid waste, and petroleum waste is that of the marina operator. An emergency spill kit and use instructions shall be provided for tenants in an easy to access are and be accessible twenty-four (24) hours a day.
2. Commercial fish or shellfish processing discharge or discarding of unused bait, scrapfish, or viscera shall be prohibited.
3. Swimming shall be prohibited within marina facilities unless the swimming area is adequately separated, protected, and posted.
4. If dredging at marina entrances changes the littoral drift processes and adversely affects adjacent shores, the marina operator shall be required to periodically replenish these shores with the appropriate quantity and quality of aggregate as determined by a geo-hydraulic study, paid for by the operator or owner and completed to the satisfaction of the Administrator.
5. Temporary vacant moorage spaces shall be made available for "transient moorage" (less than two-week stay) when at least one of the following applies:
    a. The marina is owned, operated, or franchised by a governmental agency for use by the public;
    b. The marina provides more than three thousand (3,000) lineal feet of moorage; or
    c. The marina is part of a mixed-use development which includes restaurants or other water-enjoyment uses.
6. Additional transient moorage requirements may be established for Eagle Harbor in the Winslow Master Plan.
7. Marina operators shall execute a lease, contract, or deed which establishes permission to use a slip for a stated period of time and which establishes conditions for use of the slip, including the requirement that all boats meet applicable sanitation regulations.
8. Live-aboard vessels must comply with all marine regulations, policies and procedures of the Coast Guard, federal and state governments which pertain to health, safety and/or environmental protection. Proof of seaworthiness of the vessel and the adequacy of the mooring arrangement must be provided and laws governing all the citizens of Bainbridge Island must be obeyed.
9. New marinas shall meet the following before occupancy, and existing marinas shall comply with the following within one (1) year from adoption of this program:
    a. Marinas which dispense fuel shall have adequate facilities and establish posted operational procedures for fuel handling and storage to prevent/minimize accidental spillage.

b. Marinas shall have facilities, equipment, such as emergency spill kits, and established posted procedures for containment, recovery, and mitigation of spilled petroleum, sewage, and toxic products.

c. Marina operators shall post signs where they are readily visible to all marina users describing regulations:

   i. Pertaining to handling and disposal of waste, wastewater, toxic materials, and recycling;

   ii. Prohibiting the use of marine toilets (i.e., no untreated sewage discharge);

   iii. Prohibiting the disposal of fish and shellfish cleaning wastes; and

   iv. Describing best management practices (BMPs) for boat maintenance and repairs on site.

d. Garbage or litter receptacles shall be provided and maintained by the marina operator at several locations convenient to users in sufficient numbers to properly store all solid waste generated on site.

e. Marina docks shall be equipped with adequate lifesaving equipment such as:

   i. Life rings, hooks, ropes and ladders, or equivalent, on the end of fingers; and/or

   ii. One ladder (per side) either every one hundred (100) linear feet of the dock, or every six (6) slips whichever is greater. This regulation does not apply to a float which is less than one hundred (100) feet from a shoreline; or

   iii. At least one ladder to serve a float with six (6) or more slips and is one hundred (100) linear feet in length or less.

5.3.10 Regulations – Boat Launches (includes marine railways)

5.3.10.1 Regulations - Prohibited

1. Boat launches are prohibited in

   a. Significant littoral drift cells, including resource material areas such as feeder bluffs and accretion beaches, points, spits and hooks; except for a public launch as provided for in section 5.3.10.2(2).

   b. Wetlands, marshes, bogs, swamps, and lagoons;

   c. Mud flats and salt marshes; and

   d. Fish spawning and rearing areas and commercial or recreational shellfish areas.

5.3.10.2 Regulations – Design and Location

1. Launch ramps shall be:

a. Located on stable shorelines where water depths are adequate to eliminate or minimize the need for:
    i. Offshore or foreshore channel construction dredging; or
    ii. Maintenance dredging; or
    iii. Spoil disposal; or
    iv. Filling; or
    v. Beach enhancement; or
    vi. Other harbor and channel maintenance activities.
b. Located in areas where there is adequate water mixing and flushing; and
c. Designed so as not to retard or negatively influence flushing characteristics.

2. For public launch ramps, innovative or hinged boat launches may be permitted on marine accretion shoreforms, provided that continual grading is not required. When grading is permitted it must not adversely affect ecological functions and ecosystem-wide processes. Accessory facilities shall be located out of critical areas.
3. Public boat launches may be allowed on stable banks where current deflectors or other stabilization structures will not be necessary.
4. Boat launches shall not be permitted where the upland within twenty-five (25) feet of the OHWM has a slope that exceeds twenty-five percent (25%) grade and/or where substantial cutting, grading, filing, or defense works is necessary.
5. Boat launches, minor accessory buildings, and haul-out facilities shall be designed to be in character and scale with the surrounding shoreline.
6. Boat launches shall be built from flexible, hinge-segmented pads which can adapt to changes in beach profiles, unless a solid structure is demonstrated to be more appropriate for the intended level of use.
7. Boat launches shall be placed and kept near flush with the foreshore slope to minimize the interruption of geo-hydraulic processes and critical saltwater habitat.
8. Marine railways for boat launching shall be located the minimum distance necessary above existing grade to minimize impact on littoral drift and navigation along the shoreline.
9. Boat launch facilities shall be clearly separated from beaches commonly used for swimming and shall provide signage and provide protection measures to insure the safety of swimmers.

5.4 Commercial Development

5.4.1 Applicability

Uses associated with commercial development which are identified as separate uses in the Master Program are also subject to those regulations. Examples are industry, boating facilities,

transportation facilities, and utilities. Commercial development and related shoreline modification activities, such as piers, docks, and bulkheads, will be reviewed under the no net loss provision of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 3.0, Shoreline Designation Policies and Regulations, including the standards in Tables 4-1 through 4-3. Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.3, Vegetation Management; Section 4.1.4, Land Modification; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 6.0, Shoreline Modification Policies and Regulations; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, as applicable. Other portions of this Program may also apply.

5.4.2 Policies

1. Design and operate commercial uses, activities, and developments to avoid or minimize adverse impacts to ecological functions and ecosystem-wide processes. Encourage restoration of impaired ecological functions and ecosystem-wide process as mitigation for commercial development.
2. Give priority to those commercial developments that are dependent on shoreline locations or that allow a substantial number of people to actively or passively enjoy the shoreline; preference should be given to water-dependent uses, over water-related and water-enjoyment uses.
3. Discourage non-water-oriented commercial uses unless the use contains a mix of commercial and residential development that also includes either a public use benefit (open space, shoreline access, recreation), or a water-enjoyment commercial use.
4. Prohibit commercial developments over water unless the use is water-dependent and requires overwater development.
5. Locate new commercial development in shoreline areas with existing, compatible commercial uses and in a manner that will promote infill.
6. Provide physical or visual access to the shoreline as part of all new commercial development. Existing development should be required to provide public access amenities when building improvements are proposed. Incentives should be provided for commercial use proposals to include additional public amenities
7. Ensure commercial development is aesthetically and acoustically compatible with the surrounding areas.
8. View protection, both to the water and from the water, should be considered in the design and review of commercial development.

5.4.3 Prohibited

1. Nonwater-oriented commercial uses, except as provided in Section 5.4.4.

5.4.4 Regulations- General

1. Commercial uses should be located on shorelines with existing compatible commercial uses and regulated in the shoreline designations as follows:
    a. Water-oriented commercial use and development shall be permitted in the Urban designation-and may be allowed under a conditional use permit in the Shoreline Residential designation.
    b. Water-dependent commercial development that requires an over-water location may be permitted in the Aquatic designation when permitted in the upland environment.
    c. Nonwater-oriented commercial uses are prohibited in the shoreline except as provide in d. or as follows:
        i. As a conditional use in the Urban designation when located on a site physically separated from the shoreline by another property in separate ownership or by a public-right-of-way such that water access is precluded, provided that the property conditions were lawfully established prior to the effective date of this Program; and
        ii. As a permitted use if located in a mixed-use development in the Urban designation as subordinate to a more dominant water-oriented commercial, residential or recreational use contained in the same development, and which also provides significant public benefit amenities such as public open space or recreation, public access, or shoreline restoration.
        iii. The requirements of this section shall not apply to those nonwater-oriented commercial uses located on a site physically separated from the shoreline where access to the land/water interface is precluded.
    d. Water-Oriented and non-water oriented commercial uses may be permitted in a mixed-use development within the Mixed Use Town Center districts provided:
        i. The site is physically separated from the shoreline by another property in separate ownership or by a public-right-of-way such that water access is precluded, provided that the property conditions were lawfully established prior to the effective date of this Program; and
        ii. Water-oriented commercial or non-water oriented commercial development is subordinate to the residential use.
2. A use or development shall not be considered water-dependent, water-related or water-enjoyment until the Administrator makes the determination that the proposed design, layout and operation of the use or development meets the definition and intent of the water-dependent, water-related or water-enjoyment designation.
3. Where commercial development is allowed, it shall be located, designed and constructed in a manner that minimizes adverse impacts to shoreline resources and shall include

mitigation to ensure no net loss of shoreline ecological functions and processes pursuant to Section 4.1.2, Environmental Impacts.

4. New commercial development and redevelopment shall provide public access in conformance with the Public Access requirements of Section 4.2.4.
5. When permitted, proposals that include nonwater-oriented commercial uses shall provide a significant public benefit in addition to any required public access, as follows:
    a. Additional public access in the form of unrestricted open space. The Administrator shall determine the amount of access on a case-by-case basis in accordance with the provisions of Section 4.2.4, Public Access – Visual and Physical.
    b. If no water-oriented commercial uses are located on or adjacent to the water as part of a mixed use development, eighty percent (80%) of the shoreline and associated buffers shall be preserved or restored to provide shoreline ecological functions and processes that approximate the functions provided by the site in natural conditions.
    c. The requirements in regulation (a) and (b) may be modified when:
        i. The site is designated as a public access area by a shoreline public access plan, in which case public access consistent with that plan element shall be provided; or
        ii. Specific findings are made demonstrating that the size of the parcel and the presence of adjacent uses preclude restoration of shoreline ecological functions and processes. Where on-site restoration is infeasible, equivalent off-site restoration shall be provided consistent with the policies and regulations of this Program.
    d. Where restoration is proposed, buffers shall be designed as appropriate to protect shoreline resources based on a specific restoration plan and may differ from the standard buffer dimensions provided in Table 4-3, provided that the building envelope for the proposed nonwater-oriented use shall be based on current site conditions.

5.4.5 Regulations – Design and Location

1. The design and location of commercial facilities shall meet the following:
    a. Those portions of the commercial development which are accessory to and not considered water-dependent and/or do not require direct contact with the water shall be set back from the shoreline at a sufficient distance to minimize impacts to water quality, to other shoreline uses and to the shoreline as a scenic view. (See Section 3.0, Shoreline Designations Policies and Regulations, Section 4.1.6, Water Quality and Stormwater Management, and Dimensional Standards Table 4-2.)

b. Water-dependent commercial development shall be designated and operated to promote joint-use of overwater and accessory facilities such as:

   i. Piers;

   ii. Docks;

   iii. Storage;

   iv. Restrooms; and

   v. Parking.

c. When demonstrated, to the satisfaction of the Administrator, not to be feasible the requirements of Section 5.4.5 (1)(a) and (b) may be reduced in scope or waived.

5.5 Forest Practices

5.5.1 Applicability

Forest Practices are primarily regulated by the Washington Department of Natural Resources under WAC Title 222 or its successor pursuant to the Forest Practices Act (RCW 76.09 or its successor). This section supplements those regulations. Activities which are not regulated under the Forest Practices Act are subject to clearing and grading provisions in Section 4.1.4, Land Modification. Forest Practices are subject to Section 3.0, Shoreline Designation Policies and Regulations, Section 4.0, General (Island-wide) Policies and Regulations, and Section 6.0, Shoreline Modification Policies and Regulations of this Program. Forest Practices and related activities will be reviewed under the "no net loss" provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, and BIMC Chapter 16.22, Vegetation Management, when applicable. Other portions of this Program may also apply.

5.5.2 Policies

1. Rely on the Forest Practices Act and rules implementing the act and the Forest and Fish Report as adequate management of commercial operations within the shoreline jurisdiction.
2. Ensure timber harvesting is conducted in a manner that does not cause adverse impacts to shoreline ecological functions or ecosystem-wide processes and avoids impacts to navigation, recreation, and public access.
3. Limit timber harvesting in all shoreline areas to selective cutting which protects the shoreline as a scenic value. Shorelines having outstanding scenic or habitat qualities should be left in a substantially natural condition.
4. Accomplish revegetation in shorelines as quickly as possible in accordance with the provisions of the Forest Practices Act. Provisions for forest conversion proposals (Class IV Permits regulated under the Forest Practices Act and locally) are in Section 4.1.3.4, Vegetation Management; Regulations – Exceptions of this Program.

5.5.3 Regulations - General

1. Under the authority of planning and zoning granted to the city under RCW 76.09.240, the city of Bainbridge Island considers all forested areas within its jurisdiction as "lands with a likelihood of future conversion" from forest use as defined under WAC 222-16-060.
2. Conversion of forest land to non-forestry uses (Class IV – General Forest Practice Permit) shall be reviewed in accordance with the provisions for the proposed non-forestry use and the provisions in the Shoreline Master Program and shall be subject to any permit requirements associated with the non-forestry use.
    a. Timber harvesting shall not be permitted until local plat approval or other applicable land use authorization has been given, and any required shoreline permits have been issued for the land division(s) or intended use(s).
3. All timber harvesting and forest practices except conversions conducted with a Class IV— General permit shall comply with the current rules and regulations adopted under the Forest Practices Act and the Timber, Fish, and Wildlife agreement or their successors.
4. Timber harvesting and forest practices conducted under a Class II, III, or IV Special permit from the Department of Natural Resources shall not be regulated by this Program and shall not require a shoreline permit. These permit categories shall only be authorized for lands that meet the definition DNR forestland, including any policies of DNR relating to proximity of structures to hazard trees.
5. Site preparation by burning and scarification piles shall be prohibited within shoreline jurisdiction.
6. When timberland is to be converted to another use, such conversion shall be clearly indicated on the Forest Practices application. Failure to indicate the intent to convert the timberland to another use on the application will result in subsequent conversion proposals being reviewed as conditional use applications. Such failure to declare intent to convert on the application may provide adequate grounds for denial of subsequent conversion proposals for a period of six (6) years from the date of the Forest Practices application approval, [RCW 76.09.060(3)(b)(i) or its successor].
7. Commercial timber cutting within the shoreline jurisdiction shall be by selective harvest and shall not exceed thirty percent (30%) of the merchantable trees in any ten-year period as required by WAC 222-30-110.

5.6 Industrial Development

5.6.1 Applicability

Industrial development, uses and activities that are identified as separate uses but associated with industrial development or use, are subject to the following provisions; Examples include transportation facilities, utilities, dredging, landfill, piers and docks, and bulkheads. Industrial development-will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, Section 3.0, Shoreline Designation Policies and Regulations, and may also be reviewed

under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 6.0 Shoreline Modification Policies and Regulations; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

5.6.2 Policies

1. Review new industrial proposals with consideration of regional and state-wide needs for industrial facilities, as well as in allocating shorelines for such development. Coordinate with port districts, adjacent counties and cities and the state in order to minimize new industrial development that would unnecessarily duplicate under-utilized facilities elsewhere in the region, or result in unnecessary adverse impacts on other jurisdictions.
2. Encourage expansion or redevelopment of existing, legally established industrial areas, facilities, and services with the possibility of incorporating mixed-use development in lieu of the addition and/or location of new or single-purpose industrial facilities.
3. Strongly encourage joint use of piers, cargo handling, storage, parking and other accessory facilities among private or public entities in waterfront industrial areas.
4. Design and locate industrial development to avoid or minimize adverse impacts to ecological functions and ecosystem-wide processes.
5. Require new industrial development to provide physical and/or visual access to shorelines and visual access to facilities whenever possible, when such access does not cause significant interference with operations or hazards to life and property.
6. Preference should be given to locating new industrial development on those parts of the shoreline where industrial development is already permitted. Industrial uses and redevelopment are encouraged to locate where environmental cleanup and restoration can be accomplished.
7. Limit new industrial uses to existing industrial or water dependent commercial sites, such as marinas, where that use is consistent with the shoreline designation. Preferred industrial sites should be limited to water-oriented uses, and should encourage the development of preferred industrial uses, such as small boat haul-out and repair facilities, vessel fueling facilities and water-oriented industry serving local boating needs.
8. Discourage nonwater-oriented uses unless the use is located in a mixed-use development containing a public use benefit such as open space or recreation use, and includes a water-oriented commercial use.

5.6.3 Regulations – Prohibited

1. Storage and/or disposal of industrial wastes within shoreline jurisdiction.
2. Log storage in water.
3. Nonwater-oriented industrial development.

5.6.4 Regulations - General

1. Water-dependent industry shall be permitted in the Urban designation, and those portions of the Aquatic designation which are waterward of the Urban designation, and shall be prohibited in all other designations. Water-related industry shall be a conditional use in the Urban designation and prohibited in all other designations. Nonwater-oriented industry shall be prohibited in all designations.
2. Where industrial development is allowed, it shall be located, designed and constructed in a manner that minimizes adverse impacts to shoreline resources and shall include mitigation to ensure no net loss of shoreline ecological functions and ecosystem-wide processes.
    a. Water-dependent industrial uses, such as small boat haul-out and repair facilities, or vessel fueling facilities, shall be given preference over water-related and water-enjoyment industrial and port uses.
    b. A use or development shall not be considered water-dependent, water-related or water-enjoyment until the Administrator makes the determination that the proposed design, layout and operation of the use or development meets the definition and intent of the water-dependent, water-related or water-enjoyment designation.
3. Proposed industrial development shall be consistent with any applicable comprehensive waterfront and/or long-range harbor development plans, and should be coordinated with applicable adopted regional and state plans.
4. New industrial development shall be compatible with existing adjacent uses of the shoreline designation in which it is located.
5. Proposed industrial development shall:
    a. Be located to maximize the use of legally established, existing industrial facilities; and
    b. Be located in areas where environmental cleanup and restoration can be accomplished; and
    c. Avoid duplication of pier and dock facilities before expanding into undeveloped areas or building new facilities.
6. Water-related industrial development shall be set back from the OHWM a sufficient distance to avoid disturbance of the Shoreline Buffer or Shoreline Vegetation Management Area. (See and Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.3 Vegetation Management; and Tables 4-1 through 4-3, for dimensions.)
7. Accessory industrial development which does not require a location at or near the water's edge shall be located upland of the water-dependent portions of the development, and outside of the Shoreline Buffer or Vegetation Management Area as established in Section 4.0, General (Island-wide) Policies and Regulations and Table 4-3.

8. New industrial development that includes offshore facilities, floating docks and deep-water port expansion, shall be permitted by conditional use permit, and only when it can be demonstrated that:
    a. Such development is fundamental for the allowed industrial operation; and
    b. Such development results in no net loss of shoreline ecological functions or ecosystem-wide processes.
9. At new or expanded port and/or industrial developments the best available facilities practices and procedures, as specified by state and local agencies, shall be employed for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water, and optimum means shall be employed for prompt and effective clean-up of those spills that do occur.

5.6.5 Regulations - Design and Location

1. The design and location of industrial facilities shall meet the following:
    a. Those portions of the industrial development that are accessory to and not considered water-dependent and/or do not require direct contact with the water shall be set back from the shoreline at a sufficient distance to minimize impacts to water quality, to other shoreline uses and to the shoreline as a scenic view. (See Section 3.0, Shoreline Designation Policies and Regulations; Section 4.1.6, Water Quality and Stormwater Management; and Tables 4-1 through 4-3.)
    b. Industrial facilities shall be designed and operated to promote joint use of over-water and accessory facilities, whenever practicable, such as:
        i. Piers
        ii. Docks
        iii. Storage
        iv. Restrooms; and
        v. Parking.
    c. Consistent with provisions in Section 4.2.4, Public Access – Visual and Physical, ports and/or water-dependent industry shall provide public access to the shoreline.
    d. Documentation of compliance with noise standards of BIMC 16.16.
2. Display and other exterior lighting shall be designed and operated to minimize glare impacts to nearby properties and local traffic, and shall meet the lighting standards of BIMC Section 18.15.040.

5.6.6 Regulations – Ship and Boat Building and Repair Yards

1. Boatyards and mobile services shall employ best management practices (BMPs) concerning the various services and activities performed and to address potential impacts on the surrounding water quality. Standards for BMPs shall be found in the Washington

State Department of Ecology's most recent editions of the "*Boatyard General Permit, National Pollution Discharge Elimination System (NPDES)*" and the "*Storm Water Pollution Prevention Plan for Facilities Covered Under the Boatyard General Permit*".

5.7 Mining

5.7.1 Applicability

Mining is the removal and primary processing of naturally occurring materials from the earth for economic use. For purposes of this definition, "processing" includes screening, crushing, stockpiling, all of which utilize materials removed from the site where the processing activity is located. Mining activities also include in-water dredging activities related to mineral extraction. Processing does not include general manufacturing, such as the manufacture of molded or cast concrete or asphalt products, asphalt mixing operations, or concrete batching operations.

5.7.2 Policies

1. Mining is prohibited within the shoreline jurisdiction.

5.7.3 Regulations - General

1. Mining, including the excavation of sand, gravel, and other minerals, shall be prohibited within the shoreline jurisdiction.
2. Impacts to shorelands and water bodies due to mining operations upland of the shoreline jurisdiction shall be minimized and meet "no net loss" provisions of Section 4.1.2, Environmental Impacts.

5.8 Recreational Development

5.8.1 Applicability

These provisions apply to recreational development, not to casual use of undeveloped open space. They also apply to both publicly- and privately-owned facilities intended for use by the general public, private clubs, groups, associations, or individuals. Recreational development will be reviewed under the "no net loss" provisions of Section 3.0, Shoreline Designation Policies and Regulations; Section 4.0, General (Island-wide) Policies and Regulations; Tables 4-1 through 4-3; Section 4.1.2, Environmental Impacts; and may also be reviewed under Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 6.0, Shoreline Modification Policies and Regulations; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, Chapter 16.16 Noise Impacts and BIMC Section 18.15.040 Lighting Impacts, when applicable. Other portions of this Program may also apply.

5.8.2 Goal

Provide substantial recreational opportunities for the public along the shoreline and manage the development of recreational uses to assure that shoreline ecological functions and ecosystem-wide processes are not adversely impacted.

5.8.3 Policies

1. Recognize public recreation on public lands as a preferred use of the shoreline. Water-dependent recreational uses, such as swimming, boating and fishing, are priority uses and should be encouraged.
2. Encourage the coordination of local, state, and federal recreation planning to mutually satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans.
3. Encourage a variety of compatible recreational experiences and activities to satisfy diverse recreational needs. The location and design of shoreline recreational development should relate to local population characteristics, density, and special activity demands. Acquisition priorities should consider these needs, demands, and special opportunities, as well as public transit access and access for the physically impaired, where planned or available.
4. Identify shoreline areas with potential for recreation or public access. Acquire identified areas through lease, purchase, or easement, and incorporate these areas into the public park and open space system.
5. Where feasible, link shoreline parks, recreation areas, and public access points as linear systems, such as hiking paths, bicycle paths, easements, and/or scenic drives.
6. Locate, design and operate recreational development to facilitate appropriate use of shoreline resources while also conserving those resources by minimizing adverse impacts to ecological functions and ecosystem-wide processes. Design recreational development to preserve, enhance or create scenic shoreline views and vistas.
7. Where appropriate, passive recreational uses may be permitted in floodplain areas.
8. Encourage the use of shoreline road-ends and publicly-owned lands for public shoreline access and promote the development of shoreline recreational opportunities in suitable areas.
9. Limit or prohibit shoreline use of off-road recreational vehicle or recreational water equipment, such as jet skis and wake boards, where needed to protect the ecological functions or ecosystem-wide processes of the shoreline or protect sensitive wildlife habitat areas.
10. Ensure all recreational developments make adequate provisions for:
    a. Vehicular and pedestrian access, both on-site and off-site;
    b. Proper wastewater and solid waste disposal methods;

c. Security and fire protection;

d. The prevention of overflow and trespass onto adjacent properties, including but not limited to, landscaping, fencing, posting of property and screening (through native vegetation or shoreline buffers) of such development from adjacent private property.

11. Ensure trails and pathways on landslide hazard areas are located, designed, and maintained to protect bank stability.

12. Protect and restore publicly-owned natural resource areas located within the shoreline area and include public access and public use as appropriate for the particular resource area.

13. Promote shoreline conservation through acquisition, preservation, and rehabilitation of important natural areas and manage natural areas of public shoreline parks to protect and restore ecological functions, values and features.

14. Use best management practices and low impact development technologies in the construction, maintenance or renovation of recreational grounds or facilities of public shoreline parks.

15. Incorporate opportunities for educational and interpretive information regarding shoreline ecological functions and ecosystem-wide processes in the design and operation of public recreation facilities and other amenities such as nature trails.

5.8.4 Regulations – Prohibited

1. Motorized vehicular access on all beaches and spits, except at approved boat launching facilities (Section 5.3, Boating Facilities).

2. Golf courses in the Natural designations.

3. Golf course fairways which cross streams.

4. Use of fertilizers, pesticides, or other toxic chemicals is prohibited unless an exception is provided pursuant to Section 4.1.6, Water Quality and Stormwater Management.

5. The use of jet skis and similar recreational equipment shall be prohibited in the Priority Aquatic Categories A and B designations.

5.8.5 Regulations - General

1. Water-oriented recreational development is a priority use of the shoreline, and the primary focus shall be to provide access to and enjoyment of the water and shorelines of the state and shall be consistent with the development regulations for the shoreline designation in which it occurs. Valuable shoreline resources and fragile or unique areas such as marshes, bogs, swamps, estuaries, wetlands, and accretion shoreforms (such as sand spits or accretion beaches), shall be used only for passive and nondestructive recreational activities.

a. Active water-oriented recreational uses shall be consistent with the shoreline designation in which it is being proposed and shall be permitted in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential, Urban, and Aquatic designation. Active recreational development is prohibited in the Priority Aquatic designation; however, vessels shall be allowed:

   i. As provided in BIMC 12.40.060; or

   ii. In Priority Aquatic Category B when:

      A. Operated at 5 knots or less or such that a wake is not created; and

      B. Operated at a noise decibel that does not cause adverse impact to wildlife.

b. Recreational development to accommodate passive (non-intensive) water-dependent and/or water-oriented recreational or educational uses shall be allowed as a conditional use in the Natural designation, except public trails and public stairways are permitted as a shoreline substantial development or shoreline exemption, when designed to minimize adverse environmental impacts in accordance with Section 4.1.2 Environmental Impacts.

c. Passive recreational development shall be allowed in the Priority Aquatic designation;

2. Water-oriented recreational use and/or development shall be allowed when the proponent demonstrates that it will not result in a net loss of shoreline ecological functions or processes or have adverse impacts on other shoreline uses, resources and/or values such as navigation and public access, and will provide mitigation in accordance with Section 4.1.2, Environmental Impacts.

3. Activities provided by recreational facilities must have a substantial relationship to the shoreline, or provide physical or visual access to the shoreline. Facilities for water-dependent recreation such as fishing, clamming, swimming, boating, and wading, and water-related recreation such as picnicking, hiking, and walking should be located near the shoreline, while non-water-related recreation facilities shall be located upland.

   a. Within the Natural Designation a single active use area shall be allowed with appropriate compensatory mitigation to accommodate water oriented and non-water oriented cultural events and water related passive recreational uses near the log pond at Blakely Harbor Park, as shown in Appendix E.

4. Recreational development on the shoreline shall provide physical or visual public access consistent with this Program, and Section 4.2.4, Public Access – Visual and Physical.

5. Recreational development on the shoreline shall protect existing shoreline vegetation consistent with this Program, and Section 4.1.3, Vegetation Management.

6. The City shall consult applicable state and local health regulations when issuing shoreline permits for recreational facilities (Title 248 WAC or its successor).

7. Recreational development is required to comply with local and regional recreation plans and link to linear open space, recreational, or scenic systems as provided in the State Comprehensive Outdoor Recreation Planning (SCORP) document, Bainbridge Island Metropolitan Park and Recreation District Comprehensive Park, Recreation, and Open Space Plan, the City of Bainbridge Island's Winslow Master Plan, and the City of Bainbridge Island's Non-Motorized Transportation Plan.
8. The use of motor vehicles including unlicensed off-road vehicles is permitted only on roads and trails specifically designated for such use. Such use is prohibited on tidelands, backshore beaches, streams, or wetlands, except as necessary for public health and safety or maintenance or as provided in Section 5.8.7(1), Regulation-Operations (1), below.

5.8.6 Regulations – Design and Location

1. Recreational development shall be located, designed and constructed to maintain, enhance, or restore scenic views, aesthetic values, and public access, as appropriate. Through the site planning and permit review process, the City may adjust and/or prescribe project dimensions or location of on-site project components, intensity of use, screening, parking requirements, and setbacks as deemed appropriate to meet the recreational needs of the project and the standards of this Program.
2. Recreational developments shall provide vehicular access and parking in accordance with Section 4.2.3, Parking, and shall provide facilities for non-motorized access to the shoreline, such as bicycle and/or pedestrian paths, as prescribed in the City's Non-Motorized Transportation Plan.
3. Shoreline trails and pathways shall be located, designed, constructed and maintained to protect bank stability.
4. All permanent active recreational structures and facilities shall be located outside officially mapped floodplains and floodways. Passive recreation structures, such as picnic tables, benches, viewing platforms may be allowed provided mitigation is provided.
5. Substantial accessory use facilities, such as restrooms, recreation halls and gymnasiums, commercial services, across roads and parking areas, shall be set back from the OHWM according to Table 4-2. These areas may be linked to the shoreline by walkways.
6. Trails utilized for motorized vehicles, including golf carts, shall be set back two hundred (200) feet from OHWM, unless these are combined with a public access trail system. If combined with a public access trail, trails shall be located at least one hundred (100) feet from OHWM.
7. The removal of on-site vegetation shall be limited to the minimum necessary for recreational development areas and pursuant to Section 4.1.3, Vegetation Management.
8. Recreational buildings or structures shall not be built over water, except as provided in Section 5.3, Boating Facilities, and Section 6.0, Shoreline Modification Policies and Regulations.

9. Proposals for recreational development shall include adequate facilities for water supply and sewage and garbage disposal and recycling commensurate with the intensity of the proposed use. Where sewage treatment facilities are not available, the appropriate reviewing authority shall limit the intensity of development to meet local and state on-site sewage disposal requirements. On-site sewage disposal systems shall be located landward of the development, unless not feasible due to site or development constraints and provided that the location is on-site disposal system is consistent with requirements of the reviewing and permitting authority.
10. Recreational facilities shall incorporate appropriate mitigation to minimize light and noise impacts on adjacent and nearby public and private property through the use of screening, native vegetation, fences, signs and related measures.
11. Recreational proposals for publicly-owned shoreline parks shall provide the following:
    a. Recreational development and activities shall provide appropriate public recreational opportunities and promote the ecological restoration of the shoreline environment. Public shoreline areas are intended to provide access to, and enjoyment and use of the water and shorelines while conserving ecological functions and processes, and protecting shoreline resources and fragile areas.
    b. Best management practices (BMPs) and low impact development (LID) techniques shall be incorporated into the design, construction, and operation of public recreation proposals in order to reduce erosion impacts and prevent harmful concentrations of chemicals and sediments from entering water bodies and meet the standards of Section 4.1.6, Water Quality and Stormwater Management.
    c. Educational and historical interpretation specific to the site's shoreline ecology and local history shall be incorporated into the design and operation of a public shoreline recreational development through site amenities such as interpretive signs or other amenities.

5.8.7 Regulations – Operations

1. Operation of motorized vehicles, including utility and maintenance vehicles, shall only be allowed in designated areas specifically designed for vehicular use.
2. The use of jet skis and similar recreational equipment shall be restricted in critical saltwater habitat areas.
3. A chemical management plan designed to eliminate the possibility of damage to riparian vegetation, wildlife, and surface and ground water quality shall be prepared and implemented for golf courses located in shoreline jurisdiction.
4. Recreational fires in commercial uses, public parks and common areas shall only be allowed in accordance with Fire Code regulations in Title 20.12, Burning Restrictions, and within designated barbeque\fire pits, which shall be designed and spaced to facilitate

the control of fires both within recreational facilities, between adjacent properties, and on public lands.

5.8.8 Regulations – Golf Courses – Design & Location

1. Golf courses shall be a conditional use requiring both a conditional use permit and a substantial development permit in the upland shoreline designations of Island Conservancy, Residential Conservancy, Residential, and Urban designations.

5.9 Residential Development

5.9.1 Applicability

All development in the shoreline jurisdiction must comply with the Shoreline Management Act (Chapter 90.58 RCW or its successor) and the Master Program. While an individual owner-occupied, single-family residence and its "normal appurtenances" are exempt from the requirement that a Shoreline Substantial Development Permit (SSDP) be obtained from the local government (WAC 173-27-040, or its successor), it must comply with this section and other provisions of the Master Program. Subdivisions and short plats must also comply with all applicable provisions.

Residential development, when permitted by BIMC Title 18, Zoning, and this Master Program, will be reviewed under the "no net loss" provisions of Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.2, Environmental Impacts; and may also be reviewed under Section 4.1.3, Vegetation Management; Section 4.1.4, Land Modification; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater; Section 4.2.4, Public Access, 4.2.7 Utilities Primary~~; Appendix B;~~ and Accessory. Other portions of this Program may also apply.

5.9.2 Goal

Promote residential development opportunities along the shoreline that are consistent with controlling pollution and preventing damage to the natural environment, recognizing that single-family residential development is a priority use in the shoreline and that impacts to other shoreline priority uses such as, shoreline views, aesthetics, and access, should be considered and minimized.

5.9.3 Policies

1. Consider single-family residential use as a priority use in the shoreline. Develop single-family residences in a manner consistent with producing no net loss of shoreline functions or ecosystem-wide processes, and in conformance with the requirements of this Shoreline Master Program.
2. Locate residential development where there are suitable provisions for utilities, circulation and access, and require development to be designed to:
    a. Maintain or improve shoreline ecological functions and ecosystem-wide processes to assure no net loss;

b. Provide building setbacks;

c. Be visually compatible with adjacent cultural and shoreline features, reasonable in size and purpose;

d. Preserve and enhance shoreline vegetation;

e. Protect water quality;

f. Control erosion and provide stormwater management; and

g. Preserve shoreline open space, views from the shoreline, and vistas of the shoreline, and provide ample open space in side setbacks to preserve views from both the land and water.

3. Ensure the overall density of development, location of structures and access, lot coverage, and height are consistent with Bainbridge Island Comprehensive Plan goals and policies, the provisions of BIMC Title 18, Zoning, and this Program. Development should be appropriate to the physical capabilities and characteristics of the site.

4. Restrict the development of side yards in order to preserve vegetation between developments, mitigate the effect of a "wall" of structures along the shoreline, and enhance public and private view potential.

5. When waterfront properties are divided, ensure common access to the water is provided to all resulting lots.

6. Prohibit new residential development and accessory uses from locating in critical areas including critical saltwater habitat, wetlands, steep or unstable slopes, floodways, migratory routes and marine vegetation areas.

7. Ensure existing legally established overwater residences do not increase intensity of use.

8. Configure new residential land subdivisions within the shoreline to:

   a. Prevent the loss of shoreline ecological functions and ecosystem-wide processes at full build-out of the subdivision;

   b. Reduce the impacts to shoreline processes by preventing the need for new shoreline stabilization or flood hazard reduction measures;

   c. Maintain waterfront areas for the common use of all property owners within the development, and,

   d. If creating more than four lots, provide public access to the shoreline, and minimize individual docks and promote community docks.

9. Ensure new multi-family residential development provides public access to the shoreline.

10. Promote residential development that includes measures to protect existing native vegetation and/or restore vegetation along shorelines. Conservation measures should require that residential development avoid, minimize, mitigate, or restore shoreline vegetation functions and achieve no net loss of shoreline ecological functions and ecosystem-wide processes. Vegetation conservation may include avoidance or

minimization of clearing or grading, restoration of shoreline vegetation, and/or control of invasive or non-native vegetation.

11. For new residential development and alterations to existing residential development, use non-regulatory methods when possible to protect, enhance, and restore shoreline ecological functions and ecosystem-wide processes and other shoreline resources. Such methods may include voluntary alternatives to address impacts to shoreline ecological functions and ecosystem-wide processes, low impact development techniques, voluntary protection and enhancement projects, habitat management planning, education, or other incentive programs. Such programs must be supported by current scientific and technical information, as described in WAC 173-26-201(2)(a).

5.9.4 Regulations - Prohibited

1. New overwater residential development, including floating homes.

2. New land subdivision that would require shoreline stabilization [WAC 173-26-231(3)(a)(iii)(A)].

3. Increase in intensity, including height or bulk, for any existing legally established overwater residence, or for those portions of a residence that are located over the water.

4. New accessory dwelling units in the Point Monroe District.

5.9.5 Regulations - General

1. Residential development shall be permitted in the Shoreline Residential, Shoreline Residential Conservancy, and Urban designations; shall be conditional use~~s~~ in the Island Conservancy designation; and shall be prohibited in the Natural, Aquatic, and Priority Aquatic designations.

2. Multifamily development shall be permitted in the Shoreline Residential and Urban designations, and prohibited in the Shoreline Residential Conservancy, Island Conservancy and Natural designations.

3. Accessory dwelling units shall be allowed as a conditional use in the Shoreline Residential Conservancy Shoreline Residential and Urban designations and prohibited in the Point Monroe District, Natural designation, and Island Conservancy designation.

4. Land subdivision, consistent with BIMC Title 17, is permitted in the Shoreline Residential, Shoreline Residential Conservancy, and Urban designations, and shall be allowed as a conditional use in the Natural and Island Conservancy designations.

5. Residential development shall meet setback and height standards in Table 4-2 and dimensional provisions of BIMC Title 18, Zoning.

6. Residential development shall meet all provisions of the Section 4.1.2, Environmental Impacts, such that the development results in "no net loss" to shoreline environmental functions and processes.

7. The buffer dimensional requirements in Table 4-1 of this Program shall apply to residences and appurtenances, except when a site-specific analysis is provided in accordance with Section 4.1.3, Vegetation Management, or for new development proposed for the Point Monroe District, which shall meet vegetation requirements of Section 4.1.3.5(9), Vegetation Management; Special Provisions for Point Monroe District. Residential development shall retain and protect existing native vegetation, or restore and enhance native vegetation according to the Vegetation Management and Land Modification provisions of Sections 4.1.3 and Section 4.1.4.

8. Side setbacks, except in the Urban designation and the Point Monroe District, shall total at least thirty percent (30%) of the lot width. Side setback requirement for the Point Monroe District shall total at least fifteen percent (15%) of the lot width. These yards shall remain free of buildings and impervious surfaces as described below.

    a. Building. The minimum side setback shall be established by BIMC Title 18, Zoning. Setbacks for each accessory building shall conform to the side setbacks required of, or established by, the primary residential building. Structures in the side setbacks may not exceed four feet in height from existing grade, except that fences on the side property line may have an additional two feet (2') of non-screening material for a total of six feet (6'). Approved Shoreline Stabilization measures may be installed within the side setbacks.

    b. Impervious Surfaces. No more than a total of two hundred (200) square feet of impervious surface is allowed in the side yard setback outside of the Shoreline Standard Buffer, Site-specific Vegetation Management Area or Point Monroe Vegetation Management Area.

    c. Average Lot Width Measurement. In determining allowed setback for this subsection, lot width shall be measured as depicted BIMC Chapter 18.12, Dimensional Standards.

9. All residential development shall meet BIMC Chapter 15.20, Surface and Storm Water Management, and Section 4.1.6, Water Quality and Stormwater Management of this Program.

10. Home occupations meeting the criteria of BIMC Title 18 shall be considered a residential use.

5.9.6 Regulations – Primary Residential Design and Location

1. Residential Development, except in the Point Monroe District (5.9.6 (2)) below, shall follow the provision for Shoreline Exemptions pursuant to the Shoreline Master Program Administrative Section, BIMC Section 2.16.165, and shall:

a. Be located and designed to avoid the need for shoreline stabilization and flood protection works for the life of the structure, as provided for in Section 6.2.9 Shoreline Stabilization; Regulations – Subdivisions and Section 4.1.7, Flood Hazard Management.

b. Be located and designed to protect existing ecological function in accordance with Section 4.1.2, Environmental Impacts, and Section 4.1.3, Vegetation Management, and use low impact development techniques of Section 4.1.6.6(3) to:

   i. Minimize area of disturbance as provided in Section 4.1.4, Land Modification; and

   ii. Minimize soil compaction; and

   iii. Infiltrate stormwater runoff when the site is suitable for infiltration.

c. Provide a stormwater conveyance that is designed according to the provisions of Section 4.1.6, Water Quality and Stormwater Management.

d. Be located to protect existing views from primary structures on adjacent properties.

   i. Primary Structures shall meet the provisions for structure setback line as provided in Section 4.1.3, Vegetation Management, and shall follow the provisions for Shoreline Exemption permit in the Shoreline Master Program Administration Section of BIMC Section 2.16.165.

e. Designed to provide a physical separation to reinforce the distinction between public and private space. Including but not limited to:

   i. Providing vegetation screening in a landscape plan approved by the Administrator and developed in accordance with requirements in Section 4.1.3,Vegetation Management, and BIMC Section 18.15.010, Development Standards and Guidelines; Landscaping, Screening and Tree Retention, Protection, and Replacement.

   ii. Providing an open space setback recorded on plat or title; or

   iii. Fencing or other means.

2. **Special Provisions for Point Monroe District** – Primary and Accessory Structures. Residential development within the Point Monroe District shall follow the provisions for Shoreline Exemption permit in BIMC 16.12 Part VII, Shoreline Master Program Administration, and shall meet provisions of subsection 5.9.6(1)(a)-(c)&(e) and the following:

   a. Each lot is permitted a development area that is intended to accommodate the primary residence, garage, accessory structure, parking and driveway that does not exceed fifty percent (50%) of the upland lot area, up to a maximum development area of

fourteen hundred (1400) square feet. On-site septic systems may be located outside of this development area.

b. All new primary structures shall be located a minimum of thirty feet (30') from the OHWM.

c. Stabilization and flood protection works may be allowed provided the need is demonstrated as specified in Section 6.2.8.1 or 6.2.8.2, Shoreline Stabilization, and 4.1.7, Flood Hazard Management.

d. Overwater structures may be allowed pursuant to Sections 4.1.2, Environmental Impacts and 6.3.4, in Overwater Structures.

5.9.7 Regulations – Accessory Design and Location

1. Except in the Point Monroe District, accessory uses and structures proposed within the Shoreline Buffer or site-specific vegetation management areas shall meet the standards of Section 4.1.3, Vegetation Management.

    a. Accessory structures allowed in the Shoreline Buffer in Table 4-1 shall follow the provision for a Shoreline Exemption in the Shoreline Master Program Administration, BIMC Section 2.16.165.

2. In the Point Monroe District accessory structures, except approved docks or shoreline stabilization, shall be located a minimum of fifteen feet (15') from the OHWM.

5.9.8 Regulations – Residential Subdivisions (Single-Family and Multifamily, including ADU)

1. Subdivision of properties in water designations, Aquatic and Priority Aquatic, shall be regulated the same as the adjacent upland.

2. Land subdivision shall be designed to assure future development will not require shoreline stabilization for one hundred (100) years from date of submittal as demonstrated by a geotechnical report.

3. All new subdivisions shall provide for vegetation management to mitigate cumulative impacts of intensification of use and open space to assure establishment and continuation of a vegetation community pursuant to Section 4.1.3, Vegetation Management.

4. Accessory dwelling units are conditional uses for all lots wholly or partially within the shoreline jurisdiction.

5. New subdivisions or all multifamily residential developments shall provide a community recreation and/or open space area for the benefit of all residents or property owners in the development; provided that, such provisions shall not apply to lot line adjustment, lot consolidation, and subdivision of land into four (4) or fewer lots.

6. New subdivisions or all multifamily residential development of less than four (4) lots and shall provide a common physical or visual access for the benefit of all residents or property owners in the development, which also-meets the provisions of No Net Loss in

Sections 4.1.2, Environmental Impacts. An access easement shall be recorded on the face of the plat or title report.

a. If one or more dwelling unit exists prior to the division of land or further residential development, the feasibility of providing a common access shall be determined by the Administrator.

7. New or altered residential developments of more than four (4) dwelling units adjacent to the waterfront, shall dedicate, improve, and maintain public access area sufficient to ensure usable access to the shoreline for all residents of the development and the general public. The amount and configuration of public access shall depend on the proposed use(s), provisions in Section 4.2.4, Public Access – Visual and Physical, and the following criteria:

   a. Subdivisions within the shoreline jurisdiction that have views of water areas shall provide a public pedestrian viewing area.

   b. Subdivisions adjacent to public waterways and marine waters shall provide visual and physical access to public waterways, public marine waters, and public tidelands that are physically accessible at low tide or low water.

   c. Subdivisions subject to requirements for dedication of land to provide open space or mitigate recreation demands of the development shall dedicate such land on or adjacent to public waterways or marine shorelines, as applicable, unless the ecological sensitivity of such land precludes public access. Portions of the dedicated area may be fenced or otherwise restricted to limit public access to ecologically sensitive areas.

5.9.9 Regulations – Residential Development Overwater

1. Live-aboard vessels, shall be allowed only at marinas or in the public open water marina in Eagle Harbor in accordance with Section 5.3, Boating Facilities.

2. All subdivisions shall record a prohibition on new single use private docks on the face of the plat. Shared moorage with less than 6 slips shall meet provisions for community docks in Section 5.3, Boating Facilities. Shared moorage with six (6) or more slips shall meet provisions in Section 5.3

3. An existing overwater primary residential use may continue, and the structure may be repaired, maintained, increased in height and remodeled in accordance with Section 4.2.1, Nonconforming Uses, **Nonconforming Structures, and Nonconforming Lots** ~~**Non-Conforming Lots, and Existing DevelopmentNonconforming Structures, Uses**~~ but the use may not be intensified and the overwater structure may not be enlarged or expanded over water.

4. The upland portion of an existing primary residential structure that is partially located over water may be repaired, maintained, remodeled or expanded to the extent allowed by this program and in accordance with Section 4.2.1.~~6.3~~7.2, ~~Existing Structures~~

~~Residential Single-Family: Primary Structure~~ Nonconforming Structures – Residential Single-Family: Primary Structures.

6.0 SHORELINE MODIFICATION POLICIES AND REGULATIONS

6.1 General Shoreline Modification Provisions

6.1.1 Applicability

Shoreline modifications are generally related to construction of a physical element such as residential development, a dike, bulkhead, dredged basin, pier or fill, but they can include other actions such as clearing, grading, application of chemicals, or vegetation removal. Shoreline modifications usually are undertaken in support of or in preparation for a shoreline use; for example, fill (shoreline modification) required for a ferry terminal (industrial use) or dredging (shoreline modification) to allow for a marina (boating facility use).

The provisions in this section apply to all shoreline modifications within the shoreline jurisdiction. They also apply to projects in which the chief intent is to protect the shoreline of a particular property for which the permit applies such as shoreline stabilization, flood control projects, and flood control programs. Shoreline modification proposals-will be reviewed under the "no net loss" provisions of Section 4.1.2, Environmental Impacts; Section 4.0, General (Island-wide) Policies and Regulations; and may also be reviewed under Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.7, Flood Hazard Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

6.1.2 Goal

Manage shoreline modifications and flood protection to avoid, minimize or mitigate adverse impacts and assure that individually and cumulatively, shoreline modifications do not result in a net loss of ecological function.

6.1.3 Policies

1. Allow structural shoreline modifications only where it is demonstrated to be necessary to support or protect an allowed primary structure and primary appurtenances, or a legally existing principal use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
2. Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.
3. Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

4. Give preference to those types of shoreline modifications that have a lesser impact on ecological functions and ecosystem-wide processes. Require mitigation of identified impacts resulting from shoreline modifications.
5. Plan for the enhancement of impaired ecological functions and ecosystem-wide processes where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes
6. Avoid and reduce significant ecological impacts according to the mitigation sequence in Section 4.1.2.6.
7. Ensure shoreline modification projects provide for long-term multiple use and shoreline public access, where appropriate.
8. Ensure natural features such as snags and stumps which support fish and other aquatic systems, and which do not intrude on navigational uses or threaten other permitted uses, are left undisturbed except in cases of an approved beach stabilization project.

6.1.4 Regulations – Prohibited Uses

1. Shoreline modifications in or adjacent to wetlands (located in both the upland and the shoreline jurisdiction) and in salmon and trout spawning areas, except for fish or wildlife habitat enhancement.
2. Beach enhancement when it interferes with the normal public use of the navigable waters of the state.
3. Shoreline Modification located on feeder bluffs, except when the area is already developed with a primary residential structure, an essential public facility or transportation facility, in which case stabilization may be allowed pursuant to the provisions in Section 6.2, Shoreline Stabilization.

6.1.5 Regulations - General

1. A pre-application meeting shall be required prior to submitting an application for a replacement, repair or new shoreline modification project.
2. All shoreline modification activities must be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, except shoreline stabilization may be allowed as a shoreline use provided it can be demonstrated that it is necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
3. All applicable federal and state permits, including the Army Corps of Engineers and the Washington Department of Fish and Wildlife, Washington Department of Natural Resources shall be obtained and complied with in the construction and operation of shoreline stabilization and flood protection works.
4. All new development activities, including additions to existing structures, shall be located as allowed in Section 4.1.5~~.7, Regulations – Geologically Hazardous Areas or Appendix~~

~~B,~~ and located or designed to prevent the need for shoreline stabilization for the life of the development or one hundred (100) years, whichever is greater.

5. All new, replacement, and repair modification activities shall be limited to the minimum footprint necessary to protect an allowed primary structure or legally existing shoreline use.
6. All applications for new, replacement and repair modification activities shall examine and implement alternatives as specified in their specific use sections.
7. All applications for new, replacement and repair modification activities shall be designed, located, sized, and constructed to assure no net loss of ecological functions and processes pursuant to Section 4.1.2, Environmental Impacts.
8. Shoreline stabilization shall be designed in a manner that minimizes:
    a. Scouring of the beach at the toe of the structure; and
    b. Erosion of the waterward beach; and
    c. Impact to adjacent properties; and
    d. The need for mitigation measures.
9. Upon project completion, all disturbed shoreline areas shall be restored and replanted pursuant to Section 4.1.2.5, Regulations – Revegetation Standards.
10. Publicly financed or subsidized works should provide for long-term multiple use and public pedestrian shoreline access.

6.2 Shoreline Stabilization

6.2.1 Principles

Shorelines are by nature unstable, although in varying degrees. Erosion and accretion are natural processes that provide ecological functions and thereby contribute to sustaining the ecology of the shoreline. Human use of the shoreline has typically led to hardening of the shoreline for various reasons including, reducing erosion, providing useful space at the shore, or for access to docks and piers. The impacts of hardening on any one property may be minimal, but cumulatively the impact of this type of shoreline modification is significant.

Shoreline hardening typically results in adverse impacts to shoreline ecological functions and habitat degradation, such as:

- Starvation and/or impoundment of beach sediment which diminishes longshore sediment transport;
- Loss of shoreline vegetation and large woody debris;
- Ground water and hydraulic impacts; and
- Exacerbation of erosion.

There are nonstructural and structural methods of shoreline stabilization. Nonstructural methods include building setbacks, relocation of the structure to be protected, groundwater management, and planning and regulatory measures to avoid the need for structural stabilization. Structural stabilization methods can be "hard" or "soft". "Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while "soft" structural measures rely on less rigid materials, such as bioengineering vegetation or beach enhancement. Generally, the harder the construction measure the greater the impact on shoreline processes, such as sediment transport, geomorphology, and biological functions.

The range of non-structural and structural measures varying from soft to hard:

"Soft"

- Upland drainage control;
- Vegetation enhancement;
- Beach enhancement;
- Bioengineering measures;
- Anchor trees; and
- Gravel placement.

"Hard"

- Rock revetments;
- Gabions;
- Groins (rock or concrete);
- Retaining walls and bluff walls;
- Bulkheads; and
- Seawalls.

6.2.2 Applicability

Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures resulting from natural processes, such as currents, flood tides, wind, or wave action. These actions include structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, and planning and regulatory measures to avoid the need for structural stabilization. The provisions of this section apply to the construction, replacement and repair of structures intended to stabilize shorelines for protection of primary structures and primary appurtenances from shoreline erosion caused by wind, waves, and currents. For this section, repair, replacement and new stabilization are defined in Section 8.0, Definitions. Even when exempt from the shoreline substantial development process, however, these structures must comply with all applicable Master Program regulations. A statement of exemption, shoreline conditional use, or shoreline substantial development permit must be obtained from

the City before commencing construction of any shoreline stabilization. All proposed shoreline stabilization will be reviewed under the "no net loss" provisions of Section 4.1.2, Environmental Impacts; Section 4.0, General (Island-wide) Policies and Regulations; Section 4.2.1 ~~Non-Conforming Development~~ Nonconforming Uses, Nonconforming Structures, and Nonconforming Lots ~~;~~Section 6.1, Shoreline Modification and may also be reviewed under Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

6.2.3 Policies

1. Discourage shoreline stabilization, particularly "hard" structural stabilization, through application of appropriate shoreline designations, development standards, and public education.
2. Design, locate, size and construct new, repaired or replacement shoreline stabilization to minimize and mitigate adverse impacts on shoreline ecological functions and shoreline ecosystem-wide processes. An evaluation of the proposal should consider causes and effects of erosion, including upland erosion, and beach dynamics, such as sediment conveyance, geo-hydraulic processes and ecological relationships, and address these on a reach-specific basis.
3. Design and locate new development, including the creation of new lots, in a manner that prevents the need for shoreline stabilization and armoring.
4. Permit structural shoreline stabilization only when it has been demonstrated that shoreline stabilization is necessary for the protection of existing legally established primary structures, principal uses or public improvements in danger of loss, and when it can be demonstrated that there are no alternative options to the proposed shoreline stabilization that have less impact on the shoreline environment.
5. Allow existing "hard" shoreline stabilization structures to be replaced if there is a demonstrated need to protect the principal use or primary structure from erosion and the replacement structure is designed, located, sized and constructed to assure no net loss of ecological functions and ecosystem-wide processes.
6. Give preference to those types of shoreline stabilization that have a lesser impact on ecological functions and ecosystem-wide processes. To protect ecological functions and ecosystem-wide processes, alternatives to shoreline stabilization should be considered and be based on the following sequencing of solutions:
    a. Avoidance (allow the shoreline to retreat naturally, increase building setbacks or relocate structures);
    b. Flexible defense works constructed of natural materials including, "soft" shore protection, bioengineering, beach nourishment, protective berms or vegetative stabilizations;

c. Combination of "soft" and structural "hard" shoreline stabilization or hybrid design measures, which excludes structural stabilization below the ordinary high water mark;

d. "Hard" structural stabilization or rigid works constructed of artificial materials, such as riprap or concrete;

7. Select materials used for construction of shoreline stabilization for long term durability, ease of maintenance and compatibility with local shore features, including aesthetic values and flexibility for future uses.

8. Ensure that publically financed or subsidized shoreline stabilization measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions or ecosystem-wide processes. Where feasible, incorporate ecological restoration and public access improvements into the project.

9. Avoid shoreline stabilization that is constructed waterward of feeder bluffs.

10. Encourage neighboring property owners within an entire drift cell or shoreline reach to coordinate planning and development of shoreline stabilization or other solutions to avoid erosion of down-drift properties and to address ecological and geo-hydraulic processes, sediment conveyance, and beach management.

11. Where feasible, remove any failing, harmful, unnecessary or ineffective structures and restore shoreline ecological functions and ecosystem-wide processes consistent with the priorities of an ecosystem-wide restoration plan, and replace structures using shoreline stabilization measures that result in less impact to ecological functions and ecosystem-wide processes.

12. Encourage non-structural stabilization using non-regulatory methods to protect, enhance and restore shoreline ecological functions and ecosystem-wide processes, and other shoreline resources. Non-regulatory methods should include incentive programs to utilize low impact development techniques and encourage habitat/resource planning, voluntary enhancement and restoration projects, or programs that provide technical assistance and education to shoreline property owners.

13. Promote shoreline stabilization that incorporates beach restoration or enhancement in accordance with the restoration provisions of Section 4.1.8, Shoreline Restoration and Enhancement, and this Program.

6.2.4 Regulations – Prohibited

1. Gabions, groins, vertical, concave, and flat (hard) faced structures not including near-vertical rock riprap bulkheads in shoreline stabilization construction. Sheet pile style hard stabilization may be allowed for remediation and hybrid shoreline stabilization projects in accordance with Section 6.2.5.

2. Revetments for any purpose unless part of a public facilities project.

3. Construction of a bulkhead, revetment, or other structure for the purpose of retaining a landfill or creating dry land; unless it is proposed in conjunction with an approved commercial or industrial water-dependent use or public use.
4. Shoreline stabilization proposed on shores where valuable geo-hydraulic or biological processes are sensitive to interference or critical to shoreline conservation, such as: feeder bluffs; barrier estuaries, barrier lagoons, wetlands; or accretion shore forms such as sand spits, hooks, bars, or barrier beaches. Except that stabilization proposals to protect a primary single-family residence, primary appurtenance or primary public or transportation facilities, may be allowed on feeder bluffs and spits provide provisions of this Program are met.
5. The use of hard structural stabilization or the hard portions of hybrid stabilization intended to protect a vacant platted lot or to protect a developed lot where a primary structure or primary appurtenance is not in danger from erosion as demonstrated through a geotechnical report.
6. Stabilization that would cause significant impacts to adjacent or down current properties.

6.2.5 Regulations - General

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

6.2.6 Regulations – Location and Design of Shoreline Stabilization

1. Shoreline stabilization shall not be approved in any known or probable midden site without the written permission of the Director of the State Office of Archaeology and Historic Preservation (the State Historic Preservation Officer) (RCW 27.53.060 or its successor).

2. On all shorelines, hard structural stabilization or hard portions of hybrid stabilization shall be located landward of the OHWM. Other structural stabilization shall be located landward of protective berms (artificial or natural), and generally parallel to the natural shoreline except as allowed below:

    a. On high bluffs where no other shoreline stabilization structures are adjoining, hard structural stabilization or hard portions of hybrid stabilization shall be as close to OHWM as feasible to accommodate the design of the shoreline stabilization. However, a revetment footing may extend waterward only the minimum extent necessary to dissipate wave energy.

    b. Shoreline stabilization shall connect flush with existing stabilization on adjoining properties, except when the action will create dry land, in which case the location requirements of the above shall apply.

    c. Soft-treatment stabilization may be permitted waterward of the OHWM if the stabilization measures provide restoration of shoreline ecological functions and processes.

3. Hard structural stabilization, including hard portions of hybrid stabilization, shall be limited to the areas of the site where the stabilization is demonstrated to be necessary, according to Section 6.2, Shoreline Stabilization.

    a. When allowed on feeder bluffs, hard structural stabilization, including hard portions of hybrid stabilization shall be located landward of the OHWM.

    b. Hard structural stabilization, including hard portions of hybrid stabilization located in a shoreline area that does not include a feeder bluff, shall be constructed landward of the ordinary high water mark and shall follow the natural contours of the shoreline; unless it is demonstrated to the satisfaction of the Administrator to be infeasible to locate the entire hard structural stabilization landward.

4. Replacement stabilization structures may be constructed in the same location if placement landward of OWHM is infeasible as demonstrated to the satisfaction of the Administrator.

5. Shoreline stabilization shall be designed to allow the passage of surface or ground water without causing ponding or saturation of retained soil materials and meet the following design criteria:

    a. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system;

    b. Filter cloth or adequate smaller filter rock shall be used to aid drainage and help prevent settling; and

    c. Provide adequate toe protection to ensure future mitigation or hard structural stabilization measures are not required.

6. Revetments shall be sited and designed consistent with appropriate engineering principles. Professional, geologic, site studies or design shall be required.

7. When a hard structure is required at a public access site, provision for safe access to the water shall be incorporated into the design for stabilization.

8. Stairs or other permitted upland structures may attach to existing hard structural stabilization, but shall not extend waterward, unless it is demonstrated to the satisfaction of the Administrator to be infeasible to locate the entire stairway landward.

9. Overwater structures may attach to existing hard structural stabilization.

10. Hard shoreline stabilization construction shall utilize stable, non-erosion prone, homogeneous materials such as concrete, wood, rock riprap, or other suitable materials which will accomplish the stabilization needs with the maximum preservation of natural shoreline characteristics. See Section 4.1.6, Water Quality and Stormwater Management for additional provisions related to material.

6.2.6.1 Regulations – Location Specific for Replacement of Hard Structural Stabilization

1. Replacement of hard structural stabilization shall not encroach waterward of the OHWM or waterward of the existing shoreline stabilization measure unless the primary structure requiring protection was constructed prior to January 1, 1992, and there is overriding safety or environmental concerns if the stabilization measure is moved landward of the OHWM. In such cases, the replacement structure shall be constructed to abut the existing shoreline stabilization structure. All other replacement structures shall be located landward of the existing shoreline stabilization structure.

6.2.7 Regulations – Repair of Existing Shoreline Stabilization

1. The Administrator shall allow repair or maintenance of soft-treatment stabilization.

2. Repair of existing structural stabilization shall be allowed as follows:

   a. Existing shoreline stabilization which no longer adequately serves its intended purpose shall be considered a replacement.

   b. Damaged structural stabilization may be repaired up to fifty percent (50%) of the linear length within a Five (5) year period. Repair area that exceeds fifty percent (50%) shall be considered a replacement. Stabilization repair applications shall consider cumulative approvals of each successive application within a five year period

   c. Stabilization repairs may require mitigation pursuant to Section 4.1.2, Environmental Impacts.

6.2.8 Regulations – New or Replacement Shoreline Stabilization

1. When evaluating the need for new, expanded or replacement stabilization measures, the applicant shall provide an analysis from a qualified professional that examines and implements preferred alternatives in the following sequence:

a. No action (allow the shoreline to retreat without intervention).

b. Non-structural measures such as vegetation enhancement or addressing upland drainage concerns.

c. Increase building setbacks and/or relocate structures to a feasible location and/or elevate the structures.

d. Implement flexible/natural materials and methods, beach nourishment, protective berms, bioengineered stabilization or other soft-treatment measures.

e. Hybrid structure.

f. Exclusively hard stabilization materials.

2. An analysis for these alternatives shall be submitted with each replacement or new stabilization application.

3. Point Monroe District properties shall also meet provisions in Section 6.2.8.3, Specific Regulations for Point Monroe District.

6.2.8.1 Specific Regulations: Replacement of Existing Structural Stabilization

1. Replacement of existing structural stabilization is allowed to protect public transportation infrastructure, essential public facilities, and primary structures when all the following apply:

   a. The replacement is located landward of OHWM, unless demonstrated to the satisfaction of the Administrator to be infeasible, then it may be located in the same location, except as provided in subsection (3), below; and

   b. The danger of loss or substantial damage from shoreline erosion is caused by tidal action, current, and waves rather than landslides, sloughing or other forms of shoreline erosion unrelated to water action at the toe of the slope and such has been identified through a geotechnical report except as provided in subsection (c), below; and

   c. A geotechnical report demonstrates a need to protect the primary structure and primary appurtenance from danger of loss or substantial damage within five (5) years due to shoreline erosion, (b) above, in the absence of hard structural stabilization; except the following is not required to identify danger of loss or substantial damage through a geotechnical report:

      i. An existing primary single-family residence located within ten feet (10') or less from the OHWM; or

      ii. An existing primary single-family residence located within ten feet (10') or less from the top of a high bluff (greater than fifteen feet (>15)~~(top of bluff as defined in Appendix B);~~or

iii. An existing primary single-family residence located with the Point Monroe District may use the *Spit Science Summary – Point Monroe*, Herrera Environmental, 2012, to substitute for a site-specific geotechnical report.

d. The replacement structure is designed, located, sized and constructed to assure no net loss of ecological functions and processes; and

e. Hard structural shoreline stabilization, including hard partitions of hybrid stabilization, is limited to the 'zone of impact' for protecting a primary structure and its primary appurtenances. See Section 8.0 for 'zone of impact' definition.

2. When a geotechnical report confirms a need to prevent potential loss of or damage to a primary structure, but the need is not as immediate as five (5) years, the report may be used to justify more immediate authorization to protect against erosion using soft-treatment stabilization or hybrid structural measures.

6.2.8.2 Specific Regulations: New Shoreline Stabilization

1. The City may approve new or enlarged structural stabilization measures to protect non-water-dependant public transportation infrastructure, essential public facilities, and primary structures when all the following apply:

   a. The danger of loss or substantial damage from shoreline erosion is caused by tidal action, current, and waves rather than landslides, sloughing or other forms of shoreline erosion unrelated to water action at the toe of the slope and such has been identified through a geotechnical report except as provided in subsection (b), below.

   b. A geotechnical report demonstrates there is significant possibility that the primary structure or primary appurtenance structures will be damaged within three (3) years as a result of shoreline erosion, (a) above, in the absence of hard structural stabilization measures; except the following is not required to identify danger of loss or substantial damage through a geotechnical report:

      i. an existing primary single-family residential structure located within ten feet (10') or less from the OHWM; or

      ii. An existing primary single-family residential structure located within ten feet (10') or less from the top of a high bluff (greater than fifteen feet (>15)~~(top of bluff as defined in Appendix B)~~.

   c. The new or expanded structure is designed, located, sized and constructed to assure no net loss of ecological functions and/or processes; and

   d. Hard structural shoreline stabilization, including hard portions of hybrid stabilization, is limited to the 'zone of impact' for protecting a primary structure and/or its primary appurtenances.

2. Where a geotechnical report confirms a need to prevent potential loss of or damage to a residential primary structure, but the need is not as immediate as three (3) years, the report

may be used to justify more immediate authorization to protect against erosion using soft-treatment structural measures.

6.2.8.3 Specific Regulations for the Point Monroe District

1. New foundations and redevelopment of existing foundations that impede the natural over-wash process with the Federal Emergency Management Administration (FEMA) flood zone are considered flood protection works and shall meet provisions in Section 5.9, Residential Development.

2. New hard shoreline stabilization measures are prohibited in Area I, II, and IV of the Point Monroe District, as depicted in the Point Monroe District Map in Appendix E.

3. A conditional use permit shall be required for hybrid structural stabilization within Area III of the Point Monroe District, as depicted in the Point Monroe District Map, Appendix E.

6.2.9 Regulations – Subdivisions

1. Land subdivision shall be designed to assure future development will not require shoreline stabilization for the next one hundred (100) years from date of building permit approval as demonstrated by a geotechnical report.

6.2.10 Submittal Requirements for Shoreline Stabilization Project Applications

1. In addition to the general submittal requirements for all applications specified in BIMC Section 2.16.020(H), the following shall be submitted to the City. Applications for repair of existing stabilization will be required to submit only the first six (6) items. The Administrator may waive some or all of the following based on specific project requirements:

    a. Purpose of the project including a calculation that demonstrates the amount proposed to be repaired and past amounts repaired and a summary of replacement and/or repair materials proposed; and

    b. Plan and cross section views of the existing and proposed shoreline configuration, showing accurate existing and proposed topography and OHWM, including an indication of the amount of area proposed to be repaired; and

    c. Documentation of pre-construction shoreline characteristics; and

    d. Description of physical, geological and/or soil characteristics of the site including existing and proposed slope profiles; and

    e. A description of any waste and debris disposal sites for materials generated during construction; and

    f. For repair of shoreline stabilization, the design recommendations for minimizing impacts and ensuring the new construction, replaced or repaired stabilization

measure is designed, located, sized and constructed to assure no net loss of ecological functions and processes; and

g. Examination and implementation of alternatives in the order of preference as described in Section 6.2.8, Specific Regulations: Replacement of Existing Structural Stabilization, including a description of cost, mitigation cost, maintenance needs and success in protecting the primary structure; and

h. Existing shoreline stabilization within the reach of the proposed project; and

i. Any outreach efforts to coordinate with property owners within the shoreline reach to address an ecosystem-wide restoration plan; and

j. A description of any waste and debris disposal sites for materials generated during construction; and

k. A discussion of the cause of shoreline erosion including assessment of ecosystem-wide processes occurring both waterward and landward of the OHWM and an analysis of on-site and/or adjacent upland drainage.

l. Impact analysis and mitigation report as specified by Section 4.1.2, Environmental Impacts; and

m. Geotechnical report including the estimated rate of erosion and eminent danger within the time threshold as provided in Section 6.2 and the following:

   i. Proof of a geotechnical design of the structural stabilization; and

   ii. Washington State licensed civil engineer with a specialty in coastal engineering or a qualified Washington State licensed geologist with a specialty in coastal geology and a qualified marine habitat biologist shall evaluate the cumulative effects of stabilization methods within a drift cell; and

   iii. Maintenance, Monitoring and Planting Plan as required by Section 4.1.2, Environmental Impacts.

6.3 Overwater Structures

6.3.1 Applicability

Uses which may employ a pier or dock are subject to the provisions herein as well as to the provisions contained in Section 5.0, Specific Shoreline Use and Development Policies and Regulations. Single use, community, or joint-use docks which provide moorage for six (6) or more vessels also must comply with the provisions of Section 5.3, Boating Facilities.

Pursuant to RCW 90.58.030(3)(e)(vii), or its successor, and WAC 173-27-040(2)(h), or its successor, certain activities are exempt from obtaining a Shoreline Substantial Development Permit (SSDP). For the benefit of the lot owner, surrounding properties, and water body users, the City will review all proposals for piers and docks to determine whether:

1. The proposal is or is not exempt from the requirements for a shoreline permit;
2. The proposal is suitably located and designed and that all potential impacts have been recognized and mitigated; and
3. The proposal is consistent with the intent, policies, and regulations of the Act (RCW 90.58.140(1) or its successor) and this Program.

Activities that are exempt from a shoreline substantial development permit must still meet the provisions of the Master Program. A pier, dock or float associated with a single-family residence is considered a water-dependent use provided that it is designed and intended as a facility for to tie up watercraft. Overwater structure activities will be reviewed under the "no net loss" provisions of Section 4.1.2, Environmental Impacts and Section 4.0, General (Island-wide) Policies and Regulations; Section 4.4.1 Shorelines of Statewide Significance, and may also be reviewed under Section 4.1.5, Critical Areas; and Section 4.1.6, Water Quality and Stormwater Management~~, and Appendix B, when applicable~~. Other portions of this Program may also apply.

6.3.2 Goal

Limit the number and size of piers, docks, and floats to the extent necessary to accommodate the proposed use and avoid adverse impacts to shoreline ecological functions and ecosystem-wide processes. Allow overwater structures only when part of a permitted water-dependent use or for public access. Ensure consistency with federal and state regulations.

6.3.3 Policies

1. Encourage multiple-use and expansion of existing conforming piers, docks, and floats over the addition of new facilities. Joint-use facilities are preferred over new, single-use piers, docks and floats.
2. Mooring buoys are preferred to either piers or docks. Locate and design buoy installation to avoid or minimize adverse impacts on ecological functions and ecosystem-wide processes.
3. Locate and design piers, floats, and docks to avoid and minimize possible adverse impacts on ecological functions and ecosystem-wide processes, including fish and wildlife habitat, and impacts to ecosystem-wide shoreline processes such as littoral drift and sand movement. Ensure that piers, floats and docks are:
    a. Designed in consideration of the proposed intensity of use, the shoreline characteristics, tidal action, aesthetics and minimization of impacts to adjacent land and public use of the waters of the state.
    b. Prohibited at locations where physical limitations exist, such as shallow, sloping tidelands bottoms; high littoral drift areas; landslide-prone areas and/or feeder bluffs.
    c. Designed and maintained to mitigate adverse impacts to the environment such as eelgrass beds and fish habitats, shoreline aesthetics, and water quality, and to

minimize interference with navigable waters and the public's use of the water and shoreline. Design considerations should:

i. Limit pier and float length & width to extent necessary for the intended use;

ii. Provide functional grating for light penetration;

iii. Configure pier and float orientation to minimize shading;

iv. Prohibit auxiliary structures on piers and floats;

v. Provide a mechanism to prevent floats from resting on tidelands;

vi. Encapsulate floatation to prevent to breakup and loss of material; and

vii. Use a site-specific distance between piles to avoid adverse impacts to salt water critical habitat.

d. Designed, constructed, and maintained to provide a reasonable level of safety to users.

4. Encourage proponents of commercial pier, float, and dock projects to provide for public docking, launching, or recreational access.

5. Encourage the development of public docks with floats at appropriate road-end locations. Local programs and coordinated efforts among private and/or public agencies should be initiated to develop new public access docks, and to remove or repair failing, hazardous, or nonfunctioning piers and docks and restore such facilities and/or shore resources to a natural and/or safe condition.

6. Encourage the use of natural materials in pier and dock construction. Chemical wood treatments, such as creosote or pentachlorophenol are prohibited on all new structures or repair projects. Plastics and other non-biodegradable materials may be used; however, precautions should be taken to ensure their containment as provided in Section 4.1.6, Water Quality and Stormwater Management.

7. Implement an education program for boat owners and operators on best management practices for use of boat and overwater structure maintenance products.

8. Limit the development of new docks and piers in harbors and encourage public docks and private community docks, except that in Blakely Harbor:

a. New docks shall be prohibited between Restoration Point and the most eastern point along the north shore of Blakely Harbor; except

i. Two community docks should be allowed, one along each the north and south shores, provided that all residents along each shore are provided a non-extinguishable option to access the community dock located along their respective shore; and

ii. One small public dock and/or pier for the mooring of dinghies and loading or unloading of vessels should be allowed for daytime use.

6.3.4 Regulations - Prohibited

1. Overwater structures in the Priority Aquatic designations and adjacent to the Natural designation except:
    a. New individual, community or joint-use residential docks or piers are permitted in the Priority Aquatic B designation, only in areas where salt marsh vegetation, such as pickleweed (Salicornia sp.), does not exist.
    b. Two mooring buoys per parcel are allowed for public access when upland property is owned by a public entity.
2. Overwater Structures at locations where critical physical limitations exist, such as shallow sloping tidelands with gradients of 3% or less; or areas mapped for high levels of accretion; or geological hazardous areas located outside of harbors and/or feeder bluffs, except when specifically allowed in Section 4.2.4, Public Access – Visual and Physical, or Section 5.3, Boating Facilities.
3. Development of new docks and piers within all shoreline designations within Blakely Harbor between Restoration Point and the most eastern point along the north shore of Blakely Harbor (sometimes referred to as "Pigott Point" or "Jasmine Point"), except as provided in this section.
4. New docks and piers within Murden Cove as shown on the Shoreline Designation Map.
5. New boat houses and/or new covered moorage on either existing or new piers or docks.
6. Hydraulic water jets cannot be used to remove piling.
7. Use of arsenate compounds or creosote-treated members.
8. Over-water field applications of paint, preservative treatment, or other chemical compounds, except in accordance with best management practices set forth in the Boating Facility section of the Master Program or when allowed by a current National Pollution Discharge Elimination System (NPDES) permit from the Department of Ecology.
9. Bulk storage for gasoline, oil and other petroleum products for any use or purpose on piers and docks. Bulk storage means non-portable storage in fixed tanks.

6.3.5 Regulations - General

1. Except for the provisions contained in this chapter, new piers and docks shall be a permitted use in the Urban, Shoreline Residential, and Aquatic designations, and shall be a conditional use in the Shoreline Residential Conservancy and Island Conservancy designations.
2. Mooring buoys are a preferred use, over docks, where feasible.
3. Piers and docks shall be located and designed to minimize interference with the use of navigable waters and may be limited in length or prohibited, where necessary, to protect navigation, public use, or habitat values including critical saltwater habitat.

4. If a bulkhead-like base is proposed for a fixed pier or dock the base shall be built landward of the ordinary high water mark or protective berg and is considered shoreline stabilization and must meet provisions of Section 6.2 Shoreline Stabilization.
5. Structures on piers and docks shall be strictly limited in size to avoid impacting shoreline views.
6. Piers and docks shall require a building permit and shall meet standards set by the building official, except public ferry terminals as part of the state highway system.
7. Lighting shall:
    a. Satisfy the provisions of BIMC 18.15.040;
    b. Be the minimum necessary, or as required by the Coast Guard, to locate the dock at night; and
    c. Should minimize glare.
8. Mitigation requirements of Section 4.1.2, Environmental Impacts, may be met through mitigation standards for the United States Army Corps of Engineers (USACE) permit process.
9. New docks and piers shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use and may be permitted, provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of the Act and this Program.
10. Piers and dock construction shall adhere to Fish Window provisions found in WAC 220-110 by the Washington Department of Fish and Wildlife

6.3.6 Regulations – Location, Design and Construction Standards – Pier, Dock, Float

1. A single use dock consists of pier, ramp, float, and one boat lift. An additional boat lift may be added per dwelling unit for joint-use docks.
2. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.
3. Overhead wiring or plumbing is not permitted on overwater structures.

6.3.7 Regulations – Specific

6.3.7.1 Piling Regulations

1. Principle: Piles are physical barriers to fish migration and have the potential to leach contaminants into aquatic and nearshore environments. Piling installed close together can cause floating debris to accumulate, which can lead to increased shading and predator protection. The fewest number of pilings necessary should be installed and spacing

between piling should be maximized. Projects must be designed to minimize abrasion between the pier, ramp and float caused by tidal fluctuations because this can result in the deposition of contaminants into the water and over time will cause a loss of structural integrity requiring additional maintenance by the applicant.

a. Replacement or new piling shall be steel, concrete, plastic or untreated or approved treated wood, if approved by USACE. Any piling subject to abrasion (and subsequent deposition of material into the water) must incorporate design features to minimize contact between all of the different components of overwater structures during all tidal elevations.

b. New piling associated with a new pier, except large water-dependent ferry terminals, must be spaced at least twenty feet (20') apart (lengthwise along the structure) unless the length of structure itself is less than twenty feet (20'). If the structure itself is less than twenty feet (20') in length, piling can only be placed at the ends of the structure. Piles in forage fish spawning areas need to be spaced at least forty feet (40') apart.

c. If the project includes the replacement of existing piling, they should be either partially cut with a new piling secured directly on top, fully extracted, or cut 2-feet below the mudline. If treated piling are fully extracted or cut, the holes or piles must be capped with clean, appropriate material.

d. A maximum of two moorage pilings may be installed to accommodate the moorage of boats exceeding the length of the floats.

e. Piles, floats, or other components in direct contact with water shall not be treated or coated with biocides such as paint or pentachlorophenol. In saltwater areas characterized by shellfish populations or in shallow embayments with poor flushing characteristics, untreated wood, used pilings, precast concrete, or other nontoxic alternatives shall be used. In all cases where toxic-treated products are allowed, products, methods of treatment, and installations shall be limited to those that are demonstrated as likely to result in the least possible damage to the environment based on current information.

f. Piling employed in piers or any other structure shall have a minimum vertical clearance of 18 inches above extreme high water.

6.3.7.2 Pier Regulations

1. Principle: In the Puget Sound, the intertidal and sub-tidal substrate supports a complex web of plant and animal species. Juvenile salmon, called "salmonids," young and adult bull trout, and juvenile rockfish use nearshore marine areas for feeding, rearing, and as migratory corridors. Their predators are generally located in deeper waters that young fish tend to avoid. As they mature they become less dependent on shallow areas and begin preying on forage fish, many of which spawn on the intertidal substrate around eelgrass, kelp beds and macroalgae. Piers create shadows that can impact the viability of marine vegetation that require sunlight to grow. This subsequently adversely impacts the

habitat of fish that so many other species (including human beings) rely upon. In addition, large shaded areas provide cover for predators so for these reason the amount of shade created by piers must be minimized.

a. The width of the modified portion of a pier or proposed new pier must not exceed four (4) feet for single use or six (6) feet for joint use. Pier width for marinas or public use docks may exceed these restrictions if they provide mitigation, which may include artificial lighting under the pier during daytime hours.

b. Functional grating resulting in a total open area of a minimum of thirty percent (30%) must be installed on all new or replacement piers that are four to six feet (4-6') wide. For example, this can be achieved by installing grating with sixty percent (60%) open area on at least fifty percent (50%) of the pier or by grating a larger percentage of the pier with grating with openings of less than sixty percent (60%). Site conditions may require pier to be one hundred (100%) or fully grated.

c. For all sections of the pier that span upper intertidal areas with obligate vegetation, that pier section shall be fully grated with grating having sixty percent (60%) open area.

6.3.7.3 Float Regulations

1. Principle: Sharp shadows cast by floats and float tubs have been shown to discourage salmonids and other young fish from passing underneath, forcing them into deeper water where their chance of being preyed upon is increased and water temperature and conditions are different. In the case of rockfish, they give birth to live larval young that spend several months being passively dispersed by tidal fluctuations, as they mature they move out to deeper water but initially are at a high risk of predation. Manmade shade creates artificial pockets of opportunity for the predators of young fish and unlike the shade from overhanging vegetation the negative impacts outweigh the benefits. Finally, to prevent damage to the substrate, benthic invertebrate communities and vegetation, floats should not rest on substrate low tide and should be fully encased to prevent the deterioration and dispersion of floatation materials.

   a. For a single-use structure, the float width must not exceed eight (8) feet and the float length must not exceed thirty feet (30'). Functional grating must be installed on at least fifty percent (50%) of the surface area of the float.

   b. For a joint-use structure, the float width must not exceed eight (8) feet and the float length must not exceed sixty feet (60'). Functional grating must be installed on at least fifty percent (50%) of the surface area of the float.

   c. To the maximum extent practicable, floats must be installed with the length in the north-south direction.

   d. If the float is removed seasonally, the applicant needs to indicate this in their application along with the proposed storage location. Floats should be stored above mean high/high water/ordinary high water line at a City approved location.

City authorization may be required if the float will be stored within City jurisdiction (even within a marina).

e. Flotation for the float shall be fully enclosed and contained in a shell (e.g., polystyrene tubs not shrink wrapped or sprayed coatings) that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by ultraviolet radiation and/or abrasion caused by rubbing against piling and/or waterborne debris.

f. Flotation components shall be installed under the solid portions of the float, not under the grating.

g. If the float is positioned perpendicular to the ramp, a small float may be installed to accommodate the movement of the ramp due to tidal fluctuations. The dimensions of the small float cannot exceed six (6) feet in width and ten (10) feet in length.

6.3.7.3.1 Float Stop Regulations

1. Principle: Floats need to be above the substrate, the preferred and least impacting option is to suspend the float above the substrate by installing float stops on pilings designed to anchor floats, installing a few stub pilings, or in certain situations it could be appropriate to install float feet. In all cases, the stops must be able to fully support the entire float during all tidal elevations.

    a. Floats need to be suspended a minimum of one foot (1') above the tidal substrate at all tide levels.

    b. To suspend the float above the substrate, the preferred and least impacting option is to suspend the float above the substrate by installing float stops (stoppers) on piling anchoring new floats. The stops must be able to fully support the entire float during all tidal elevations.

    c. If float stops attached to pilings are not feasible, then up to four 10 inch diameter stub pilings can be installed instead, except an additional two may be installed for joint-use floats.

    d. Float feet attached to the float may be considered an option only under these circumstances:

        i. In coarse substrate, D252 of 25mm or larger for a grain size sample taken from the upper one foot of substrate;

        ii. For elevations of minus 3 MHHW and lower at D25 of 4mm or larger for a grain size sample taken from the upper one foot of the substrate (intent is to exclude muck);

        iii. For repair or replacement of existing float feet if the following two conditions are met: (1) substrate looks like it contains mostly gravel (no analysis needed, picture sufficient), and if (2) proposed replacement or

repair includes other improvements of the environmental baseline like the removal of creosote-treated piling and increased amounts of grating.

e. Floats can be held in place with lines anchored with a helical screw or "duckbill" anchor, piling with stoppers and/or float support/stub pilings.

i. For a single-use float, a maximum of four (4) pilings (not including stub piling), helical screws, or "duckbill" anchors can be installed to hold the float in place.

ii. For a joint-use float, a maximum of eight (8) piling or helical screw or "duckbill" anchors can be installed to hold the float in place.

iii. If anchors and anchor lines need to be utilized, the anchor lines shall not rest on the substrate at any time.

iv. In rocky substrates where a helical screw or "duckbill" anchor cannot be used, if the applicant submits a rationale why these types of anchors cannot be used and the Administrator concurs with this rationale, an approved anchor of another type (i.e., concrete block) may be permitted.

6.3.7.4 Regulations – Residential Community and Joint-use Piers and Docks

1. Any hotel, motel, and/or multifamily residential development proposing to provide moorage facilities shall be required to construct a single, joint-use moorage facility. The Administrator may authorize more than one joint-use moorage facility if a single facility would be inappropriate or undesirable, given the specific conditions of the site. Facilities for moorage of six (6) or more vessels are considered a marina and must meet regulations in Section 5.3, Boating Facilities.

2. Proposals for community or joint-use piers and docks shall demonstrate, by proof of recording of a covenant binding current and future parties, that adequate maintenance of the structure and the associated upland area will be provided by identified responsible parties. The proposed covenant shall be filed as part of the permit application and recorded after final approval. An access easement to joint use dock shall be granted for all lots or dwelling units.

3. In Blakely Harbor:

a. A total of two (2) community docks shall be a conditional use within the upland, and aquatic designations with no more than one along each the north and south shores, respectively, provided that all residents along each shore shall have a non-extinguishable option to access the community dock located along their respective shore;

b. One day time use public dock and/or pier for the mooring of dinghies and loading or unloading of vessels shall be a conditional use within the upland and aquatic designations; and

c. Such community and public docks shall comply with this master program and other applicable laws; shall be the minimum size necessary; and shall be sited and designed to mitigate adverse impacts to navigation, views, scenic character, and natural resources as much as possible. Such community and public docks shall also be reasonably passable to swimmers, beach walkers, and human-powered water craft.

6.3.7.5 Regulations – Commercial/Industrial Facilities Piers and Docks

These standards apply to piers and docks intended for any commercial or industrial use other than commercial moorage of boats in marinas. (See also Section 5.3, Boating Facilities, Section 5.4, Commercial Development, and Section 5.6 Industrial Development.)

1. Substantial development permits for docks or piers serving single commercial or industrial enterprises shall not be granted until the access needs of adjacent commercial and/or industrial enterprises have been determined.
2. Commercial or industrial piers or docks shall not extend offshore farther than the most shoreward of the following:
   a. The average length of the piers on the two adjoining properties;
   b. In Eagle Harbor, the Constriction Limit Line;
   c. Elsewhere, the distance necessary to obtain a depth of four feet (4.0') of water as measured at extreme low tide at the landward limit of the moorage slip; or
   d. The line of navigation; and
   e. In no case shall piers and their associated ramps and floats extend greater than 15% of the perpendicular shore-to-shore distance across a water body, except where a navigational study has been submitted for City review and approval.
3. Facilities and procedures for receiving, storing, dispensing, and disposing of oil and other toxic products shall be designed to ensure that such oil and other toxic products are not introduced into the water body.
4. Spill clean-up facilities shall be available for prompt response and application at all piers and docks involved in oil and hazardous products transfer.

6.3.7.6 Regulations – Residential (Joint, Community and Individual) Piers and Docks

1. New subdivisions and short subdivisions with shoreline frontage shall be required to provide community docks rather than individual, private docks.
2. Size.
   a. Maximum width of a pier or dock shall be the minimum necessary to accomplish moorage for the intended boating use. (See 6.3.7.1 Regulations – Specific, above, for additional restrictions.); and

b. The length shall not extend beyond the average length of adjacent docks, within five hundred feet (500') of the proposed location or the distance necessary to obtain a depth of nine feet (9') of water as measured at mean lower-low water (MLLW) at the landward limit of the moorage slip, whichever is closer to shore. A dock shall not extend beyond the adjoining property dock or the line of navigation and in no case shall piers and their associated ramps and floats extend greater than 15% of the perpendicular shore-to-shore distance across a water body, except where a navigational study has been submitted for City ~~County~~ review and approval; and

c. In Eagle Harbor, a pier or dock shall not extend beyond the Construction Limit Line; and

d. A pier or dock shall not extend beyond the Harbor Structure Limit line shown in Appendix E.

3. Side-yard Setbacks.

   a. Docks, piers and floats shall be set back a minimum of ten feet (10') from side property lines, except that community piers, docks, and floats may be located adjacent to or upon a side property line when mutually agreed to by covenant with the owners of the adjacent property. A copy of the covenant must be recorded with the County Auditor and filed with the application of the permit.

4. Community docks and piers shall include no more than one (1) moorage space per dwelling unit or lot.

6.3.7.7 Regulations – General Mooring Buoys and Recreational Floats

1. Mooring buoys and recreational swim floats use shall be permitted in the Aquatic environment offshore from Island Conservancy, Shoreline Residential, Shoreline Residential Conservancy, and Urban designations.

2. Mooring buoys for commercial use shall be permitted only as conditional uses offshore from the Urban designation. Mooring buoys for public open water moorage and anchorage areas shall be permitted in the Aquatic designation offshore of all upland designations.

3. No more than one structure may be installed for each ownership. However, properties that contain at least two hundred (200) linear feet as measured along the shoreline may be permitted more installations on a case by case basis as determined by the City and the State Department of Natural Resources [WAC 332-30-148(3) or its successor], Properties where the waterfront lot is owned in community, may be permitted, additional mooring buoys with the total not more than one (1) per one hundred (100) linear feet of shoreline ownership.

4. Mooring buoys for commercial vessels adjacent to commercial or industrial zones are a Shoreline conditional use. One buoy is allowed per ownership.

5. A contractor doing waterfront work involving floating equipment may have one (1) temporary mooring buoy provided it is the responsibility of the contractor to ensure that all necessary permits are obtained from all agencies with jurisdiction.

6.3.7.8 Regulations – Location, Design and Construction Standards Mooring Buoys and Recreational Floats

1. In order to protect shellfish beds, new moorings buoys shall not be permitted where density will exceed one buoy per one hundred (100) linear feet.
2. Buoys shall not interfere with navigation, shall be visible in daylight one hundred (100) yards away, and shall have reflectors for night visibility.
3. If a buoy is located offshore of the extreme low tide line, the owner shall obtain a lease for the bed of navigable waters from the Department of Natural Resources. [RCW 79.105.430 or its successor].
4. Buoys shall lie between the waterfront property side lot lines extended beyond the shoreline, except those on state waters. Buoys shall not swing across the extended side lot lines. Where the configuration of the waterfront lot precludes these requirements, authorization from the affected adjacent waterfront property owners must be obtained. This provision shall not apply to buoys for public open water moorage and anchorage areas.
5. Mooring buoys shall be installed at least sixty (60) feet from other permitted piers, docks, or floats.
6. Buoys shall be located:
    a. At a minimum depth of nine feet (9') MLLW with a standard single mid line float; the minimum depth may be reduced with an alternate system approved by the Administrator; and
    b. Landward of the Construction Limit Line in Eagle Harbor;
    c. Landward of the Harbor Structure Limit Line shown in Appendix E;
    d. Elsewhere not more than two hundred feet (200') beyond extreme low tide, the -18 feet MLLW depth contour, or the line of navigation, whichever is appropriate. The placement of rafts and buoys beyond the -18 feet MLLW contour or 200 feet will be evaluated on a case by case basis. [WAC 332-30-148(2) or its successor]; and
    e. Buoys for public open water moorage and anchorage areas shall be allowed waterward of the Construction Limit Line in Eagle Harbor.
7. Recreational floats shall be located as close to shore as possible. and no farther waterward than the following limits:
    a. In Eagle Harbor, the Construction Limit Line; or

b. Elsewhere, the distance necessary to obtain a depth of four feet (4') of water as measured at extreme low tide at the landward end of the float, or the line of navigation, whichever is closer to shore.

8. Recreational floats must be built so that the deck surface is one foot (1') above the water's surface and shall have reflectors for night visibility.
9. Recreational floats shall not exceed eight feet (8') by feet (8').
10. All recreational floats shall include stops, or device or system approved by the Administrator, which serve to keep the floats off the bottom of tidelands at low tide, see Section 6.3.7.3.1, Float Stop Regulations.

5. Survey of littoral boundary lines;
6. Location, width, height, and length of piers or docks on adjacent properties within five hundred feet (500') of proposed structure;
7. Agreements, if any, for cooperative use; and
8. Method of removing piling, if applicable.

6.4 Dredging and Dredge Material Disposal

6.4.1 Applicability

Dredging is the removal of material from the bottom of a water body. The purposes of dredging might include: deepening a navigational channel, berth, or basin; streambed maintenance; use of dredged material for fill or habitat enhancement (effective reuse); and removal of contaminated sediments. Dredged material disposal on land is also subject to the fill policies and regulations of this program. Pursuant to WAC 173-27-040 or its successor, certain activities, such as those associated with normal maintenance and repair, are exempt from the requirements for a SSDP, but may still require a letter of exemption, shoreline conditional use permit or variance.

All actions are required to comply with the Shoreline Management Act and all provisions of the Master Program. Department of Ecology and US Army Corps of Engineers notifications of dredging proposals will be reviewed by the City to determine whether the activity is exempt from the requirements for a substantial development permit and to ensure compliance with regulations of the Act and the Master Program.

Dredging activities will be reviewed under the "no net loss" provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.3, Vegetation Management; Section 4.1.4, Land Modification; Section 4.1.5, Critical Areas; and Section 4.1.6, Water Quality and Stormwater Management; Section 6.5 Fill~~; and Appendix B, when applicable~~. Other portions of this Program may also apply.

6.4.2 Goal

Minimize dredging and dredge material disposal within the shoreline jurisdiction.

6.4.3 Policies

1. Design and locate new development to avoid dredging and discourage operations, including disposal of dredge materials. When dredging cannot be avoided, the operations and dredged material disposal shall be located and conducted in a manner which minimizes damage to the ecology and natural resources of both the area to be dredged and the disposal site.
2. Prohibit dredging for the primary purpose of obtaining fill material except for projects associated with state or federal environmental remediation operations or authorized habitat restoration.
3. Plan and conduct dredging operations to minimize interference with navigation and adverse impacts to other shoreline uses, properties, and values.
    a. Dredging for the purpose of establishing, expanding, relocating or reconfiguring a navigation channel should be allowed where necessary to assure safe and efficient accommodation of existing or proposed navigational uses and then only when ecological impacts are minimized and mitigation is provided to offset adverse impacts.
    b. Maintenance dredging of established navigation channels should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

6.4.4 Regulations – Prohibited

1. New dredging activity is prohibited in the following:
    a. In environmentally sensitive habitats (e.g., stream mouth estuaries, wetlands) except by shoreline conditional use permit.
    b. Along net-positive drift cells and/or where geo-hydraulic processes are active and accretion shoreforms would be damaged, altered, or irretrievably lost.
    c. In shoreline areas with bottom materials that are prone to significant sloughing and refilling due to currents or tidal activity, thus resulting in the need for continual maintenance dredging.
    d. In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish, or wildlife.
    e. In areas where concentrations of environmental pollutants or toxic chemicals are present in the bottom of sediments and would be released in dredging operations, except as part of a permitted environmental enhancement or remediation program.

f. For the primary purpose of obtaining material for landfill, upland construction, or beach nourishment is prohibited.

g. On or in archaeological sites

2. Dredging shall be prohibited in the Priority Aquatic Category A designation.

6.4.5 Regulations - General

1. Dredging is a conditional use in the Aquatic designation if permitted in the upland designation and shall be for the restoration, enhancement, or maintenance of natural resources and navigational channels or for publically-owned ferry terminals. Dredging shall be permitted as a conditional use in the Priority Aquatic Category B designation as part of an approved restoration proposal.

2. Proposals for dredging and dredge spoil disposal, when permitted, shall:

   a. Be kept to the minimum necessary to accommodate the proposed use;

   b. Comply with applicable federal, state, and other local regulations;

   c. Employ appropriate measures to protect public safety and prevent adverse impacts on other approved shoreline uses;

   d. Taken appropriate measures to ensure the activity will not interfere with fishing or shellfish harvesting;

   e. Employ appropriate best management practices to protect marine, estuarine, freshwater and terrestrial species and critical saltwater habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic materials, or toxic substances, depletion of oxygen, disruption of food chains, loss of benthic productivity, and disturbance of fish runs and important localized biological communities;

   f. Be scheduled so as to not materially interfere with the migratory movements of anadromous fish;

   g. Not adversely alter natural drainage and circulation patterns, currents, and tidal flows, or significantly reduce flood water capacities.

   h. Utilize techniques that cause minimum dispersal and broadcast of bottom material; hydraulic dredging shall be used wherever feasible in preference to agitation dredging;

   i. Not interfere with geohydraulic processes;

   j. Be found, through analysis by a qualified professional, to be minimally or nonpolluting; and

   k. Revegetate land disposal sites with native vegetation species and other approved plants shall be required according to Section 4.1.2.5, Regulations – Revegetation Standards.

6.4.6 Regulations – Specific Dredging

1. Dredging, when allowed in Section 6.4.5, Regulations – General, shall support the following uses and developments:
    a. Approved harbors, marinas, ports, and water-dependent industries;
    b. Development or maintenance of essential public infrastructure and facilities;
    c. Environmental clean-up activities required by the Model Toxics Control Act (MTCA) or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA);
    d. Underground utility installation requiring trenches when boring, directional drilling, and other installation methods are not feasible;
    e. Maintenance dredging for the purpose of restoring a lawfully established industrial or commercial water-dependent development;
    f. Maintaining, establishing, expanding, relocating or reconfiguring navigation channels and basins where necessary to assure the safety and efficiency of existing navigational uses;
    g. Ecological restoration and enhancement projects benefiting water quality and/or fish and wildlife habitat; or
    h. Public access and public water-oriented recreational developments/uses, including construction of public piers and docks.
2. New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
3. Maintenance dredge options shall occur in the same location, depth, and width as previously permitted.

6.4.7 Regulations – Dredge Material Disposal

1. All unconfined, open water dredge disposal activities shall comply with the Puget Sound Dredged Disposal Analysis (PSDDA) criteria and guidelines and other applicable local, state and federal regulations.
2. When consistent with this Program, disposal of dredged materials in water areas other than PSDDA sites may only be allowed for the following reasons:
    a. To restore or enhance habitat;
    b. To reestablish substrates for fish and shellfish resources;
    c. To nourish beaches that are starved for sediment; or
    d. To remediate contaminated sediments.

6.5 Fill

6.5.1 Applicability

Fill is the placement of soil, sand, rock, gravel, existing sediment, or other material (excluding solid waste) along the shoreline below the OHWM, or on wetland or upland of the OHWM Fill activities shall only be allowed as part of an approved shoreline use and/or development activity and shall be subject to the requirements of the principal use/development. Speculative fill activity is prohibited. Any fill activity conducted within shoreline jurisdiction must comply with the following policies and regulations. Beach nourishment as defined in the Shoreline Master Program shall not be considered fill. Excavation waterward of the ordinary high water mark is regulated under Section 6.4, Dredging and Dredge Material Disposal. Fill activities will be reviewed under the "no net loss" provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.1.4, Land Modification; Section 4.1.5, Critical Areas; and Section 4.1.6, Water Quality and Stormwater Management~~; and Appendix B, when applicable~~. Other portions of this Program may also apply.

6.5.2 Policies

1. Allow fill waterward of the OHWM only when necessary to facilitate commercial or industrial water-dependent and/or public access uses, and/or cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan, and is a conditional use.
2. Permit landfill landward of OHWM when necessary to support permitted uses, and when significant impacts can be avoided or mitigated.
3. Limit fills to the minimum extent necessary to accommodate an approved shoreline use or development and ensure fills are designed and located so that there will be no significant damage to existing natural resources, including surface water drainage systems, and with assurance of no net loss of shoreline ecological functions and ecosystem-wide processes.
4. Ensure the evaluation of fill projects addresses the following factors:
    a. Impacts to shoreline ecological functions and ecosystem-wide processes;
    b. Conflict with potential and current public use of the shoreline and water surface area as identified in adopted City plans, policies, and programs; and
    c. Navigation restriction.
5. Ensure fill projects are designed to avoid or eliminate erosion and sedimentation impacts, both during initial landfill activities and over time.

6.5.3 Prohibited

1. Speculative fill activity.
2. Fill that will result in significant adverse impacts that cannot be avoided or mitigated.

3. Fill in the Priority Aquatic designations.

6.5.4 Regulations - General

1. Fill is allowed as a conditional use as follows:
    a. In the Urban, Shoreline Residential, and Shoreline Residential Conservancy designations.
    b. In the Island Conservancy and Natural designations only for the restoration, enhancement, or maintenance of natural resources. See Section 4.1.8, Shoreline Restoration and Enhancement for additional requirements and permit requirements.
    c. In the Aquatic designation, for commercial or industrial water-dependent or essential public facilities, or as part of a permitted environmental enhancement or remediation project.
2. When allowed in (1) above, fill waterward of the OHWM shall be necessary for:
    a. Approved marinas, ports, and other water-dependent industries where upland alternatives or structural solutions including pile or pier supports are infeasible.
    b. Development or maintenance of essential public infrastructure and facilities.
    c. Environmental clean-up activities required by MTCA and CERCLA.
    d. Maintenance of a lawfully established use or development.
    e. Ecological restoration and enhancement projects benefiting water quality and/or fish and wildlife habitat.
    f. Public access and public water-oriented recreation projects benefiting substantial numbers of people.
3. Pile or pier supports shall be utilized whenever feasible in preference to fills. Fills for approved road development in floodways or wetlands shall be permitted only if the pile or pier supports are demonstrated to be infeasible.

6.5.5 Regulations – Location, Design and Construction

1. When allowed in 6.5.4, above, filling and/or excavation shall be located, designed, and carried out in a manner that;
    a. Minimizes adverse impacts on the shoreline environment including significant damage to water quality, critical saltwater habitat;
    b. Blends in physically and visually with natural topography, so as not to interfere with appropriate use, impede public access, or degrade the aesthetic qualities of the shoreline;
    c. Does not require shoreline stabilization to protect materials placed unless it is part of an approved shoreline restoration project and shoreline stabilization measures are needed to keep the material in place; and

d. Does not adversely alter natural drainage and circulation patterns, currents, river and tidal flows, or significantly reduce flood water capacities.

2. Where fills are permitted, the fill shall be the minimum necessary to accommodate the proposed use. Fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes.

3. Where fills reduce public access, compensatory public access shall be provided as part of the development project.

4. Fill proposals shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area. Perimeters of permitted fill projects shall be designed and constructed with silt curtains, vegetation, retaining walls, or other mechanisms, and appropriately sloped to prevent erosion and sedimentation both during initial landfill activities and afterwards. Such containment practices shall occur during the first growing season following completion of the landfill.

5. Fill materials shall be sand, gravel, soil, rock, or similar material. Use of contaminated dredge material is prohibited. (See Section 5.6, Industry and Section 6.4 Dredging and Dredge Disposal)

6. The timing of any fill construction shall be regulated to minimize damage to water quality and aquatic life within the time restraints recommended by the Washington State Department of Fish and Wildlife.

7.0 VIOLATIONS, ENFORCEMENT, AND PENALTIES

7.1 General

The Administrator and the Department of Ecology are authorized to adopt such rules as are necessary and appropriate to carry out the provisions of the Shoreline Management Act (RCW 90.58.200) and Chapter 173-27, Part II, WAC. The act calls for a cooperative program between local government and the state. It provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, orders to take corrective action, and permit rescission. The following should be used in addition to other mechanisms available to the City in accordance with WAC 173-27-240 through WAC 173-27-300, or its successor. The City and/or the Department of Ecology shall have the authority to serve upon a person a cease and desist order if an activity being undertaken on shorelines of the state is in violation of chapter 90.58 RCW or the this Master Program, in accordance with WAC 173-27-270, or its successor.

When joint-enforcement actions between the state and the city are under taken, the provisions in RCW 90.58.210-230 and WAC 173-27-240-300 shall apply.

7.2 Regulations

7.2.1 Site Investigations

The Administrator is authorized to make site inspections and take such actions as are necessary to enforce this Master Program in accordance with BIMC Chapters 1.16, Right of Entry for Inspection, and 1.26, Code Enforcement.

7.2.2 Violations -- General

It is unlawful for any person to initiate or maintain, or cause to be initiated or maintained, the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city contrary to the provisions of this Master Program.

7.2.3 Violations -- Specific

It is unlawful for any person to:

1. Initiate or maintain, or cause to be initiated or maintained, the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city without first obtaining permits or authorizations required by this Master Program, or in a manner that violates the terms or conditions of such permits or authorizations.
2. Misrepresent any material fact in any application, plans or other information submitted to obtain permits or authorizations under this Master Program.
3. Remove or deface any sign, notice, complaint, or order required by or posted in accordance with this Master Program.

7.2.4 Stop Work Order

The city shall have the authority to issue a stop work order to cease all development work, and order restoration, rehabilitation, or replacement measures, including applicable sureties, at the owner's or other responsible party's expense to compensate for the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city contrary to the provisions of this Master Program.

7.2.5 After the Fact Permit Fee

After the fact application fees shall be triple the amount established by City Council resolution.

7.2.6 Violation Mitigation/Restoration Plan

Any Mitigation/Restoration Plan (Plan) required for a disturbance not authorized by this shoreline management program or approved by the City shall meet the provisions in Sections 4.1.2, Environmental Impact; 4.1.5 Critical Areas ~~including Appendix B;~~ and 6.0, Shoreline Modification Policies and Regulations, and provide an analysis of lost functions over the period of violation.

All development work shall remain stopped until a Plan is approved by the Administrator. The Plan must be prepared at the expense of the violator, and submitted by the owner or other responsible party for approval by the Administrator. Such a Plan shall be prepared by a qualified professional using the best available science. The Administrator may, at the violator's expense, seek expert advice, including an independent third party review, in determining the adequacy of the Plan. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.

Any person, party, firm, corporation, or other legal entity that willfully refuses to complete a required restoration plan pursuant to this section, shall be guilty of a misdemeanor and provide shoreline restoration, in accordance with provision of this program, at a rate of 200% (ratio of 2 to 1) the impacted area.

7.2.7 Civil Infraction

Except as provided in subsection 7.2.8, Misdemeanor, conduct made unlawful by the city under this Master Program shall constitute a civil infraction and is subject to enforcement and fines as provided in BIMC 1.26.035. A civil infraction under this section shall be processed in the manner set forth in BIMC Chapter 1.26, Code Enforcement and in compliance with WAC 173-27-280.

7.2.8 Misdemeanor

Any person who again violates this Master Program within 12 months after having been found by the Bainbridge Island Municipal Court to be in violation of this Program, commits a misdemeanor and any person who is convicted of that violation shall be punished as provided in BIMC 1.24.010.A.

7.2.9 Civil Penalty

In addition to any civil infraction fine, criminal penalty, and/ or other available sanction or remedial procedure, any person who shall fail to conform to the terms of a permit or exemption issued under this shoreline master program or who shall undertake development on the shorelines of the state without first obtaining any permit or exemption required under this shoreline master program shall also be subject to a civil penalty in the amount not to exceed $1,000 per day for each violation, each permit violation or each day of continued development without a required permit shall constitute a separate violation [RCW 90.58.210 or successor]; from the date set for compliance until the date of compliance. Any such civil penalty shall be collected in accordance with BIMC 1.26.090

7.2.10 General Penalties

In addition to incurring civil liability under section 7.2.9 Civil Penalty, any person, party, firm, corporation, or other legal entity found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of this shoreline master program's rules, or regulations as adopted shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment: PROVIDED, That the fine for the third and all subsequent violations in any five-year period shall be not less than five hundred nor more than ten thousand dollars [RCW 90.58.220, or successor].

7.2.11 Additional Remedies

In addition to any other remedy provided by this chapter or under the Bainbridge Island Municipal Code, the City may initiate injunction or abatement proceedings or any other appropriate action in courts against any person who violates or fails to comply with any provision of this Master Program to prevent, enjoin, abate, and/or terminate violations of this Master Program and/or to restore a condition that existed prior to the violation. In any such proceeding, the person violating and/or failing to comply with any provisions of this Master Program shall be liable for the costs and reasonable attorneys' fees incurred by the city in bringing, maintaining and/or prosecuting such action.

7.2.12 Conflicts

In the event and to the extent the language of this section conflicts with language of the codes and/or appendices adopted by reference in this Master Program, the language of this section shall prevail over the language it conflicts with in any said code and/or appendix.

7.2.13 Financial Surety Procedure

After reviewing any application or exemption for a shoreline development, the Administrator may require the posting of a financial surety to ensure continued compliance with any conditions imposed, including the construction of improvements, the adherence to city standards, and/or maintenance, repair or replacement of such improvements in accordance with Section 4.1.2.7, Bonding. The financial surety shall be in a form acceptable to the city

attorney. In the event a condition occurs warranting the use of financial surety, the Administrator may act under such financial surety or may perform the work required at city expense, which expense shall be a lien against the property, enforceable as would be a judgment thereon.

8.0 DEFINITIONS

Abutting –Bordering or touching, such as by sharing a common lot line. Lots that are separated by a street or right-of-way are not abutting.

Accessory Structure or Building – A subordinate building or structure that is incidental to the primary or principal building or structure on the same lot, or an abutting lot that meets the requirements in BIMC Section 18.09.030(I)(14)(c). Accessory structures include, but are not limited to, solar panels, small wind devices, barns and sheds. Accessory dwelling units are not considered accessory buildings or structures.

Accessory Dwelling Unit – Accessory dwelling unit means separate living quarters containing kitchen facilities, where the living quarters are contained within or detached from a single-family dwelling on a single lot.

Accessory Development – Any development incidental to and subordinate to a principal use of a shoreline site and located on adjacent thereto.

Accessory Use – A use that is customarily incidental and related to the principal use on the same lot. Accessory dwelling units are not considered accessory uses.

Accretion – The growth, expansion, build up, or deposit of material associated with a natural fluid flow process.

Accretion Beach – A place where sediment, usually sand, falls out or accumulates, causing the beach to widen. These sinks are usually, but not always, at the terminal end of littoral drift cell.

Accretion Shoreform – The growth of a beach by the addition of material transported by wind and/or water. A shoreline with a relatively stable berg and backshore that has been built up by long term deposition of sand and gravel transported by wind and/or water from a feeder bluff or other material source. Examples of accretion shoreforms include~~s~~ shoreline features such as barrier beaches, accretion beaches, points, sand spits, hooks, and tombolos.

Act – The Shoreline Management Act of 1971, Chapter 90.58 RCW, or its successor [WAC 173-26-020(1), or its successor].

Activity – Human activity associated with the use of land or resources **regulated by this Program**.

Adjacent –That which is near or close; for example, a property located across the road or highway shall be considered ~~as~~ adjacent.

Adjacent Lands – Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction).

Adjoining – Immediately abutting or separated only by a street right-of-way.

Administrator – Director of the Department of Planning and Community Development, or designee, charged with responsibility for administering the Shoreline Master Program.

Anthropogenic – Landscape alteration relating to, or from human development, use, action or activity.

Adverse Impact – An impact that can be measured or is tangible and has a reasonable likelihood of causing moderate or greater harm to ecological functions or processes or other elements of the shoreline environment.

Agricultural Land – Land primarily devoted to agricultural operations.

Agriculture Operations – Any facility or activity for the production for production for commercial or family use purposes of dairy, apiary, livestock, camelids, ratites, vegetable or animal products, and crop products including, but not limited to, ornamental crops. Incidental vegetable gardening, landscaping and keeping common pets are not defined as agriculture. Agriculture operations include upland fish farms which are self-contained, meaning they do not connect with waters of the state such as: natural or channelized stream, tributary, wetland, or marine water body.

Agricultural Activities – Agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

Alteration – Any human induced change in an existing condition of a shoreline, critical area and/or its buffer. Alterations include, but are not limited to grading, filling, channelizing, dredging, clearing (vegetation), draining, construction, compaction, excavation, or any other activity that changes the character of the area.

Alteration, structure -- a change, modification**, expansion** or adjustment.

Anadromous Fish – Species such as salmon, which are born in freshwater, spend most of their life cycle in saltwater, and return to freshwater to reproduce.

Applicant – An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency, or the state or local governmental unit, however designated [RCW 90.58.030(1)(d) or its successor].

Appurtenance – A structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the OHWM and/or the perimeter of a wetland. An appurtenance can include a garage, boat house, deck, driveway, utilities, fences, and grading which does not exceed two hundred fifty (250) cubic yards (except to construct a conventional drainfield) [WAC 173-27-040(2)(g), or its successor].

Appurtenance, Primary – A structure or development connected to a single-family residence and considered essential to the principal residential use when protecting the appurtenant structure from danger from active shoreline erosion. An attached garage or one detached garage and a

septic drainfield are primary residential appurtenances. [WAC 173-26-231(3)(a)(ii), or its successor].

Aquaculture – The culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state-managed wildstock geoduck fishery. Upland finfish rearing facilities are included in the definition of agriculture and are not considered aquaculture for the purpose of this SMP. Aquaculture activities include, but are not limited to, the hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals, and the maintenance and construction of necessary equipment and buildings. Cultivation methods include, but are not limited to, fish pens, shellfish rafts, racks and long lines, seaweed floats and nets, and the planting and harvesting of clams and oysters.

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

Aquaculture Practices – Any activity directly pertaining to growing, handling, or harvesting of aquaculture produce including, but not limited to, propagation, stocking, feeding, disease treatment, waste disposal, water use, development of habitat and structures. Excluded from this definition are related commercial or industrial uses such as wholesale and retail sales, or final processing and freezing.

Aquaculture Processing – A commercial or industrial activity that involves preparing, fish or shellfish for human use or consumption by packaging, canning, freezing or other means of final wholesale or retail production.

Aquifer recharge protection area -- A portion of a development site comprised of native or equivalent vegetation in which existing vegetation, topography and supporting soils are free of development, uses or activities detrimental to the aquifer recharge of the total site area.

Arborist -- An individual engaged in the profession of arboriculture who, through experience, education, and related training, possesses the competence to provide for or supervise the management of trees and other woody plants. Must be concurrently an International Society of Arboriculture (ISA) Certified Arborist to perform any role required of a Certified Arborist.

Arborist, ISA Certified -- An arborist holding a current International Society of Arboriculture (ISA) Certified Arborist credential.

Arborist, Tree Risk Assessment Qualified (TRAQ) -- An arborist who has successfully completed the International Society of Arboriculture (ISA) TRAQ training course and assessment and holds a valid ISA TRAQ credential.

Archaeological – Having to do with the scientific study of material remains of past human life and activities.

Archeological Resource – Any material remains of human life or activities which are at least fifty (50) years old and which have potential to provide new information in the fields of history

and archaeology. This shall include all sites, objects, structures, artifacts, implements and locations of prehistoric or archeological interest. This shall include but not be limited to burial grounds, campsites, dwellings, and implements, such as projectile points, basketry, grinding stones or pestles, carvings and paintings. This shall include material remains of human life or activities from historic periods that are located at least partially below the ground surface necessitating the use of archeological methods for study or recovery. "Significant" is that quality in American history, architecture, archaeology, engineering, and culture that is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and;

a. That are associated with events that have made a significant contribution to the broad patterns of our history; or

b. That are associated with the lives of significant persons in our past; or

c. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

d. That have yielded or may be likely to yield, information in history or prehistory.

Archaeologist, Professional – A person who meets the minimum qualifications of the secretary of the interior's standards for a professional archaeologist [WAC 27.53.030, or its successor] and the following: who has designed and executed an archaeological study as evidenced by a thesis or dissertation and has been awarded an advanced degree such as an M.A., M.S., or Ph.D. from an accredited institution of higher education in archaeology, anthropology, or history or other germane discipline with a specialization in archaeology; has a minimum of one (1) year of field experience with at least twenty-four (24) weeks of field work under the supervision of a professional archaeologist, including no less than twelve (12) weeks of survey or reconnaissance work, and at least eight (8) weeks of supervised laboratory experience. Twenty (20) weeks of field work in a supervisory capacity must be documentable with a report produced by the individual on the field work.

Architectural Element – Aesthetic components of a primary building or structure that accents the overall design of the structure. A chimney may be considered an architectural element.

Associated Wetlands – Wetlands that are in proximity to tidal water, lakes, rivers or streams that are subject to the Shoreline Management Act and either influence or are influenced by such waters. Factors used to determine proximity and influence include, but are not limited to: location contiguous to a shoreline water body, formation by tidally influenced geo-hydraulic processes, presence of a surface connection including through a culvert or tide gate, location in part or whole within the one hundred (100) -year floodplain of a shoreline, periodic inundation, and/or hydraulic continuity.

Aquatic – Those areas waterward of the ordinary high water mark.

Average Grade Level – The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or

structure, provided that, in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure [WAC 173-27-030(3) or its successor]. Note: This definition of "average grade level" differs from the definition in the City of Bainbridge Island Zoning Code (Chapter 18 of the City of Bainbridge Island Municipal Code). Structures within shoreline jurisdiction shall comply with the definition contained herein.

Backshore – The accretion or erosion zone, located landward of the line of ordinary high water, which is normally wetted only by storm tides. A backshore may take the form of a more or less narrow storm berg (ridge of wave-heaped sand and/or gravel) under a bluff, or it may constitute a broader complex of berms, marshes, meadows, or dunes landward of the line of ordinary high water. It is part of the littoral drift process along its waterward boundary.

Backshore Marina – See Marina

Bank stabilization -- Modification used for the purpose of preventing erosion, protecting channels, and retaining uplands.

Barrier Beach – A linear ridge of sand or gravel extending above high tide, built by wave action and sediment deposition seaward of the original coast line; includes a variety of depositional coastal landforms.

Barrier Estuary – estuary isolated from open bodies of water by a barrier, with tidal exchange occurring through a narrow entrance channel. Usually but not always associated with a significant fresh water source.

Barrier Lagoon – barrier built lagoons that lack significant freshwater source, only coincidentally associated with streams of significant upland catchment areas. See Lagoon and Tidal Lagoon.

Bathymetry – Depth of a water body relative to sea level, may include underwater features and shapes.

Beach – The zone of unconsolidated material that is moved by waves, wind, and tidal currents, extending landward to the coastline.

Beach Face – The steep part of the beach profile below the berg, which is normally exposed to the swash of waves and generally composed of gravel, although it can contain sand or boulders.

Beach Enhancement – The alteration of terrestrial, tidal shorelines or submerged shorelines for the purposes of habitat improvement, creation, recreational enhancement, or soft-treatment stabilization. The materials used depend upon the intended use. The following are examples of materials which may be used in enhancement projects:

a) Various grades of clean sand or pea gravel to create a beach for recreational purposes.
b) A combination of a rock matrix and sand or other materials to restore or recreate a shore feature or an underwater aquatic environment (e.g. a reef).
c) Use of native vegetation to restore marine riparian habitat functions native vegetation.

Beach Nourishment – The process of replenishing a beach by artificial means; e.g., by delivery of selected materials excavated from elsewhere and depositing it at one or several locations in the updrift portion of a drift cell. The material is then naturally transported by waves or currents downdrift to stabilize or restore accretion shoreforms and other berms, which may be eroding due to artificial obstructions in the shore process corridor.

Beach Profile – A vertical cross section of a beach measured perpendicular to the shoreline.

Beach Restoration – The alteration of terrestrial and tidal shorelines or submerged shorelines for the purposes of aquatic habitat, re-establishing ecological function and ecosystem wide processes such that the ecosystem is self-sustaining.

Beach Scarp – A steep slope formed in response to the lowering of the beach profile and landward expansion of the beach face into the backshore as a result of wave erosion. A beach scrap is normally associated with a beach berg.

Bedlands – Those submerged lands below the line of extreme low water in marine waters.

Benthic Community – A grouping of benthic organisms that live in and on the bottom of the ocean floor.

Benthic Organisms – Organisms that live in or on the bottom of a body of water.

Berm (Beach Berm) – The nearly horizontal portion at the beach or backshore formed by the deposition of sediments by waves. Some beaches have more than one berg at slightly different levels, separated by a scarp. A berg is also, a soft-treatment form of shoreline stabilization or a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

Best Available Technology – The most effective method, technique, or product available which is generally accepted in the field, and which is demonstrated to be reliable, effective, and (preferably) low maintenance.

Best available science (BAS) -- Scientifically valid information derived in accordance with WAC 365-195-900 through 925, or as amended, that is used to develop and implement critical areas policies or regulations.

Best Management Practice (BMP) – Industry-established guidelines that are advised to reduce or eliminate anticipated adverse impacts to the environment from construction, development or other human activity.

BIMC – Bainbridge Island Municipal Code.

Biocide – See pesticide

Biodiversity areas and corridors -- Areas of habitat that are relatively important to various species of native fish and wildlife.

a. Biodiversity areas.

i. The area has been identified as biologically diverse through a scientifically based assessment conducted over a landscape scale (e.g., ecoregion, county- or city-wide,

watershed, etc.). Examples include but are not limited to WDFW Local Habitat Assessments, Pierce County Biodiversity Network, and Spokane County's Wildlife Corridors and Landscape Linkages; or

ii. The area is within a city or an urban growth area (UGA) and contains valuable fish or wildlife habitat and is mostly comprised of native vegetation. Relative to other vegetated areas in the same city or UGA, the mapped area is vertically diverse (e.g., multiple canopy layers, snags, or downed wood), horizontally diverse (e.g., contains a mosaic of native habitats), or supports a diverse community of species as identified by a qualified professional who has a degree in biology or closely related field and professional experience related to the habitats or species occurring in the biodiversity area. These areas may have more limited wildlife functions than other priority habitat areas due to the general nature and constraints of these sites in that they are often isolated or surrounded by highly urbanized lands.

b. Corridors. Corridors are areas of relatively undisturbed and unbroken tracts of vegetation that connect fish and wildlife habitat conservation areas, priority habitats, areas identified as biologically diverse, or valuable habitats within the city.

Biofiltration System – A stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds, and other vegetative features.

Biological Diversity; Biodiversity – The range of physical (habitat) and biological (species, communities) components, the ways that species interact with the physical environment, and the processes necessary to maintain these interactions through time.

Bioengineering – See Shoreline Stabilization, Bioengineered

Biophysical – Physics of biological functions and ecosystem-wide processes.

Biota –The animals and plants that live in a particular location or region.

Bluff, Marine – A high, steep bank or cliff.

BMP – See Best Management Practices.

Boat House – A building used primarily for boat storage.

Boat Launch or Ramp – Graded slopes, slabs, pads, or planks, used for launching boats by means of a trailer, hand, or mechanical device.

Boat Lift – An in-water structure used for the dry berthing of vessels above the water level and lowering of vessels into the water. A boat lift as herein defined is used to berth and launch a single vessel, suspended over the water's surface. A boat lift is a manufactured unit without a canopy cover and may be place in the water adjacent to a dock, attached to the dock, or as stand-alone structure. A boat lift may be designed either for boats or personal watercraft. A boat lift with a canopy cover shall be considered moorage for the purposes of this Program.

Boating Facilities – Includes marinas, boat launch facilities, dry storage facilities, marine travel lifts, and fixed marine railways serving commercial, industrial uses or serving five or more single-family residences.

Boat Storage Deck – A deck used for the storage of boats.

Bog – A low-nutrient, acidic wetland with organic soils and characteristic bog plants, as described in Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-29, October 2014).

Breakwater – Offshore structure, usually aligned parallel to shore, sometimes shore-connected, that provides protection from waves. The primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion.

Buffer – An area of land that is designed and designated to permanently remain vegetated in a predominantly undisturbed and natural condition and/or an area that may need to be enhanced to support ecological processes, or ecosystem-wide functions and to protect an adjacent aquatic or wetland area from upland impacts and to provide habitat for wildlife. Buffer widths vary depending on the relative quality and sensitivity of the area being protected. The "Shoreline Buffer" is a buffer protecting the ecology and resources of and along the Puget Sound. A buffer may be used to protect any sensitive area, including geological hazardous areas.

Building – Any structure having a roof, designated for shelter of persons, animals or property.

Bulkhead – A wall erected generally parallel to and located at or close to the ordinary high water mark for the purpose of containing and preventing the loss of soil due to shoreline erosion caused by tidal action, current or waves. Bulkheads are usually constructed of hard materials and may be built of concrete, large rocks (riprap), or other materials. See also Seawall.

Canopy Area – See canopy coverage.

Canopy Coverage – The crown area of native shrubs and trees as measured from plan view.

Central Puget Lowland – The low areas between the Olympic and Cascade Mountain ranges extending from Admiralty Inlet and the Tacoma Narrows.

Channel – An open conduit for water either naturally or artificially created, but not including artificially created irrigation, return flow, or stock watering channels. [WAC 173-22-030(8b) or its successor]. See also Stream.

Channel Migration Zone (CMZ) – The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

City – The City of Bainbridge Island.

Clean Water Act – The primary federal law providing water pollution prevention and control. This was previously known as the Federal Water Pollution Control Act. (See 33 USC 1251 et seq.)

Clearing – Clearing means the destruction or removal of vegetation or plant cover including, but not limited to, root material removal by manual, mechanical, or chemical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, or uprooting.

Coastal Dune – A transitional zone between the marine and the continental processes and are a part of the sand sharing system between the dune, the beach, and the offshore bars.

Coastal Landform, Depositional – See accretion shoreform.

Coastal Processes – Collective term including the action of natural forces on the shoreline, and the nearshore seabed.

Coastline – The line where terrestrial processes give way to marine processes – tidal currents, wind waves, etc.

Commercial Development – Those developments whose principal use is for retail, personal and professional service or other commercial business activities. Included in this definition are developments such as hotels, motels, shops, restaurants, banks, professional offices, grocery stores, and laundromats. Not included, marinas, home occupations, utilities, and related utility development.

Commercial Fish – Those species of fish that are classified under the Washington Department of Fish and Wildlife Food Fish Classification as commercial fish (WAC 220-12-010).

Community Structure – A building, dock, or other structure which is intended for the common use of the residents of a particular subdivision or community. It is not intended to serve as a public facility.

Community or Joint-use Dock – A structure or structures which consists of a system of piers, buoys, or floats that is intended for the common use of the residents of adjoining parcels or subdivision, short subdivision or community located on adjacent uplands. A community dock is not a commercial endeavor or for the purpose of serving the public. If a community or joint-use dock is designed to accommodate six (6) or more vessels, it is no longer considered a community or joint-use dock, and it shall be considered a marina.

Compensatory Mitigation – A project for the purpose of mitigating, at an equivalent or greater level, unavoidable impacts that remain after all appropriate and practicable avoidance and minimization measures have been implemented. Compensatory mitigation includes, but is not limited to, wetland creation, restoration, enhancement, and preservation; stream restoration and relocation, rehabilitation; and buffer enhancement.

Conditional Use – A use or the expansion of a use permitted on shorelines which, because of certain characteristics, requires a special degree of review and consideration, and may require special conditions to assure that it is consistent with the intent and provisions of the Act and these regulations, and compatible with other uses permitted on shorelines.

Conditional Use Permit – A permit for a use, development or substantial development listed in the regulations as being permitted only as a conditional use, or not classified in this Program. Conditional uses are subject to review and approval pursuant to the provisions of BIMC Section 2.16.165(H) regardless of whether or not the proposal requires a substantial development permit.

Conservation Easement – A legal agreement that the property owner enters into to restrict uses of the land for purposes of natural resources conservation. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property.

Construction Limit Line – In Eagle Harbor, defined on U.S. Army Corps of Engineers, Drawing, File No. E-8-5-6, dated December 22, 1939, approved by the Secretary of War, July 2, 1940. Used in the Master Program for local regulatory purposes.

Contaminant – Any chemical, physical biological, or radiological substance that does not occur naturally in ground water, air, or soil or that occurs at concentrations greater than those in the natural levels [WAC 173-200-020(7)].

Coppicing – Managing of strongly-regenerative species of trees and shrubs by an initial heading cut (leaving a stump) and allowing new shoots to grow to maintain live roots. Shoots may be reduced to their point of origin at appropriate intervals of time without disturbing the resulting coppice head (stump).

Council – Legislative body of the City of Bainbridge Island.

Covered Moorage – A roofed floating or fixed offshore structure with or without walls, for boat moorage or moorage of other water craft or float planes, designed to protect a vessel or vessels.

Critical Aquifer Recharge Area – Areas designated by WAC 365-190-080(2) that are determined to have critical recharging effect on aquifers (i.e., maintain the quality and quantity of water) use for portable water as defined by WAC 365-196-485(1)(d).

Critical Areas – The following areas are designated as critical areas:

a. Critical Aquifer Recharge Areas
b. Fish and Wildlife Habitat Conservation Areas
c. Frequently Flooded Areas
d. Geologically Hazardous Areas
e. Wetlands
f. Critical Saltwater and Freshwater Habitat Areas
g. Critical Habitat

Critical facilities – Facilities that are essential to the health and welfare of the community, including services that protect life and property. Such facilities include, but are not limited to, hospitals, emergency clinics, police and fire stations, emergency vehicle and equipment storage facilities,

emergency operations centers, aviation control centers, and utility facilities such as sewage treatment plants and electric transmission substations.

Critical Habitat – Habitat areas identified by U.S. Fish and Wildlife Service or the National Marine Fisheries Service as habitat necessary for survival of endangered or threatened species.

Critical Saltwater Habitat - Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sand lance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association [WAC 173-26-221(2)(c)(iii)].

Cultural Resource – Evidence of human occupation or activity that is important in the history, architecture, archaeology or culture of a community or region. Cultural resources include, but are not limited to, the following:

a. Archaeological resources. Physical evidence of ruins of human occupation or activity that are located on or below the surface of the ground and are at least 50 years old.

    i. Archaeological resources include, but are not limited to, the remains of houses, villages, camp and fishing sites, and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes or other material by-products from tool and utensil-making activities; and graves, human remains, and associated artifacts.

b. Historic buildings and structures. Standing or above-ground buildings and structures that are at least 50 years old.

    i. Historic buildings and structures include, but are not limited to, log cabins, barns, canals, flumes, pipelines, highways, and tunnels.

c. Traditional cultural properties. Locations, buildings, structures, and objects that are associated with cultural beliefs, customs, or practices of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community.

    i. Traditional cultural properties include, but are not limited to, a location associated with the traditional beliefs of a Native American group about its origins or its cultural history; a location where a community has traditionally carried out artistic or other cultural practices important in maintaining its historical identity; and a location where Native American religious practitioners have historically gone, and go today, to perform ceremonial activities. Objects may include petroglyphs, pictographs, rock cairns or other rock structures, trees, and rock outcrops.

Cumulative Effects – The combined environmental impacts that accrue over time and space from a series of similar or related individual actions, contaminants, or projects. Although each action may seem to have negligible effect, the combined effect can be significant.

Cutting, vegetation – The removal of the main trunk or stem of a small tree for the purposes of controlling aggressive or weedy species.

Dam – A barrier across a stream or river to confine or regulate flow or raise water levels for purposes such as flood or irrigation water storage, erosion control, power generation, or collection of sediment or debris.

Davit – A fixed crane intended to lift boats or cargo.

Degrade – To scale down in desirability or salability, to impair in respect to some physical property, or to reduce in structure or function.

Department – The city's Department of Planning and Community Development.

De Minimis – Minor or trivial impact which cannot be measured or is not quantifiable.

Deposition – The deposit of sediment in an area though natural means such as wave action or currents; may also be done through mechanical means by humans.

Development – A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or materials; bulkheading; pile driving; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level, subject to RCW Chapter 90.58 or its successor [RCW 90.58.030(3)(d) or its successor]. This term may include activities related to subdivisions and short subdivisions; clearing activity; land modification (grade and fill work); building or construction; and activities that are exempt from the substantial development permit process or that require a shoreline variance or conditional use.

Development Area – the approved portion of a project site that is developed, including the building pad and all graded slopes, all structures, landscaped areas, driveway and parking areas.

Development Regulations – The controls placed on development or land uses by the City, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under RCW Chapter 90.58 , and subdivision ordinances together with any amendments thereto.

Dike – an artificial embankment placed at a stream mouth or delta area to hold back sea water for purposes of creating and/or protecting land from flooding.

Director – The director of the ~~department~~ city's Planning and Community Development Department or his/her designee.

Dock – A fixed platform structure anchored in and floating upon a water body that abuts the shore intended to provide landing which may include a ramp, pier, and float; generally used as a landing for water-dependent recreation or moorage for commercial and/or pleasure craft. Excluded are boat launch or boat ramps.

Dock, Joint or Community – A dock, pier and/or float for pleasure craft moorage or water recreation for exclusive personal use of multiple waterfront lot owners.

Downdrift – The direction of predominant alongshore sediment transport.

Dredge – To excavate or deepen a water body by removing aquatic substrate material. Also mechanical or hydraulic equipment used for excavation.

Dredge Spoil – The material removed by dredging. Same as dredge material.

Dredged Material Disposal – Depositing of dredged materials on land or into water bodies.

Dredging – Removal or displacement of earth or sediments such as gravel, sand, mud or silt, and/or other materials or debris from any stream, river, lake or marine water body, and associated shorelines and wetlands. Dredging is normally done for specific purposes or uses such as constructing and maintaining navigation channels, turning basins, harbors and marinas; installing submarine pipelines or cable crossing; or repairing and maintaining dikes or drainage systems. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for shellfish harvesting or cleanup of polluted sediments.

Drift Cell or Drift Sector – Drift cell, drift sector or littoral cell means a particular segment or reach of marine shore in which littoral sediment movement or drift may occur without significant interruption, and which contains any and all natural sources of such drift as well as any shoreform(s) accreted by such drift. Each normal drift cell contains these shore process elements: a feed source that supplies the sediments (feeder bluff or estuary), a driftway, along which the sediment can move, and accretion terminal where the drift material is deposited (accretion shoreform).

Drift Sills – Small groins which hold sediments in place without blocking longshore drift.

Driftway – That portion of the shore process corridor, primarily that lower backshore and the upper intertidal area, through which sand and gravel are transported by the littoral drift process. It is the critical link between the feeder bluff and the accretion shoreform.

Dune – A hill or ridge of sand piled up by the wind and/or wave action.

Ecologically Intact – Those shoreline areas that retain the majority of their natural processes as evidenced by the shoreline configuration and the presence of vegetation or retain the ability to support vegetation. These areas may be partially developed.

Ecological functions or shoreline functions – The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC Section 173-26-201(2)(c). Functions include, but are not limited to, habitat diversity and food chain support for fish and wildlife, ground water recharge and discharge, high primary productivity, low flow stream water contribution, sediment stabilization and erosion control, storm and water quality enhancement through biofiltration and retention of sediments, nutrients, and toxicants. These beneficial roles are not listed in order of priority.

Ecology (Washington State Department of Ecology) – Use of "Ecology" or "Washington State Department of Ecology".

Ecosystem-wide processes – The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a

specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Educational or scientific activities – Controlled and/or supervised scientific activities or educational activities that are associated with an educational or scientific program that result in no adverse impacts to critical areas or their buffers.

Embankment – An artificial bank such as a mound or dike, generally built to hold back water or carry a roadway.

Embayment - A broad term for an inlet or indentation in the coastline. In this Program, it is restricted to features partly isolated from the rest of Puget Sound by their configuration and sufficiently small to limit wave action and beach processes. Also included are wetlands or other back-barrier water bodies isolated from direct tidal influence (surface exchange). Embayments include barrier estuaries and lagoons and may include some stream mouths and the heads of small bays.

Emergency – An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a timer too short to allow full compliance with the Master Program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements and does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency, pursuant to the Master Program and RCW 90.58.030(3)(e)(iii); WAC 173-27-040(2)(d), or its successor. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not considered an emergency.

Engineering geologist – A practicing engineering geologist who has at least four years of professional employment as an engineering geologist with experience in landslide evaluation, and a Washington State specialty license in engineering geology as specified in Chapter 18.220 RCW.

Enhancement – An action or alteration performed within an existing degraded shoreline, critical area, habitat and/or buffer to intentionally improve, increase or augment one or more functions or values of the existing area without degrading other functions. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing non-indigenous plant or animal species. Enhancements are to be distinguished from wetland/habitat creation or restoration projects by the need for on-going assistance to maintain the improved function.

Envelope – The enclosing shell of a building's volume.

Erosion – The wearing a way of land by the action of natural forces, such as wind, rain, water and other natural agents that mobilize, transport, and deposit soil particles; On a beach, the carrying away of beach material by wave actions, tidal currents, or littoral currents.

Erosion Hazard Area – A landform or soil type subject to being worn away by the action of water, wind, freeze-thaw, or ice, including areas rated in the Soil Survey of Kitsap County Area, Washington, USDA (1980), as having severe hazard of water erosion; areas classified in the Department of Ecology Coastal Zone Atlas as Class 3, unstable, Class 3, unstable old slides, or Class 5, unstable recent slide; soils identified by the U.S. Department of Agriculture Natural Resource Conservation Service (NCRS) as having "severe" or "very severe" erosion hazards; and/or soils subject to impacts from shoreline retreat.

Estuary – A semi-enclosed coastal body of water in which fresh water and salt water mingle and affect the ~~total~~ land and water habitat. See also Pocket Estuary.

Estuary, Pocket – see Pocket Estuary

Essential Public Facility – Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140; regional transit authority facilities as defined in RCW 81.112.020; state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.[RCW 36.70A.200, or its successor]

Essential Single-Family Residential Accessory Structure – An accessory structure that contains a use or is intended for a use that is essential to a single-family residential principal use. The following structures shall be considered an essential residential structure: a garage or carport, one septic system (including one tank and one on-site septic drainfield), one well house and associated well head, and existing decks attached to the primary structure.

Estuarine, wetland – A vegetated wetland that is predominantly tidal, as described in Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-29, October 2014).

Estuarine Zone, Estuary – The zero-gradient sector of a stream where it flows into a standing body of water, together with associated wetlands. Tidal flows reverse flow in this zone twice daily, determining its upstream limit. It is characterized by low bank channels branching off the main streamway to form a broad, near-level delta. The bank, bed, and delta materials are typically silt and clay. Banks are stable with vegetation ranging from marsh to forest, and the water is usually brackish due to daily mixing and layering of fresh and salt water. Estuarine shores are rich in aquatic and other bird and animal life, and in their natural condition are the most productive of all shoreline habitats in terms of the marine food chain.

Excavation –The disturbance, displacement and/or disposal of unconsolidated earth material such as silt, sand, gravel, soil, rock or other material from all areas landward of OHWM.

Exemption or Exempt Development – Certain developments as listed in WAC 173-27-040 and Chapter 90.58 RCW are exempt from the definition of substantial developments and, therefore, are exempt from the substantial development permit process of the Shoreline Management Act. An activity that is exempt from the substantial development provisions of the Shoreline Management Act must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also be required

even though the activity does not need a substantial development permit. [RCW 90.58.030(3)(e) or its successor; WAC 173-27-030(7) and WAC 173-27-040, or its successor].

~~**Existing Development** – Legally established structures which do not conform to the provisions in the 1996 Shoreline Master Program, as amended by ordinance 2013- on xx xx, 2013. Development that was lawfully constructed, approved or established.~~

Extreme High Tide – The highest tide level reached in a nineteen (19) year tidal cycle.

Extreme Low Tide – The lowest line on the land reached by a receding tide [RCW 90.58.030(2)(a) or its successor]. For the purposes of the Shoreline Master Program, it is the contour 4.5 feet below Mean Lower Low Water (datum Plane 0.0) [WAC 332-30-106 (18), or its successor].

Fair Market Value – The expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation, or where no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project [WAC 173-27-030(8), or its successor].

Feasible – When an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions: (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) The action does not physically preclude achieving the project's primary intended legal use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

Feasible Location – A location that accommodates a development in a manner that achieves its intended purpose consistent with the constraints of the applicable land use regulations and characteristics of the property, including but not limited to lot size, configuration, presence/absence of critical areas and compatibility with adjacent land use/development. Feasibility shall take into account both short and long-term monetary and non-monetary costs and benefits.

Feeder Bluff, Erosional Bluff – Any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, whose eroded earth, sand, or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform. These natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

Fetch – The distance over unobstructed open water on which waves are generated by a wind having constant direction and speed.

Fill – The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area landward or waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. See Landfill.

Fill Material – Any solid or semi-solid material, including rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure that, when placed, changes the grade or elevation of the receiving site.

Fish – Species of the vertebrate taxonomic groups *Cephalospidomorphi* and *Osteichthyes*

Fish and Wildlife Habitat Conservation Areas – Areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.~~A seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These include areas of relative density or species richness, breeding habitat, winter range, and movement corridors. These also include habitats of limited availability or high vulnerability to alteration, such as cliffs, streams and wetlands.~~

Fish habitat – Habitat which is used by any fish at any life stage at any time of the year, including potential habitat likely to be used by fish which could be recovered by restoration or management and includes off-channel habitat.

Fisheries – All species of fish and shellfish commonly or regularly originating or harvested commercially or for sport in Puget Sound and its tributary freshwater bodies, together with the aquatic plants and animals and habitat needed for continued propagation and growth of such species.

Fisheries biologist – A person with experience and training in fisheries who is able to submit substantially correct reports on fish population surveys, stream surveys and other related data analyses of fisheries resources. "Substantially correct" means that technical or scientific errors, if any, are minor and do not delay or affect the site plan review process. Qualifications of a fisheries biologist include:

a. Either:
    i. Certification by the American Fisheries Society, or;
    ii. Bachelor of Science degree in fisheries or the biological sciences from an accredited institution and five years of professional fisheries experience; and

b. The prior successful completion of at least three habitat management plans.

Fisheries Enhancement – Actions taken to rehabilitate, maintain or create fisheries habitat, including but not limited to hatcheries, spawning channels, lake rehabilitation, planting of fisheries stocks. Fisheries Enhancement differs from Aquaculture in that the increase in fisheries stocks eventually becomes available for public harvest.

Float – A floating platform that moves vertically with a tide and is anchored or attached to a fixed or anchored overwater structure or an anchoring system.

Float, Recreational – A float used primarily for swimming, diving, water skiing, or other recreational purpose and not for the moorage of watercraft.

Floating Aquaculture Facility – Open water aquaculture facility which is consists of a mooring system and/or floats.

Floating house - any floating structure that is designed, or has been substantially and structurally remodeled or redesigned, to serve primarily as a residence. "Floating houses" include house boats, house barges, or any floating structures that serve primarily as a residence and do not qualify as a vessel as provided in subsection (74) of this section. A floating structure that is used as a residence and is capable of navigation, but is not designed primarily for navigation, nor normally is capable of self propulsion and use as a means of transportation is a floating house, not a vessel.

Flood or Flooding, Coastal – A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Protection Measures – All development on water bodies, usually rivers and streams, designed to retard bank erosion, to reduce flooding of adjacent lands, to control or divert stream flow, or to create a reservoir, including but not limited to revetments, dikes, levees, channelization, dams, vegetative stabilization, weirs, flood and tidal gates. Excluded are water pump apparatus.

Flood Hazard; Flood Hazard Management – A long term program or major project carried out on a single parcel or coordinated on a series of parcels for the primary purpose of preventing or mitigating damage to life and property and to minimize public expenses due to flooding through a comprehensive system of planning development regulations, building standards, structural works, and monitoring and warning systems. Flood hazard management projects or programs may employ physical and/or regulatory controls.

Floodplain – Synonymous with one hundred-year floodplain, this is the land area susceptible to being inundated by stream-derived waters with a one percent chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation and ordinance maps or a reasonable method that meets the objectives of the Shoreline Management Act [WAC 173-26-020(17) or its successor].

Floodway – Those areas or portions of the areas as identified in the Master Program that are either (a) established in federal emergency management agency flood insurance rate maps or floodway maps or (b) those portions of a river valley lying streamward from the outer limits of a watercourse, and upon which flood waters are carried during periods of flooding that occur with reasonable regularity, through not necessarily annually. The floodway is identified, under normal conditions, by changes in surface soil conditions, or changes in types or quality of vegetative ground cover conditions. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under

license from the federal government, the state, or a political subdivision of the state. The limits of the floodway are based on flood regulation ordinance maps or by a reasonable method which meets the objectives of the Shoreline Management Act. [RCW 90.58.030(2)(g) or its successor].

Foreshore – In general terms, the intertidal area between mean higher high water and mean lower low water.

Foreshore Marina – See Marina.

Forest Practice – Any activity conducted on, or directly related to, forest land and relating to growing, harvesting, or processing timber. This includes (1) site preparation and regeneration, (2) protection from insects, fire, and disease, (3) silvicultural practices such as thinning, fertilization, and release from competing vegetation, and (4) harvesting. Forest practices do not include log storage. (See industrial use.) These activities include, but are not limited to, road and trail construction, final and intermediate harvesting, pre-commercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control. See WAC 222-16-010or its successor.

Forest Land – All land which is capable of supporting a merchantable stand of timber and is not being actively used in a way which is incompatible with timber growing [WAC 222-16-010 or its successor].

Frequently Flooded Areas – Lands subject to a one percent or greater chance of flooding in any given year, as determined by the Federal Emergency Management Agency. These areas include, but are not limited to, floodplains adjacent to streams, lakes, coastal areas, and wetlands. (Also see BIMC Chapter 15.16, Flood Damage Prevention.)

Functional Grating – A floor or decking material which is permeable.

Functions and values – The natural processes and beneficial roles performed or provided by critical areas including, but not limited to, water quality and quantity protection and enhancement, providing fish and wildlife habitat, supporting terrestrial and aquatic food chains, providing flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation, protecting aesthetic value, and providing recreational and educational opportunities. These roles are not listed in order of priority.

Gabions – Structures composed of masses of rocks, rubble, or masonry held tightly together, usually by wire mesh, to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action, or as foundations for breakwaters or jetties.

Geologically Hazardous Areas – Areas susceptible to significant erosion, sliding, or other geological events. They pose a threat to the health and safety of citizens when used as sites for incompatible commercial, residential or industrial development. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, and seismic hazard areas.

Geomorphology – The shape or form of a natural surface or object. Also, the study of the forms of the land surface and the processes producing them.

Geotechnical Engineer – Practicing geotechnical/civil engineer who has a valid Washington State engineering license and a valid certificate of registration in civil engineering, at least four years of professional employment as a geotechnical engineer with experience in landslide evaluation, and appropriate training and experience as specified in RCW Chapter 18.43.

Geotechnical report or geotechnical analysis – A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

Grading – An activity associated with land modification or maintenance; grading means the physical movement or redistribution or the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Grassy Swale – A vegetated drainage channel that is designed to remove various pollutants from stormwater runoff through biofiltration.

Groins – This is a rigid, barrier-type structure extending on an angle waterward from the shore into the intertidal zone. Their purpose is to build or preserve an accretion shoreform or berg on their updrift side by trapping littoral drift to protect a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials. Groins are relatively narrow in width but vary greatly in length. Groins are sometimes built in series as a system, and may be permeable or impermeable, high or low, and fixed or adjustable.

Growth Management Act – RCW 36.70A, as amended

Guidelines – Those standards adopted by the Washington State Department of Ecology under WAC 173-26, intended to implement the policy of the Shoreline Management Act, RCW Chapter 90.58, for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards provide criteria for local governments and the Department of Ecology in developing and amending master programs.

Habitat – The place or type of site where a plant or animal naturally or normally lives and grows.

Habitat Function – The use and benefits of physical and biological factors to associated biological communities of organisms.

Habitat Management Plan (HMP) – A report prepared by a professional wildlife biologist or fisheries biologist which discusses and evaluates critical fish and wildlife habitat functions and identifies and evaluates measures necessary to maintain, enhance and improve terrestrial and/or aquatic habitat on a proposed development site.

Habitat of Local Importance – An area representing either high quality habitat for native terrestrial or aquatic species or habitat which is of limited availability, highly vulnerable to alteration, or provides landscape connectivity which contributes to the integrity of the surrounding landscape and which is not adequately protected by other city, state or federal policies, laws, regulations, or non-regulatory tools that prevent degradation of the habitat or its associated species. These may include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors such as breeding areas or human-made ponds.

Harbor Area – The area of navigable tidal waters as determined in Section 1 of Article 15 of the Washington State Constitution, which is forever reserved for landings, wharves, streets, and other

Harbor Structure Limit Line – A line defined in a harbor to demarcate the limits of overwater structures in aquatic areas and maintain navigation, as recommended by the Harbor Commission and approved by the City of Bainbridge Island City Council.

Hazard Tree – A tree that has significant structural defects that are likely to lead to failure and possibly cause injury or damage as identified in a report from an International Society of Arboriculture (ISA) Tree Risk Assessment Qualified (TRAQ) arborist ~~with structural defects likely to cause failure of all or part of the tree, which could strike a "target."~~ A target can be a building or a place where people gather such as a park bench, picnic table, street, or backyard. In the case of steep slopes, a hazard tree can also be a tree that is a hazard to the stability of the slope, as determined by a geotechnical engineer.

Hazardous Materials – Any substance containing such elements or compounds which, when discharged in any quantity in shorelines, present to imminent and/or substantial danger to public health or welfare; including but not limited to: fish, shellfish, wildlife, water quality, and other shoreline features and property.

Hazardous Substance – Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless or quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or 173-303-100.

Hedge – A line of closely-spaced trees and/or shrubs intentionally planted and/or maintained along a property boundary or landscape border for privacy, screening, safety, or similar function, which typically requires ongoing pruning or shearing to maintain its intended function and/or reasonable use of nearby developed areas.

Height – The distance measured from the average grade level to the highest point of a structure. Television antennas, chimneys, and similar structures or appurtenances shall not be used in calculating height except where they obstruct the view of residences adjoining such shorelines. Temporary construction equipment is excluded in this calculation [WAC 173-27-030(9) or its successor]. For all over-water structures, height shall be measured from ordinary high water mark.

High Bluff – An area with slope greater than 40%; height greater than fifteen feet (15'), often unstable or with visible face sediment source often from backshore. This term is used to identify geomorphic classes for the 2004 Nearshore Assessment completed by Battelle for the City.

Hook – A spit or narrow cape of sand or gravel which turns landward at its outer end.

HPA – Hydraulic Project Approval. The permit issued by the Washington State Department of Fish and Wildlife pursuant to the State Hydraulic Code Revised Code of Washington Chapter 75.20, or its successor.

Hydric Soils – Soils which are, saturated flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part or have had a history of being, wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants [WAC 173-22-030(5) or its successor]. The presence of hydric soil shall be determined following methods identified by the Department of Ecology.

Hydrogeologist – A practicing hydrogeologist who has at least four years of professional employment as a hydrogeologist with experience in the specific subject area in which they are providing a report, and a Washington specialty license in hydrogeology as specified in RCW Chapter 18.220.

Hydrophytes – Those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined flowing methods identified by the Department of Ecology.

Infeasible – Not feasible, see feasible

Impact – An action producing a significant causal effect of the whole or part of a given area.

Impoundment – The retention or trapping of sediment in a location, either by natural or structural means.

Industrial Development – Facilities for processing, manufacturing, fabrication or storage of goods or materials, including but not limited to oil, metal or mineral product refining, power generating facilities, including hydropower, ship building and major repair, storage and repair of large trucks and other large vehicles or heavy equipment, related storage of fuels, commercial storage and repair of fishing gear, warehousing construction contractors' offices and material/equipment storage yards, wholesale trade or storage, and log storage on land or water, together with necessary accessory uses such as parking, loading, and waste storage and treatment. Excluded from this definition are mining, including on-site processing of raw materials, and off-site utility, solid waste, road or railway development, and methane digesters that are accessory to an agricultural use.

Industrial Use – Uses intended primarily to provide for heavy commercial water-dependent uses such as ship and boat building, haul out and repair and related uses serving boating needs.

In-kind Compensation – To replace wetlands, biota, or other organisms with substitute flora or fauna whose characteristics closely match those destroyed, displaced, or degraded by an activity.

Inshore – The zone of the beach profile extending waterward from the foreshore to just beyond the breaker.

Intertidal – The substream area exposed at low tides and inundated at high tides, situated from the extreme low water of spring tides (mean lower-low water, MLLW) to the upper limit of spray or influence of ocean-driven salts (mean higher-high water, MHHW).

Invasive Species – 1) non-native (or alien) to the ecosystem under consideration and 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health, or as amended by the United States Department of Agriculture National Invasive Species Information Center (NISIC). ~~A species that is (1) non-native (or alien) to the Puget Sound or the Central Puget Lowland region and (2) whose introduction causes or is likely to cause economic or environmental harm, or harm to human health. Invasive species can be plants, animals, and other organisms (e.g., microbes). Human actions are the primary means of invasive introductions.~~

Jetty – A structure that is generally perpendicular to shore extending through or past the intertidal zone. It is built at harbor entrances or river mouths mainly to prevent shoaling or accretion from littoral drift in entrance channels, which may or may not be dredged. A jetty also serves to protect a channel from storm waves or cross currents, and stabilize inlets through barrier beaches. On the West Coast and in this region, most jetties are riprap mound construction.

Lagoon – A shallow body of water, such as a pond or a lake, isolated from Puget Sound by a barrier beach or other narrow body of land. Lagoons may or may not have a permanent tidal connection to the sea. See also Tidal Lagoon and Barrier Lagoon.

Land disturbing activity – Any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

Land divisions – Any division of land subject to the city's subdivision design standards (BIMC Chapter 17.12).

Landfill – The placement of soil, sand, rock, gravel, existing sediment or other material (excluding solid waste) in upland areas, landward of OHWM, generally to raise the elevation.

Landslide – A general term covering a wide variety of mass movement landforms and processes involving the downslope transport, under gravitational influence of soil and rock material en masse; included are debris flows, debris avalanches, earthflows, mudflows, slumps, mudslides, rock slides, and rock falls.

Landslide Hazard Areas – ~~Areas that, due to a combination of site conditions like slope inclination and relative soil permeability, are susceptible to mass wasting, as designated in Appendix B-1(28).~~ Areas

which are at risk of mass movement due to a combination of geologic, topographic, and hydrologic factors. Landslide hazard areas include the following:

a. Areas characterized by slopes greater than 15 percent having springs or groundwater seepage and having impermeable soils (typically silt and clay) overlain or frequently interbedded with permeable granular soils (predominantly sand and gravel);
b. Any area potentially unstable due to rapid stream incision or stream bank erosion;
c. Any area located on an alluvial fan, debris flow deposit, or in a debris flowpath, presently or potentially subject to impacts or inundation by debris flows or deposition of stream-transported sediments;
d. Any area with a slope of 40 percent or greater and with a vertical relief of 10 or more feet except areas composed of competent consolidated rock;
e. Any area designated or mapped as class U, UOS, or URS by the Department of Ecology Coastal Zone Atlas and/or mapped as a landslide or scarp on the USGS Surface Geology Map of Bainbridge Island (Haugerud, 2001).

Landslide hazard area setback – An area contiguous to a landslide hazard area sufficient in depth to meet the development standards set forth in Section 4.1.5.10 as determined by a geological hazards assessment prepared in accordance with Section 4.1.5.14, Critical area reports.

Land Use – The development or activities that occur or are allowed to occur on a particular property.

Landward – In a direction toward shoreland areas.

Launch – see boat launch

Large Woody Debris (LWD) – Generally naturally occurring material that is recruited from during storms from downed trees in rivers, streams or other waters.

Levee – A large dike or embankment, often having an access road along the top, which is designed as part of a system to protect land from floods.

Limited Utility Extension – The extension of natural gas, electricity, telephone, water, or sewer service where all of the following are met: (1) the extension is categorically exempt under the Washington State Environmental Policy Act (SEPA) (See WAC 197-11-800 (24 or its successor) for the utility improvements which are categorically exempt under SEPA), (2) the extension will serve existing uses that are in compliance with the Shoreline Management Act, and (3) the project does not involve the construction of more than twenty-five hundred (2,500) linear feet of utility lines or pipes within shoreline jurisdiction.

Liquefaction – A process in which a water-saturated soil, upon shaking, suddenly loses strength and behaves as a fluid.

Littoral – of or pertaining to the shore.

Littoral Cell – See Drift Cell.

Littoral Drift – The natural process of sediment movement, particularly sand and gravel along the shoreline in the nearshore zone by waves and currents (see also Drift Cell and Driftway).

Littoral Transport – see Longshore Transport

Live-aboard Vessel – A vessel licensed and designed for use as a mobile structure with adequate self-propulsion and steering equipment to be operated as a vessel, but which is principally used as an over-water residence. Principal use as an over-water residence means essentially full-time occupancy within the City's jurisdiction for a total of more than sixty (60) days, whether or not consecutive, in any calendar year.

Longshore Current – The littoral current in the breaker zone moving essentially parallel to the shore.

Longshore Transport – Transport of sedimentary material parallel to the shore.

Low Bank – An area with a slope often greater than fifteen percent (15%) and less than fourty percent (40%), height fifteen feet (15') or less, generally narrow beach with high water line at or on the bank. Bedrock terrace considered low bank if characterized by a sand and gravel beach; backed by low scarp. This term is used to identify geomorphic classes for the 2004 Nearshore Assessment completed by Battelle for the City.

Low Impact Development (LID) – A stormwater and land use management strategy that strives to mimic predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.
~~A stormwater management strategy that emphasizes conservation and use of existing natural site features integrated with distributed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial, and industrial settings. LID employs principles such as preserving and recreating natural landscape features and minimizing impervious surfaces to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. Practices that adhere to these LID principles include bioretention facilities, rain gardens, vegetated rooftops, rainwater harvesting (rain barrels and cisterns), and permeable pavements.~~

Low impact development best management practices (LID BMPs) – Distributed stormwater management practices, integrated into a project design, that emphasize predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to: bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water reuse.

Maintenance – See Normal Maintenance and Normal Repair.

Marina – A facility with the primary purpose of providing moorage for six (6) or more vessels, which consists of a system of piers, docks, buoys, or floats. Foreshore marinas are located landward of OHWM. There are two common types of backshore marinas, one with wet moorage that is dredged out of the land to artificially create a basin, and the other, dry moorage, which has upland storage with a hoist, marine travel lift, or ramp for water access. Open water marinas,

including open water moorage and anchorage areas, are generally located in the center of a water body to provide moorage in addition to any marinas and docks along the edge of the water body.

Marine Bluffs – see Bluff, Marine

Marine Travel Lift – A mechanical device that can hoist vessels off trailers and transport them into the water. Often associated with dry land moorage.

Marine Railway – A fixed set of rails running from the upland area into the water upon which a cart or dolly can carry a boat to be launched.

Marine Riparian Zone – The transition zone between the nearshore and terrestrial ecotones. See also Riparian Vegetation.

Marshes, Bogs, and Swamps – Lands transitional between terrestrial and aquatic systems where saturation with water is the dominant factor determining plant and animal communities and soil development. Such lands must have one or more of the following attributes: a) at least periodically, the land predominately supports hydrophytes, and/or 2) the substrate is predominantly undrained hydric soil. [WAC 173-22-030(10) or its successor]. See Hydrophyte, Hydric Soil.

Marsh/Lagoon – Protected embayment often fluvial sediment sources, substrate is composed of fines, diagnostic salt marsh vegetation, lagoons may empty completely at low tide (extensive tide flats) and may have a residual basin that holds water at low tide. This term is used to identify geomorphic classes for the 2004 Nearshore Assessment completed by Battelle for the City.

Mean Higher-High Water (MHHW) – The plane of the arithmetic mean of the higher of two (2) daily high tides calculated from the most recent 19-year tidal cycle.

Mean Low Water (MLW) – The plane of the arithmetic mean of all low tides calculated from the most recent 19-year tidal cycle.

Mean Lower-Low Water (MLLW) – The plane of arithmetic mean of the lower of two (2) daily low tides calculated from the most recent 19-year tidal cycle (datum plane 0.0).

Mean Sea Level – The average height of the surface of the sea for all stages of the tide over a 19–year period, usually determined from hourly height readings.

Midden – An ancient refuse heap. Often a source of archaeological material.

Mining – Removal and primary processing of naturally occurring materials from the earth for economic use. "Processing" includes screening, crushing, stockpiling – all of which utilize materials removed from the site where the processing activity is locate. Processing does not include the manufacture of molded or cast concrete, or asphalt products, asphalt mixing operations, or concrete batching operations.

Mitigation – Measures used to avoid, minimize or alleviate adverse impacts of development on ecological functions or ecosystem-wide processes. Mitigation must follow mitigation sequencing requirements of WAC 173-26-201(2)(e) and includes:

a. Avoiding, minimizing or compensating for adverse impacts, in the following order of preference:

   i. Avoiding the impact altogether by not taking a certain action or parts of an action.

   ii. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

   iii. Rectifying the impacts by repairing, rehabilitating or restoring the affected environment;

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

   v. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

   vi. Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation for individual action may include a combination of the above measures; and

b. The following specific categories:

   i. Mitigation, compensatory: replacing project-induced critical area losses or impacts, including, but not limited to, establishment, re-establishment, rehabilitation or enhancement.

   ii. Mitigation, establishment: mitigation performed to intentionally establish a critical area (e.g., wetland) at a site where it does not currently exist.

   iii. Mitigation, re-establishment: the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former critical area.

   iv. Mitigation, rehabilitation: the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural of historic functions and processes to a degraded critical area.

   v. Mitigation, enhancement: the manipulation of the physical, chemical, or biological characteristics of a biological wetland to heighten, intensify or improve specific function(s) or to change for specific purposes such as water quality improvement, flood water retention, or wildlife habitat.

Mitigation Sequence – Individual action that may include a combination of the following measures, listed in order of preference:

a. Avoiding the impact altogether by not taking a certain action or parts of actions;

b. Minimizing impacts by limiting the degree of magnitude of an action and its implementation;

c. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;

d. Reducing or eliminating an impact over time by preservation and maintenance operations;

e. Compensating for an impact by replacing enhancing, or providing substitute resources or environments; and

f. Monitoring the impact and compensation projects and taking appropriate corrective measures when necessary.

Mitigation Plan – A detailed plan indicating actions necessary to mitigate adverse impacts of development.

Monitoring – Evaluating the impacts of development proposals over time on the biological, hydrological, pedological, and geological elements of ecosystem functions and processes and/or assessing the performance of required mitigation measures through the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features compared to a baseline or pre-project conditions and/or reference sites.

Mooring Buoy – A floating object anchored to the bottom of a water body that provided tie-up capabilities for vessels.

Muds – Sediments in which the size of the particles is smaller than 0.0625mm.

Mudflat – Low, unvegetated mud substrate that is flooded at high tide and uncovered at low tide.

Multi-family Dwelling or Residence – A building containing two or more dwelling units or more than one dwelling unit on one lot, including, but not limited to, duplexes, apartments, and condominiums.

Natural Riparian Habitat Corridor – The waterside environment maintained in its natural state, primarily for fisheries and wildlife habitat, and water quality improvements, and, secondarily, for flood control works, while allowing controlled access to avoid damage to the resource.

Native Vegetation – Plant species typically found on an undeveloped marine shoreline that are indigenous to the Central Puget Lowland eco-region and suitable to the specific site conditions.

Native Vegetation Equivalent – Plant species that are equivalent in providing the same site-specific functional arrays as would a native species. Functional arrays may include forage, floodwater restraint, hiding habitat, or other physical or biologic roles in the ecosystem, that individually or in combination correspond to those of the native species. As with natives, the role and mix of an alternative species may vary depending on the site and its surrounding ecosystem. Invasive/exotic species shall not be considered equivalent species.

Nearshore or Nearshore Zone – The area of marine and estuarine shoreline, generally extending from the top of the shoreline bank or bluff to the depth offshore where light penetrating the water falls below a level supporting plant growth, and upstream in estuaries to the head of the tidal influence. It includes bluffs, beaches, mudflats, kelp and eelgrass beds, salt marshes, gravel spits, and estuaries.

Not Net Loss – As a public policy goal, the maintenance of the aggregate total of the City's shoreline ecological functions at its current level of environmental resource productivity. As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or ecosystem-wide processes. Each project shall be evaluated based on its ability to meet the no net loss standard commensurate with its scale and character.

Nonconforming Development – A shoreline use or structure which was lawfully constructed or established prior the effective date of the applicable Shoreline Management Act/SMP provision, and which no longer conforms to the applicable shoreline provisions [WAC 173-27-080(1), or its successor].

Nonconforming development" or "nonconforming structure" means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.

Nonconforming Lot -- A nonconforming lot means a lot that met dimensional requirements of the applicable SMP at the time of its establishment (November 26, 1996), as amended, but now contains less than the required width, depth or area due to subsequent changes in the Program.

~~Nonconforming Structure. A nonconforming structure means an existing structure that was lawfully constructed prior to the effective date of this Program (November 26, 1996), as amended, but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the Program.~~

Nonconforming Use -- A nonconforming use means an existing shoreline use that was lawfully established prior to the effective date of this Program (November 26, 1996), as amended, but which does not conform to present use regulations due to subsequent changes to the Program.

Nonwater-oriented – Nonwater-oriented uses serve to describe those uses which have little or no relationship to the shoreline and are not water-dependent, water-related, or water-enjoyment, or considered priority uses under the Shoreline Management Act. Nonwater-oriented uses, means those uses that are not water-dependent, water-related, or water-enjoyment. Nonwater-oriented use examples include professional offices, automobile sales or repair shops, storage facilities, and automobile gas stations.

Normal Appurtenance – See Appurtenance.

Normal Maintenance – Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. [WAC 173-27-040(2)(b), or its successor]. (See Normal Repair.) Normal maintenance does *not* include:

a. Use of fertilizer or pesticide application in wetlands, fish and wildlife habitat conservation areas, or their buffers;
b. Re-digging ditches in wetlands or their buffers to expand the depth or width beyond the original ditch dimensions;
c. Re-digging existing drainage ditches to drain wetlands on lands not classified as existing and ongoing agriculture under BIMC 16.20.040 (Exemptions).

Normal Repair – To restore a structure or development to a lawfully established state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair involves total replacement which is not common practice, or causes substantial adverse effects to the shoreline resource or environment. This does not include any activities that change the character, scope or size of the original structure or development beyond the original design. [WAC 173-27-040(2)(b), or its successor]. (See Normal Maintenance).

Normal Protective Bulkhead – See Bulkhead.

Obligate Vegetation – The sum total of macrophytic plant life that occurs in areas where the frequency (>99% of the time in wetlands) and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present. USACE 1987 Wetland Delineation Manual.

OHWM, Ordinary High Water Mark – That mark that will be formed by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, that the soil has a character distinct from that of the abutting upland in respect to vegetation as that condition existed on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or Washington State Department of Ecology, provided that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high water and the ordinary high water mark adjoining fresh water shall be the line of mean high water. [See RCW 90.58.030(2)(b), or its successor and WAC 173-22-030(6), or its successor].

Offshore – The area waterward of the breaker zone, extending in a direction waterward form the shore.

Oil/Water Separator – Specialized catch basins that are designed to trap oil and other materials lighter than water in the basin while allowing the water to escape through the drainage system.

Open Coastal Inlets - These describe inlets or estuaries whose size or configuration precludes significant wave action, but where the inlet itself is not significantly enclosed by a barrier or other restriction.

Open Space – See BIMC Title 18.

Open Water Moorage and Anchorage Area – A designated area of state-owned aquatic lands leased for the moorage and anchorage of vessels that does not abut uplands and does not include a built connection to the uplands. Open water moorage and anchorage areas are leased only by municipalities in accordance with WAC 332-30-139 and subject to the restrictions therein.

Outfall – A structure extending into a body of water for the purpose of discharging an effluent (sewage, storm runoff, cooling water).

Overwash - The flow of marine waters and associated sediment over the top of a barrier beach, usually when storms coincide with high tides. Leads to deposition of sediment in backshore areas and the gradual shifting of a barrier beach landward.

Overwater structures – Human-made structures that extend over all or part of the surface of a body of water, such as a pier.

Parking – The temporary storage of automobiles or other motorized vehicles.

Periodic – Occurring at regular intervals.

Person(s) – Includes organizations and corporations.

Pier – A platform structure or anchored device that is fixed above the water extending waterward from ordinary high water, and which is generally used as a landing or moorage place for industrial, commercial, and/or pleasure craft; including but not limited to ; wharves and quays.

Plant Community – Association of plants in a given area or region in which various species are more or less dependent upon each other.

Pocket Beach – An isolated beach, existing usually, without benefit of littoral drift from sources elsewhere. Pocket beaches are produced by erosion of immediately adjacent bluffs or banks and are relatively scarce and therefore valuable shoreforms on the Island; they are most common between rock headlands and may or may not have a backshore.

Pocket Estuary – Term used in the Puget Sound region to describe small estuaries and lagoons, partially isolated by their configuration from the main body of Puget Sound.

Point – A low profile shoreline Promontory of more or less triangular shape, the top of which extends waterward.

Primary Structure – A structure that includes the principal use of a property, or is intended to be occupied with the principal use of the property.

Priority Habitat – A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

a. Comparatively high fish or wildlife density;

b. Comparatively high fish or wildlife species diversity;

c. Fish spawning habitat;

d. Important wildlife habitat;

e. Important fish or wildlife range;

f. Important fish or wildlife movement corridor;

g. Rearing and foraging habitat;

h. Important marine mammal haul-out;

i. Refugia habitat;

j. Limited availability;

k. High vulnerability to habitat alteration;

l. Unique or dependent species; or

m. Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows).

A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

Priority Species –Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

a. Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014, or its successor), threatened (WAC 232-12-011, or its successor), or sensitive (WAC 232-12-011, or its successor). State proposed species are those fish and wildlife species that will be reviewed by the Department of Fish and Wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

b. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or state-wide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

c. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

d. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

Pruning – The selective removal of plant parts to achieve defined objectives.

Pruning amount – The quantity of plant parts removed at one pruning, expressed in terms of a number of branches or other parts removed, and/or percentage of the crown or buds removed on an entire tree or specific branches.

Public Access – The public's right to get to and use the state's public waters, both saltwater and freshwater, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by means such as scenic roads and overlooks, viewing platforms, decks or towers and other public sites or facilities.

Public Interest – The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to , an effect on public property or on health, safety, or general welfare resulting from adverse effects of a use or development.

Puget Lowland, Central – The low area between the Olympic and Cascade Mountain ranges.

Puget Sound – All marine water contained south and east of Admiralty Inlet and Deception Pass.

Qualified Professional or Qualified Consultant – A person with experience and training with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must possess the required education and experience stipulated for that profession pursuant to this Program and/or BIMC 16.20.020 for the following:

a. Fisheries Biologist (BIMC 16.20.020(17);
b. Geotechnical Engineer (BIMC 16.20.020(21);
c. Hydrogeologist (BIMC 16.20.020(27);
d. Wetland Specialist (BIMC 16.20.020(56);
e. Wetland Biologist (BIMC 16.20.020(57);
f. Professional Archeologist (RCW 27.53.030(11), or successor)
g. Certified Arborist (BIMC 16.20)

RCW – Revised Code of Washington.

Ravine – A V-shaped landform generally having little to no floodplain and normally containing steep slopes, which is deeper than 10 vertical feet as measured from the centerline of the ravine to the top of the slope. Ravines are typically created by the wearing action of streams. The top of the slope is determined where there is a significant change in the slope to generally less that a 15 percent slope.

Recharge – The process involved in the absorption and addition of water from the unsaturated zone to ground water.

Recreation – An experience or activity in which an individual engages for personal enjoyment and satisfaction through forms of play, sports, relaxation, amusement or contemplation, Most shore-based recreation included outdoor recreation such as: fishing, hunting, clamming, beach combing, and rock climbing; various forms of boating, swimming, hiking, bicycling, horseback riding, camping, picnicking, watching or recording activities such as photography, painting, bird watching or viewing or water or shorelines, nature study and related activities.

Recreational Development, Active – activities that generally require the use of constructed facilities such as playgrounds, athletic fields, boat ramps, and marinas, and/or the use of specialized equipment.

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

Recreational Fishing –Fishing for personal use as allowed by Personal Fishery Chapter 220-56 WAC.

a. Hand Line or Angling - shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" shall be identical in meaning [WAC 220-56-100(17), or its successor].

b. Spear Fishing - means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device [WAC 220-56-100(29), or its successor].

c. Bow and Arrow Fishing - any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water [WAC 220-56-100(6), or its successor]

Redevelopment – On a site that is already substantially developed (i.e., has 35 percent or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

Removal, vegetation – To eliminate the presence or hazard of unwanted vegetation.

Repair – See "Normal Repair"

Residential Development – Construction or alteration, earth modification, subdivision and use of land primarily for human residence; including but not limited to single-family residences and multifamily dwellings, accessory uses, and structures normally associated with residential uses and structures. Residential development includes land divisions, including short plats, of residentially zoned land. It also includes all modifications to land and vegetation associated with construction, preparation, or maintenance or residential structures or accessory structures.

Restoration or Ecological Restoration – To revitalize, reestablish or upgrade ecological shoreline functions and/or natural processes of a degraded shoreline resource to a condition that sustains the ecological functions and process at a state of equilibrium.

This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials.

Retaining Wall – A built structure designed to retain an earth bank from sliding or to resist the lateral pressure of soil when there is a desired change in ground elevation.

Revetment – A sloping structure built to protect a scarp, embankment, or shore against erosion by waves or currents. Usually built of riprap, with heavy armor layer, one or more filter layers of smaller rock or filter cloth, and "toe" protection. A revetment slopes shoreward and has a

rough or jagged facing. Its sloping face absorbs wave energy and differentiates it from a bulkhead, which is a vertical structure.

Riparian – Of, pertaining to, or situated or living on the banks of a river or other body of water, including tidewater.

Riparian Management Zone – The area adjacent to a water body (stream, lake or marine water) that contains vegetation that influences the aquatic ecosystem, nearshore area and/or fish and wildlife habitat. The zone include terrestrial habitat and riparian vegetation.

Riparian Vegetation – Vegetation that tolerates and/or requires moist conditions and periodic free flowing water thus creating a transitional zone between aquatic and terrestrial habitats which provides cover, shade and food sources for aquatic and terrestrial insects for fish species. Riparian vegetation and their root systems stabilizes banks, attenuates high water flows, provide wildlife habitat and travel corridors, and provide a source of limbs and other woody debris to terrestrial and aquatic ecosystems.

Riprap – A layer, facing, or protective mound of stones placed to prevent erosion, scouring, or sloughing of a structure or embankment.

Rock Weir – See Groin.

Runoff – Water that is not absorbed into the soil, but rather flows along the ground surface following the topography.

Salish Sea – Broadly defined as the confined water body inland from Cape Flattery, including Puget Sound, the Strait of Juan de Fuca and the Strait of Georgia.

Salmon and Steelhead Habitats – Gravel bottom streams, creeks, and rivers used for spawning; streams, creeks, rivers, side channels, ponds, lakes, and wetlands used for rearing, feeding, cover and refuge from predators and high water; streams creeks, rivers, estuaries, and shallow areas of saltwater bodies used as migration corridors; and salt water bodies used for rearing, feeding, and refuge from predators and currents.

Salt Tolerant Vegetation – Vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand. [WAC 173-22, or its successor].

Seawall – Structure separating land and water areas primarily to prevent erosion and other damage by wave action. Generally more massive and capable of resisting greater wave forces than a bulkhead or revetment.

Sediment – The material, such as sand, silt, or clay, suspended in or settled on the bottom of a water body, generally deposited by erosion, water or wind.

Sediment Transport – The movement of sediment along a current pathway.

Seismic Hazard Areas – Areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, or surface faulting. While ground shaking is the principal risk because the entire island will shake significantly, severe damage will occur where slope failure, liquefaction, and settlement are induced by the shaking and surface rupture is created by fault movement. The following areas are considered seismic hazard areas:

a. Seismic Landslide Hazard Areas. Slopes which are stable in non-earthquake periods, but fail and slide during ground shaking;

b. Liquefaction Hazard Areas. Areas of non-cohesive, loose or soft, saturated soils of low density in association with a shallow groundwater table that are subject to settlement and/or liquefaction from ground shaking; or

c. Fault Hazard Areas. Areas of known surface rupture or significant surface deformation as a result of an active fault movement, including fifty feet (50') on either side.

Sensitive Areas – See Critical Areas

Sensitive Land – See Critical Areas

Setback – The required space that is left open and unoccupied between the nearest projection of a structure and the property line of the lot on which the structure is located, and that are required to remain unobstructed from the ground to the sky except for modification to setbacks and height specifically allowed by code.

Shall – A mandate; the action that must be done.

Shared Moorage – Moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents of a certain subdivision or community within shoreline jurisdiction or for use by patrons of a public park or quasi-public recreation area, including rental of non-powered craft. If a shared moorage provides commercial services of six or more slips, it shall be considered a marina.

Shellfish – Invertebrates of the phyla Arthropoda (class Crustacea), Mollusca (class Pelecypoda) and Echinodermata.

Shellfish Habitat Conservation Area – All public and private tidelands suitable for shellfish, as identified by the Washington Department of Health classification of commercial growing areas, and those recreational harvest areas as identified by the Washington Department of Ecology are designated as Shellfish Habitat Conservation Protection District created under RCW 90.72 is also a Shellfish Habitat Conservation Area.

Shoreland Areas – Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands, including river deltas associated with streams, rivers and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

Shorelands – See "Shoreland areas."

Shoreline Armoring – Structural protection from erosion caused by tidal action, current or waves, including but not limited to, revetments, bulkheads, sea walls, gabions.

Shoreline Designation – The categories of shorelines established by the Shoreline Master Programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. [WAC 173-16-040(4), or its successor].

Shoreline Jurisdiction (Associated Wetlands [Jurisdictional]) – The proper term describing all of the geographic areas covered by the Shoreline Management Act, related rules, and the applicable master program. Those lands extending landward for two hundred feet (200') in all directions, as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all marshes, bogs, swamps and deltas associated with the streams, lakes, and tidal waters subject to the Shoreline Management Act. See RCW 90.58.030(2)(f), or its successor; WAC 173-16-030(17), or its successor; and WAC 173-22-030(10), or its successor. Also, such areas within a specified local government's authority. See definitions of shorelines, shorelands, shorelines of the state, and Shorelines of State-wide Significance, and wetlands, jurisdictional.

Shoreline Management Act – The Shoreline Management Act of 1971, RCW Chapter 90.58, as amended.

Shoreline Master Program or Master Program – The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

Shoreline Modifications – Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline Permit – A substantial Development, Conditional Use, Revision, Variance, or any combination thereof [WAC 173-27-030(13), or its successor].

Shoreline Stabilization and Flood Protection – Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion impacts to property and dwellings, businesses, or structures of upland beaches or reduce adverse impacts caused by natural processes, such as current, flood, tides, wake, wind, or wave action. These are generally located parallel to the shoreline at or near the OHWM. Examples of specific structural and nonstructural shoreline modification activities include revetments, riprap, bulkheads, and bank stabilization.

Shoreline Stabilization, Bioengineered – Biostructural and biotechnical alternatives to hardened structures (bulkheads, walls) for protecting slopes or other erosive features including soft – treatment techniques. Bioengineered stabilization uses Vegetation Reinforced Soil Slopes (VRSS), which uses vegetation arranged embedded in the ground to prevent shallow mass-movements and surficial erosion.

Shoreline Stabilization, Hard structure – Shore erosion control practices using hardened structures that armor and stabilize the shoreline landward of the structure from further erosion.

Shoreline Stabilization, Hybrid structure – An approach to erosion control that combines soft-treatment shoreline treatment placed waterward of more conventional structural shoreline

stabilization elements. The soft treatment preserves natural beach contours and mimics habitat structure in order to preserve ecological functions. The hard structure provides long-term stability to the upland site, but is located sufficiently landward of the OHWM as not to impair ecological processes.

Shoreline Stabilization, New – Placement of shoreline stabilization where no such structure previously existed, including additions to or increases in size of existing shoreline stabilization measures are considered new structures.

Shoreline Stabilization, Non-structural – This is a soft treatment which does not use driftwood, logs, geotextile fabric, or other organic or non-organic structural materials. Examples include:

a. Addressing upland drainage issues;

b. Planting stabilization vegetation without fill, grading, or use of non-biodegradable geotextile fabric, gabions other stabilizing structures to provide temporary erosion control;

Shoreline Stabilization, Replacement – The construction of a new structure to perform a shoreline stabilization function of an existing legally-established shoreline stabilization structure which can no longer adequately serve its purpose.

Shoreline Stabilization, Soft-treatment – Shore erosion control and restoration practices using only plantings or organic materials to restore, protect or enhance the natural shoreline environment. This technique mimics natural conditions for ecological functions and ecosystem-wide processes. When used organic/biodegradable structural components are to be place to avoid significant disruption of sediment recruitment, transportation, and accretion. Examples include:

a. Bioengineered Shoreline Stabilization;

b. Beach Nourishment/Replenishment;

c. Vegetated Soil Stabilization Retention Methods;

d. Driftwood;

e. Coir fiber logs or other natural materials;

f. Nonstructural Shoreline Stabilization.

g. Beach Berm.

Shoreline Stabilization, Structural – Shoreline stabilization which includes a footing, foundation, or anchors. Materials are typically hardened structures which armoring the shoreline. See also Shoreline Stabilization, Hard structure and Shoreline Stabilization, Hybrid structure.

Shoreline Substantial Development Permit – A mechanism through which the City determines whether a proposed development or activity complies with the State of Washington Shoreline Management Act (RCW Chapter 90.58,or its successor) and the Master Program.

Shorelines – All of the water areas of the state, including reservoirs and their associated wetlands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d) or its successor and shorelines of state-wide significance.

Shorelines Hearings Board (SHB) – A quasi-judicial body which hears appeals by any aggrieved party on the issuance of a shoreline permit and appeals by local government on Washington State Department of Ecology approval of master programs, rules, regulations, guidelines, or designations under the Shoreline Management Act. [RCW 90.58.170, or its successor; RCW 90.58.180, or its successor; and WAC 173-04-01, or its successor].

Shorelines of State-wide Significance – A select category of shorelines of the state, defined in RCW 90.58.030(2)(e) or its successor, where special preservation policies apply and where greater planning authority is granted by the Shoreline Management Act [RCW 90.58.020 or its successor]. Within the City's jurisdiction all those areas lying seaward from the line of extreme low tide are shorelines of state-wide significance [RCW 90.58.030(1)(e)(iii) or its successor].

Shorelines of the State – Shorelines and shorelines of state-wide significance.

Shoreward – See landward

Should – A particular action is required unless there is demonstrated, compelling reason, based on policy of the Shoreline Management Act and this Program, against taking the action.

Shrub – A woody perennial plant, usually with several stems that may be erect or close to the ground, generally smaller than a tree.

Sign – Any letter, figure, design, symbol, trademark or other device which is intended to attract attention to any activity, service, place, political office, subject, firm, corporation or merchandise, except traffic signs or signals, public or court notices, signs not visible from the public right-of-way or adjacent properties, signs on moving vehicles, newspapers, leaflets or other printed materials intended for individual use or individual distribution to members of the public, government flags, flags and buntings exhibited to commemorate national patriotic holidays and temporary banners announcing charitable or civic events.

Significant Removal of Vegetation – The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. The approved removal of trees determined to be hazardous does not apply. Tree pruning, not including tree topping, where it does not affect ecological functions, does not contribute significant vegetation removal in the Washington State Shoreline Master Program Guidelines, Chapter 173-26 WAC 99 of 100.

Single-family Residence (SFR) – A detached dwelling designed for and occupied by one family, including those structures and developments within a contiguous ownership which are normal appurtenance [WAC 173-27-040(2)(g), or its successor].

Site – The entire lot, series of lots, or parcels on which a development is located or proposed to be located, including all contiguous undeveloped lots or parcels under common ownership.

Soil Bioengineering – An applied science that combines structure, biological, and ecological concepts to construct living structures that stabilize the soil to control erosion, sedimentation, and flooding using live plant materials as a main structural component.

Solid Waste Disposal – Discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste, including hazardous waste, on land or in the water.

Solid Waste – Solid and semi – solid wastes, including garbage, rubbish, ashes, industrial wastes, wood wastes, and sortyard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances, and other discarded commodities. Solid waste does not include wastewater, dredge material, agricultural, or other commercial logging wastes not specifically listed above. See landfill and dredging material.

Species of local importance – Those species that are of local concern due to their population status or their sensitivity to habitat alteration.

Spit – An accretion shoreform which extends seaward from and parallel to the shoreline. They are usually characterized by a wave-built berg on the windward side and more gently sloping, muddy, or marshy shore on the leeward side. A curved spit is normally called a hook.

Spit/Barrier/Backshore – An area with a wide beach face and slope of less than fifteen percent (15%), distinguishable backshore. This term is used to identify geomorphic classes for the 2004 Nearshore Assessment completed by Battelle for the City.

Spur Dock – See Groin.

SSDP – Shoreline Substantial Development Permit.

Starvation – See Impoundment

Statement of Exemption or Letter of Exemption – A written statement by the Administrator that a particular development proposal is exempt from the substantial development permit requirement and is generally consistent with this Program including the policy of the Act [RCW 90.58.020, or its successor].

Steep Slope – A forty percent (40%) or greater slope. See also Landslide Hazard

Storm Surge – A rise above normal water level on the open coast due to the action of wind forces on the water surface or to atmospheric pressure reduction.

Stormwater Management – The control of stormwater drainage through a systematic design that performs a particular function, or multiple functions, and includes but not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins and modular pavement.

Streams – Those areas in the City of Bainbridge Island where the surface water flows are sufficient to produce a defined channel or bed. A defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes but is not limited to bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices, or

other artificial watercourses unless they are used by fish or used to convey streams naturally occurring prior to construction.

Stream Types – A stream classification system based on fish usage and perennial or seasonal water regime as found in WAC 222-16-030 and meeting the standards listed below.

a. "Type F Stream" means a stream that has fish habitat. Waters having the following characteristics are presumed to meet the physical criteria for fish use: Stream segments having a defined channel of 2 feet or greater within the bankfull width and having a gradient of 16 percent or less. Also, stream segments having a defined channel of 2 feet or greater within the bankfull width and having a gradient greater than 16 percent and less than or equal to 20 percent, and having greater than 50 acres in contributing basin size based on hydrographic boundaries.
b. "Type Np" means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type Np Waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.
c. "Type Ns" means all segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. Ns Waters must be physically connected by an above-ground channel system to marine waters, Type F, or Np Waters.

Structure – A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels. [WAC 173-27-030(15) or its successor].

Subdivision – The division or redivision of land, including short subdivisions, for the purpose of sale, lease, or conveyance.

Substantial Development – Any development of which the total cost or fair market value exceeds the amount specified in WAC 173-26-040(2)(a); or any development which materially interferes with the normal public use of the water or shorelines of the state, except as specifically exempted pursuant to RCW 90.58.030(3)(e), or its successor, and WAC 173-27-040, or its successor. See definitions for Development and Exemption.

Substantial Progress – Substantial progress toward completion of a permitted activity includes all of the following, where applicable: the making of contracts, signing of notice to proceed, completion of grading and excavation and the laying of major utilities; or, where no construction is involved, commencement of the activity [WAC 173-27-090, or its successor].

Subtidal – The area of the marine environment below extreme low tide.

Sub-estuary – See Pocket Estuary

Sustainable Development – Development which maintains a balance between the health of the natural environment and the needs of the human community which lives within it.

Surface Water – Water that travels across the surface of the ground, rather than infiltrating.

Swell – Wind-generated waves that have traveled out of their generating area. Swell characteristically exhibits a more regular and longer period and has flatter crests than waves with their fetch.

Terrestrial – Of or relating to land as distinct from air or water.

Tidal Inlet – A shore feature subject to the daily influence of the tides, whose mouth is narrower than its length. The inlet is considered to be all lands and waters seaward of the ordinary high water mark, and extending to its mouth. Within tidal inlets, specific areas that constitute critical habitat are designated for special protection under the Master Program.

Tidal Flats – Marshy or muddy areas of the seabed which are covered and uncovered by the rise and fall of tidal water.

Tidal Lagoon – A body of saline water (salinity greater than 0.5 parts per thousand) with a constricted or subsurface outlet that is subject to the periodic, but not necessarily daily, exchange of water with Puget Sound or a tidal inlet. The exchange may occur seasonally, during storms, or during the highest spring tides. The connection between the sea and the lagoon does not necessarily have to be on the surface; the connection can be subsurface through permeable gravel and sand berms.

Tidal Range – The difference in height between consecutive high and low water.

Tidal Water – Includes marine and estuarine water bounded by the ordinary high water mark. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream [WAC 173-22-030(9), or its successor].

Tidelands – Land on the shore of marine water bodies between the line of ordinary high water and the line of extreme low tide.

Toxic Material – Any material damaging to marine life including, but not limited to, paints, varnishes, anti-fouling agents, bleaches, petroleum, and contaminated bilge waste water.

Transient Moorage – Moorage for a stay of less than two (2) weeks.

Transportation Facilities – Those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, bikeways, trails, railroad facilities, ferry terminals, float plane terminals, heliports, and other related facilities.

Tree – A woody perennial plant with a single or multiple trunks, which typically develop a mature size of over several inches diameter, and ten (10) or more feet in height.

Unavoidable – Adverse impacts that remain after all appropriate avoidance and minimization measures have been implemented.

Updrift – In the direction opposite of dominant alongshore sediment transport.

Upland – Generally described as the area above and landward of the OHWM.

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

Utilities, Accessory – Small scale distribution systems directly serving a permitted shoreline use. These include power, telephone, cable, water, sewer, septic, and stormwater lines.

Utilities, Primary – Facilities that produce, transmit, carry, store, distribute, or process electric power, gas, water, sewage, or information. Primary utilities include solid waste handling and disposal facilities, wastewater treatment facilities, utility lines, electrical power generating or transfer facilities, radio, wireless telephone and microwave tower, and gas distribution and storage facilities.

Variance – A means to grant relief from the specific bulk, dimensional, or performance standards specified in the applicable Master Program. Variance permits must be specifically approved, approved with conditions, or denied by the Washington State Department of Ecology. (See WAC 173-14-150, or its successor).

Vascular Plant – Any plant that has a specialized conducting system consisting mostly of phloem (food-conducting tissue) and xylem (water-conducting tissue), collectively called vascular tissue. These plants have true stems, leaves, and roots, modifications of which enable species of vascular plants to survive in a variety of habitats under diverse, even extreme, environmental conditions.

Vegetative Stabilization – Planting of vegetation to retain soil and retard erosion, reduce wave action, and retain bottom material, It also means utilization of temporary structures or netting to enable plants to establish themselves in unstable areas.

Vessel – A floating structure that is designed primarily for transportation, is normally capable of self propulsion and navigation, and meets all applicable laws and regulations pertaining to navigation and safety equipment on vessels, including, but not limited to, registration as a vessel by an appropriate government agency, and does not interfere with normal public use of the water. [WAC 173-27-030(18), or its successor].

View Corridor – An area free of buildings and other view-blocking structures which provides visual access to water and/or the shoreline.

WAC – Washington Administrative Code.

Water-dependent Use – A use or a portion of a use which cannot exist in a location that is not adjacent to the water which is dependent on the water by reason or the intrinsic nature of its operation. Examples of water-dependent uses may include ship cargo terminal loading areas,

ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, and sewer outfalls.

Water-enjoyment Use – A recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use, or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as general characteristic of the use and which through the location, design, and operation ensure the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public, and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that foster shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers, and other improvements facilitating public access to shorelines of the state. General water-enjoyment uses may include, but not limited to, restaurants, museums, aquariums, educational/scientific reserves, resorts, and mixed use commercial, provided that such uses conform to the above water-enjoyment specifications and the provisions of the Master Program.

Water-oriented Use – Refers to any combination of water-dependent, water-related and/or water-enjoyment uses and serves as an all-encompassing definition for priority uses under the Shoreline Management Act.

Waterward – To, toward, or continuing into the water body.

Water Quality – The physical characteristics of water within shoreline jurisdiction, including water quality, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.3.250 through 90.03.340.

Water-related – A use or portion of a use which is not intrinsically dependent on a waterfront location, but whose economic viability is dependent upon a waterfront location because:

a. Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water or,

b. The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Examples include: (1) manufacturers of ship parts large enough that transportation becomes a significant factor in the product(s) cost, (2) professional services serving primarily water-dependent activities, and (3) storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage.

Wave Direction – The direction from which waves approach an observer.

WDFW – Washington State Department of Fish and Wildlife.

Washington State Department of Ecology – See Ecology.

Weir – A structure in a stream or river for measuring or regulating stream flow.

Wetlands – Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, estuaries, marshes, bogs, ponds less than twenty acres, including their submerged aquatic beds and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, stormwater 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 include those legally established artificial wetlands intentionally created from non-wetland areas to mitigated the conversion of wetlands.~~Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas, including associated wetlands. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands that were created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. [WAC 173-22-030(10) and (11), or their successors]~~

Wetland boundary – The boundary or outer edge of a wetland as delineated in accordance with the federal wetland delineation manual and applicable regional supplements (as updated), as required by WAC 173-22-035.

Wetland category – Category as defined in Washington State Wetland Rating System for Western Washington – 2014 Update (Ecology Publication No. 14-06-029, October 2014), or as revised and adopted by the department.

Wetlands specialist – A person with experience and training in wetland issues who is able to submit substantially correct reports on wetland delineations, classifications, functional assessments and mitigation plans. "Substantially correct" means that errors, if any, are minor and do not delay or affect the site plan review process. Qualifications of a wetlands specialist include:

a. Either:
    i. Certification as a Professional Wetland Scientist (PWS) or Wetland Professional in Training (WPIT) through the Society of Wetland Scientists, or;
    ii. Bachelor of science degree in the biological sciences from an accredited institution and five years of professional field experience; and
b. The prior successful completion of at least three wetland reports.

~~**Wetlands, Jurisdictional** – See "shoreland areas."~~

Wildlife biologist – A person with experience and training in the principles of wildlife management and with practical knowledge in the habits, distribution and environmental management of wildlife. Qualifications include:

a. Either:
    i. Certification as a professional wildlife biologist through The Wildlife Society, or;
    ii. Bachelor of science or bachelor of arts degree in wildlife management, wildlife biology, ecology, zoology, or a related field, from an accredited institution and five years of professional field experience; and
b. The prior successful completion of at least three habitat managements plans.

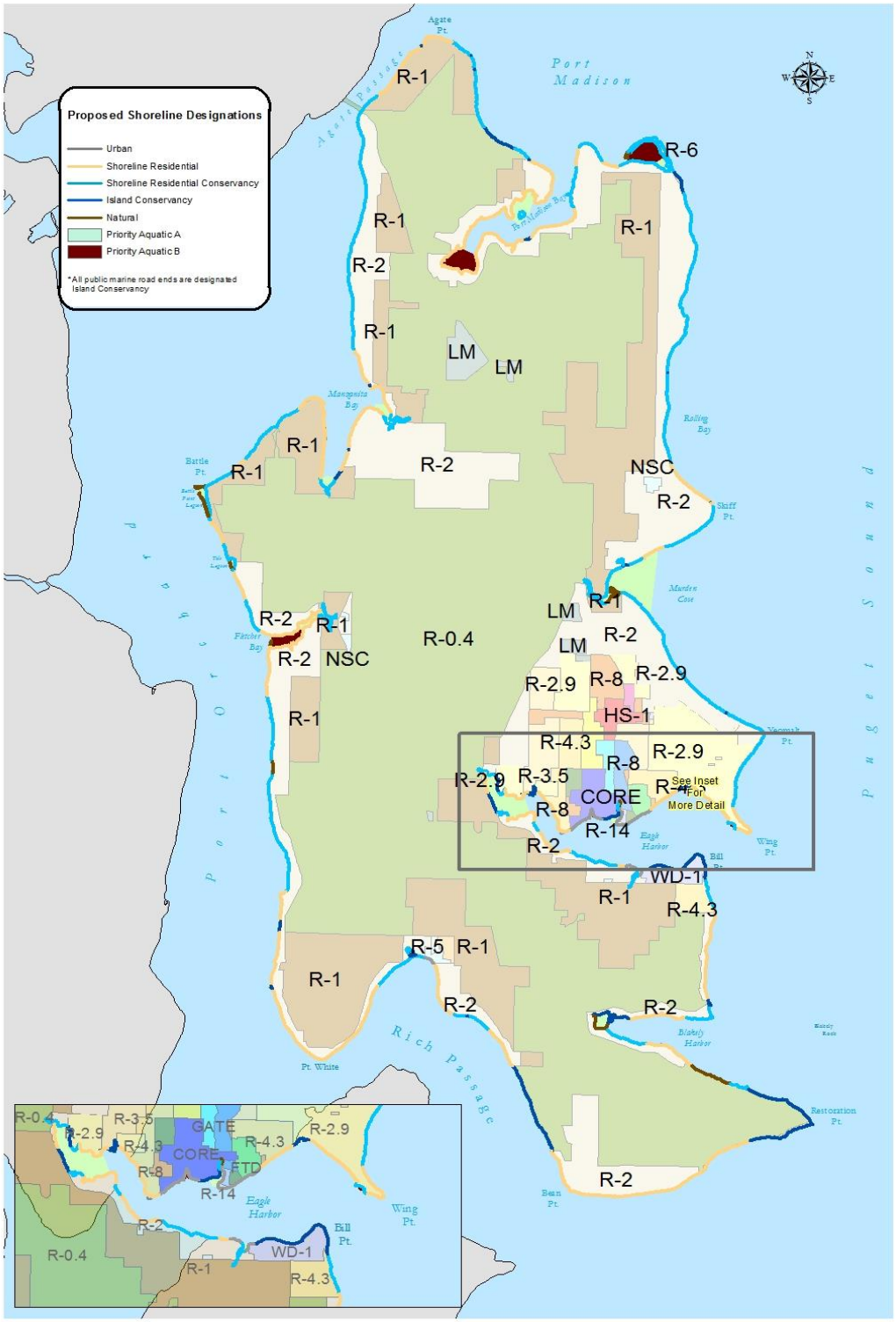
Wildlife habitat – A seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These include areas of relative density or species richness, breeding habitat, winter range, and movement corridors. These also include habitats of limited availability or high vulnerability to alteration, such as cliffs, streams and wetlands.

Zone of Impact –The area of the subject property where the incident wave energy is distributed, in relation to the primary structure and primary appurtenances and the angle of the incident wave.

Zone of Influence – The zone of influence means an area usually upslope from a geologically hazardous area, where changes in land use and hydrology can affect the stability of the geologically hazardous area. The zone of influence is defined as 300 feet upslope from slopes greater than forty percent (40%), and two hundred feet (200') upslope from slopes greater than 15 percent but less than 40 percent that are determined to be geologically hazardous areas.

Zoning – To designate by ordinance, including maps, areas of land reserved and regulated for specific land uses.

Appendix A



Shoreline Designation Map

Appendix B

Reserved

~~Critical Areas~~

~~B-1. Definitions~~

~~For the purposes of this subsection, the following definitions shall apply:~~

1. ~~"Aquifer recharge area" means the surface area of any geological formation sufficiently pervious to provide fresh water to an aquifer through the process of infiltration and percolation.~~
2. ~~"Base flood" means a general and temporary condition of partial or complete inundation of normally dry land areas having a one percent chance of being equaled or exceeded in any given year. Base flood elevation data is commonly displayed as an elevation line on flood insurance maps, showing the location of the expected whole-foot water-surface elevation of the base (100-year) flood.~~
3. ~~"Best management practices" (BMPs) means conservation practices or systems of practices and management measures that:~~
   a. ~~Control soil loss and protect water quality from degradation caused by nutrients, animal waste, toxins, and sediment; and~~
   b. ~~Minimize adverse impacts to surface water and groundwater flow, and to the chemical, physical, and biological characteristics of critical areas.~~

   ~~BMPs are defined by the United States Department of Agriculture, the State of Washington Department of Agriculture, the Washington State Department of Ecology, Washington State Department of Health, Kitsap Conservation District, and other professional organizations.~~
4. ~~"Buffer" means an area adjoining to and a part of a critical area that is required for the continued maintenance, functioning, and/or structural stability of that critical area, or an area adjacent to a stream or wetland that (a) surrounds and protects the functions and values of the stream or wetland from adverse impacts, (b) is an integral part of a stream or wetland ecosystem, and (c) provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland edge, habitat for wildlife, and protection from harmful intrusion, to protect the public from losses suffered when the functions and values of the wetland or stream are degraded.~~
5. ~~"Category I, II, III, IV wetlands": see "Wetland category".~~

6. ~~"Critical areas" means aquifer recharge areas, fish and wildlife habitatconservation areas, frequently flooded areas, geologically hazardous areas, and wetlands.~~
7. ~~"Critical habitat" means a habitat identified by US Fish and Wildlife Service or the National Marine Fisheries Service as habitat necessary for survival of endangered or threatened species.~~
8. ~~"Educational or scientific activities" means controlled and/or supervised scientific activities or educational activities that are associated with an educational program that is approved through a conditional use permit.~~
9. ~~"Engineering geologist" means a practicing engineering geologist who has at least four years of professional employment as an engineering geologist with experience in~~

landslide evaluation, and a Washington State specialty license in engineering geology as specified in Chapter 18.220 RCW.

10. "Erosion hazard area" means a landform or soil type subject to being worn away by the action of water, wind, freeze-thaw, or ice, and which are:
    a. Rated in the Soil Survey of Kitsap County Area, Washington, USDA (1980), as having severe hazard of water erosion, including:
        i. Indianola-Kitsap Complex, 45 to 70 percent slope;
        ii. Kitsap Silt Loam, 15 to 30 percent slope, 30 to 45 percent slope;
        iii. Ragnar Fine Sandy Loam, 15 to 30 percent slope; and
        iv. Schneider very gravelly loam, 45 to 70 percent slope;
    b. Classified in the Department of Ecology Coast Zone Atlas as:
        i. Class 3, class U (unstable) includes severe erosion hazards and rapid surface runoff areas;
        ii. Class 4, class UOS (unstable old slides) includes areas having severe limitations due to slope; and
        iii. Class 5, class URS (unstable recent slides); and
    c. Identified by the USGS Surface Geology Map of Bainbridge Island (Haugerud, 2001) as rilled slopes/scarps.
11. "Existing development" means a development that was lawfully constructed, approved or established prior to the effective date of the ordinance codified in this chapter.
12. "Fish" means species of the vertebrate taxonomic groups Cephalospidomorphi and Osteichthyes.
13. "Fish and wildlife habitat" means a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. These include areas of relative density or species richness, breeding habitat, winter range, and movement corridors. These also include habitats of limited availability or high vulnerability to alteration, such as cliffs, streams and wetlands.
14. "Fisheries biologist" means a person with experience and training in fisheries who is able to submit substantially correct reports on fish population surveys, stream surveys and other related data analyses of fisheries resources. "Substantially correct" means that technical or scientific errors, if any, are minor and do not delay or affect the site plan review process. Qualifications of a fisheries biologist include:
    a. Either:
    i. Certification by the American Fisheries Society, or;
    ii. Bachelor of Science degree in fisheries or the biological sciences from an accredited institution and five years of professional fisheries experience; and
    b. The prior successful completion of at least three habitat management plans; and
    c. The biologist is listed on a roster of qualified professionals prepared by the Director.
15. "Frequently flooded areas" means lands subject to a one percent or greater chance of flooding in any given year, as determined by the Federal Emergency Management Agency. These areas include, but are not limited to, floodplains adjacent to streams, lakes, coastal areas, and wetlands. (Also see Chapter 15.16 BIMC, Flood Damage Prevention.)

16. "Functions" means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation, aesthetic value protection, and recreation. These roles are not listed in order of priority.
17. "Geologically hazardous areas" means areas susceptible to significant erosion, sliding, or other geological events. They pose a threat to the health and safety of citizens when used as sites for incompatible commercial, residential or industrial development. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, and seismic hazard areas.
18. "Geotechnical engineer" means a practicing geotechnical/civil engineer who has a valid Washington engineering license and a valid certificate of registration in civil engineering, at least four years of professional employment as a geotechnical engineer with experience in landslide evaluation, and appropriate training and experience as specified in Chapter 18.43 RCW.
19. "Habitat Management Plan" (HMP) means a report prepared by a professional wildlife biologist or fisheries biologist which discusses and evaluates critical fish and wildlife habitat functions and identifies and evaluates measures necessary to enhance and improve habitat conservation on a proposed development site.
20. "Habitat of local importance" means a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain their population and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or areas of high vulnerability to alteration, such as cliffs and wetlands.
21. "Hazard tree" means a tree with structural defects likely to cause failure of all or part of the tree, which could strike a "target." A target can be a building or a place where people gather such as a park bench, picnic table, street, or backyard. In the case of steep slopes, a hazard tree can also be a tree that is a hazard to stability of the slope, as determined by a geotechnical engineer.
22. "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as specified in RCW 70.105.010. (Also see BIMC 18.06.450 through 18.06.510).
23. "Hydric soil" means soil which is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
24. "Hydrogeologist" means a practicing hydrogeologist who has at least four years of professional employment as a hydrogeologist with experience in the specific subject area in which they are providing a report, and a Washington specialty license in hydrogeology as specified in RCW Chapter 18.220.
25. "Hydrophyte or hydrophytic vegetation" means plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the "Within the Federal delineation manual and Regional supplement or its successor.

26. "Impact of land use" means the relative measure of the intensity of land use used to determine the appropriate buffer widths for wetlands and streams which is categorized as follows:
    a. High impact land use includes commercial development, industrial development, institutional development, residential (more than one unit per acre) development, new agriculture (high-intensity such as dairies, nurseries, greenhouses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), and high-intensity recreation such as golf courses and ballfields.
    b. Moderate impact land use includes residential development (1 unit/acre or less), new agriculture (moderate-intensity such as orchard and hay fields), paved trails, and building of logging roads.
    c. Low impact land use includes low-intensity open space such as passive recreation, natural resources preservation, and unpaved trails.
27. "Invasive/exotic species" means plants and animals that are not native to the Puget Sound lowlands and are recognized by wetland professionals or biologists to be highly competitive with native vegetation and animals. Invasive/exotic plant species include those listed on the noxious weed list developed by the Washington State Noxious Weed Board, nonnative blackberries and English ivy. Invasive/exotic animal species include any species, such as rats, bullfrogs, zebra mussels and green crabs, considered by resource professionals to be damaging to the native animal populations.
28. "Landslide hazard areas" means areas which are potentially subject to risk of mass movement due to a combination of factors, including historic failures, geologic, topographic, and hydrologic features. Some of these areas are identified in the Department of Ecology Coastal Zone Atlas and USGS Surface Geology Map of Bainbridge Island (Haugerud, 2001). The presence of these factors shall be determined through assessment, by the least intrusive means, by the City Engineer or at the City Engineer's request by a third party geoengineer or geotechnical expert, prior to issuance of any permit. Landslide hazard areas include the following:
    a. Areas characterized by slopes greater than 15 percent having springs or groundwater seepage and having impermeable soils (typically silt and clay) overlain or frequently interbedded with permeable granular soils (predominantly sand and gravel);
    b. Any area potentially unstable due to rapid stream incision or stream bank erosion;
    c. Any area located on an alluvial fan, debris flow deposit, or in a debris flowpath, presently or potentially subject to impacts or inundation by debris flows or deposition of stream-transported sediments;
    d. Any area with a slope of 40 percent or greater and with a vertical relief of 10 or more feet except areas composed of competent consolidated rock;
    e. Any area designated or mapped as class U, UOS, or URS by the Department of Ecology Coastal Zone Atlas and/or mapped as a landslide or scarp on the USGS Surface Geology Map of Bainbridge Island (Haugerud, 2001); or
29. "Liquefaction" means a process in which a water-saturated soil, upon shaking, suddenly loses strength and behaves as a fluid.
30. "Mitigation categories" means
a. The following specific categories: (need for mitigation ratios)

i. Mitigation, Compensatory: replacing project-induced critical area losses or impacts, including, but not limited to, establishment, re-establishment, rehabilitation or enhancement.

ii. Mitigation, Establishment: Mitigation performed to intentionally establish a critical area (e.g., wetland) at a site where it does not currently exist.

iii. Mitigation, Re-Establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former critical area.

iv. Mitigation, Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes to a degraded critical area.

v. Mitigation, Enhancement: The manipulation of the physical, chemical, or biological characteristics of a biological wetland to heighten, intensify or improve specific function(s) or to change for specific purposes such as water quality improvement, flood water retention, or wildlife habitat.

31. "Normal maintenance" means those usual acts to prevent a decline, lapse or cessation from a lawfully established condition. Normal maintenance includes removing debris from and cutting or manual removal of vegetation in crossing and bridge areas. Normal maintenance does not include:

a. Use of fertilizer or pesticide application in wetlands, Fish and Wildlife Habitat Conservation Areas, or their buffers;

b. Re-digging ditches in wetlands or their buffers to expand the depth and width beyond the original ditch dimensions;

c. Re-digging existing drainage ditches in order to drain wetlands on lands not classified as existing and ongoing agriculture under Section B-2(C) (Exemptions).

32. "Open space" means undeveloped areas of varied size. Open space often contains distinctive geologic, botanic, zoologic, historic, scenic or other critical area, or natural resource land features.

33. "Ravine" means a V-shaped landform generally having little to no floodplain and normally containing steep slopes, which is deeper than 10 vertical feet as measured from the centerline of the ravine to the top of the slope. Ravines are typically created by the wearing action of streams. The top of the slope is determined where there is a significant change in the slope to generally less that a 15 percent slope.

34. "Reasonable alternative" means an activity that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.

35. "Repair" means activities that restore the character, size, or scope of a project only to the previously authorized condition.

36. "Seismic hazard areas" means areas subject to severe risk of damage as a result of seismic induced ground shaking, or surface faulting. While ground shaking is the principal risk because the entire island will shake significantly, severe damage will occur where slope failure, liquefaction, and settlement are induced by the shaking and surface rupture is created by fault movement. The following areas are considered seismic hazard areas:

a. Seismic Landslide Hazard Areas - Slopes which are stable in non-earthquake periods, but fail and slide during ground shaking;

b. Liquefaction Hazard Areas - Areas of cohesionless, loose or soft, saturated soils of low density in association with a shallow groundwater table that are subject to settlement and/or liquefaction from ground shaking, or;

c. Fault Hazard Areas - Areas of known surface rupture or significant surface deformation as a result of an active fault movement, including 50 feet on either side.

37. "Site" means the entire lot, series of lots, or parcels on which a development is located or proposed to be located, including all contiguous undeveloped lots or parcels under common ownership.

38. "Streams" means those areas in the City of Bainbridge Island where the surface water flows are sufficient to produce a defined channel or bed. A defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes but is not limited to bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices, or other artificial watercourses unless they are used by fish or used to convey streams naturally occurring prior to construction of the water course.

39. "Stream Types" means a streams classification system based on fish usage and perennial or seasonal water regime as found in WAC 222-16-030 and meeting the standards listed below.

a. "Type F Stream" means a stream that has suitable fish habitat. If fish usage has not been determined, water having the following characteristics are presumed to have fish use: Streams segments having a defined channel of 2 feet or greater within the bankfull width and having a gradient of 16 percent or less. Determination of fish usage shall use the methodology found in Washington Department of Natural Resource's Forest Practice Board Manual, Section 13.

b. "Type Np" means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type Np Waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.

c. "Type Ns" means all segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. Ns Waters must be physically connected by an above-ground channel system to marine waters, Type F, or Np Waters.

40. "Wetland or wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, estuaries, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm

ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as result of the construction of a road, street, or highway. Wetland may include those artificial wetland intentionally created from nonwetland areas to mitigate the conversion of wetlands.

41. "Wetland boundary" means the boundary or edge of a wetland as delineated using the methodology found in Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Cost Region (Version 2.0). (Per WAC173-22-035, or its sucessor.)
42. "Wetland category" means category as defined in "Washington State Wetland Rating System for Western Washington, Revised," Department of Ecology publication #04-06-025, or as revised and adopted by the department.
43. "Wetland classes" means the classification system of the U.S. Fish and Wildlife Service (Cowardin, et al. 1979).
44. Wetland Mitigation.
    a. In-kind: To replace wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity. It does not mean replacement "in-category."
    b. Off-site: To replace wetlands away from the site on which a wetland has been impacted by a regulated activity.
    c. On-site: To replace wetlands at or adjacent to the site on which a wetland has been impacted by a regulated activity.
    d. Out-of-kind: To replace wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity. It does not refer to replacement "out-of-category."
45. Wetlands, Regulated.
    a. "Regulated wetlands" means:
        i. All Category I and II wetlands;
        ii. All Category III and Category IV wetlands
    b. Category I, II, III and IV wetlands include:
        i. Lands defined as wetlands shall be those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
        ii. Wetlands created as mitigation and wetlands modified for approved land use activities.
    c. Regulated wetlands do not include artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street, or highway.
46. "Wetlands specialist" means a person with experience and training in wetland issues who is able to submit substantially correct reports on wetland delineations, classifications, functional assessments and mitigation plans. "Substantially correct"

means that errors, if any, are minor and do not delay or affect the site plan review process. Qualifications of a wetlands specialist include:

a. Either:

i. Certification as a Professional Wetland Scientist (PWS) or Wetland Professional in Training (WPIT) through the Society of Wetland Scientists, or;

ii. Bachelor of science degree in the biological sciences from an accredited institution and five years of professional field experience; and

b. The prior successful completion of at least three wetland reports; and

c. The specialist is listed on a roster of qualified professionals prepared by the Director.

47. "Wildlife biologist" means a person with experience and training in the principles of wildlife management and with practical knowledge in the habits, distribution and environmental management of wildlife. Qualifications include:

a. Either:

i. Certification as a professional wildlife biologist through The Wildlife Society, or;

ii. Bachelor of science or bachelor of arts degree in wildlife management, wildlife biology, ecology, zoology, or a related field, from an accredited institution and five years of professional field experience; and

b. The prior successful completion of at least three habitat managements plans; and

c. The biologist is listed on a roster of qualified professionals prepared by the Director.

46. "Zone of Influence" means an area, usually upslope from a geologically hazardous area, where changes in land use and hydrology can affect the stability of the geologically hazardous area. The zone of influence is defined as 300 feet upslope from slopes greater than 40 percent, and 200 feet upslope from slopes greater than 15 percent but less than 40 percent that are determined to be geologically hazardous areas.

B-2. Applicability, exemptions, and prior development activity.

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

B. Inventory of Critical Areas. This appendix shall apply to all critical areas located within the shoreline jurisdiction of the city. The approximate location and extent of these areas on Bainbridge Island is displayed on various inventory maps available at the city's Department of Planning and Community Development. Maps and inventory lists are guides to the general location and extent of critical areas. Critical areas not shown are presumed to exist on Bainbridge Island and are protected under all the provisions of this chapter. In the event that any of the designations shown on the maps or inventory lists conflict with the site-specific conditions, site-specific conditions shall control.

C. Exemptions. The following activities are exempt from the requirements of this chapter

1. Emergencies that threaten the public health, safety and welfare. An "emergency" is an unanticipated and immediate threat to public health, safety, or the environment which requires action within a time too short to allow compliance with this chapter, further definition of "emergency" is in Section 8.0 of the Shoreline Master Program. Restoration

or mitigation of critical areas and buffers impacted by emergency action shall be required in a timely matter.

2. Normal and routine maintenance of structures, landscaping and vegetation that will not further impact or alter critical areas or buffers.

3. Normal and routine maintenance and operation of pre-existing retention/detention facilities, biofilters and other stormwater management facilities, irrigation and drainage ditches, and fish ponds; provided, that such activities shall not involve conversion of any wetland not currently being used for such activity. Any maintenance of ponds located in stream habitat areas shall require appropriate approval from the Washington Department of Fish and Wildlife.

4. Structural alterations to buildings that do not increase the structural footprint or introduce new adverse impacts to an adjacent critical area, except for structures located on geologically hazardous areas which are not exempt.

5. Normal and routine maintenance or repair of existing utility structures within a right-of-way or existing utility corridor or easements, including the cutting, removal and/or mowing of vegetation.

6. Forest practices conducted pursuant to Chapter 76.09 RCW, except Class IV (general conversions) and Conversion Option Harvest Plans (COHP).

7. Activities within a portion of a wetland buffer or fish and wildlife habitat area buffer located landward of an existing, substantially developed area, such as a paved area, or permanent structure, which eliminates or greatly reduces the impact of the proposed activities on the wetland or fish and wildlife habitat area. The Director shall review the proposal to determine the likelihood of associated impacts.

8. Hazard Tree Removal. Where a threat to human life, property, or slope stability is demonstrated, the Director may allow removal of danger or hazard trees subject to the following criteria:

a. Tree removal is the minimum necessary to balance protection of the critical area and its buffer with protection of life and property; and

b. The critical area or its buffer shall be replanted as determined by the Director. The Director may require the applicant to consult with a professional forester or a certified arborist prior to tree removal. Hazard tree abatement can sometimes be achieved by felling the tree or trimming the tree. Habitat needs may require leaving the fallen tree in the riparian corridor or maintaining a high stump for wildlife habitat.

9. Aquifer recharge areas. A person, or property, shall be exempt from the provisions of this chapter unless either of the following is true:

a. The property is located in a fish and wildlife habitat conservation area, frequently flooded area, geologically hazardous area, and/or wetland; or

b. One of more of the uses identified in Section B-E are proposed.

D. Standards for existing development.

1. Existing structures and related improvements. Structures and related improvements that were legally built or vested prior to the effective date of Ordinance No. 2012-4 that do not meet the setback or buffer requirements of this appendix may continue to exist in their present form, and may be altered, including remodeled, reconstructed, or expanded, if such alteration complies with the provisions of this Section and will result in no net loss of ecological function.

2. Existing structures, not located in a geologically hazardous area, that were legally built or vested prior to the effective date of Ordinance No. 2012-4

may be altered if:

a. There is no change in the footprint of the building;

b. The remodel is entirely inside the existing building;

c. There is no further encroachment into the buffers required pursuant to this chapter unless a Variance is first approved

3. Existing property improvements other than structures, including driveways, parking areas, yards, play areas, storage areas, and similar improvements that were legally established or vested prior to the effective date of Ordinance No. 2012-4 may be altered if:

a. There is no change in the location of the improvement;

b. Any alteration of the improvement is entirely inside of the existing boundaries of the improvement;

c. There is no further encroachment into the buffers unless a Variance is first approved.

4. Alterations permitted by this Section shall not be exempt from applicable City review or permit requirements or other applicable City codes.

B 3. Prescriptive buffers variations.

A. Intent. The City recognizes that in some cases it may not be possible to provide a critical area buffer that meets the dimensions prescribed by this ordinance, due to land area or other constraints. The City further recognizes that in some cases the desired or better critical area protection can be achieved through alternative approaches.

This section provides alternatives that can be pursued in lieu of the prescribed buffers when warranted by site-specific conditions. In considering an application for any of these alternatives, it shall always be the primary intent of the City to protect the functions and values of the critical areas. It is further the intent of the City to ensure that the application of the provisions of this chapter does not deprive an owner from reasonable use of their property.

Any proposed use of the following alternatives shall be supported by analysis utilizing appropriate science, to determine and minimize the impacts of the alternative:

B. Buffer Averaging. If characteristics of the property do not allow reasonable use with prescribed buffers, the Director may allow wetland and/or fish and wildlife conservation area buffer widths to be averaged. It is intended that the process for reviewing a buffer averaging proposal be as simple as possible, while ensuring that the following criteria are met:

1. The total area contained within the buffer after averaging shall be no less than that contained within the standard buffer prior to averaging;

2. The applicant demonstrates that such averaging will clearly provide greater protection of the functions and values of critical areas than would be provided by the prescribed habitat buffers.

3. The averaging will not result in reduced buffers next to highly sensitive habitat areas; and

4. The applicant demonstrates one or more of the following:

a. That the wetland contains variations in sensitivity due to existing physical characteristics;

b. That only low intensity uses would be located within 200 feet of areas where the buffer width is reduced, and that such low intensity uses restrictions are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism; or

c. That buffer averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property.

C. Habitat Management Plan. A Habitat Management Plan may be prepared pursuant to subsection B-4 when it can clearly be demonstrated that greater protection of the functions and values of critical areas can be achieved through the HMP than could be achieved through providing the prescribed habitat buffers. A Habitat Management Plan may be used as a means to protect wetland and/or fish and wildlife habitat conservation area buffers. Habitat Management Plans may not be used to reduce the water quality buffers for wetlands and/or fish and wildlife habitat conservation areas.

D. Public notice. Appropriate notice of, and opportunity to comment on, the proposed use of any of the foregoing alternatives shall be given to surrounding property owners and the general public, in a manner to be established by the Director.

B-4. Habitat management plan.

A. General. A Habitat Management Plan shall comply with the requirements of this Section, and shall clearly demonstrate that greater protection of the functions and values of critical areas can be achieved through the HMP than could be achieved through providing the prescribed habitat buffers. The Director shall prepare performance standards and monitoring guidelines for Habitat Management Plans, including a program for City oversight of such plans. Once the standards and guidelines are in place, an applicant may propose to implement an HMP as a means to protect habitat buffers associated with wetlands and/or fish and wildlife conservation areas.

B. Intent. HMPs are primarily intended as a means to restore or improve buffers that have been degraded by past activity, and should preserve, and not reduce, existing high quality habitat buffers. While not primarily intended as a means to reduce buffers, the HMP may propose a reduction of the habitat buffer width where it is shown that the HMP will comply with the other requirements of this Section. An HMP shall not reduce the prescribed water quality buffer width as listed in B-8 and B-10 under any circumstance.

C. Effect of buffers. An HMP shall provide habitat functions and values that are greater than would be provided by the prescribed habitat buffers. When habitat buffers are a component of an HMP, they shall be at least the minimum size necessary to accomplish the objectives of the HMP. The HMP may propose, but the City shall not require, a habitat buffer containing a greater area than is required by the prescribed habitat buffer.

D. Impact mitigation - general. The HMP shall encompass an area large enough to provide mitigation for buffer reduction below the standard required buffers, and shall identify how the development impacts resulting from the proposed project will be mitigated. The developer of the plan shall use the best available science in all facets of the analyses. The Washington Department of Fish and Wildlife Priority Habitat and Species Management Recommendations, dated May 1991, and/or bald eagle protection rules outlined in WAC 232-12-292, as now or hereafter amended, may serve as guidance for this report. For Habitat Management Plans addressing wetland buffers, Method for Assessing Wetland Functions, Ecology Publication #99-116 shall be used for guidance in determining function equivalency. All Habitat Management Plans shall be reviewed by a qualified third party selected by the City. The applicant will be responsible for the cost of the review.

F. Map. The Habitat Management Plan shall contain a map prepared at an easily readable scale, showing:

1. The location of the proposed development site;

2. Property boundaries;

3. The relationship of the site to surrounding topographic, water features, and cultural features;

4. Proposed building locations and arrangements;

5. A legend which includes a complete legal description, acreage of the parcel, scale, north arrow, and date of map revision.

G. Report. The Habitat Management Plan shall also contain a report which contains:

1. A description of the nature and intensity of the proposed development;

2. An analysis of the effect of the proposed development, activity or land use change upon the wildlife species and habitat identified for protection. If the Habitat Management Plan is addressing wetland habitat, the analysis shall compare an assessment of wildlife habitat suitability of the wetland applying standard buffers with an assessment of habitat suitability as proposed using Method for Assessing Wetland Functions, Washington State Department of Ecology (if available for the specific Hydrogeomorphic classification); and

3. A plan which identifies how the applicant proposes to mitigate any adverse impacts to wildlife habitats created by the proposed development. For wetland or other habitats protected by this chapter, the application shall show, using the appropriate function assessment methodology, that habitat functions and values are greater after the development than would occur had the prescribed buffers been provided (see Mitigation Plan requirements, Section 16.20.110).

4. All review comments received from outside reviewers. If the HMP recommends mitigation involving federally listed threatened or endangered species, migratory waterfowl or wetlands, the U.S. Fish and Wildlife Service shall receive a copy of the draft HMP.

5. The HMP shall specifically address, as appropriate, the following:

a. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area with native or equivalent vegetation;

b. The use of alternative on-site wastewater systems in order to minimize site clearing;

c. Infiltration of stormwater where soils permit;

d. Retention of existing native or equivalent vegetation on other portions of the site in order to offset habitat loss from buffer reduction; and

e. The need for fencing and signage along the buffer edge.

H. Mitigation measures. Possible mitigation measures to be included in the report, or required by the Director, could include, but are not limited to:

1. Establishment of buffer zones;

2. Preservation of critically important plants and trees;

3. Limitation of access to habitat areas;

4. Seasonal restriction of construction activities;

5. Establishing phased development requirements; and

6. Monitoring plan for a period necessary to establish that performance standards have been meet. Generally this will be for a period of seven to ten years.

I. HMP adequacy. The HMP shall demonstrate to the satisfaction of the Director that the habitat functions and values are improved by implementation of the HMP. If there is a disagreement between the Director and the applicant as to the adequacy of the HMP, the issue of plan adequacy shall be resolved by consulting with the Washington Department of Fish and Wildlife for HMPs relating to streams or the Washington Department of Ecology for HMPs relating to wetlands. If the State agencies are not available in a timely manner, the applicant may choose to have the City refer the HMPs to a third party consultant at the expense of the applicant. After consultation with such State departments or third party consultant, the Director shall make a final decision on the adequacy of the HMP.

J. Timing. An HMP must be developed and approved either prior to preliminary plat approval or issuance of the building permit, as applicable, and must be implemented before the City grants either final plat approval or an occupancy permit, as applicable.

K. Performance Surety. The Director may require that the applicant provide a performance surety to ensure conformance with mitigation requirements of the habitat management plan pursuant to Section B-4.

B-5. Application requirements.

A. Submittal Requirements. In addition to the general submittal requirements for all applications in the Administration Handbook applications for land use or development proposals within critical areas or their buffers shall be filed with the information requested on the application forms available from the Department of Planning and Community Development. The applicant shall not be granted any approval or permission to conduct development or land use in a critical area and/or its buffer prior to fulfilling the requirements of this chapter.

B. Support Information Requirements. When support information is required by the Director it shall contain the following and be prepared by one or more of the experts listed in Subsection B.4 of this section:

1. A description of the critical areas on or adjoining the site and how the proposed development will or will not impact critical areas, their buffers, and adjoining properties, including:

a. Drainage, surface and subsurface hydrology, and water quality;

b. Existing vegetation as it relates to wetlands, steep slopes, soil stability, and fish and wildlife habitat value; and

c. Other critical area characteristics and functions.

2. Recommended methods for mitigating impacts and a description of how these methods may impact adjacent properties;

3. Any additional information determined as relevant by the Director;

4. Such studies shall be prepared by experts in the area of concern, who shall be selected from a list of approved consultants prepared by the Director, as follows:

a. Aquifer recharge study: Hydrogeologist;

b. Flood hazard area study: Professional civil engineer; hydro-geologist;

c. Geologically hazardous area study: Engineering geologist; geotechnical engineer, provided that:

i. An engineering geologist may provide a study, including interpretation, evaluation, analysis, and application of geological information and data and may predict potential or

likely changes in types and rates of surficial geologic processes due to proposed changes to a location, provided it does not contain recommended methods for mitigating identified impacts, other than avoidance, structural impacts to, or suitability of civil works; and

ii. Engineering geologists may not provide engineering recommendations or design recommendations, but may contribute to a complete geotechnical report that is co-sealed by a geotechnical engineer.

d. Stream, riparian area, drainage corridor study: Biologist with stream ecology expertise; fish or wildlife biologist; a civil engineer may provide studies for drainage, surface and subsurface hydrology, and water quality;

e. Wetland study: Wetlands specialist.

f. Habitat Management Plans: Wildlife biologist and/or fisheries biologist.

5. The Director may in some cases retain experts at the applicant's expense to assist in the review of studies; and

6. Such studies shall be prepared in accordance with procedures established by the Director or City Engineer as specified.

B-6. Mitigation plan requirements.

A. All critical area restoration, creation and/or enhancement projects required pursuant to this appendix either as a permit condition or as a result of an enforcement action shall follow a mitigation plan prepared by an expert approved by the Director. The applicant or violator shall receive written approval of the mitigation plan by the Director prior to commencement. Compensatory mitigation is not required for allowed activities which utilize best management practices to protect the functions and values of regulated critical areas.

B. Purpose of Mitigation Plan. The mitigation plan shall provide information on land acquisition, construction, maintenance and monitoring of the replaced critical area. The mitigation plan shall recreate as nearly as possible the original critical area in terms of its acreage, function, geographic location and setting.

C. Mitigation Plan Submittal Requirements. A complete mitigation plan shall consist of plot plans, a written report, and performance bonds, as required below. The plot plans and written report shall be prepared by qualified professionals approved by the Director.

1. Plot Plan Requirements. The following information shall be submitted on one or more plot plans (as determined by the Director):

a. A legal description and a survey (boundary and topography) prepared by a licensed surveyor of the proposed development site, compensation site, and location of existing critical area(s) on each. This shall include wetland delineation and existing wetland acreage.

b. Scaled plot plan(s) indicating:

i. Proposed construction;

ii. Zoning setback and critical area buffer requirements;

iii. Construction phasing and sequence of construction;

iv. Site cross-sections, percent slope, existing and finished grade elevations;

v. Soil and substrate conditions;

vi. Grading and excavation plan, including erosion and sediment control plans needed for construction and long-term survival; substrate stockpiling locations and techniques, and source controls needed for critical area construction and maintenance;

vii. Landscape plans indicating species, types, quantities, locations, size, spacing or density of planting; planting season or timing; planting instructions, watering schedule and nutrient requirements; source of plant materials or seeds; and, where appropriate, measures to protect plants from destruction or predation; and

viii. Water control structures and water-level maintenance practices needed to achieve the necessary hydrocycle/hydroperiod characteristics, etc.

2. Written Report Requirements. A written report shall accompany the plot plan(s) and shall provide the additional information required below. In addition, the report should be used as needed to clarify or explain elements of the plot plan(s).

a. Baseline Information.

i. Wetland delineation and existing wetland acreage;

ii. Vegetative, faunal and hydrologic characteristics;

iii. Soil and substrate conditions;

iv. Relationship within watershed and to existing streams, wetlands, ponds, or saltwater;

v. Existing and proposed adjacent site conditions; and

vi. Existing and proposed ownership.

b. Environmental Goals and Objectives. The report shall contain a description of the environmental goals and objectives to be met by the compensation plan. The goals and objectives shall be related to the functions and values of the original critical area or, if out-of-kind wetland mitigation, the type of wetland to be emulated. This analysis shall include, but is not limited to the following:

i. Site selection criteria;

ii. Identification of compensation goals;

iii. Identification of functions and values;

iv. Dates for beginning and completion of the project and compensation plan;

v. A complete description of the relationship between and among structures and functions sought;

vi. Review of available literature and/or known like-projects to date in restoring or creating the type of critical area proposed;

vii. Likelihood of success of the proposed compensation project at duplicating the original critical area. This shall be based on experiences of comparable projects identified in the literature review or existing projects, if any; and

viii. Likelihood of the ability of the created or restored critical area to provide the functions and values of the original critical area. This shall be based on such factors as surface water and groundwater supply and flow patterns; dynamics of the ecosystem; sediment or pollutant influx and/or erosion, periodic flooding and drought, etc.; presence of invasive flora or fauna; potential human or animal disturbance; and previous comparable projects, if any.

c. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project are met and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance, and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.

d. Detailed Specifications. Written specifications and descriptions of compensation techniques shall be provided. These shall include, but not be limited to, items in Subsection C.2 of this Section.

e. Monitoring Program. A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided. Monitoring may include, but is not limited to:

i. Establishing vegetation plots to track changes in plant species composition and density over time;

ii. Using photo stations to evaluate vegetation community response;

iii. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals);

iv. Measuring base flow rates and storm water runoff to model and evaluate water quality predictions, if appropriate;

v. Measuring sedimentation rates, if applicable; and

vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity.

f. A protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. A monitoring report shall be submitted annually, at a minimum, documenting milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than seven years.

g. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

D. Performance and Maintenance Surety and Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise to successfully execute the compensation project shall be provided. A compensation project manager shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects. In addition, a surety ensuring fulfillment of the compensation project, monitoring program, and any contingency measure shall be posted.

E. City Consultation. The City may consult with and solicit comments from any federal, state, regional, or local agency, including tribes, having any special expertise with respect to any environmental impact prior to approving a mitigation proposal which includes critical areas compensation. The compensation project proponents should provide sufficient information on plan design and implementation in order for such agencies to comment on the overall adequacy of the mitigation proposal.

F. Permit Conditions. Any compensation project prepared pursuant to this section and approved by the Director shall become part of the application for the permit.

B 7. Aquifer recharge areas.

A. Classification. The entirety of Bainbridge Island is the recharge area for the island aquifers. Certain uses must be carefully evaluated before being approved, and others must be prohibited, in order to protect the city's aquifers, due to the following:

1. Bainbridge Island is dependent upon its aquifers as the sole and essential source for drinking water. Critical recharge areas have the potential to affect potable water where an essential source of drinking water is vulnerable to contamination.

2. The island aquifers are vulnerable to pollution that has the potential to create a significant public health hazard. High vulnerability is indicative of land uses which produce contaminants that may degrade groundwater and low vulnerability is indicative of land uses which will not.

3. Susceptibility to pollution is a function of depth of groundwater, permeability of soils, soil types, presence of potential sources of contamination and any other relevant factors.

4. Soil types that transfer water to the aquifer are rated in terms of infiltration rate. Soil types with the high infiltration rates are associated with areas of high aquifer recharge. The rates and soil types are defined by the U.S. Department of Agriculture, Soil Conservation Service, in the Soil Survey of Kitsap County.

5. The island aquifers are vulnerable to a reduction in recharge from activities that reduce the infiltration rate on a site.

B. Hydrogeologic Assessment. The following proposed activities will require the preparation of a hydrogeologic assessment:

1. The use of hazardous substances, other than household chemicals used according to the directions specified on the packaging for domestic applications;

2. The use of injection wells, including on-site septic systems, except those domestic septic systems releasing less than 14,500 gallons of effluent per day; or

3. Any other activity determined by the Director likely to have an adverse impact on ground water quality or quantity or on the recharge of the aquifer.

C. Hydrogeologic Assessment Requirements. A hydrogeologic assessment shall include, at a minimum, the following site and proposal-related information:

1. Available information regarding geologic and hydrogeologic characteristics of the site including the surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and permeability of the unsaturated zone;

2. Ground water depth, flow direction, and gradient based on available information;

3. Currently available data on wells and springs within 1,300 feet of the project area;

4. Location of other critical areas, including surface waters, within 1,300 feet of the project area;

5. Available historic water quality data for the area to be affected by the proposed activity;

6. Best management practices proposed to be utilized to protect groundwater quality; and

7. Low impact development practices designed to maintain infiltration rates to the underlying aquifers.

D. Performance Standards – Specific Uses.

1. Storage Tanks. All storage tanks proposed in a critical aquifer recharge area must comply with local building code requirements and must conform to the following requirements:

a. Underground Tanks. All new underground storage facilities proposed for the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:

i. Prevent releases due to corrosion or structural failure for the operational life of the tank;

ii. Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substances; and

iii. Use material in the construction or lining of the tank that is compatible with the substance to be stored.

b. Aboveground Tanks. All new aboveground storage facilities proposed for the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:

i. Not allow the release of a hazardous substance to the ground, ground waters, or surface waters;

ii. Have a primary containment area enclosing or underlying the tank or part thereof; and

iii. A secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks.

2. Vehicle Repair and Servicing

a. Vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.

b. No dry wells shall be allowed on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the state Department of Ecology prior to commencement of the proposed activity.

3. Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging.

4. Use of Reclaimed Water for Surface Percolation or Direct Recharge. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the state departments of Ecology and Health.

a. Use of reclaimed water for surface percolation must meet the ground water recharge criteria given in Chapter 90.46.080(1) and Chapter 90.46.010(10) RCW. The state Department of Ecology may establish additional discharge limits in accordance with Chapter 90.46.080(2) RCW.

b. Direct injection must be in accordance with the standards developed by authority of Chapter 90.46.042 RCW.

5. State and Federal Regulations. The uses listed below shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations.

Table 1: Statutes, Regulations, and Guidance Pertaining to Ground Water Impacting Activities

Activity	Statute – Regulation – Guidance
Above Ground Storage Tanks	Chapter 173-303-640 WAC
Animal Feedlots	Chapter 173-216 WAC, Chapter 173-220 WAC
Automobile Washers	Chapter 173-216 WAC, Best Management Practices for Vehicle

Activity	Statute – Regulation – Guidance
	and Equipment Discharges (Washington Department of Ecology WQ-R-95-56)
Below Ground Storage Tanks	Chapter 173-360 WAC
Chemical Treatment Storage and Disposal Facilities	Chapter 173-303-182 WAC
Hazardous Waste Generator (*Boat Repair Shops, Biological Research Facility, Dry Cleaners, Furniture Stripping, Motor Vehicle Service Garages, Photographic Processing, Printing and Publishing Shops, etc.)*	Chapter 173-303 WAC
Injection Wells	Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC
Junk Yards and Salvage Yards	Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (Washington State Department of Ecology 94-146)
Oil and Gas Drilling	Chapter 332-12-450 WAC, Chapter 173-218 WAC
On-Site Sewage Systems (Large Scale)	Chapter 173-240 WAC
On-Site Sewage Systems (< 14,500 gal/day)	Chapter 246-272 WAC, Local Health Ordinances
Pesticide Storage and Use	Chapter 15.54 RCW, Chapter 17.21 RCW
Sawmills	Chapter 173-303 WAC, Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (Washington State Department of Ecology, 95-53)
Solid Waste Handling and Recycling Facilities	Chapter 173-304 WAC
Surface Mining	Chapter 332-18-015 WAC

Activity	Statute -- Regulation -- Guidance
Wastewater Application to Land Surface	Chapter 173-216 WAC, Chapter 173-200 WAC, Washington State Department of Ecology Land Application Guidelines, Best Management Practices for Irrigated Agriculture

E. Prohibited Uses. Uses Prohibited In Aquifer Recharge Areas. The following activities and uses are prohibited in Aquifer Recharge Areas:

1. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste, and inert and demolition waste landfills;
2. Underground Injection Wells. Class I, III, and IV wells and subclasses of Class V wells;
3. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade);
4. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store (other than minor sources such as medicinal uses or industrial testing devices) process, or dispose of radioactive substances; and
5. Other Prohibited Uses or Activities:

a. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source; and

b. Activities that would significantly reduce the recharge to aquifers that are a source of significant baseflow to a regulated stream.

B-8. Fish and wildlife habitat conservation areas.

A. Purpose. This section applies to all Fish and Wildlife Habitat Conservation Areas, as categorized in Subsection B-8 (B) below. The intent of this Section is to:

1. Preserve natural flood control, stormwater storage, and drainage or stream flow patterns;
2. Control siltation, protect nutrient reserves, and maintain stream flows and stream quality for fish and marine shellfish;
3. Prevent turbidity and pollution of streams and fish or shellfish bearing waters;
4. Preserve and protect habitat adequate to support viable populations of native wildlife and fish on Bainbridge Island; and,
5. Encourage non-regulatory methods of habitat retention whenever practical, through education and the Open Space Tax Program.

B. Fish and Wildlife Habitat Conservation Areas Categories.

1. Classification. The following categories shall be used in classifying Fish and Wildlife Habitat Conservation Areas:

a. Marine Critical Areas. Commercial and recreational shellfish areas; kelp and eelgrass beds; marine and estuarine waters of the state and herring, sand lance and smelt spawning areas.

b. Streams: All streams which meet the criteria for Type F, Np and Ns waters as set forth in WAC 222-16-030 of the Department of Natural Resources Water Typing System and as further modified by the definitions in this appendix. Once a stream has been classified, the City must document the reasons for changes in the classification.

c. Fish and Wildlife Conservation Areas:

i. Class I Fish and Wildlife Conservation Areas: Habitats recognized by federal or state agencies for federal and/or state listed endangered, threatened, and sensitive species documented in maps or data bases available to the City of Bainbridge Island and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

ii. Class II Fish and Wildlife Conservation Areas. Habitats for State listed candidate, monitor, or priority species documented in maps or data bases available to City of Bainbridge Island and its citizens, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

d. Habitats and Species of Local Importance. This section provides for the designation and protection of habitats and species of local importance.

i. Designation of species of habitat of local importance can be based on any of the following circumstances:

(a) Local populations of native species are in danger of extirpation based on existing trends.

(b) Local populations of native species are likely to become threatened or endangered under state of federal law.

(c) Local populations of native species are vulnerable or declining.

(d) The species or habitat has recreation, commercial, game, tribal, or other special value.

(e) Long-term persistence of a species is dependent on the protection, maintenance, and/or restoration of the nominated habitat.

(f) Protection by other county, state, or federal policies, laws, regulations, or non-regulatory tools is not adequate to prevent degradation of the species or habitat in the city.

(g) Without protection, there is likelihood that the species or habitat will be diminished over the long term.

ii. Nomination.

(a) Any person may nominate habitats and species for designation.

(b) The nomination should indicate whether specific habitat features are to be protected (for example, nest sites, breeding areas, and nurseries), or whether the habitat or ecosystem is being nominated in its entirety.

(c) Where the nomination is a specific habitat site, the nomination shall include the name and address of all property owners of record of all assessor parcels within the area potentially affected by the management recommendations. The list shall at a minimum include all properties within 300 feet from the edge of all property identified for special designation.

(d) The nomination shall include recommended management strategies for the species or habitats. Management strategies must be supported by the best available science, and where restoration of habitat is proposed, a specific plan for restoration must be provided prior to nomination.

iii. Nomination processing and approval. The decision whether to designate a nominated species or habitat as one of local importance shall be made by the City Council. If approved, the City Council shall pass an ordinance establishing the designation.

iv. Establishment of specific rules for protection. Within 120 days of the effective date of an ordinance designating a species or habitat of local importance, the Director shall develop an administrative rule addressing protection in compliance with this section.

C. Development Standards. Regulated uses in designated Fish and Wildlife Habitat Conservation Areas and/or buffers shall comply with the performance standards outlined in this Section.

1. Development standards – streams:

a. Water quality buffers – An applicant shall provide the prescribed water quality buffers in Table 2 unless relief is granted through SMP Section 4.2.1.7 nonconforming lot or through a shoreline variance.

b. Habitat buffers – An applicant shall provide either:

i. The prescribed habitat buffers in Table 2; or

ii. An approved Habitat Management Plan, pursuant to Section B-4, that clearly provides greater habitat functions and values in perpetuity than the prescribed habitat buffers in Table 2.

c. Buffer distances shall be measured from the ordinary high water mark (OHM) or from the top of the bank where the OHM cannot be identified. Buffers shall be retained in their natural condition. It is acceptable, however, to enhance the buffer by planting native or equivalent vegetation as approved by the Director.

d. The buffer width shall be increased to include streamside wetlands which provide overflow storage for stormwater, feed water back to the stream during low flow, or provide shelter and food for fish. In braided channels, the ordinary high water mark or top of bank shall be defined so as to include the entire stream feature.

e. Refuse and landscaping debris shall not be placed in buffers.

f. Streams in Ravines - Buffers. For streams in ravines outside the Mixed Use Town Center with ravine sides 10 feet or greater in height, the buffer width shall be the greater of:

i. The buffer width required for the stream type; or

ii. A buffer width which extends 25 feet beyond the top of the ravine.

h. Building Setback Line. A building surface setback line of 15 feet is required from the edge of any fish and wildlife habitat conservation area buffer except as provided for in Section B-11. Minor structures such as decks or impervious surfaces such as driveways may be permitted if the Director determines that such intrusions will not adversely impact the fish and wildlife habitat conservation area. The setback shall be identified on the site plan and filed as an attachment to the notice on title.

Table 2: Stream Buffers

Stream Category	Water Quality Buffer	Habitat Buffer	Total Buffer
Fish Bearing (F)	100 ft	50 ft	150 ft
Non-Fish Perennial (Np)	40 ft	10 ft	50 ft
Non-Fish Seasonal (Ns)	40 ft	10 ft	50 ft

3. Class I Fish and Wildlife Conservation Areas Development Standards. All development as described within this chapter or within 200 feet of designated Class I Wildlife Conservation Areas shall adhere to the following standards:

a. The applicant shall submit a Habitat Management Plan as specified in Section B- 4 for approval by the Director. If a wildlife conservation area designation is based on the presence of bald eagles, a Bald Eagle Management Plan, approved by the Washington State Department of Fish and Wildlife and meeting the requirements and guidelines of

the bald eagle protection rules, WAC 232-12-292(or its successor), as now or hereafter amended, shall satisfy the requirements for a Habitat Management Plan (HMP).

b. All new development within ranges and habitat elements with which Class I Fish and Wildlife have a significant relationship may require the submittal of a Habitat Management Plan (HMP) as specified in Section B- 4. The requirement for an HMP shall be determined during the SEPA/Critical Areas review on the project.

c. An HMP required pursuant to this section shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of native or equivalent vegetation.

d. Increased Buffer Provisions. The Director may increase buffer widths, up to 50% greater than the applicable buffer set in this chapter for critical areas with known locations of endangered, threatened, or state monitor or priority species for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species. Such determination shall be based on site-specific and project-related conditions.

4. Class II Fish and Wildlife Conservation Area Development Standards. All development within designated Class II Wildlife Conservation Areas shall adhere to the following standards:

a. An HMP may be required for any proposed development within designated Class II Fish and Wildlife Conservation Areas. The HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of native or equivalent vegetation. The requirement for an HMP shall be determined during the SEPA/Critical Areas review on the project.

b. Increased Buffer Provisions. The Director may increase buffer widths, up to 50% greater than the applicable buffer set in this chapter for critical areas with known locations of endangered, threatened, or state monitor or priority species for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species. Such determination shall be based on site-specific and project-related conditions.

5. Stream Crossings. Any private or public road expansion or construction which is allowed and must cross streams classified within this chapter, shall comply with the following minimum development standards:

a. Bridges or bottomless culverts shall be required for all streams which have Salmonid breeding habitat. Other alternatives may be allowed upon submittal of a Habitat Management Plan which demonstrates that other alternatives would not result in significant impacts to the Fish and Wildlife Conservation Area, as determined appropriate through the Washington State Department of Fish and Wildlife, Hydraulics Project Approval process. The plan must demonstrate that salmon habitat will be replaced on a 1:1 ratio.

b. Crossings shall not occur in Salmonid spawning areas unless no other feasible crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall be located as determined necessary through coordination with the Washington State Department of Fish and Wildlife;

c. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary, high water marks unless no other feasible alternative placement exists;
d. Crossings shall not diminish flood carrying capacity;
e. Crossings shall serve multiple properties whenever possible;
f. Where there is no reasonable alternative to providing a conventional culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity.
6. Stream Relocations. Stream relocations for the purpose of flood protection and/or fisheries restoration shall only be permitted when adhering to the following minimum performance standards and when consistent with Washington State Department of Fish and Wildlife Hydraulic Project Approval:
a. The channel, bank, and buffer areas should be replanted with native or equivalent vegetation that replicates a natural, undisturbed riparian condition;
b. For those shorelands and waters designated as Frequently Flooded Areas pursuant to Section B-1, a professional engineer licensed in the State of Washington shall provide information demonstrating that the equivalent base flood storage volume and function will be maintained; and
c. Relocated stream channels shall be designed to meet or exceed the functions and values of the stream to be relocated.
7. Pesticides, Fertilizers and Herbicides. Use of pesticides, fertilizers, herbicides are regulated by Section 4.1.7 of the Shoreline Master Program
8. Land Divisions and Land Use Permits. All land divisions and land uses proposed on a site that includes Fish and Wildlife Habitat Conservation Areas shall comply with the following procedures and development standards:
a. The open water area of lakes, streams, and tidal lands shall not be permitted for use in calculating minimum lot area.
b. Land division approvals shall be conditioned so that all required buffers are designated as an easement or covenant encumbering the buffer. Such easement or covenant shall be recorded together with the land division and represented on the final plat, short plat or binding site plan.
c. In order to avoid the creation of nonconforming lots, each new lot shall contain at least one building site that meets the requirements of this chapter, including buffer requirements for habitat conservation areas. Each lot must also have access and a sewage disposal system location that are suitable for development which do not adversely impact the Fish and Wildlife Conservation Area.
d. After preliminary approval and prior to final land division approval, the Director may require that the common boundary between a required buffer and the adjacent lands be identified using permanent signs. In lieu of signs, alternative methods of buffer identification may be approved when such methods are determined by the Director to provide adequate protection to the aquatic buffer.
10. Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities, such as benches, interpretive centers, and viewing platforms, may be allowed in Fish and Wildlife Habitat Conservation Areas or their buffers pursuant to the following standards:

a. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or other such previously disturbed areas which do not provide ecological functions.;

b. Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat;

c. Viewing platforms, interpretive centers, benches and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected conservation area;

d. Trails, in general, shall be set back from streams so that there will be no or minimal impact to the stream from trail use or maintenance. Elevated trails which protect or enchance ecological functions shall be used to the maximum extent feasible. Trails shall be constructed with pervious surfaces when feasible.

12. Stream Bank Stabilization.

a. A stream channel and bank may be stabilized when naturally occurring earth movement threatens existing structures (defined as requiring a Building Permit pursuant to the applicable building code), public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property, and, in the case of streams, when such stabilization results in maintenance of Fish and Wildlife Habitat, flood control, and improved water quality.

b. Where bank stabilization is determined to be necessary, bioengineering or other non-structural methods should be the first option for protection. Bulkheads and retaining walls may only be utilized as an engineering solution where it can be demonstrated that an existing residential structure cannot be safely maintained without such measures, and that the resulting retaining wall is the minimum length necessary to provide a stable building area for the structure. The Director may require that bank stabilization be designed by a professional engineer licensed in the State of Washington with demonstrated expertise in hydraulic actions of shorelines. Bank stabilization projects may also require a City of Bainbridge Island clearing or grading permit and Hydraulic Project Approval from the Washington Department of Fish and Wildlife.

c. Nonstructural streambank protective techniques are preferred to bulkheads or other types of streambank armoring. Nonstructural techniques include but are not limited to vegetation plantings and bioengineering.

13. Fencing and Signs. Prior to approval or issuance of permits for land divisions or other new development, the Director may require that the common boundary between a required buffer and the adjacent lands be identified using fencing or permanent signs. In lieu of fencing or signs, alternative methods of buffer identification may be approved when such methods are determined by the Director to provide adequate protection to the buffer.

B-9. Geologically hazardous areas.

A. General. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, and seismic hazard areas. Zone of influence areas are not considered geologically hazardous areas.

B. Purpose. The intent of this section is to prevent the potential for personal injury or loss of life or property due to flooding, erosion, landslides, seismic events, or soil subsidence. Development must not increase slope instability, and must avoid on-site and off-site impacts, as well as potential risk to structures. Preserving the existing vegetation may be an important part of minimizing those risks.

C. Classification. Geologically hazardous areas shall be classified based upon landslide history and the presence of unstable soils, steepness of slopes, erosion potential, and seismic hazards. Areas in this category are a potential threat to public health, safety, and welfare when construction is allowed. While some potential risk due to construction can be reduced through structural engineering design, construction in these areas should be avoided when the potential risk cannot be reduced to a level comparable to the risk if the site were initially stable prior to construction. Classification and rating shall be based upon the risk to the environment and to development in geologically hazardous areas.

D. Minimum Submittal Requirements.

1. All geologically hazardous areas and buffers.

a. Indemnification. An indemnification or hold harmless agreement shall be required for all projects in geologically hazardous areas and buffers. The form of the agreement shall be approved by the City and executed prior to the commencement of construction or site alteration.

b. Notice A notice of intent to construct on a landslide hazard area or reduce the minimum buffer in a landslide hazard area shall be given pursuant to BIMC 2.16. 20. The notice of intent shall be issued within 14 days of a completed application pursuant to BIMC 2.16.020(5). The notice shall include a 21-day comment period and no permits or approval of reduced buffers shall be issued before the end of the comment period.

c. All reports or analyses required or prepared pursuant to this Section shall be prepared pursuant to Section B-5, B-9 and/or any other applicable provisions of this appendix, and shall meet the satisfaction of, and be approved by, the City Engineer prior to the commencement of any development activity.

d. To protect public health, safety and welfare, the City Engineer may call for a third party review of any geotechnical report in cases where there may be potential for substantial damage to life, property or the environment should the proposed engineering solution fail. When a third party review is required, costs incurred for a qualified third party geotechnical engineer to perform the review shall be borne by the applicant.

e. Geological Hazards Assessment. A Critical Area report is required for all projects in geologically hazardous areas and buffers and shall contain an assessment of geological hazards including the following site- and proposal-related information at a minimum:

i. Site and Construction Plans. The report shall include a copy of the site plans for the proposal showing:

A. The type and extent of geologic hazard areas, any other Critical Areas, and buffers on, adjacent to, or within a zone or distance of potential significant influence as determined by a professional engineer/ geologist;

B. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain, if available;

C. The topography, as determined by a professional engineer or geologist, of the project area and all hazard areas addressed in the report; and

D. Clearing limits.

ii. Assessment of Geological Characteristics. The report shall include an assessment of the geologic characteristics of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region. The assessment shall include, but not be limited to:

A. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;

B. A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and

C. A description of the vulnerability of the site to seismic and other geologic events.

iii. Analysis of Proposal. The report shall contain a hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.

iv. Minimum Buffer and Building Setback. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis. Where the recommended buffers are less than the standard buffers set forth in section Section B-9(E)(2)(a) the rationale and basis for the reduced buffer shall be clearly articulated and demonstrate that the protection standard set forth in that section has been met.

f. Incorporation of Previous Study. Where a valid Critical Areas report has been prepared for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required Critical Area report, if deemed still valid and appropriate by a professional engineer or geologist. The applicant shall submit a hazards assessment detailing any changed environmental conditions associated with the site based on best professional judgment of the engineer/ geologist.

g. Mitigation of Long-Term Impacts. When hazard mitigation is required, the mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected life span of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

h. In addition to the general Critical Area report requirements of section B-9(D) Critical Area reports for geologically hazardous areas must meet requirements of this section. Critical

Area reports for two or more types of Critical Areas must meet the report requirements for each relevant type of Critical Area.

2 Landslide Hazard and Erosion Hazard Areas. In addition to the basic Critical Areas report, a Critical Area report for an erosion hazard or landslide hazard area shall include the following information at a minimum:

a. Erosion Control. An erosion control plan prepared by a civil engineer shall be submitted to the City prior to the issuance of a clearing or grading permit, in accordance with BIMC 15.20.

b. The applicant shall provide a geotechnical analysis containing the following information:

i. Site Plan. The Critical Area report shall include a copy of the site plan for the proposal showing:

A. The height of slope, slope gradient, and cross-section of the project area;

B. The location of springs, seeps, or other surface expressions of ground water on or a zone or distance of potential significant influence as determined by a professional engineer/ geologist; and

C. The location and description of surface water run-off features.

ii. Hazards Analysis. The hazards analysis component of the Critical Areas report shall specifically include:

A. A description of the extent and type of vegetative cover;

B. A description of subsurface conditions based on data from site-specific explorations;

C. Descriptions of surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements;

D. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;

E.. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one hundred-year storm event;

F. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties;

G. A study of slope stability including an analysis of proposed cuts, fills, and other site grading;

H. Recommendations for building siting limitations; and

I. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion.

iii. Geotechnical Engineering Report. The technical information for a project within a landslide hazard area shall include a geotechnical engineering report prepared by a licensed engineer that presents engineering recommendations for the following:

A. Parameters for design of site improvements including appropriate foundations and retaining structures. These should include allowable load and resistance capacities for bearing and lateral loads, installation considerations, and estimates of settlement performance;

B. Recommendations for drainage and subdrainage improvements;

C. Earthwork recommendations including clearing and site preparation criteria, fill placement and compaction criteria, temporary and permanent slope inclinations and protection, and temporary excavation support, if necessary; and

D. Mitigation of adverse site conditions including slope stabilization measures for seismically unstable soils, surface water management, location and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability if appropriate.

3. Seismic Hazards Areas. In addition to the basic report requirements, a Critical Area report for a seismic hazard area shall also meet the following requirements:

a. Fault Hazard. The applicant shall provide a geologic/geotechnical analysis containing information specified by the City Engineer that documents the presence or absence of any surface deformation on the site in areas mapped by the City. If deformation is located, the applicant shall provide a geotechnical analysis containing information specified by the City Engineer, which concludes that the development proposal as mitigated meets the standards of this section.

b. Liquefaction Hazard. The applicant shall provide a geotechnical analysis containing information specified by the City Engineer that meets the standards of this section (as mitigated).

c. Seismic Landslide Hazard. The applicant shall provide the same analysis and plan as required for landslide hazard areas, pursuant to Section B-9(D).

4. Tsunami Hazards. The City shall provide applicants for development in low lying shoreline areas and other areas where flood elevation is controlled by tide level with information on tsunami hazards.(may need revision)

5. Zone of Influence Areas beyond the established buffer. The applicant shall have the surface and storm water management plan (See BIMC 15.20)for the project reviewed by a geotechnical engineer to determine if there is any potentially adverse impacts to the landslide hazardous area. If the geotechnical engineer or the City Engineer determines that there are potential adverse impacts, the applicant shall provide a geotechnical analysis containing information specified by the City Engineer which analyzes the potential impacts to the geological hazard from the proposed development in the zone of influence and meets the standards of this section. The report shall contain recommendations to avoid adverse impacts to the geologically hazardous area. Concentrated discharge of stormwater shall only be allowed where specially recommended in the report and authorized by the City Engineer."

E. Development Standards.

1. General Requirements. The City Engineer shall establish administrative procedures to implement this section. The applicant shall meet the following standards for all new activities permitted in geologically hazardous areas or associated buffers:

a. The proposed activity shall not create a net increase in geological instability, either on- or off-site, which is defined as follows:

i. The subject parcel shall not be less stable after the planned development than before; and

ii. The adjacent parcels shall not have greater risk or be less stable after the planned development than before.

b. The proposed activity shall not increase the risk of life safety due to geological hazards above professionally acceptable levels.

c. The proposed activity shall not increase the risk due to geological hazards above professionally acceptable levels for:

i. Property loss of any habitable structures or their necessary supporting infrastructure on-site or;

ii. Risk to any off-site structures or property of any kind; and

d. Proposed buildings shall be constructed using appropriate engineering methods that respond to the geologic characteristics specific to the site in order to achieve the highest standard of safety feasible.

e. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.0 for dynamic conditions. Analysis of dynamic conditions shall be based on the minimum horizontal acceleration for the probabilistic maximum considered earthquake as established by the currently adopted version of the International Building Code.

f. The proposed activity shall not further degrade the values and functions of the associated critical areas.

2. Redevelopment of existing structures

a. If an existing structure is damaged or is intentionally demolished the new structure must meet all the provisions of a new structure.

b. Structural alteration to an existing legally constructed structure that does not increase the structural footprint and are determined by the City Engineer as having a minimal potential for increasing landslide hazard and meets the minimum buffer deminsions in B-9(E)(3)(i);

3. Development Design and Location. The following requirements shall apply to any land or vegetation modification or construction within a landslide hazard area and/or its buffer as described herein:

a. Buffer Requirement: A buffer equal to the height of the slope or fifty (50) feet, whichever is greater, shall be established from all edges of a landslide hazard area except where no other reasonable alternative exists, reduction may be allowed as follows:

i. Buffer Reduction.

A. Buffer reductions may be allowed provided a critical areas report, pursuant to Section B-9(D)(1)(2) and any other related section of Appendix B, demonstrates to the Director that the buffer reduction will not reduce the level of protection to the proposed development, adjacent properties, and other associated critical areas as required by Section B-9(E)(1).

B. For slopes forty (40) percent or greater the buffer may in no case be reduced to less than ten (10) feet. A decision by the Director to reduce buffer shall be based on a critical areas report pursuant Section B-9(D)(1)(2) that may includes a third-party independent review by a qualified geotechnical engineer pursuant to BIMC Section B-9(D)(1)(d);

ii. Increased Buffer. The buffer may be increased beyond that specified in subsection (a) above if the Director determines a larger buffer is necessary to prevent risk of damage to proposed development, adjacent development, and uses and the associated critical areas;

iii. Building Setback. All building and structures shall have a minimum setback of (15) feet from the outer edge of the buffer around landslide hazard areas to allow for construction activity; and

iv. Vegetation Retention. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.

b. All development proposals shall be designed to avoid impacts to the geologically hazardous areas. The development shall be designed to minimize the footprint of building in other disturbed areas, minimize removal of vegetation, minimize topographic change, and retain open space to the maximum extent practicable;

c. Development design shall utilize clustering, under-structure parking, multi-level construction, and tiered foundations to the extent feasible to minimize impervious lot coverage, slope disturbance, and changes to the natural topography;

d. Access shall be in the least sensitive part of the site, and common access drives and utility corridors are required to the extent feasible;

e. Roads, walkways and parking areas shall be designed to parallel the natural contours to the extent feasible;

f. All proposed clearing and tree removal shall be marked in the field for inspection and approval prior to alteration of the site;

g. Cut and fill slopes shall be prepared and maintained to control against erosion and instability;

h. Drainage and stormwater designs in zones of influence shall incorporate elements of low impact design, to the extent feasible, and shall be designed in such a manner that stormwater outlet discharges do not create additional impacts. The proposed activities shall not increase surface water discharge or sedimentation to adjacent properties beyond the pre-development condition; and

F. Exemptions. The following activities are permitted in geologically hazardous areas or associated buffers; provided, that the applicant can demonstrate that applicable standards in Subsection B-9(E)(1) can be met, or where the applicant has demonstrated through a Critical Areas report prepared by a geotechnical engineer in accordance with the specifications of the City Engineer that no adverse impact will result from the proposal and where approved surface water drainage will result in minimum slope and vegetation disturbance:

1. Surface Water Management: Slopes or buffers may be used for approved surface water conveyance if no other reasonable alternative route is available. Installation techniques shall minimize disturbance to the slope and vegetation.

2. The construction of approved public or private trails; provided, they are constructed of material, for example cable lift access, which will not contribute to surface water runoff;

3. The construction of public or private utility corridors or streets; provided, it has been demonstrated that such alterations will not increase landslide or erosion risks through required analysis pursuant to section B-9(D)(1) and the City determines that no other feasible alternative exists;

4. Select Vegetation Removal Activities. The following vegetation removal activities are allowed, provided that no vegetation shall be removed from a geologically hazardous area or its buffer without approval from the Director;

a. Removal of noxious weeds using non-motorized equipment or light equipment if approved by the Director. Provision for the use of herbicides are in Section 4.1.7 of the Shoreline Master Program. Bare areas remaining after weed removal shall be re-vegetated with native plant species pursuant to an enhancement plan approved by the City.

b. Removal and pruning of hazard trees as defined ISA (International Society of Arboriculture) standards by provided that a ISA certified arborist documents the hazard

and provides a report to the Director for review and approval. Replacement shall be based on the recommendations of the arborist and geotechnical engineer and approved by the Director. The Director may require a second opinion from a certified ISA arborist in cases of removal of hazard trees. Mitigation for tree removal shall follow Section 4.1.2 of the Shoreline Master Program and the following

i. Size of trees shall be approved by the Director. and

ii.The landowner shall ensure 100% survival of replacement trees.

5. The trimming and limbing of vegetation for the creation and maintenance of view corridors in accordance with the pruning standards of the International Society of Arboriculture; provided, that the soils are not disturbed and activity will not increase the risk of landslide or erosion. All vegetation removal must be based on a bluff management plan (SMP Section 4.1.5) developed by a certified arborist and reviewed by a geotechnical engineer to determine if it will impact slope stability. A clearing permit will be required prior to the any vegetation removal.

6. Limited Exemption - For landslide areas 40% or greater with a vertical elevation change of up to twenty (20) feet may be exempted from section B-9(E)(2)(i) based on the City review and acceptance of a Critical Areas report from a geologist or licensed geotechnical engineer in accordance with section B-9(D) when no adverse impact will result from the exemption.

B-10. Wetlands.

A. Purpose. This section applies to all regulated uses within or adjacent to areas designated as wetlands, as categorized in section B-10(B) below. The intent of this Section is listed in no specific priority, as follows:

1. Preserve, protect, restore, and improve wetland functions and values. Achieve no net loss and increase the quality of wetland acreage, functions, and values within the city. Mitigation measures, as conditions of permits, must have a reasonable expectation of success. Under the conditions of this Section, the Director may deny development proposals that would irreparably impact regulated wetlands; and
2. Protect the public's health, safety, and welfare, while preventing public expenditures that could arise from improper wetland uses and activities; and
3. Plan wetland uses and activities in a manner that protects and enhances the natural systems and environmental quality of Bainbridge Island and allows property holders to benefit from wetland property ownership wherever allowable under the conditions of this chapter; and
4. Preserve ecological functions and values of wetlands which provide water quality protection, natural flood control, stormwater storage, contributes to groundwater and stream flow, shoreline stabilization, and wildlife and fish habitat; and
5. Prevent turbidity and pollution of wetlands and fish or shellfish bearing waters, and maintain healthy wildlife habitat; and
6. Encourage land use development patterns that maintain, enhance, or restore natural wetland systems and protect disturbance-sensitive and wetland-dependent wildlife, fish resources, and open space; and
7. Protect and preserve wetlands values as natural areas providing aesthetic, recreational, and educational opportunities that need to be preserved for future generations; and
8. Enhance the connectivity between wetland landscapes.

B. Wetland Delineation and Categories. Identification of wetlands and delineation of their boundaries pursuant to this Chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the City of Bainbridge Island meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter.

The City uses the Department of Ecology's (DOE's) Washington State Wetland Rating System for Western Washington, 2004, or as amended hereafter and adopted by the Director to categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and replacement ratios for wetlands. Once a wetland has been classified using the current DOE rating system, the City shall not reclassify the wetland without clearly documenting the reason for the change. If the wetland has a rating in the City GIS system, this rating can be used for regulatory purposes. This system consists of four wetland categories generally described as follows:

1. Category I wetlands are those that:

a. Represent unique or rare wetland type; or

b. Are more sensitive to disturbance than most wetlands; or

c. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or

d. Provide a high level of function.

Category I wetlands include estuarine wetlands larger than one acre, bogs, mature and old-growth wetlands over one acre, wetlands in coastal lagoons, and wetlands that perform many functions very well as demonstrated by a score of over 70 points using the DOE rating system.

2. Category II wetlands are difficult, though not impossible, to replace, and provide a high level of function. Category II wetlands include estuarine wetlands smaller than one acre or disturbed and larger than one acre and wetlands that perform functions well as demonstrated by a score of 51-69 using the DOE rating system.

3. Category III wetlands are wetlands with a moderate level of function as demonstrated by a score of 30-50 points using the DOE rating system.

4. Category IV wetlands have the lowest level of function as demonstrated by a score less than 30 points using the DOE rating system and are often heavily disturbed.

C. Regulated and Non-Regulated Wetlands Classification.

1. Regulated Wetlands:

a. All natural wetlands that meet the criteria in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Cost Region (Version 2.0)

b. Unintentionally created wetlands that meet the criteria in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Cost Region (Version 2.0) except as listed in subsection (C)(2)(b) of this section.

c. Wetlands intentionally created from non-wetland areas to mitigate conversion of other wetlands.

2. Non-Regulated Wetlands:

a. Created Wetlands. Wetlands created intentionally from a non-wetland site that was not required to be constructed as mitigation for adverse wetland impacts. These may include, but are not limited to, irrigation and drainage ditches, grass-lined swales, canals,

detention facilities, wastewater treatment ponds, farm ponds not contiguous, as defined in this chapter, and landscape amenities. The applicant shall bear the burden of proving that the wetland was intentionally created from a non-wetland site. Where enhancements or restorations are made to wetlands for purposes other than mitigation, the original rating shall be maintained even if the changes would otherwise result in a higher classification.

b.. Recent, Road Construction Related Wetlands. Wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. The applicant shall bear the burden of proving that the wetland meets these criteria.

D. Development Standards.

1. Water quality buffers – An applicant shall provide the prescribed water quality buffers in this section (Tables 3-6) unless relief is granted through SMP Section 4.2.1.7 nonconforming lot or through a shoreline variance.

2. Habitat buffers – An applicant shall provide either:

a. The prescribed habitat buffers specified in this section (Tables 3, 4, 5, and 6); or

b. An approved Habitat Management Plan, pursuant to section B-4, that clearly provides greater habitat functions and values in perpetuity than the prescribed habitat buffers in this section (Tables 3, 4, 5, and 6).

3. Buffers. Buffers shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Any buffer enhancement and/or limited view clearing activity must be reviewed and approved by the Director. No refuse shall be placed in the buffer. Alteration of habitat buffer areas may be allowed for water-dependent and water-related activities and for development authorized by Section B-2 (C) (Exemptions), or Section B-2(D)(Standards for Existing Development), or Section B-3(3) (Buffer Averaging), or through SMP Section 4.2.1.7 nonconforming lot or through a shoreline variance.

4. If a wetland meets more than one of the criteria listed in each table, the buffer needed to protect the wetland is the widest one.Table 3: Category I Wetlands - Buffers

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
Natural Heritage Wetlands	Low Moderate High	50 ft 75 ft 100 ft	75 ft 115 ft 150 ft	125 ft 190 ft 250 ft	No additional discharge of surface water. No septic systems within 300 ft. Restore degraded parts of the buffer
Bogs	Low Moderate High	50 ft 75 ft 100 ft	75 ft 115 ft 150 ft	125 ft 190 ft 250 ft	No additional surface discharges. Restore degraded parts of the buffer.

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
Forested	Low Moderate High	50 ft 75 ft 100 ft	75 ft 115 ft 150 ft	125 ft 190 ft 250 ft	If forested wetland scores high for habitat, maintain connectivity to other natural areas.
Estuarine	Low Moderate High	50 ft 75 ft 100 ft	50 ft 75 ft 100 ft	100 ft 150 ft 200 ft	N/A
Wetlands in Coastal Lagoon	Low Moderate High	50 ft 75 ft 100 ft	50 ft 75 ft 100 ft	100 ft 150 ft 200 ft	N/A
High level of function for habitat (score for habitat is 29-36 pts.)	Low Moderate High	50 ft 75 ft 100 ft	100 ft 150 ft 200 ft	150 ft 225 ft 300 ft	Maintain connectivity to other natural areas. Restore degraded parts of the buffer.
Moderate level of function for habitat (score for habitat is 20-28 pts.)	Low Moderate High	50 ft 75 ft 100 ft	25 ft 35 ft 50 ft	75 ft 110 ft 150 ft	N/A
High level of function for water quality improvement and low for habitat (score for water quality 24-32 pts.; habitat less than 20 pts.)	Low Moderate High	50 ft 75 ft 100 ft	0 ft 0 ft 0 ft	50 ft 75 ft 100 ft	No additional discharges of untreated runoff.
Not meeting any of the above criteria.	Low Moderate High	50 ft 75 ft 100 ft	0 ft 0 ft 0 ft	50 ft 75 ft 100 ft	N/A

Table 4: Category II Wetlands - Buffers

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
High level of function for habitat (score for habitat is 29-36 pts.)	Low Moderate High	50 ft 75 ft 100 ft	100 ft 150 ft 200 ft	150 ft 225 ft 300 ft	Maintain connectivity to other natural areas.
Moderate level of function for habitat (score for habitat is 20-28 pts.)	Low Moderate High	50 ft 75 ft 100 ft	25 ft 35 ft 50 ft	75 ft 110 ft 150 ft	N/A
Estuarine	Low Moderate High	50 ft 75 ft 100 ft	25 ft 35 ft 15 ft	75 ft 110 ft 115 ft	N/A
Not meeting any of the above criteria	Low Moderate High	50 ft 75 ft 100 ft	0 ft 0 ft 0 ft	50 ft 75 ft 100 ft	N/A

Table 5: Category III Wetlands - Buffers

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
Moderate level of function for habitat (score for habitat is 20-28 pts.)	Low Moderate High	40 ft 60 ft 80 ft	35 ft 50 ft 70 ft	75 ft 110 ft 150 ft	N/A
Not meeting above criterion	Low Moderate High	60 ft 60 ft 80 ft	0 ft 0 ft 0 ft	60 ft 60 ft 80 ft	N/A

Table 6: Category IV Wetlands - Buffers

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
Larger than 10,000 square feet	Low Moderate High	40 ft 40 ft 50 ft	0 ft 0 ft 0 ft	40 ft 40 ft 50 ft	N/A
Smaller than 10,000 square feet	Low Moderate High	40 ft 40 ft 40 ft	0 ft 0 ft 0 ft	40 ft 40 ft 40 ft	N/A

a. For Category II or III wetlands smaller than 10,000 square feet with a habitat score of less than 20 points, the buffer may be reduced by 50 percent.
b. For the purpose of determining the impact of land use, unless the Director determines a lesser level of impact is appropriate based on information provided by the applicant, the intensity of impact of the adjacent land use is determined based on the "impact of land use" definition.

5. If an applicant elects to propose an HMP, and that HMP proposes habitat buffer widths less than those prescribed in Tables 3 – 6, the HMP shall be prepared pursuant to Section B-4 and fulfill all requirements specified therein.
6. Table 7 provides examples of measures that might be provided in an HMP or when prescribed buffers are otherwise altered to minimize impacts of certain activities. Other

measures may also be effective in minimizing impacts depending on site-specific circumstances and the nature of proposed activity.

Table 7: Examples of measures to minimize impacts to wetlands from different types of activities.

Examples of Disturbance	Examples of Measures to Minimize Impacts	Activities that Cause the Disturbance
Lights	Direct lights away from wetland.	Parking lots, warehouses, manufacturing, residential
Noise	Locate activity that generates noise away from wetland.	Manufacturing, residential
Toxic runoff*	Route all new runoff away from wetland. Establish covenants limiting use of pesticides within 150 ft of wetland. Apply integrated pest management.	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Change in water regime	Infiltrate or treat, detain, and disperse new runoff into buffer.	Impermeable surfaces, lawns, tilling
Pets	Plant dense vegetation around buffer, such as rose, hawthorn, etc.	Residential areas
Human disturbance	Plant buffer with impenetrable natural vegetation appropriate for region.	Residential areas
Dust	Utilize best management practices to control dust.	Tilled fields
* These examples are not necessarily adequate to meet the rules for minimizing toxic runoff if threatened or endangered species are present at the site.		

7. Buffer Measurement. All buffers shall be measured on a horizontal plane from the regulated wetland edge as marked in the field.
8. Fencing and Signs. This section applies to those wetlands and their buffers that are within 200 feet of regulated development activities.

a. Wetland buffers shall be temporarily fenced or otherwise suitably marked, as required by the Director, between the area where the construction activity occurs and the buffer. Fences shall be made of a durable protective barrier and shall be highly visible. Silt fences and plastic construction fences may be used to prevent encroachment on wetlands or their buffers by construction. Temporary fencing shall be removed after the site work has been completed and the site is fully stabilized per City approval.

b. The Director may require that permanent signs and/or fencing be placed on the common boundary between a wetland buffer and the adjacent land. Such signs will identify the wetland buffer. The Director may approve an alternate method of wetland and buffer identification, if it provides adequate protection to the wetland and buffer.

9. Building or Impervious Surface Setback Lines. A building or impervious surface setback line of 15 feet is required from the edge of any wetland buffer. Minor structural or impervious surface intrusions into the areas of the setback may be permitted if the Director determines that such intrusions will not adversely impact the wetland. The setback shall be identified on a site plan and filed as an attachment to a notice on title.

E. Regulated Uses And Activities. New development activities on properties containing regulated wetlands and buffers are subject to the development standards in this section, as permitted in the underlying zoning designation. Requirements for additional activities are specified in Table 8. The City may grant exceptions to these uses and activities according to the intent and specifications of this chapter. All authorized uses and activities in a regulated wetland or its buffer shall be subject to conditions established by the Director and may be subject to mitigation as required by this chapter. Development shall be classified as "allowed," "permitted," "special use" or "prohibited" according to this Section. Any regulated uses not specifically listed in Table 8 and Table 4 of the Shoreline Master Program shall be considered unclassified and may be allowed if granted a special use review in accordance with this chapter and the Shoreline Master Program. For the purpose of Table 8, "W" and "B" refer to the terms "wetland" and "buffer."

Table 8: Regulated Uses and Activities in Regulated Wetlands and Buffers

	Category I		Category II		Category III		Category IV	
	W	B	W	B	W	B	W	B
1. Draining Wetlands (associated with no other permitted use, except as allowed under Section 120.C)	X	N/A	X	N/A	X	N/A	X	N/A
Driving of Piles	X	X	S	S	S	S	P	P
2. Educational or Scientific Activities	P	P	P	P	P	P	P	P
3. Enhancement	S	S	P	P	P	P	P	P
4. Excavation (not associated with enhancement)	X	X	S	S	S	S	S	S
5. Fill (associated with no other use)	X	X	X	X	X	X	X	X
6. Fish Hatchery	X	X	S	S	S	S	S	S
7. Flooding (associated with no other use)	X	X	S	S	S	S	S	S
8. Forest Practice-Class IV General or COHP	X	X	X	X	X	X	X	X
9. Golf Course	X	X	X	X	S	S	S	S
10. Land Division	P	P	P	P	P	P	P	P
11. Parks Development-Public & Private	S	S	S	S	S	S	P	P
12. Placing of Obstruction	X	X	X	X	X	X	X	X
13. Public Facility	X	X	X	S	S	S	S	S

	Category I		Category II		Category III		Category IV	
	W	B	W	B	W	B	W	B
14. Public Project of Significant Importance	S	S	S	S	S	S	S	S
15. Radio/TV Towers	X	X	S	S	S	S	S	S
16. Restoration/Revegetation of Site	S	S	P	P	P	P	P	P
17. Road/Street-Public/Private Access A) Expand within existing ROW	S	S	S	S	S	S	P	P
B) New Facilities	X	X	S	S	S	S	S	S
18. Signs (Interpretation, Hazard, Critical Area Boundary, Survey Markers)	P	P	P	P	P	P	P	P
19. Site Investigation (non-mechanized)	A	A	A	A	A	A	A	A
Site Investigation (mechanized)	P	P	P	P	P	P	P	P
20. Trails and Trail Related Facilities	P	P	P	P	P	P	P	P
21. Utility Facility	X	X	S	S	S	S	S	S
22. Utility On-Site Sewage Facility	X	X	X	S	X	S	X	S
23. Utility Line-Overhead	S	S	S	S	S	S	P	P

	Category I		Category II		Category III		Category IV	
	W	B	W	B	W	B	W	B
24. Utility Line-Underground	X	S	S	S	S	S	S	S

Key: A = Allowed Outright P = Permitted Subject to Development Standards and Underlying Permit S = Special Use Review Required X = Prohibited

F. Additional development standards for regulated uses. In addition to meeting the Development Standards in section D, above, those regulated uses identified below shall also comply with the standards of this section and other applicable state, federal and local ordinances.

1. Forest Practice, Class IV General, and Conversion Option Harvest Plans (COHPs). All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of this chapter, including the maintenance of buffers around regulated wetlands.

a. Density Calculation.

i. The actual density that will allowed to be built upon a parcel containing a wetland shall ultimately be determined during the site specific review of the parcel's planned development.

ii. In determining the actual density of a parcel based on a specific site plan, the site plan shall locate all buildings outside of the wetland buffers;

iii. The number of development rights allowed for any residentially-zoned parcel shall be its size in square feet divided by the number of square feet per home that is required by its zoning;

iv. If the land can be subdivided such that all setbacks, buffers, and other zoning requirements can be observed, and no variances are requested, the density from the wetland can be transferred within the property;

v. To the extent that the number of allowable development rights cannot be used on-site, they may be sold, traded, or transferred by the property owner through the transfer of development rights program pursuant to Chapter 18.37 BIMC;

vi. Property owners may voluntarily extinguish development rights that are provided by the underlying zoning, but the City shall not extinguish any of these rights outside the aforementioned transactions.

b. Land division approvals shall be conditioned to require that regulated wetlands and regulated wetland buffers be designated as an easement or covenant encumbering the wetland and wetland buffer. Such easement or covenant shall be recorded together with the land division and represented on the final plat or binding site plan, and title.

c. In order to implement the goals and policies of this chapter, to accommodate innovation, creativity, and design flexibility, and to achieve a level of environmental protection that would not be possible by typical lot-by-lot development, the use of the clustered development or similar innovative site planning is strongly encouraged for projects with regulated wetlands on the site.

2. Surface Water Management. The following stormwater management activities may be allowed within wetland or buffer areas only if they meet the following requirements, in

addition to the development standards in this section and in conformance with the Stormwater Management Ordinance, Chapter 15.20 BIMC:

a. Surface water discharges from stormwater facilities or structures; provided, that the new surface water discharges to regulated wetlands from retention/detention facilities;

b. Pre-settlement ponds or other surface water management structures; provided, that the discharge does not significantly increase or decrease the rate of flow and/or hydro-period, nor decrease the water quality of the wetland. Water quality treatment best management practices will be required prior to discharge. Pre-treatment of surface water discharge through biofiltration or other means shall be required.

3. Trails and Trail-Related Facilities: Construction of public and private trails and trail-related facilities, such as benches and viewing platforms, may be allowed in wetlands or wetland buffers pursuant to the following guidelines:

a. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas which do not provide ecological functions.

b. Trails and related facilities shall be planned to minimize removal of trees, soil disturbance, and existing hydrological characteristics, shrubs, snags, and important wildlife habitat.

c. Viewing platforms and benches, and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected wetland.

d. Trails and related facilities shall generally be located outside required buffers. Where trails are permitted within buffers they shall be located in the outer portion of the buffer and a minimum of 25 feet from the wetland edge, except where wetland crossings or viewing areas have been approved by the Director. Trail locations close to the wetland may be allowed if the primary purpose of the trail is wetland viewing or enjoyment. Elevated trails which protect or enchance ecological functions shall be used to the maximum extent feasible.

e. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike or horse trails, have been specifically allowed and mitigation has been provided. Trail width shall not exceed five feet unless there is a demonstrated need, subject to review and approval by the Director. Trails shall be constructed with pervious materials unless otherwise approved by the Director.

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

5. Educational or scientific activities. These activities shall only be permitted if they are directly related to the affected wetland and related buffers, and may include the viewing and sampling of natural systems. They may also include the installation of physical structures, including pervious trails, benches, permanent wildlife watching blinds, boardwalks, viewing platforms, or similar structures, or minor modifications to wetlands and their buffers. Any physical structures or minor modifications are subject to City

approval to minimize the impacts of human intrusion on the functions and values of critical areas and their buffers according to the following criteria:

a. Minimize the footprint of structures and the number of access points to any particular critical area;

b. Minimize the amount of clearing and grading;

c. Elevate structures where possible;

d. Avoid impacting the flow of water;

e. Use appropriate building materials; and

f. Minimize the impacts of construction.

G. Special Use Review. Development identified as a Special Use Review in Table 8 of this section may be approved, with conditions, or denied according to the procedures and criteria outlined in this subsection. Special Use Review is an administrative process unless the underlying permit requires a public hearing.

1. The Director is authorized to take action on permits as required by this chapter.

2. The Director may approve a permit after review of the application and a Wetland Mitigation Plan submitted in accordance with this chapter. The Director shall determine whether the use or activity cannot be avoided because no reasonable or practicable alternative exists, the proposed use is consistent with the spirit and intent of this chapter and it will not cause adverse impacts to the wetland or the wetland buffer which cannot be mitigated. In taking action to approve a Special Use Review, the Director may attach reasonable conditions as necessary to minimize impacts, rectify impacts or compensate for impacts to the wetland or wetland buffer.

3. The Director shall deny a Special Use Review request if the proposed use or activity is inconsistent with this chapter and/or will cause adverse impacts to the wetland or wetland buffer, which cannot be adequately mitigated and/or avoided.

4. Special use review requests for agricultural conversions shall include a farm plan developed by the Kitsap Conservation District. The plan shall identify the best management practices for the proposed agricultural activity.

5. Special Use Review determinations are appealable to the hearings examiner pursuant to BIMC 2.16.020(P).

H. Wetlands and Streams Restoration, Creation, Mitigation, or Enhancement.

1. Any person who alters regulated wetlands or streams or their standard buffers as required by this chapter shall restore, create or enhance equivalent areas or greater areas than those altered in order to compensate for losses. In the alternative, conservation easements or mitigation banking may be considered as appropriate mitigation provided that areas equivalent to those altered are achieved.

2. Where feasible, restored or created wetlands and streams shall be a higher category than the altered wetland or stream.

3. Compensation areas shall be determined according to function, acreage, type, location, time factors, ability to be self-sustaining and projected success. Multiple compensation projects may be proposed for one project in order to best achieve the goal of no net loss.

4. Given the need for expertise and monitoring, voluntary restoration, creation or enhancement projects or compensatory projects may be permitted only when the Director finds that the proposed project is associated with an activity or development otherwise permitted. Additionally, the applicant shall:

a. Demonstrate sufficient scientific expertise, supervisory capability, and financial resources to carry out the project;

b. Demonstrate the capability for monitoring the site and to make corrections during this period if the project fails to meet projected goals and plans; and

c. Provide for the long-term protection and management of the compensation area to avoid further development or degradation.

5. Acreage Replacement Ratio. Any applicant proposing to alter wetlands may propose to reestablish, create, rehabititate, or enhance wetlands in order to compensate for the wetland losses.

a. Replacement Ratios for Wetlands. Table 9 provides the required replacement ratios for the reestablishment or creation, rehabilitation, or enhancement of a wetland. The first number specifies the replacement acreage of wetlands and the second specifies the acreage of wetlands altered.

Table 9: Replacement Ratios for Wetlands

Category and Type	Re-establishment or Creation	Rehabilitation	1:1 Re-establishment or Creation (R/C) or Enhancement (E)	Enhancement Only
I - Forested	6:1	12:1	1:1 R/C 10:1 E	24:1
I – Highly functioning	4:1	8:1	1:1 R/C 6:1 E	16:1
I - Bog	Not possible	6:1 of a Bog	Case by Case	Case by Case
I - Estuarine	Case by Case	6:1 - Estuarine	Case by Case	Case by Case
II - Estuarine	Case by Case	4:1 - Estuarine	Case by Case	Case by Case
II - Others	3:1	8:1	1:1 R/C 4:1 E	12:1
III	2:1	4:1	1:1 R/C 2:1 E	8:1
IV	1.5:1	3:1	1:1 R/C 2:1 E	6:1

b. Replacement ratios for buffers shall be 1:1.

c. Increased Replacement Ratio. The Director may increase the ratios under the following circumstances:

i. Uncertainty as to the probable success of the proposed rehabitiation or creation;

ii. Significant period of time between destruction and replication of wetland functions; or

iii. Projected losses in functional value.

d. Decreased Replacement Ratio. The Director may decrease these ratios when there are findings of special studies coordinated with agencies with expertise which demonstrate that no net loss of wetland function or value is attained under the decreased ratio.

e. In all cases, a minimum acreage replacement ratio of 1:1 shall be required.

6. Wetland Type. In-kind compensation shall be provided except where the applicant can demonstrate that:

a. The wetland system is already significantly degraded and out-of-kind replacement will result in a wetland with greater functions and values;

b. Scientific problems such as invasive/exotic vegetation and changes in watershed hydrology make implementation of in-kind compensation impossible;

c. Out-of-kind replacement will best meet identified regional goals (e.g., replacement of historically diminished wetland types); and

d. Where out-of-kind replacement is accepted, greater acreage replacement ratios may be required to compensate for lost functions and values.

7. Location. On-site compensation shall be provided except where the applicant can demonstrate that:

a. The hydrology and ecosystem of the original wetland and those who benefit from the hydrology and ecosystem will not be substantially damaged by the on-site loss;

b. On-site compensation is not scientifically feasible due to problems with hydrology, soils, or other factors;

c. Compensation is not practical due to potentially adverse impacts from surrounding land uses;

d. Existing functions and values at the site of the proposed restoration are significantly greater than lost wetland functional values;

e. That established regional goals for flood storage, flood conveyance, habitat or other wetland functions have been established and strongly justify location of compensatory measures at another site;

f. There is no feasible location for on-site mitigation;

g. Off-site compensation shall occur within the same watershed, if feasible, as the wetland loss occurred; provided, that Category IV wetlands may be replaced outside of the watershed when there is no reasonable alternative; and

h. In selecting compensation sites, an applicant shall pursue siting in the following order of preference:

i. Upland sites which were formerly wetlands;

ii. Idled upland sites generally having bare ground or vegetative cover consisting primarily of invasive introduced species, weeds, or emergent vegetation; or

iii. Other disturbed upland.

8. Timing. Wherever feasible, compensatory projects shall be completed prior to activities that will disturb wetlands, and immediately after activities that will temporarily disturb wetlands. In all other cases, except for Category I wetlands, compensatory projects should be completed prior to use or occupancy of the activity or development which was conditioned upon such compensation. Construction of compensation projects shall be timed to reduce impacts to existing wildlife and flora.

9. Cooperative Restoration, Creation or Enhancement Projects. The Director may encourage, facilitate, and approve cooperative projects wherein a single applicant or other organization with demonstrated capability may undertake a compensation project with funding from other applicants under the following circumstances:

a. Restoration, creation or enhancement at a particular site may be scientifically difficult or impossible; or

b. Creation of one or several larger wetlands may be preferable to many small wetlands;
c. Persons proposing cooperative compensation projects shall:
i. Submit a joint permit application;
ii. Demonstrate compliance with all standards;
iii. Demonstrate the organizational and fiscal capability to act cooperatively; and
iv. Demonstrate that long-term management can and will be provided.
10. Mitigation Banking.
a. The City may consider and approve replacement or enhancement of wetlands to address unavoidable adverse impacts caused by development activities through an approved wetland mitigation bank. Compensatory mitigation in advance of authorized impacts must be provided through an approved mitigation bank if a bank is used.
b. When off-site mitigation is authorized, the Director shall give priority to locations within the same drainage basin as the development proposal site that meet the following:
i. Mitigation banking sites and resource mitigation reserves as authorized by this chapter;
ii. Private mitigation sites that are established in compliance with the requirements of this chapter and approved by the Director; and
iii. Public mitigation sites that have been ranked in a process that has been supported by ecological assessments.
c. The Director may require documentation that the mitigation site has been permanently preserved from future development or alteration that would be inconsistent with the functions of the mitigation. The documentation may include, but need not be limited to, a conservation easement, transfer of clearing credits or other agreement between the applicant and owner of the mitigation site. The City may enter into agreements or become a party to any easement or other agreement necessary to ensure that the site continues to exist in its mitigated condition.
d. The Director shall maintain a list of sites available for use for off-site mitigation projects.
e. The Director may develop a program to allow the payment of a fee in lieu of providing mitigation on a development site. The program should address:
i. When the payment of a fee is allowed, considering the availability of a site in geographic proximity with comparable hydrologic and biological functions and potential for future habitat fragmentation and degradation; and
ii. The use of the fees for mitigation on public or private sites that have been ranked according to ecological criteria through one or more programs that have included a public process.

B-11. Frequently Flooded Areas

A. Classification. Classification for frequently flooded areas shall be consistent with the 100-year floodplain designation of the Federal Emergency Management Agency and the National Flood Insurance Program. In addition, the following criteria shall be considered when designating and classifying these areas:

1. Flooding impact to human health, safety, and welfare and to public facilities and services;

2. Available documentation including federal, state, and local laws, regulations and programs, local maps, and federally subsidized flood insurance programs;

3. The future floodplain defined as a channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow at build-out without any measurable increase in flood heights; and

4. The effect of high tides with strong winds, and greater surface runoff caused by increasing impervious surfaces.

B. Standards.

1. Development shall not reduce the effective base flood storage volume. Effective storage capacity shall be maintained.

2. Grading or other regulated activities which would reduce the flood water storage volume shall be mitigated by creating compensatory storage on- or off-site. Applicants must provide mitigation plans pursuant to this chapter.

3. Base flood data and flood hazard notes shall be on the face of any recorded plat or site plan including, but not limited to, base flood elevations, flood protection elevation, boundary of floodplain, and zero rise floodway.

4. Applicants for development in low lying shoreline areas and other areas where flood elevation is controlled by tide level shall be provided with information on sea level rise. (Ord. 2005-03 § 2, 2005)

B-12 The Winslow Ravine – Special Rules in Mixed Use Town Center.

A stream commonly known as the "Winslow Ravine Stream" is located in a ravine commonly known as, and identified on department maps as, the "Winslow Ravine". Both the stream and the ravine are partially located in the Mixed Use Town Center (MUTC). In order to accommodate more dense development within the MUTC, and recognizing the significant distance from the top of the ravine to the stream and its adjacent wetlands, in lieu of the buffer and setback rules provided for Fish and Wildlife Conservation Areas (Section B-8) and Wetlands (Section B-10), the applicant may select the prescriptive option or the mitigated option with respect to the Winslow Ravine Stream and the Winslow Ravine within the MUTC as described below:

A. "Option A" - Prescriptive Standards.

CATEGORIES	BUFFER WIDTH STANDARD	MINIMUM BUILDING SETBACK	OTHER DEVELOPMENT STANDARDS
Streams, Wetlands and Wildlife Conservation Areas associated with the Winslow Ravine or	50 feet beyond the top of the Winslow Ravine.	15 feet beyond the buffer.	

Winslow Ravine Stream within the MUTC.			

B. "Option B" - Mitigated Standards. The applicant shall demonstrate by submittal of necessary studies and proposed mitigation, that measures can and will be taken to ensure that the functions and values provided by the buffers prescribed under "Option A" are retained or improved.

CATEGORIES	BUFFER WIDTH STANDARD	MINIMUM BUILDING SETBACK	OTHER DEVELOPMENT STANDARDS
Streams, Wetlands and Wildlife Conservation Areas associated with the Winslow Ravine or Winslow Ravine Stream within the MUTC.	25 feet beyond the top of the Winslow Ravine.	10 feet beyond the buffer.	The buffer area shall be landscaped to facilitate filtration and infiltration of storm water. If such landscaping is installed, the buffer area may be used for recreational purposes. Fences, sitting areas and walking paths are allowed within the buffer area. There is no requirement that the buffer be dedicated as permanent open space tracts or otherwise.

Table I – Shoreline Study Requirements

Use	Analyses Required
All Activities below Mean Higher High Water	Dive Survey and/or Biological Evaluation or Biological Assessment[1]
Pier and Docks	Dive Survey and/or Biological Evaluation or Biological Assessment[1]
Shoreline Armoring (bulkhead and revetments)	Sediment analyses Biological Evaluation or Biological Assessment[1]
Development Activities Disturbing Native Vegetation Zone (Single Family Residences or Commercial)	Re-vegetation Plan

Footnotes:

[1]Only as required by Washington Department of Fish and Wildlife, US Army Corp of Engineers, NOAA Fisheries or US Fish and Wildlife.

~~Additional Studies may be required by the Director as necessary to determine whether the application meets the decision criteria for Shoreline Substantial Development Permit, Shoreline Substantial Development Exemption, Shoreline Conditional Use Permit or Shoreline Variance.~~

Appendix C

Buffer Recommendation Memorandums

City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT

MEMORANDUM

TO: City Council

FROM: Libby Hudson, Long Range Planning Manager
Ryan Ericson, Associate Planner

DATE: August 11, 2011

RE: Herrera Environmental Consultants Memorandum documenting
Marine Shoreline Buffer Recommendation Discussions
City Council Special Meeting of August 16, 2011

The attached memorandum has been provided by the City's scientific consultants, Herrera Environmental Consultants, to assist the City in developing buffer recommendations as part of the Shoreline Master Program Update process. The memo is intended to be utilized by the citizen workgroups, Planning Commission and City Council in reviewing and updating the vegetation conservation buffer and management standards.

This memo is informed by the science summarized in two documents that the City commissioned, the *Nearshore Assessment Summary of Best Available Science* (Battelle, October 2003) and the *Summary of Science Addendum* (Herrera, 2011). The memo reflects the outcome of buffer requirement discussions with Herrera and City staff, the requirements of the state Shoreline Master Program (SMP) Guidelines (WAC 173-26), and the policy direction of the citizen workgroups. In respect to vegetation conservation for the SMP Update, the state Guidelines [WAC 173-26-201(3)(d)(viii) and 173-26- 221(5)(b)] direct that the City should:

- Identify measures and regulations that address conservation of vegetation and ensure that new development meets vegetation conservation objectives;
- Assure no net loss of shoreline ecological functions and ecosystem-wide processes through a variety of measures, including setback and buffer standards;
- Identify ecological processes and functions of vegetation that are important to the local aquatic and terrestrial ecology and provide measures that conserve sufficient vegetation to maintain these functions;

- Vegetation conservation areas are not necessarily intended to be closed to use and development, but should provide for management of vegetation in a manner adequate to assure no net loss of shoreline function.

The City's existing SMP utilizes vegetation buffers known as Native Vegetation Zones (NVZ). The policy direction from the SMP Vegetation Conservation Workgroup suggests that in updating these buffers, the City should:

- Protect and restore shoreline vegetation to maintain and enhance ecological functions, human safety, personal property protection, and shoreline views and vistas. (Vegetation Conservation and Management Zones Draft Goal); and
- Establish shoreline vegetation conservation and management zones immediately upland of ordinary high water mark (OHWM) for each shoreline use and shoreline characterization, recognizing the pattern of development, shoreline ecological and ecosystem wide processes, and using current science and technical information, as described in WAC 173-26-201(2)(a). (Vegetation Conservation and Management Zones Draft Policy #6).

Developing Marine Shoreline Buffer Recommendations

The process used to develop the memorandum and the suggested range of buffers included several stages and was completed during a series of discussions with the consultant team and staff, including the following:

1. Reviewing the science related to buffers (summarized at the beginning of the memo, page 1). This was completed by Herrera.

2. Developing a concept for a two-zoned management area (buffer) that is comprised of a more protective (and more restricted use and activity) zone adjacent to the OHWM, and a more flexible zone (allowing minimal use, activity and alteration to vegetation) situated within the remaining portion of the management area. This concept is described on page 6 of the Herrera memo, under *Marine Shoreline Buffer and Riparian Protection Zone Recommendations*. The two-zoned management area concept was developed with Herrera and City staff, first agreeing on principles that met the SMP Guidelines and the policy direction of the citizen workgroup. These are outlined in the section *Agreed Principles,* page 9 of the Herrera memo.

3. Developing dimensional recommendations. The *Buffer Considerations and Recommend*ations section of the memo, page 11, was developed using the two-zone concept and developing principles that are informed by the science and the characteristics of the Bainbridge Island shoreline. Widths were then established for the management areas and applied to the proposed shoreline designations, (Table 1, page 12). This was completed by Herrera and modified by City staff to reflect the policy direction of the citizen workgroups and the proposed shoreline designation map.

Terminology

Vegetation conservation is important for managing and retaining shoreline vegetation in both the state SMP Guidelines and in the City's existing SMP (which included Native Vegetation Zones established for all shoreline designations). These management areas are intended to protect

shoreline functions, primarily related to vegetation. In the scientific literature and within local shoreline master programs, these areas might be called different names, including "buffers", "setbacks" or "management areas". This can be confusing since the terms for different management tools are frequently interchanged. Technical and scientific literature refer to buffers as relatively undisturbed areas that protect ecologically sensitive areas, while planning and regulatory terminology often allows some limited disturbance of the buffer area. This document uses the planning and regulatory definition of buffers.

As a management tool, these protective areas have the following in common: the area is a designated dimensional area situated along the shoreline, measured from the OHWM landward, with adopted regulations that limit uses and activities within these areas. The width of this area may be a fixed width or a flexible width (as is proposed here).

The Herrera memo uses terminology for this protective area, describing it as a marine shoreline buffer or *Standard Buffer*, that includes an inner zone, the *Riparian Protection Zone* (RPZ), which is measured adjacent to the OHWM.

These terms are slightly different in the draft Vegetation Conservation and Management Zones regulations, in which the entire buffer is called the *Standard Shoreline Buffer* (SSB) and is comprised of two zones, the *Riparian Protection Zone* (RPZ) and the *Marine Shoreline Zo*ne (MSZ).

Revised Memorandum

The Herrera Memorandum was revised on August 11, 2011 to provide additional clarification and to correct or clarify some citations used in the document.

Herrera Environmental Consultants, Inc.

Memorandum

To	Ryan Ericson, Associate Planner, and Libby Hudson, Division Manager City of Bainbridge Island
From	Amanda Azous, José Carrasquero, and Jeff Parsons, Herrera Environmental Consultants; Lisa Grueter, BERK
Date	August 2, 2011
Subject	Documentation of Marine Shoreline Buffer Recommendation Discussions

The following discussion documents thoughts and considerations with respect to marine shoreline buffers for different shoreline use designations. The discussion is based on a review of the City of Bainbridge Island's (City) existing marine shoreline buffer regulations, the City's shoreline character, nearshore assets, existing and future land uses, scientific recommendations for marine buffers, as well as discussions with City staff. This memo begins with describing what a marine shoreline buffer is and how it differs from a riparian area; followed by a summary discussion of science-based buffer recommendations; and closes with buffer recommendations for the City's shoreline management plan update. For reference, marine shoreline buffer widths currently required by the City's shoreline regulation are provided in Attachment A, and are taken from Chapter 16.12 BIMC.

Marine Shoreline Buffers and Riparian Areas

Marine shoreline buffers are used in the City to regulate areas to protect the marine nearshore from the effects of land use activities (such as construction of buildings, driveways, and other infrastructure). Marine shoreline buffers may have variable widths, and use restrictions generally apply uniformly to the entire buffer area. This discussion in part serves to distinguish the concept of a marine shoreline buffer from that of a riparian area, which is an integral part of an aquatic ecosystem and, therefore, requires a more protective level of regulation.

A riparian area differs from a marine shoreline buffer in that it describes the terrestrial ecosystem directly adjacent to the marine nearshore that interacts with the aquatic environment. For example, intact riparian areas have native plant communities comprised of varying species of herbs and grasses, shrubs, deciduous trees, and coniferous stands of various ages and they are integral to the proper functioning of the nearshore. Native plant species are those species that occur or historically occurred on Bainbridge Island before European contact based upon the best available scientific and historical documentation.

Key functions supplied by riparian areas include providing large woody debris (LWD), bank stability, marine species food sources such as detritus and insects, and temperature moderation of beach substrate. This includes providing an overhanging, complex network of branches, trunks,

stems and roots that act to moderate nearshore wave energy. In contrast, marine shoreline buffers may include non-native landscaping, vegetable gardens, and lawns as well as possibly, native vegetation communities.

Because the functions provided by a riparian area are fundamental to maintaining a healthy functioning marine nearshore, it is recommended that the City designate a riparian protection zone (RPZ) with more restricted uses and assign a separate marine shoreline buffer to protect the RPZ. This would be done to protect such areas that are currently intact, and to establish an RPZ where such areas do not currently exist such as when properties re-develop, remodel or otherwise expand development. The RPZ would be treated as a conservation area to preserve the essential relationship between nearshore and shoreline ecological functions.

Some activities allowed within the RPZ would be weed removal, hazardous tree or limb removal, or shoreline oriented uses that are a high priority such as water dependent uses on private parcels or nearshore access and water enjoyment uses in public park areas.[2] This approach will help to ensure the protection of what remains of the City's intact riparian zones and will facilitate and provide more flexibility for uses within marine shoreline buffers. Policies, incentives and regulations that support restoration of riparian areas (such as through restoration of native plant communities) would benefit increases in nearshore habitat and functions and assist with showing no net loss.

Scientific Importance of Marine Shoreline Buffers and Riparian Areas

Sustaining habitats and species requires protection of the ecological functions and processes that support survival and population success, in addition to the direct protection of the habitats themselves. Without adequate habitat protection, ecological functions and key natural processes become degraded. In response to this risk, scientifically based recommended buffer widths and site-specific methods for determining buffers have been established in several sources. These sources were reviewed and reported in the City's Addendum to the Summary of Science Report (Herrera 2011) and are briefly summarized here.

Marine Shoreline Buffers

Factors relevant to the effectiveness of marine shoreline buffers, or of a given buffer width, include the type and intensity of surrounding land development, influence of groundwater, stability of slopes or bluffs, types of pollutants and their sources, vegetation dynamics (such as type and density), and geomorphic functions of driftwood or other habitat features that might affect the functions and values of the buffer (Brennan et al. 2009). For example, slopes that are more susceptible to massive failure may require a larger buffer, particularly if existing development is contributing to an increased rate of erosion such as from poor stormwater management and a lack of stabilizing vegetation. Feeder bluffs contributing to spawning beaches may require a larger buffer in order to protect future development while also decreasing the future need for shoreline armoring. Parcels with marshes, lagoons, or spit / barrier / backshores likewise may require wider buffers to protect these important ecological features. Steep slopes comprised of bedrock (relatively rare in the City) or stable high bluffs (greater than 5 meters)

[2] Allowances in the RPZ are more fully discussed in recommendations starting on page 6.

may allow for a narrower buffer as slope stability and sediment sources would not be impacted by development.

Much of the existing riparian and buffer literature is related to freshwater systems therefore, Washington Department of Fish and Wildlife (WDFW) established a panel of scientists in 2008 to assess the freshwater riparian scientific literature to determine its applicability to marine shoreline systems. The result of the literature review, and the Marine Riparian Workshop Proceedings conducted by the scientific panel in 2008 was a common consensus that freshwater riparian buffer research was conceptually applicable to marine shorelines (Brennan et al. 2009). The data provided by the WDFW panel (Brennan et al. 2009) suggest that necessary buffer widths vary considerably depending on the site-specific characteristics and the functions to be protected. For example, in order to achieve at least 80 percent effectiveness at removing pollutants from stormwater runoff, recommended buffers varied from as little as 16 feet to as large as 1,969 feet depending on the slope, depth and type of soil, surface roughness, density of vegetation and the intensity of the land use. Buffer widths for organic matter contributions (such as plant litter and terrestrial insects) ranging between 16 and 328 feet from the shoreline, depending on site conditions, were reported by Bavins et al. (2000) for providing this function. Buffers to protect the large woody debris function important to habitat structure and shoreline stability were suggested to be between 33 and 328 feet. However, given that trees located 300 feet landward from the edge of a bluff or bank would not immediately be recruited on the nearshore, consideration should be given to the site's potential tree height and the current and expected rate of bluff or bank retreat when establishing buffers for providing large woody debris. The WDFW panel found that buffer widths to support a number of specific riparian functions were identified by May (2003) and Knutson and Naef (1997). May recommended 98 feet for fine sediment control, and shade and microclimate control and 164 feet for the LWD function. Knutson and Naef recommended 138 feet for fine sediment control, 90 feet for temperature moderation, and 147 feet for LWD and litter fall functions. The panel's review indicated that recommendations for wildlife habitat protection ranged from 50 feet (specific to highly rural areas) to 328 feet.

Riparian Areas

An extensive body of research and literature has emerged over the last three decades which documents the specific importance of riparian areas in providing ecological functions related to waters of the state. These functions include the following (Romanuk and Levings 2010; Brennan et al. 2009; Lemieux et al. 2004):

- Water quality maintenance
- Fine sediment control
- Large woody debris delivery and retention
- Microclimate moderation
- Nutrient delivery and retention
- Terrestrial carbon source to nearshore food webs
- Fish and wildlife habitat creation and maintenance
- Direct food support for juvenile salmonids
- Hydrologic based slope stability

There is consensus in the scientific community that marine riparian areas are critical to sustaining many ecological functions (Desbonnet et al. 1994; Brennan and Culverwell 2004; Lemieux et al. 2004; Brennan et al. 2009). Marine riparian shoreline vegetation is an important component of nearshore habitat throughout the Puget Sound region (Herrera 2007; Lemieux et al. 2004; Levings and Jamieson 2001; Redman et al. 2005) and includes both upland forested plant communities occurring on the shoreline as well as unique vegetation found only in the marine nearshore (Lemieux et al 2004). Marine riparian areas contain elements of both aquatic and terrestrial ecosystems that mutually influence each other (Knutson and Naef 1997; Fresh et al. 2004; Lemieux et al. 2004). For example, juvenile salmon consume terrestrially derived carbon which can extend into the low intertidal zone (Romanuk and Levings 2010), and salmon are well known conduits for returning marine derived nutrients into freshwater systems (Chaloner et al. 2002; Wipfli 2003). Beach wrack and detritus accumulated in driftwood and tree fall in the nearshore zone, provide both terrestrial and marine derived food sources for invertebrates, fish, birds, and other organisms (Lewis 2007; Brennan et al. 2009). Riparian vegetation also provides contributions of organic matter, moisture, and nutrients that assist in the establishment and maintenance of estuarine marsh plants (Eilers 1975; Williams and Thom 2001).

These interactions between riparian vegetation and the nearshore marine environment are important to the survival and population success of numerous species that depend on marine habitats. Conservation efforts which, preserve the natural processes of detritus and nutrient conveyance, and organic debris accumulation, are therefore important in the marine environment. The establishment of significant protection for marine riparian areas is an important management strategy for protecting marine habitat conservation areas.

In literature reviews conducted to evaluate the potential impacts of removing riparian vegetation on numerous sensitive species, several mechanisms of impact have been identified (Herrera 2007b, 2008b). The degree of impact to the aquatic environment depends upon the magnitude of the vegetation removal or alteration (such as size and number of trees affected, and total area cleared of vegetation). At more severe levels, riparian vegetation modification could result in the following impacts, which would have subsequent implications for species survival and overall habitat condition:

- **Altered shade and temperature regime:** Caused by direct removal of vegetation.
- **Reduced bank and shoreline stability:** Caused by degradation of riparian vegetation, loss of vegetative cover and root cohesion, and reduced resistance to erosion. This may in turn affect aquatic habitat by increasing suspended sediments and altering riparian habitat structure.
- **Altered organic material contributions:** Caused by reduced source of leaf litter, woody debris, terrestrial insects, and other biota.
- **Altered habitat complexity and increased habitat fragmentation:** Caused by removal of native vegetation and creating habitat favored by invasive species.

There are geologic constraints on the type and density of vegetation that can establish on some areas of marine shoreline. For example, many bedrock shorelines are limited in the development of functional densities of vegetation. This is particularly relevant along the southern shoreline of the City where bedrock and overconsolidated sediments are common.

It has been shown that detritus feeding organisms may not be adapted to the leaf fall patterns or the chemical characteristics of leaves from non-native trees suggesting that riparian areas are most effective when comprised of native vegetation (Karr and Schlosser 1977). In addition, native plant species have adapted to local physical conditions such as soil, geology, and climate and therefore require less maintenance, are resistant to most pests and diseases, and require little or no irrigation or fertilizers, once established. Thus maintaining native plant species in marine riparian areas can also have consequent benefits on maintaining water quality.

In a meta-analysis review of 73 peer-reviewed studies of vegetated buffer efficacy in protecting water quality, Zhang et al. (2010) reported that forested buffers were generally found to remove more nitrogen (a limiting nutrient in marine waters) as well as phosphorus than grassed buffers. For areas with slopes up to 10 percent, predicted sediment removal efficiencies for a 33-foot (10-meter) vegetated buffer ranged from 76 to 100 percent. Removal efficiencies for nitrogen were 71 to 85 percent, and for phosphorus were 69 to 98 percent. Steeper slopes had declining removal rates.

By maintaining bank stability and contributing large wood to the aquatic environment, riparian vegetation forms and maintains habitat complexity. Riparian vegetation and large wood improve beach stability and contribute to roughness and sediment trapping (Brennan and Culverwell 2004; Gonor et al. 1988; Herrera 2005). This includes improved capacity of beaches to retain sand, a crucial substrate for forage fish spawning (Pentilla 2007).

Herrera (2005) suggested that driftwood and tree fall at the top of the beach may also stabilize the upper beach area by slowing littoral drift and reducing wave-induced erosion). It has been suggested that estuarine wood can affect water flow and the subsequent formation of bars and mudbanks (Gonor et al. 1988). The contribution to habitat complexity along marine shorelines may be maximized if trees that fall to beaches remain in place (Herrera 2005).

Marine Shoreline Buffer and Riparian Protection Zone Recommendations

City of Bainbridge Island shorelines are predominantly developed (over 82 percent [Battelle 2003]) which limits the City's ability to require wide buffers that are protected through regulation as conservation areas. Therefore, our recommendations have focused on protecting intact riparian habitat by limiting uses within this ecologically important zone, allowing for a less restrictive marine shoreline buffer landward of the riparian area that would protect the RPZ as well as provide some buffer functions; and by suggesting the City provide regulatory thresholds and landowner incentives to restore native riparian habitat whenever possible. In addition, the recommendations are informed by the City's desire to limit the number of non-conforming structures therefore, existing distances to residential structures from the shoreline are considered. These agreements and assumptions are described in *Agreed Principles* on page 8 and *Buffer Assumptions and Recommendation* on page 10.

We recommend that in areas with existing properly functioning riparian habitat, the RPZ would be a minimum of 30 feet but it could extend up to the full width of a standard marine shoreline

buffer if intact native riparian vegetation were present. This recommendation is based on the minimum area necessary to achieve a measure of riparian functions including protecting water quality, and providing shade, microclimate moderation, LWD, litterfall and insect food sources (Christensen 2000; Bavins et al. 2000; Zhang et al. 2010). Any areas not comprised of intact native riparian vegetation would be limited by the provisions of a standard marine shoreline buffer for the shoreline use designation. In areas entirely lacking native riparian vegetation, the City would still establish a minimum 30-foot RPZ zone and, as parcels meet re-development thresholds, the City would require that native vegetation be established within the minimum 30-foot RPZ. In the Natural shoreline designations, the RPZ would be a minimum of 100 feet because of the heightened ecological values found in these areas and their absence of existing development.

Figure 1 illustrates two typical parcels (for this example, they are located within a Shoreline Residential Conservancy use designation) where intact native vegetation varies between 20 feet and 95 feet. For these parcels, the RPZ would range from 30 to 95 feet. In the area currently lacking native vegetation within the 30-foot minimum RPZ, landowners would be required through mitigation, or encouraged through incentives to restore native plant species as described above. In cases where riparian habitat is restored such as to provide mitigation for development impacts or in response to Shoreline Restoration Plan recommendations, such activities could potentially provide the City with no net loss of shoreline ecological functions and potentially a net gain.

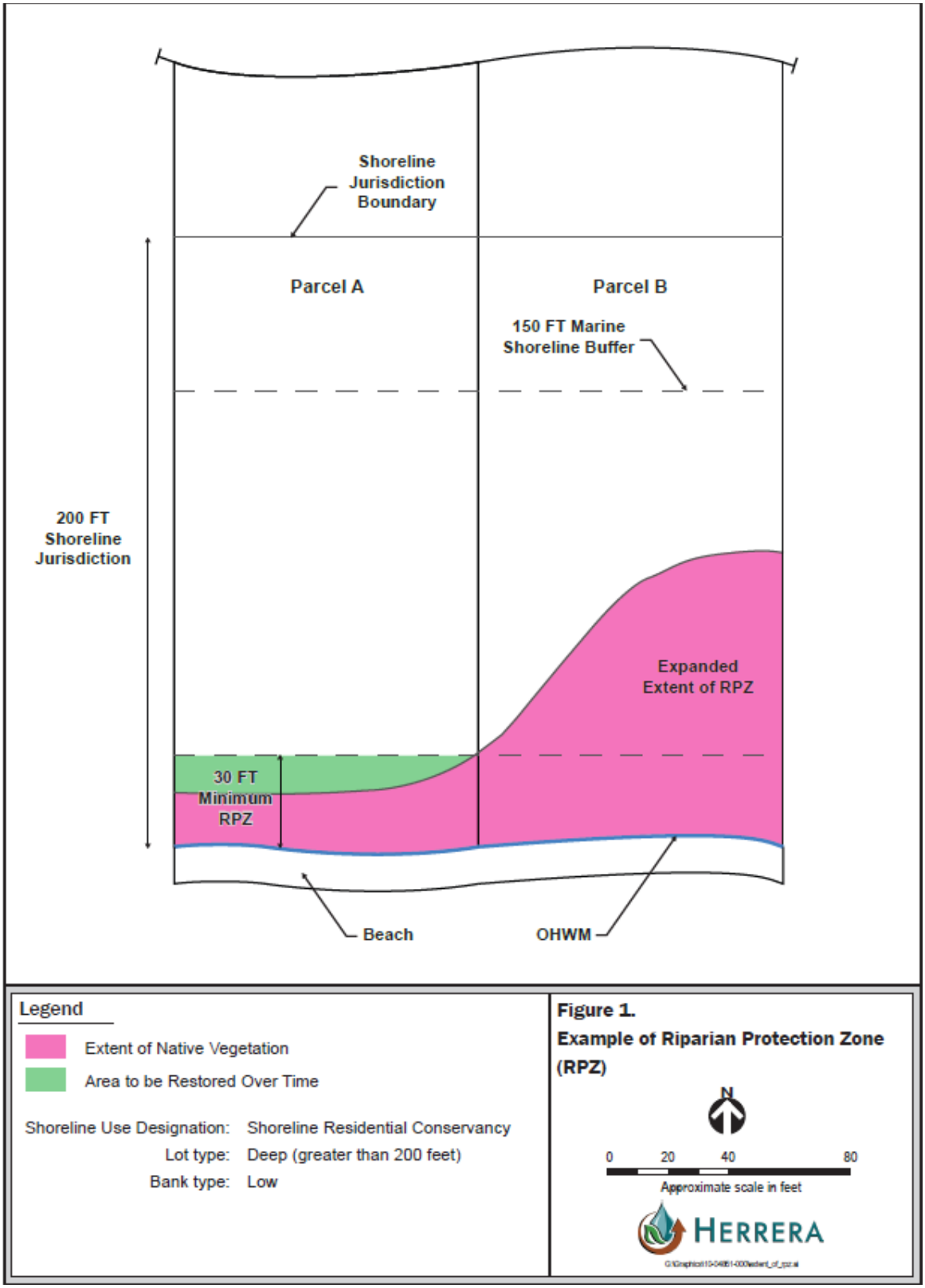


Figure 1.
Example of Riparian Protection Zone (RPZ)

Marine shoreline buffers are recommended to be specific to each shoreline use designation and to be as wide as possible to provide as much protection as is feasible with consideration of existing structure setbacks from the shore.

Agreed Principles

Following is a list of other generally agreed on principles:

1. The ability of a buffer to provide multiple functions and benefits is closely linked to its width, although other factors such as topography, slope, vegetation (type and condition), soil type, and buffer management also determine its effectiveness. In general, wider buffers are more protective of nearshore resources.

2. Buffers widths could be established on each reach or within a management area based on site-specific characteristics. The type and condition of riparian vegetation (coverage of native forest and shrubs) or upland topography (high bluff/low bank) will guide the buffer width as well as adjacency to important ecological features such as marshes, lagoons, and spit / barrier / backshores. Buffers on stable high bluffs could potentially be narrower than on low banks because the elevation difference is more protective of the nearshore. Other factors that could be considered include soil type, slope, degree of anthropogenic disturbance, and adjacent land uses.

3. Buffer widths can vary but should have a more protective inner zone such as the suggested RPZ that protects native riparian vegetation and could have a more permissive outer zone where decks, gardens, and some amount of impervious area is allowed potentially contingent on use of Low Impact Development stormwater management techniques.

4. The goal of the RPZ is to protect native vegetation to the extent possible, however limited water dependent uses would be allowed due to their intrinsic need to be in-water or at the water's edge.

5. Protection and restoration of the RPZ is also intended to provide habitat connectivity such that over time there would be long stretches of native riparian habitat along the City's shore. Therefore, where intact native vegetation is present wider buffers are recommended for some use designations.

6. The RPZ would allow for limited development, subject to a maximum of 300 square feet or 10 percent of the RPZ whichever is less, of structures per parcel related to water dependant uses such as boathouses, ramps, and stairways to the beach. In addition, one 4-foot wide trail would be allowed

for beach access. Structures or trails exceeding those thresholds would require a variance.

7. While there will be prescriptive standards, flexibility will be achieved by a marine shoreline buffer range that considers different development conditions and uses, and by allowing an option for a qualified professional to prepare a "critical areas stewardship plan" similar to Jefferson County's SMP example.

8. Properties along the Aquatic Conservancy use designation would not be allowed to have reduced buffers.

9. Properties within a Natural Area use designation would be prohibited from any shoreline development in the RPZ except for one 4-foot wide trail for beach access.

10. When a project will result in impacts and require mitigation measures, the mitigation would include restoration of the native plant ecosystem. For example mitigation activities could include re-establishing native dune grasses, forests or other habitat communities, as natural conditions would warrant for the site.

11. Lots may be provided an exception to buffer standards (e.g., lots less than a certain depth where the combination of setbacks and typical building footprint would not allow for use of the property).

12. Buffer averaging allowing variable widths would provide flexibility and can be protective of nearshore functions and resources.

13. Existing developed properties with wider shoreline parcels would be allowed to have variable buffer widths (narrower in front of existing structures and wider when moving laterally from the building and perpendicular from the shoreline).

14. We note that critical saltwater environments are based on presence of primary species which means most if not all of the City shoreline areas need some level of nearshore habitat protection (based on WAC173-26).[3]

[3] **From 173-26 WAC:** Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association. Critical saltwater habitats require a higher level of protection due to the important ecological functions they provide. Ecological functions of marine shorelands can affect

Buffer Assumptions and Recommendations

To bracket the range of various buffer widths from the scientific literature, we considered the following:

- Existing development regulations
- Future land use
- The City's existing environmental buffers
- Existing shoreline character (physical & biological) and nearshore assets
- Recently adopted marine shoreline management plans from Puget Sound jurisdictions
- A review of the distance of existing residential structures from the OHWM (to consider the City's desire to limit the number of new non-conforming structures)

Table 1 shows the mean, median, and standard deviation of the distance between the ordinary high water mark (OHWM) and existing primary residential structures for each shoreline use designation as determined by a GIS analysis of 2009 aerial photographs of land cover on the City's shorelines (data provided by the City). These distances were used to identify typical existing conditions for each proposed use designation.

Table 1 also indicates the suggested RPZ and marine shoreline buffer widths for each proposed use designation that resulted from our review of scientific literature, the City's existing shoreline regulations, existing shoreline character, the distance of existing structures from the shoreline, nearshore assets, existing and future land uses, and discussions with City staff. A minimum and a maximum marine shoreline buffer is offered that would vary based on existing parcel conditions where shallow lots (lots less than 200 feet from the OHWM) or high bluff shoreline parcels would have narrower buffers and deeper lots (lots greater than 200 feet from the OHWM) or those with 65 percent coverage of native trees and shrubs within the RPZ, low banks, marshes, lagoons or spit / barrier / backshores would have wider buffer requirements. The table also distinguishes buffer requirements for developed lots versus undeveloped lots in the Shoreline Residential Conservancy use designation. Existing City regulations require a 115-foot buffer on estuarine wetlands. That requirement is recommended for developed lots in the Shoreline Residential Conservancy use designation in order to reduce the number of non-compliant structures, and it is expanded to 150 feet for undeveloped lots in order to advance shoreline protection when future development occurs.

Figure 2 illustrates an example configuration of the RPZ and marine shoreline buffer for a parcel with low bank waterfront, 65 percent canopy cover, and a Shoreline Residential use designation.

the viability of critical saltwater habitats. Therefore, effective protection and restoration of critical saltwater habitats should integrate management of shorelands as well as submerged areas.

The recommendations do not distinguish between water-oriented and non-water oriented uses. Allowances for water-oriented uses would be part of the formal code development process.

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

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

[a] The suggested minimum and maximum buffers are based on existing distances to residential structures from the shoreline in addition to science-based recommendations for shoreline and nearshore protection. The suggested ranges could be refined further based on additional GIS based analysis of City shoreline conditions.

[b] Or 50 feet from edge of geologic hazard; whichever is greater.

[c] Shallow lots measure 200 feet or less from the OHWM and deeper lots measure greater than 200 feet from the OHWM.

[d] 65 percent coverage of native forest and shrub vegetation in the RPZ based on the 2009 aerial image or an approved clearing permit since 2009.

Figure 2. Example Configuration of RPZ in Relation to Marine Shoreline Buffer.

8.5x11

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ATTACHMENT A

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

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

16.20.130 Fish and wildlife habitat conservation areas:

C.1. Development standards for marine critical areas are defined in the city's shoreline master program, Chapter 16.12 BIMC and are summarized in SMP Table 4-2 below.

SMP Table 4-2. Use-related Development Standards Matrix from Chapter 16.12 BIMC.

Key (See Key in Table 4-1) of current SMP

	Upland Environments				
Development Standards	Natural	Conservancy	Rural	Semi-rural	Urban
Aquaculture					
Setback					
Water-dependent	N/A	0	0	0	0
Water-related	N/A	25	25	25	25
Nonwater-oriented	N/A	100	100	100	100
Upland	N/A	30	30	30	30
Boating Facilities					
Setbacks					
Accessory structures	N/A	50	N/A	50	25
Water-dependent	N/A	0	N/A	0	0
Dry moorage	N/A	N/A	100	100	100
Height Limits					
Dry Moorage	N/A	N/A	N/A	30	30
Buildings	N/A	N/A	20	20	20
Commercial					
Native vegetation zone (from OHWM)					
Water-dependent	N/A	N/A	N/A	0	0
Water-enjoyment	N/A	N/A	N/A	50	25
Nonwater-oriented	N/A	N/A	N/A	50	50
Buildings	N/A	N/A	N/A	30	30
Forest Practices					
Native vegetation zone:	N/A	N/A	100	100	100
Industrial Development					
Native vegetation zone (from OHWM)					
Water-dependent	N/A	N/A	N/A	N/A	0
Water-related	N/A	N/A	N/A	N/A	25
Recreational Development					
Native vegetation zone					
Nonwater-oriented, general	N/A	200	200	200	100

Development Standards	Upland Environments				
	Natural	Conservancy	Rural	Semi-rural	Urban
Campsites, picnic areas, and related	N/A	50	50	50	25
Access roads, restrooms, and accessory structures	N/A	75	75	75	50
Parking	N/A	100	100	100	50
Golf course, playfields, intensive use areas	N/A	100	100	100	100
Residential Development (dwellings)					
Native vegetation zone	N/A	100	50	50	25
Transportation					
Native vegetation zone					
Trails	0	0	0	0	0
Water-dependent	N/A	0	0	0	0
Utilities (primary)					
Native vegetation zone					
Distribution lines	N/A	N/A	N/A	50	25
Buildings	N/A	N/A	N/A	50	25
Height Limits:					
Buildings, storage tanks, accessory uses	N/A	N/A	50	20	20
Distribution poles	N/A	N/A	50	30	30

Herrera Environmental Consultants, Inc.

Memorandum

To	Ryan Ericson, Associate Planner, and Libby Hudson, Division Manager City of Bainbridge Island
From	Amanda Azous, Herrera Environmental Consultants
Date	August 31, 2011
Subject	Clarification on Herrera August 11, 2011 Documentation of Marine Shoreline Buffer Recommendation Discussions Memo

This memo is to provide further explanation of the scientific basis for the recommendation to the City of Bainbridge Island (City) that a minimum 30-foot Riparian Protection Zone (RPZ) be instituted as part of a dual-zone management system (provided in Herrera's August 11, 2011, memo to the City: *Documentation of Marine Shoreline Buffer Recommendations*). It is important to note that the RPZ is intended to be a subset of a regulated buffer (which is wider than 30 feet for all use designations except for Urban). The RPZ has the specific purpose of protecting existing intact native vegetation that is directly adjacent to the marine environment. The RPZ also provides a regulatory framework for restoring native vegetation to this zone as future development and re-development occurs, particularly where this zone has been degraded. Restoring native vegetation to this zone would help the City achieving its goal of no net loss of shoreline ecological functions over time.

The RPZ is intended to be more restrictive of uses and development than the remainder of the regulated buffer required in each use designation. Any disturbances or allowed activities within this zone would include mitigation that restores native vegetation within and/or adjacent to the RPZ to the extent feasible. The goal of regulating vegetation characteristics in the RPZ is to strengthen the functions provided by native vegetation in the portion of the 200-foot shoreline jurisdiction where the most benefit would accrue, which is the area directly adjacent to marine waters.

Scientific Recommendations for Marine Riparian Buffers

Both Battelle (2003) and Herrera (2011) review and discuss science-based recommendations for buffer widths to protect various shoreline functions. In general, the reviews found that the wider the buffer, the more effective it will be for protecting the marine environment. Nevertheless, in developed environments it is not always possible to prescribe the largest buffer one might find recommended in the literature. Both literature reviews clearly establish that buffers have a key role in protecting aquatic habitat and resources and both suggest that necessary buffer widths vary considerably depending on the site-specific functions and characteristics. For example, in order to achieve at least 80 percent effectiveness at removing pollutants from stormwater runoff, the buffer required can vary from as little as 16 feet to as large as 1,969 feet depending on the slope, depth and type of soil, surface roughness, density of vegetation and the intensity of the land use. Table 1 provides a summary of a number of studies that examined buffer requirements

that were reviewed for both documents, as well as for the August 11, 2011, buffer recommendations memo. The table indicates that suggested buffers are dependent on the function being protected as well as site-specific characteristics but that in general, the wider buffers are, the more effective they are in providing a diversity of functions. In addition, studies Herrera reviewed suggest that a narrower buffer, fully vegetated with native trees and shrubs, may perform more effectively than a wider buffer comprised of non-native landscaping and/ or lawn.

Table 1. Riparian buffers functions and width recommendations in the literature.

Riparian Function	Range of Buffer Widths (feet) to Achieve ≥ 80% Effectiveness and Literature Cited	Minimum Buffer Width (Approximate) Based on FEMAT Curve to Achieve ≥ 80% Effectiveness [a]
Water quality	16 ft: Schooner and Williard (2003) for 98% removal of nitrate in a pine forest buffer 1969 ft: Desbonnet et al (1994, 1995) for 99% removal 33 ft: Zhang et al. (2010) for 85% removal of nitrogen with trees (71% with mixed grass and trees) 33 ft: Zhang et al. (2010) for 98% removal of phosphorus with trees (69% with mixed grass and trees)	82 ft: sediment 197 ft: TSS 197 ft: nitrogen 279 ft: phosphorus
Fine sediment control	82 ft: Desbonnet et al (1994/1995) for 80% removal 299 ft Pentec Environmental (2001) for 80% removal 33 ft: Zhang et al. (2010) for 91% removal of sediment on 5% slope with grass and trees; 86% removal on 10% slope with grass and trees	82 ft: (sediment) 197 ft: (TSS)
Shade/Microclimate	56 ft: Belt et al 1992 IN Eastern Canada Soil and Water Conservation Centre (2002) for 90% effectiveness 125 ft: Christensen (2000) for 80% temperature moderation	121 ft (0.6 SPTH*)
Large woody debris	33 ft: Christensen (2000) for 80-90% effectiveness 328 ft: Christensen (2000) for 80-90% effectiveness	131 ft (0.65 SPTH*)
Terrestrial carbon source to nearshore food webs	16 to 328 ft: Bavins et al (2000)	80 ft (0.4 SPTH)
Hydrology/slope stability	Consensus is that for steep slopes affecting critical areas such as feeder bluffs, a site specific analysis by a qualified professional is necessary to determine a specific buffer width.	Recommendations are based on protecting property and not critical areas. Buffers widths are provided for a range of slope conditions but do not consider underlying geology.

[a] FEMAT data in this table are based on Site Potential Tree Height (SPTH) equal to 200 feet.

Scientific Basis for 30-foot Riparian Protection Zone

Based on the significant variability in buffer recommendations, we endeavored to develop a strategy for the City that would, over time, improve the ecological functions within the current residential development pattern found along most of the City's shoreline (over 82 percent developed [Battelle 2003]), while also allowing for some flexibility for landowners to make use of the shoreline. Therefore, we focused on maintaining and restoring intact riparian habitat located directly adjacent to marine waters by designating it an RPZ, limiting uses within this ecologically important zone, and providing mechanisms and strategies for increasing native vegetation within and adjacent to the RPZ over time.

This minimum RPZ width of 30 feet is based on the ability to achieve 70 percent or greater effectiveness at protecting water quality, and providing shade, microclimate moderation, large woody debris, litterfall and insect food sources (Christensen 2000; Bavins et al. 2000; Zhang et al. 2010) (see Table 2). The remainder of the regulated buffer required for each shoreline designation augments the protection for ecological functions provided by the RPZ, and therefore provides added conservation strategies for protecting marine riparian functions and critical saltwater habitats. This dual-zone management system described in Herrera's August 11, 2011, memo and illustrated in Figures 1 and 2 within that memo, works together to increase the functions typically provided by a single standard marine shoreline buffer through conserving and, over time, adding native vegetation in the most critical zone of the buffer.

Table 2. Approximate effectiveness provided by 30-foot RPZ (Christensen 2000; Bavins et al. 2000; Zhang et al. 2010).

Function	Percent Effectiveness within 30 Feet of OHWM	Comment
Water quality maintenance	71 - 98	Assumes trees or mixed grass and trees
Fine sediment control	86 - 91	Assumes trees or mixed grass and trees
Shade and microclimate moderation	100	Trees and other over-hanging vegetation must be present on the shore.
Large woody debris	80 -90	Trees must be present on the shore
Terrestrial carbon source to nearshore food webs	80	Trees and other over-hanging vegetation must be present on the shore.
Terrestrial wildlife habitat	Unknown	Highly dependent on species of wildlife to be protected
Hydrologic based slope stability	Unknown	Highly dependent on specific site conditions

OHWM = Ordinary High Water Mark

An RPZ containing native trees and shrubs would promote the recruitment of organic matter, nutrients, and macroinvertebrate prey items to the marine environment which are reduced or absent when riparian vegetation is not present on the shoreline (Brennan et al. 2004; Sobocinski 2003; Williams et al. 2001). Detritus feeding organisms are often not able to adapt to the leaf fall patterns or the chemical characteristics of leaves from non-native plants, which is one reason

why shoreline vegetation should be native species for maximum effectiveness (Karr and Schlosser 1977). Native plant species are adapted to local physical conditions such as soil, geology, and climate and therefore require less maintenance, are resistant to most pests and diseases, and require little or no irrigation or fertilizers, once established. Thus maintaining native plant species adjacent to the shoreline helps maintain water quality. Also, trees located close to the shore, form and maintain habitat complexity by stabilizing banks and contributing large wood to the aquatic environment.

Another important protection feature is that the RPZ would extend up to the full width of a standard marine shoreline buffer wherever intact native riparian vegetation were present but would be a minimum of 30 feet.

In areas entirely lacking native riparian vegetation, the City would still establish a minimum 30-foot RPZ and, as parcels met re-development thresholds, the City would require that native vegetation be established within the minimum 30-foot RPZ. In the Natural shoreline designation, the RPZ would be a minimum of 100 feet because of the heightened ecological values found in the areas within this shoreline designation and their absence of existing development.

In summary, the 30-foot RPZ is a subset of a dual-zone system, intended to preserve existing native trees and shrubs, and restore them when possible, to increase their presence adjacent to the shoreline and protect important shoreline functions. This strategy will provide opportunity to significantly improve over time shoreline functions over existing City conditions, where degradation exists or continues to occur. The implementation of the RPZ as a component of a regulated buffer will allow the City to effectively stem the loss of shoreline resources due to loss of native shoreline vegetation and, in conjunction with regulations addressing activities allowed in the remainder of the regulated buffer, assist the City with meeting its goal of no net loss of shoreline ecological functions.

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Zhang, X, X. Liu, M. Zhang, R. Dahlgren, and M. Eitzel. 2010. A Review of Vegetated Buffers and a Meta-analysis of their Mitigation Efficacy in Reducing Nonpoint Source Pollution. *J. Environ. Qual.* 39:76-84.

Appendix D

Single Family Residence Mitigation Manual

Appendix E

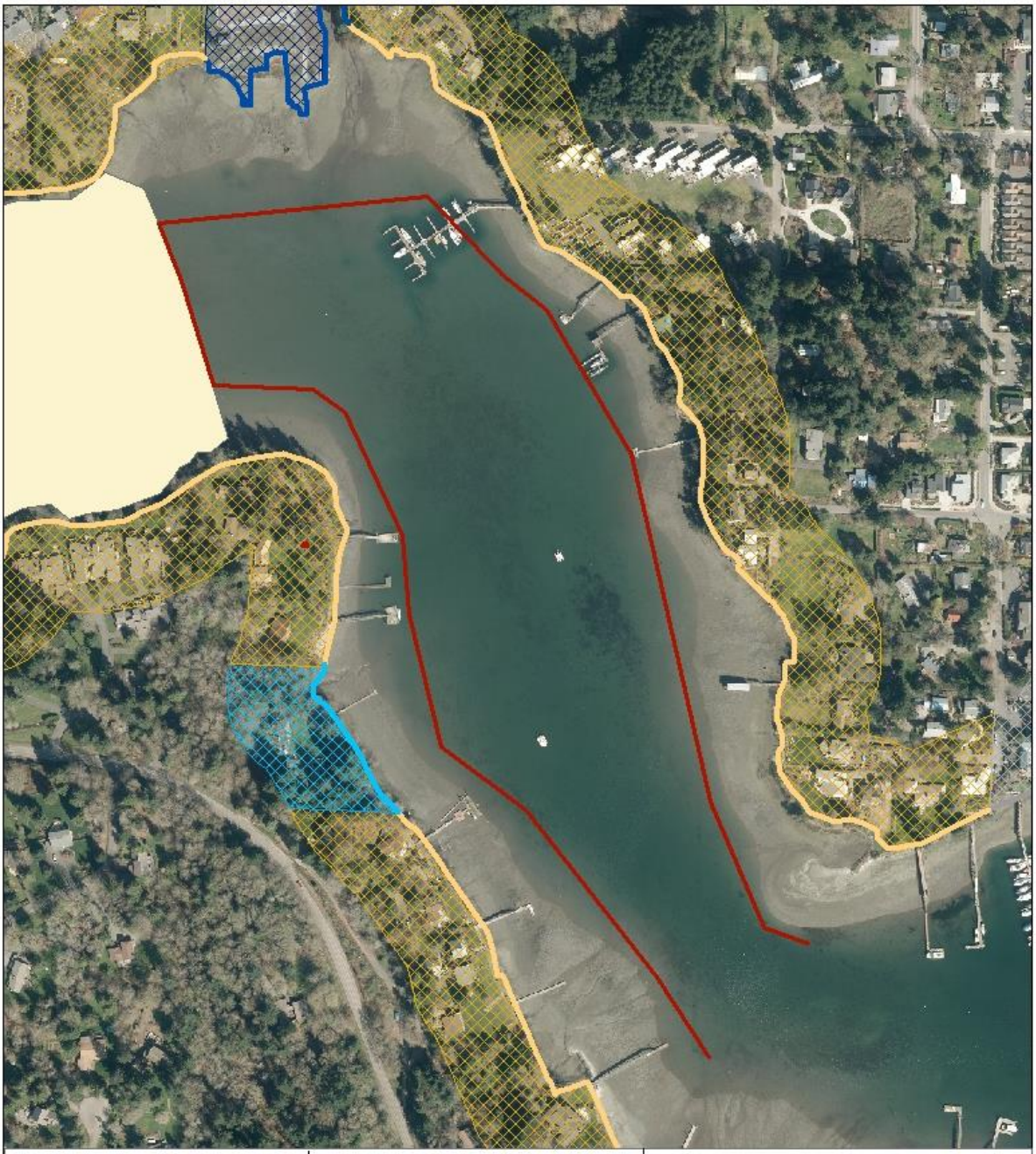
Special Area Maps



Port Madison
Harbor Structure Line

N

200 100 0 200 Feet



Eagle Harbor
Harbor Structure Line

N

200 100 0 200 Feet



Point Monroe Distirct Shoreline Stabiliztion Areas

N

200 100 0 200 Feet

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (8:40 PM) Information on Bainbridge Landing Path and Harbor Square Fence - Executive,

SUMMARY:
In January and February, the City received extensive public comment from residents of Harbor Square related to a path segment being installed on the neighboring Bainbridge Landing property. In response, the City provided information to the community via the weekly City Manager's report and several "News Flash" updates.

At the Council meeting on Feb. 11, the Council requested that the City Manager review this issue to clarify any legal concerns or issues related to the Harbor Square fence, and bring those results to a future Council meeting. The results of City staff review are provided in the attached memo.

AGENDA CATEGORY: Discussion **PROPOSED BY:** Executive

RECOMMENDED MOTION: Discussion.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

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

BACKGROUND:

In January and February, the City received extensive public comment from residents of Harbor Square related to a path segment being installed on the neighboring Bainbridge Landing property. As background, please see the City's new flash from Jan. 31 (https://www.bainbridgewa.gov/CivicAlerts.aspx?AID=614) and the article from the Feb. 14 City Manager newsletter (https://myemail.constantcontact.com/City-Manager-s-Report.html?soid=1112605656722&aid=8N6xWfEO20c)

At the Council meeting on Feb. 11, the Council requested that the City Manager review this issue to clarify any legal concerns or issues related to the Harbor Square fence, and bring those results to a future Council meeting. The results of City staff review are provided in the attached memo.

At this time, City staff remain unclear as to why residents of Harbor Square believe the City is seeking removal of their fence. The City has not received any complaints about the Harbor Square fence and has not provided any communication to the property owners or residents about this fence.

As the memo indicates, both the Bainbridge Landing and Harbor Square projects received bonus FAR in exchange for their provision of open space. The Bainbridge Landing project had a 2017 SEPA condition to provide a trail connection to the adjoining open space at Harbor Square. While the Winslow Master Plan encourages a continuous network of nonmotorized connections, there was and is no condition to require that the two open spaces connect, nor that prevents such a connection in the future. In the event that Harbor Square chooses to allow uninterrupted movement between the open spaces, then Bainbridge Landing has constructed a trail to allow it.

ATTACHMENTS:

Harbor Square Bainbridge Landing Memo REV 06192020

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND

Department of Planning and Community Development

Memorandum

Date: June 19, 2020

To: Morgan Smith, City Manager

From: Heather Wright
Director of Planning

Subject: Overview of Harbor Square fence, Bainbridge Landing trail - Revised

Both the Harbor Square and Bainbridge Landing projects utilized the Floor Area Ratio bonus of providing open space in order to acquire a density bonus. Both projects provided one acre of open space with Harbor Square including a central plaza, park, and protection of a Heritage Tree and Bainbridge Landing providing a one acre park. The two projects were approved 15 years apart. As part of the approval for Bainbridge Landing, a trail was required as a SEPA condition and to further the Winslow Master Plan policy for connectivity of open space. This memo provides an overview of the projects and addresses a fence that was constructed on the Harbor Square property just north of the open space and abutting the Bainbridge Landing project.

Harbor Square Overview:

In 2002, Harbor Square received Site Plan Review and Conditional Use Permit approval for a mixed-use project consisting of 180 multifamily residential units and 22,150 square feet of commercial uses in eight buildings.

As part of the approval, the project proposed acquiring bonus FAR through providing one acre of community open space, primarily consisting of a central plaza, park (lawn terrace), and tree preservation, as follows:

> 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 (attached). 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.

The community open space provided in Harbor Square was identified in Figure 4.1 of the Winslow Master Plan. Specifically, Harbor Square) was targeted for a pocket and one acre park.

The project was conditioned with the following requirement:

> The applicant shall maintain at least one acre as community open space for FAR credit as permitted under BIMC Section 18.40.060(D). The applicant shall submit an agreement guaranteeing public access to the open space. Upon review and approval of the agreement by the city attorney, the applicant shall execute and record said agreement. This agreement shall be recorded prior to the issuance of a building permit for Phase I. At least 50 percent of the open space shall be improved prior to the issuance of half of the Certificates of Occupancy related to Phase 1. The remainder of the open space shall be improved prior to the issuance of half of the Certificates of Occupancy related to Phase 2.
>
> The open space shall contain a mix of plazas, walkways, park-like landscaping, areas of native vegetation, and a children's play area. However, facilities designed primarily for the residents of the development such as community gardens, cannot count towards FAR credit.

Following the SPR/CUP approval, Harbor Square provided the open space for FAR credit and entered into a Declaration of Open Space Covenant (PDF attached).

The original review of recent, Google Earth pro aerial photographs indicated that the fence was installed along the northern property line (immediately adjacent to the open space and the fire lane) in 2018. After a recent comment received from the Harbor Square Board claiming that the fence had been in existence since 2007, Staff performed a review of the oldest available (2013) Google Earth aerial photographs, and acknowledge that the fence has been in existence since at least 2013. The fence did not require a building permit from the City because it was under the height threshold (7 feet outside of shoreline jurisdiction).

Bainbridge Landing Overview:

In 2017, Bainbridge Landing (immediately adjacent and north of Harbor Square) received Subdivision and Site Plan Review approval to develop 140 residential units including 18 townhomes, 7 lofts, and a 115 unit apartment building and a one acre park at the east side of the project site, abutting Ferncliff. The park was be used to acquire a Floor Area Ratio (FAR) Bonus, and the creation of 27 lots.

Like Harbor Square, Bainbridge Landing was targeted for a one acre park in Figure 4.1 of the Winslow Master Plan Open Space Plan (attached).

A SEPA condition on the project was to provide a trail connection to the adjoining open space on the Harbor Square property.

> To ensure recreational opportunities are provided on-site and connected to adjoining sites, the project shall provide an on-site pedestrian connection to the adjoining public park on the Harbor Square property.

The condition was found to support the Non-motorized transportation element of the Winslow Master Plan A, Goal 1 and Policy 1.8:

> Develop a non-motorized transportation system that effectively serves the needs of pedestrian, bicycle, and equestrian users and encourages non-motorized travel and provides a continuous network of attractive sidewalks, footpaths, multi-purpose trails, and bikeways throughout the Island that are also connected to regional systems.

Encourage non-motorized travel by recognizing existing informal and private pathways as part of the overall pedestrian and bicycle network. Efforts shall be made to formalize and make these connections public. Realignment of existing trails may be necessary to accommodate both trail access and private development.

Conclusion:

Harbor Square and Bainbridge Landing both provided open space in exchange for Bonus FAR. The Bainbridge Landing project had a SEPA condition in 2017 to provide a trail connection to the adjoining open space in Harbor Square. While the Winslow Master Plan encourages a continuous network of nonmotorized connections, there was and is no condition to require that the two open spaces connect, nor that prevents such a connection in the future. In the event that Harbor Square chooses to allow uninterrupted movement between the open spaces, then Bainbridge Landing has constructed a trail to allow it.

Figure 4.1, Winslow Master Plan Open Space Plan



CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 20 Minutes

AGENDA ITEM: (8:50 PM) Consideration of Revisions to the City's Code of Conduct and Ethics Program,

SUMMARY:
During the May 19, 2020 City Council meeting, the Council expressed a desire to have a brief discussion during the May 26 Council meeting to determine how best to proceed with respect to the City's Code of Conduct and Ethics Program. Unless extended or modified, the program is set to expire on February 1, 2021.

Attached to that agenda item for Council discussion was Councilmember Hytopoulos's suggestions on revisions to the program. The Council had an initial discussion of those suggested revisions on May 26 and then forwarded the item to the June 9 agenda for further discussion. Following discussion on June 9, the Council directed that additional discussion be scheduled on this topic at a future Council meeting.

Attached to this agenda item is a draft of the City's Code of Conduct and Ethics Program that has been further revised by Councilmember Hytopoulos, with input from the City Attorney's Office. For the reader's convenience, Councilmember Hytopoulos prepared a version in track changes to show the proposed revisions and comments, as well as a "clean" copy with the proposed revisions incorporated into the document. Both of those drafts are attached.

This agenda item is to discuss the proposed revisions offered by Councilmember Hytopoulos, with the goal of coming to agreement regarding the revisions to the program so that City staff can bring back at a future meeting a resolution for consideration of approval that would allow the Council to adopt the program as revised.

AGENDA CATEGORY: Discussion **PROPOSED BY:** City Council

RECOMMENDED MOTION: Discussion and direction to staff about proposed revisions to the Code of Conduct and Ethics Program.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

Councilmember Hytopoulos has spent significant time and effort reviewing and considering revisions to the City's current Code of Conduct and Ethics Program. The revisions proposed would significantly change the program to more clearly separate into different tracks complaints related to the Code of Conduct (Article I) and complaints related to the Code of Ethics (Article II). At its meeting on June 9, 2020, the City Council expressed interest in this approach and Councilmember Hytopoulos was asked to bring her proposed revisions back to the Council for further consideration. This agenda item is in furtherance of that Council discussion and possible future action.

ATTACHMENTS:

Clean Copy KH Proposed Revisions to Res No. 2019-26 Updating the Citys Ethics Program Approved 112619 .pdf

Redlined Copy KH Proposed Revisions to Res No. 2019-26 Updating the Citys Ethics Program Approved 112619.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND
CODE OF CONDUCT AND ETHICS PROGRAM

Resolution No. 2020-xx

Effective Date: _____

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CITY OF BAINBRIDGE ISLAND
CODE OF CONDUCT AND ETHICS PROGRAM

All those associated with City government, including Councilmembers and members of City Committees and Commissions, seek to earn and maintain the public's confidence in the City's services and the public's trust in its government. To this end, the decisions and work of those associated with City government must meet the highest ethical standards. It is therefore the purpose of this program to:

1. Articulate the Code of Conduct that will guide the conduct of Councilmembers and members of City Committees and Commissions;

2. Establish a Code of Ethics for Councilmembers and members of City Committees and Commissions;

3. Provide training for Councilmembers and members of City Committees and Commissions on the Code of Conduct and the Code of Ethics;

4. Establish a system that enables individuals, Councilmembers, and members of City Committees and Commissions to seek guidance and assistance regarding possible violations of the Code of Conduct or of the Code of Ethics;

5. Provide processes to review possible violations of the Code of Conduct and of the Code of Ethics by Councilmembers and members of City Committees and Commissions; and

6. Maintain an Ethics Board to assist with the administration of the program.

This Code of Conduct and Ethics Program is intended to supplement state and federal law. As such, Councilmembers and members of City Committees and Commissions shall comply with all state and federal laws in the performance of their public duties. These laws include, but are not limited to, the following: the United States and Washington Constitutions; Chapter 42.23 RCW; and Chapter 42.17A RCW.

ARTICLE I -
CODE OF CONDUCT

A. Preamble

The City of Bainbridge Island has adopted this Code of Conduct, which consists of the Core Values and Ethical Principles detailed below, to promote and maintain the highest standards of personal and professional conduct among City Councilmembers and members of City Committees and Commissions. The optimal operation of democratic government requires that the City's government be fair and accountable to the people it serves. This Code of Conduct articulated in Article I applies to Councilmembers and members of City Committees and Commissions.

B. Core Values

1. Service, Helpfulness, Innovation

We are committed to providing service to the people of Bainbridge Island and to each other that is courteous, cost effective, and continuously improving.

2. Integrity

We treat one another with honesty and integrity, recognizing that trust is hard won and easily lost. We pledge to promote balanced, consistent, and lawful policies and directives, in keeping with that integrity and the highest standards of this community.

3. Equality, Fairness, Mutual Respect

We pledge to act with the standard of fairness and impartiality in the application of policies and directives and that of equality and mutual respect with regard to interpersonal conduct.

4. Responsibility, Stewardship, Recognition

We accept our responsibility for the stewardship of public resources, and our accountability for the results of our efforts, and we pledge to give recognition for exemplary work.

C. Ethical Principles

1. Obligations to the Public

Following the highest standards of public service, Councilmembers and members of City Committees and Commissions act to promote the public good and preserve the public's trust. In practice, this principle looks like transparency and honesty in all public statements and written communications.

2. Obligations to Others

In order to sustain a culture of ethical integrity, Councilmembers and members of City Committees and Commissions treat each other and the public with respect and are guided by applicable codes of ethics. In practice, this principle looks like:

a. Councilmembers and members of City Committees and Commissions shall familiarize themselves with the ethical rules governing them (including Chapter 42.23 RCW and this Ethics Program) and obtain periodic education regarding such rules.

b. Councilmembers and members of City Committees and Commissions shall, in all their interactions, conduct themselves in a manner that demonstrates civility and respect for others.

3. Obligations Regarding the Use of Public Resources

In recognition of the importance of stewardship, Councilmembers and members of City Committees and Commissions use and allocate public monies, property, and other resources in a responsible manner that takes into consideration both present and future needs of the community. In practice, this principle looks like:

a. Councilmembers and members of City Committees and Commissions shall, to the extent possible, seek guidance regarding the use of public resources from staff and other experts, including legal advice from the City Attorney as appropriate, in order to ensure that public resources are used and conserved for the public good.

b. Councilmembers and members of City Committees and Commissions shall ensure that paid experts and consultants who provide guidance regarding the use of public resources shall be impartial and free of conflicts of interest.

ARTICLE II -
CODE OF ETHICS

Except where specifically stated, the rules articulated in Article II apply to Councilmembers and individuals serving on City Committees and Commissions.

A. Gifts and Compensation

1. Limitations on City-Related Gifts and Outside Compensation

Except as permitted under Subsections (2) and (3) below, no Councilmember or member of a City Committee or Commission, or any member of their immediate families, shall, directly or indirectly, accept any gift (as defined below) for a matter connected with or related to their services or duties with the City of Bainbridge Island or accept any non-City compensation for the performance or non-performance of those services or duties.

2. Exceptions to Gift Limitations

The following are exceptions to the limitation on gifts and may be accepted by those subject to Subsection (1) above:

a. Unsolicited items of trivial value. "Items of trivial value" means items or services with a value of fifty dollars ($50.00) or less, such as promotional t-shirts, pens, calendars, books, or other similar items.

b. Gifts from other City officers, officials, or employees, or their family members on appropriate occasions.

c. Gifts appropriate to the occasion and reasonable and customary in light of a familial, social, or official relationship of the giver and recipient, such as weddings, funerals, illnesses, holidays, and ground-breaking ceremonies.

d. Campaign contributions as permitted and reported in accordance with law.

e. Awards that are publicly presented by a nonprofit organization in recognition for public service if the award is not extraordinary when viewed in light of the position held by the recipient.

f. Gifts offered while visiting other cities, counties, states, or countries or hosting visitors from other cities, counties, states, or countries, when it would be a breach of protocol to refuse the gift, provided that any such gifts received shall become property of the City.

g. Reasonable and necessary costs to attend a conference or meeting that is directly related to the official or ceremonial duties of the Councilmember or member of a City Committee or Commission, provided that any payment of substantial travel or lodging expenses by any person or entity regulated by the City or doing or seeking to do business with the City must be approved in advance by the Mayor or, if the Mayor is the recipient, by the Deputy Mayor or the Mayor Pro Tem.

3. Immediate Family Gift Exception

It shall not be a violation of this section for a member of a Councilmember's or a member of a City Committee or Commission's immediate family to accept a gift which arises from an independent relationship, if the Councilmember or member of a City Committee or Commission does not significantly benefit from the gift, and it cannot reasonably be inferred that the gift was intended to influence the Councilmember or member of a City Committee or Commission in the performance of their duties.

B. Use of City Property by Councilmembers

1. Except for limited incidental personal use or emergency circumstances, no Councilmember shall request, permit, or use City vehicles, equipment, materials, or property for personal use, personal convenience, or profit.

2. From the time that a Councilmember declares or publicly states that they intend to run for reelection until the conclusion of the respective general election, that Councilmember shall not request or direct that City funds be used to purchase any media (including newspaper, radio, television, social media, or bulk mailing) that contains the name or image of that Councilmember unless the names or images of all City Councilmembers appear in the media being purchased.

C. Confidentiality

Except as required by law, a Councilmember, former Councilmember, or current or former member of a City Committee or Commission shall not disclose or use privileged, confidential, or propriety information obtained in executive session or otherwise in the course of their duties as a result of their position.

D. Conflict of Interest – General

1. Applications of Conflict of Interest

Except as permitted in Subsections (2) or (3) below, a Councilmember or member of a City Committee or Commission shall not take any direct official action on a matter if they, or a member of their immediate family:

a. Has any substantial direct or indirect contractual employment related to the matter;

b. Has other significant financial or private interest in that matter (which includes serving on a Board of Directors for any organization but does not, for Councilmembers, include appointing members to the Salary Commission); or

c. Is a party to a contract or the owner of an interest in real or personal property that would be significantly affected by that matter. Taking direct official action on, or regarding, legislation of general application does not "significantly affect" real or personal property within the meaning of this Subsection.

2. Conflict of Interest Exceptions for Councilmembers

Subsection (1) above shall not apply when a Councilmember:

a. Is required to take or participate in an action based upon the rule of necessity;

b. Acts as their own representative before the City Council, Hearing Examiner, or any other City board, commission, or agency, provided that the individual does not also participate in any way in the deliberations or decision of the City Council, Hearing Examiner, or that board, commission, or agency related to that matter;

c. Acquires an interest in bonds or other instruments of indebtedness issued by the City if acquired and held on the same terms available to the general public;

d. Officially participates in the development and adoption of the City's budget; or establishes the pay or benefit plan of City officers, officials, or employees;

e. Makes decisions on any legislation of general application unless these actions directly affect, or appear to affect, the official's or immediate family member's employment; or

f. Serves on the governing body of an organization or entity as part of their official duties as a Councilmember of the City.

3. Conflict of Interest Exceptions for Members of City Committees and Commissions

Subsection (1) above shall not apply to a member of a City Committee or Commission:

a. Who takes direct official action, as a member of a City Committee or Commission to which that member was appointed based on that member's ownership or lease of certain real property or of that member's ownership of a business located in a certain area of the City, that results in a conflict of interest under Subsection (1) above due solely to the fact of that member's ownership or lease of the certain real property or of that member's ownership of the business located in a certain area of the City providing the basis for that member's appointment to the City Committee or Commission; provided that the member fully discloses the basis for the conflict of interest under Subsection (1) during each meeting of the City Committee or Commission in which the conflict of interest under Subsection (1) occurs or may occur;

b. Who fully disclose the basis for the conflict of interest under Subsection (1) above on the public record of the City Committee or Commission and the Committee or Commission votes to allow the member to participate in the discussion or the vote; or

c. Is required to take action or participate in an action based upon the rule of necessity.

4. Disclosure for Councilmembers

All Councilmembers are required to comply with the Washington State Public Disclosure Commission requirements for financial disclosure. In addition, all Councilmembers shall publicly disclose their financial interest in any matter that comes before them. All Councilmembers shall annually complete a conflict of interest statement to be submitted to the City Clerk by April 15th.

E. Conflict of Interest – After Leaving Elected City Office

1. For two (2) years after leaving elected City office, no former Councilmember shall obtain employment in which they will take direct or indirect advantage of matters on which they took direct official action during their service with the City. This includes contractual negotiations or solicitation of business unavailable to others.

2. For two (2) years after leaving elected City office, no former Councilmember shall engage in any action or litigation in which the City is involved, on behalf of any other person or entity, when the action or litigation involves an issue on which the person took direct official action while in elected City office.

F. Conflict of Interest – Members of City Committees or Commissions and Employment

While serving on a City Committee or Commission, and for two (2) years after leaving such position, no member of a City Committee or Commission shall obtain employment in which they will take direct or indirect advantage of matters which they, as a member of a City Committee or Commission, recommended to the City Council. This includes applying for positions or contracts with the City when the City Committee or Commission on which the member served recommended funding such position or contract.

G. Conflict of Interest – Family Members of Councilmembers

1. Appointment of Family Members

Unless they obtain a waiver from the Ethics Board, no Councilmember shall appoint or hire a member of their immediate family for any type of employment with the City. This includes, but is not limited to, full time employment, part time employment, permanent employment, temporary employment, and contract employment.

2. Supervision of Family Members

No Councilmember shall supervise or be in a direct line of supervision over a member of their immediate family. If a Councilmember is placed in a direct line of supervision of a member of their immediate family, they shall have three (3) months to come into compliance or to obtain a waiver pursuant to Subsection (3) below.

3. Waivers

Waivers from this section may be sought from the Ethics Board to allow a member of the immediate family to be hired or to be in the direct line of supervision of a member of the immediate family. Procedures to consider such a waiver are set forth in Article III.

H. Conflict of Interest – Contractors

Every major contractor submitting bids to the City shall affirm that neither the contractor nor any agent of the contractor has made any prohibited gift to a Councilmember who is involved in direct official action on the bid or has a relationship to such Councilmember that would create a conflict of interest for that Councilmember under this Code of Conduct and Ethics Program.

I. Conflict of Interest - Individuals Serving on City Committees and Commissions

Individuals serving on City Committees and Commissions shall sign a conflict of interest statement upon appointment and reappointment.

J. Conduct of Public Meetings

1. Meetings involving Councilmembers or City Committees and Commissions should be conducted in a manner that maximizes transparency of relationships among individuals or groups that could affect decision-making.

2. Meetings of the City Council and City Committees and Commissions shall have a standing agenda item for disclosure of possible conflicts of interest. Members are encouraged to disclose relationships with persons and issues on the agenda, including potential conflicts of interests. If necessary, discussion among the members may be undertaken to judge the significance of these relationships and whether a possible conflict of interest exists.

K. Conflict of Interest – Individuals Serving on the Ethics Board

No member of the Ethics Board shall participate in the review of complaints or requests for advisory opinions relating to the conduct of a Councilmember where that member of the Ethics Board is or was a member of a political action committee that supports, supported, opposes, or opposed the election or reelection of the Councilmember in question.

ARTICLE III -
SUBMISSION AND REVIEW OF CODE OF CONDUCT COMPLAINTS AND CODE OF ETHICS COMPLAINTS, REQUESTS FOR WAIVERS, AND REQUESTS FOR ADVISORY OPINIONS

A. Submission and Review of Code of Conduct Complaints

1. Any individual may submit to the City Clerk a complaint alleging violations of the Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission.

2. Each complaint must include the name and address of the complainant, along with a detailed statement of facts, supported by a declaration in compliance with RCW 9A.72.085, on a form supplied by the City Clerk.

3. The City Clerk shall refer complaints alleging one or more violations of the Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission, except for complaints concerning members of the Ethics Board, to the Ethics Board for review in accordance with Subsection A.4. -6. below. The City Clerk shall refer complaints alleging one or more violations of the Code of Conduct (Article I) by a member of the Ethics Board to the Hearing Examiner, who shall review the complaint in accordance with Subsection B.11.a.–f. below in place of the Ethics Board.

4. Upon receipt of a complaint, the Ethics Board shall make a threshold determination as to whether or not the complaint is reasonably credible and whether or not the facts asserted in the complaint, even if true, would constitute a violation of the Code of Conduct (Article I).

a. If the Ethics Board determines that the complaint lacks reasonable credibility, the Ethics Board shall dismiss the complaint, take no further action on it, and provide, following legal review, a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall-forward the notice of dismissal to the complainant and respondent

b. If the Ethics Board determines that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Conduct (Article I), then the Ethics Board shall dismiss the complaint, take no further action on it, and provide, following legal review, a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the complainant and respondent.

c. If the Ethics Board determines that the complaint is reasonably credible and that the facts asserted in the complaint, if true, would constitute a violation of the Code of Conduct (Article I), then the Ethics Board shall provide, following legal review, a written threshold determination to the City Clerk, along with a recommendation as to the appropriateness of mediation for reconciliation or, alternatively, the issuance of an advisory opinion based on the facts and circumstances stated in the complaint. Complaints alleging conduct directed at the complainant individually shall be

presumptively referred to mediation. (As an illustrative example, this could include a complaint brought by a resident alleging that a Councilmember violated the Code of Conduct by not treating that resident with civility and respect related to a particular interpersonal transaction).Complaints alleging conduct not directed at the complainant shall be presumptively referred to the process set forth in A.6 below. (As an illustrative example, this could include a complaint brought by a resident alleging that a Councilmember violated the Code of Conduct by using public resources in a manner that fails to meet the standard of accepting responsibility for the stewardship of public resources). The City Clerk shall forward the threshold determination and recommendation to the complainant and respondent and refer the complaint to either the mediation process as described in section A.5 below, or back to the Ethics Board for an advisory opinion as described in A.6 below.

5. As soon as practicable following receipt of a threshold determination under Article III, Subsection (A)(4)(c), that includes a recommendation for mediation, the City Clerk, or designee, shall schedule the time and place for reconciliation of the complaint.

a. To facilitate timely reconciliation, the City Manager is authorized to, as needed, negotiate, execute, or amend a contract with the Dispute Resolution Center of Kitsap County, or other similar firm or organization, for the provision of trained mediators suitable for facilitating reconciliation to resolve complaints.

b. Reconciliation shall occur at the time and place scheduled. However, if the complainant refuses to participate in reconciliation, then no reconciliation shall be scheduled, and no further action shall be taken on the complaint. If the respondent refuses to participate in reconciliation, then no reconciliation shall be scheduled. In circumstances where the respondent refuses to participate in reconciliation, the City Clerk shall, except for complaints concerning members of the Ethics Board, instead refer the complaint to the Ethics Board for review and issuance of an advisory opinion in accordance with Article III, Subsections A.6.a-g below. For complaints concerning members of the Ethics Board, the City Clerk shall instead refer such complaints to the Hearing Examiner, who shall review the complaint and issue an advisory opinion in accordance with Article III Subsections B.11.a–f, in place of the Ethics Board. If the parties engage in mediation, no further action shall occur under the ethics program.

6. Upon referral back to the Ethics Board of a complaint pursuant to Section A.4.c or A.5.b above, the Chair of the Ethics Board shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.

a. The Ethics Board shall then review the complaint and response, if submitted. The Ethics Board's review shall be limited to the complaint and the response, if submitted. In the course of reviewing a complaint, the Ethics Board may request clarification of the complaint by the complainant or of the response by the respondent; provided that if the Ethics Board obtains clarification of the complaint, the Ethics Board shall give the respondent the opportunity to review the clarification and to provide an additional written

response. However, the Ethics Board shall not engage in other fact-finding.

b. If, in reviewing the complaint and response, a question of fact exists, the Ethics Board shall identify the existence of the question of fact in its advisory opinion.

c. After reviewing the matter, the Ethics Board shall, following legal review, forward to the City Clerk an advisory opinion, with identifying information as to the complainant and individual(s) names in the complaint deleted, for publication . The City Clerk shall provide notice to both the complainant and respondent of the publication of the advisory opinion.

d. If, during the process of reviewing a complaint alleging a violation of the Code of Conduct (Article I), the Ethics Board determines that an additional violation of the Code of Conduct (Article I) may have occurred or a violation of the Code of Ethics (Article II) may have occurred, then the Ethics Board may choose to note that possibility in its advisory opinion. However, the Ethics Board shall not on its own initiative pursue an investigation of an additional violation of the Code of Conduct (Article I) or a violation of the Code of Ethics (Article II). Nothing in this subsection, however, shall preclude the complainant from subsequently filing other Code of Conduct (Article I) or Code of Ethics (Article II) complaints.

e. The Ethics Board shall strive to complete its review and issue an advisory opinion within 45 business days from the date that the City Clerk forwarded the request to the Ethics Board. If review takes longer than 45 business days, the Ethics Board in its advisory opinion shall specify the reasons for why additional time was needed.

f. Advisory opinions shall be viewed as educational only. The purpose of such an opinion is to provide an educational opinion to Councilmembers, members of City Committees and Commissions, and the public on what type of conduct is generally expected from Councilmembers and members of City Committees and Commissions.

B. Submission and Review of Ethics Complaints

1. Any individual may submit to the City Clerk an ethics complaint alleging violations of one of the following:

a. The Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission; or

b. The ethics standards contained in the City of Bainbridge Island Employee Manual by a City employee other than the City Manager.

2. Each complaint must include the name and address of the complainant, along with a detailed statement of facts, supported by a declaration in compliance with RCW 9A.72.085, on a form supplied by the City Clerk.

3. To facilitate timely review under this Subsection, each complaint may only allege violations of one of the two standards described in Subsection B.1. above. To the extent that an individual believes both standards were violated, the individual may submit multiple complaints (i.e., a complaint related to B.1.a. and a separate complaint related to B.1.b.).

4. The City Clerk shall refer complaints alleging one or more violations of the Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission, except for complaints concerning members of the Ethics Board, to the Ethics Board for review in accordance with Subsections (5)-(9) below. The City Clerk shall refer complaints alleging one or more violations of the Code of Ethics (Article II) by a member of the Ethics Board to the Hearing Examiner for review in accordance with Subsections (10)-(14) below.

5. Upon receipt of a complaint, the Chair of the Ethics Board shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.

6. The Ethics Board shall review any complaint forwarded to it by the City Clerk and any response submitted by the respondent. The Ethics Board shall not engage in other fact-finding. However, in the course of reviewing a complaint, the Ethics Board may request clarification of the complaint by the complainant or of the response by the respondent.

7. After reviewing the complaint and the response, if one was submitted, the Ethics Board shall, following legal review, take one or more of the following actions and inform the complainant, the respondent, and the City Clerk accordingly:

a. If the Ethics Board, after review of the complaint and any response, determines that the complaint alleges violations of the Code of Conduct (Article I) rather than alleged violations of the Code of Ethics (Article II), then the Ethics Board shall dismiss the complaint and, after legal review, provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the complainant and respondent. Nothing in this subsection shall preclude the complainant from subsequently filing a Code of Conduct complaint based upon the same facts.

b. If the Ethics Board, after review of the complaint and any response, determines that the complaint lacks reasonable credibility, then the Ethics Board shall dismiss the complaint and, after legal review, provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the complainant and respondent.

c. If the Ethics Board, after review of the complaint and any response, determines that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics (Article II), then the Ethics Board shall dismiss the complaint and, after legal review, provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the complainant and respondent.

d. If the Ethics Board, after review of the complaint and any response, determines that that the facts stated in the complaint, even if true, would not constitute a material violation of the Code of Ethics because any possible violation was inadvertent or minor or has been adequately cured, such that further proceedings on the complaint would not serve the purposes of the Code of Ethics (Article II), then the Ethics Board shall dismiss the complaint and, after legal review, provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the complainant and respondent.

e. If the Ethics Board learns at any time during its review of the complaint that the matter is the subject of litigation it shall hold the complaint for action at a future time.

f. If the Ethics Board, after review of the complaint and any response, determines that the facts asserted in the complaint appear credible and appear to constitute a violation of the Code of Ethics (Article II), then the Ethics Board shall, following legal review, issue such a determination, and forward its determination, along with the complaint and response, to the complainant, respondent, and the City Clerk. The City Clerk shall then forward the Board's determination and associated materials to the Hearing Examiner for review and possible further proceedings in accordance with Article IV.

8. The Ethics Board shall strive to complete its review within 45 business days from the date that the City Clerk forwarded the complaint to the Ethics Board. If review takes longer than 45 business days, the Ethics Board in its determination shall specify the reasons why additional time was needed.

10. The Ethics Board shall report apparent violations of law to the City Attorney.

11. Upon receipt of a complaint, the Hearing Examiner shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.

12. The Hearing Examiner shall conduct a threshold review of any complaint forwarded to them by the City Clerk and any response submitted by the respondent. The Hearing Examiner shall not engage in other fact-finding during this preliminary review. However, in the course of reviewing a complaint, the Hearing Examiner may request clarification of the complaint by the complainant or of the response by the respondent.

13. After reviewing the complaint and the response, if one was submitted, the Hearing Examiner shall take one or more of the following actions and inform the complainant, the respondent, and the City Clerk accordingly:

a. Determine that the complaint alleges violations of the Code of Conduct (Article I) rather than alleged violations of the Code of Ethics (Article II), dismiss the complaint, and provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the

Ethics Board, complainant, and respondent. Nothing in this subsection shall preclude the complainant from subsequently filing a Code of Conduct complaint based upon the same facts.

b. Determine that the complaint lacks reasonable credibility, dismiss the complaint, and provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the Ethics Board, complainant, and respondent.

c. Determine that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics (Article II), dismiss the complaint, and provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the Ethics Board, complainant, and respondent.

d. Determine that the facts stated in the complaint, even if true, would not constitute a material violation of the Code of Ethics because any possible violation was inadvertent or minor or has been adequately cured, such that further proceedings on the complaint would not serve the purposes of the Code of Ethics (Article II), dismiss the complaint and provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the Ethics Board, complainant and respondent.

e. Hold the complaint for action at a future time if the matter is the subject of litigation; or

f. Determine that, based on the submissions of the complainant and the respondent, further proceedings under Article IV are warranted.

14. The Hearing Examiner shall strive to complete their review within 45 business days from the date that the City Clerk forwarded the complaint to the Hearing Examiner. If review takes longer than 45 business days, the Hearing Examiner in their determination shall specify the reasons why additional time was needed.

15. If the Hearing Examiner determines that, based on the submissions of the complainant and the respondent, further proceedings under Article IV are warranted, the Hearing Examiner shall forward their determination, along with the complaint and response, to the complainant, respondent, and the City Clerk. The City Clerk will then schedule further proceedings in accordance with Article IV.

C. Review of Complaints Concerning City Employees

1. The City Clerk shall refer complaints concerning City employees to the City Manager.

2. The City Manager shall review any ethics complaint forwarded by the City Clerk and determine the appropriate course of action to address the complaint including, as applicable, authorizing such investigations as may be necessary to determine whether a

violation has occurred, consistent with state law as well as relevant policies, procedures, and collective bargaining agreements.

3. Upon making a determination that no violation of ethics rules has occurred, the City Manager shall provide a written response regarding the determination to the complainant.

4. Upon making a determination that a violation of ethics rules has occurred, the City Manager or other appropriate City officer shall take action as guided by state law and relevant policies, procedures, and collective bargaining agreements.

5. In the event of a violation, the City Manager shall provide a response to the complainant outlining the substance of the violation and the action taken, subject to governing rules regarding confidentiality articulated in state law, City policy, and collective bargaining agreements.

6. Apparent violations of law shall be reported to the appropriate authorities, as applicable.

D. Requests for Advisory Opinions by City Councilmembers or Members of City Committees or Commissions

1. To the extent described below, the following individuals or bodies may submit to the City Clerk a request for an advisory opinion from the Ethics Board:

a. A Councilmember or member of a City Committee or Commission may request an advisory opinion from the Ethics Board as to whether their own behavior has violated or might in the future violate the Code of Conduct (Article I) or the Code of Ethics (Article II).

b. The City Council may request an advisory opinion from the Ethics Board regarding City policies or practices in relation to the Code of Conduct (Article I) or the Code of Ethics (Article II).

c. City Committees and Commissions may request an advisory opinion from the Ethics Board regarding operating rules or practices in relation to the Code of Conduct (Article I) or the Code of Ethics (Article II).

d. A Councilmember may request an advisory opinion from the Ethics Board concerning the applicability of the Code of Ethics (Article II) to hypothetical circumstances and/or situations related to the actions, or potential actions, of a Councilmember or a member of a City Committee or Commission.

2. Requests for advisory opinions must be submitted to the City Clerk on a form supplied by the Ethics Board. The Ethics Board shall, following legal review, submit finalized advisory opinions to the City Clerk for publication.

3. Advisory opinions issued in response to requests made under subsection 1.a. or 1.d. above shall not include identifying information as to the requestor or the individual(s) whose conduct is the subject of the opinion unless otherwise agreed in writing by both the requestor and subject individual(s).

4. The grant of authority in this section is supplemental to, and does not change, the authority granted to the Ethics Board in Section B above.

F. Waivers

Councilmembers may request a waiver from the Ethics Board of the conflict of interest restrictions related to the hiring of and supervision over family members, as provided by Article II, Section F. Such requests shall be submitted in writing to the City Clerk, who shall refer them to the Ethics Board. Once finalized, the Board shall, following legal review, provide its response to the City Clerk, who shall publish both the request and the Board's response.

G. Effect of Advisory Opinion or Waiver

An individual who receives a waiver, or who acts in reliance on an advisory opinion, shall not later be found to have violated the Code of Conduct (Article I) or the Code of Ethics (Article II) if the individual acts in a manner consistent with that advisory opinion or waiver.

ARTICLE IV -
HEARING EXAMINER REVIEW
AND POSSIBLE SANCTIONS

A. Hearing Examiner Review of Article II Complaints

1. The City Clerk shall provide written notification to the complainant and the respondent of the time, date, and place of the hearing before the Hearing Examiner at which the complaint concerning alleged violations of the Code of Ethics (Article II) will be reviewed.

2. Hearings conducted by the Hearing Examiner shall be informal and held in accordance with rules of procedure adopted by the Hearing Examiner, except to the extent that such rules conflict with the terms of this Ethics Program. The respondent may be represented by legal counsel. The City Attorney shall designate special counsel to present the Code of Ethics violations charges and case. The respondent and special counsel may present and cross examine witnesses and give evidence before the Hearing Examiner. The Hearing Examiner may also call witnesses and compel the production of books, records, papers, or other evidence needed. To that end, the Hearing Examiner may issue subpoenas and subpoenas duces tecum at the request of the respondent, special counsel, or their own initiative. All testimony shall be under oath administered by the Hearing Examiner. The Hearing Examiner may adjourn the hearing from time to time in order to allow for the orderly presentation of evidence.

3. The Hearing Examiner or designee shall prepare an official record of the hearing, including all testimony, which shall be recorded by electronic device, and exhibits; provided that the Hearing Examiner or designee shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

4. Within 20 business days after the conclusion of the hearing, the Hearing Examiner shall, based upon a standard of proof of clear and convincing evidence, make findings of fact and conclusions of law. If the Hearing Examiner determines that the alleged Code of Ethics violation(s) have not been proven, the Hearing Examiner shall dismiss the complaint. If the Hearing Examiner determines that one or more Code of Ethics violation(s) are proven, the Hearing Examiner shall forward the matter to the City Council for a determination regarding the appropriate level of sanctions to be imposed for the Code of Ethics (Article II) violations. In either event, a copy of the findings and conclusions shall be forwarded to the City Clerk, for distribution to the City Council, and, by registered mail, to the person who made the complaint and to the respondent at addresses as given by such persons to the Hearing Examiner.

B. Action by City Council upon Hearing Examiner's Findings and Conclusion

1. Within 45 business days of receipt of the Hearing Examiner's findings and conclusions that sustain a Code of Ethics violation, the City Council shall schedule an executive session to consider the findings and conclusions, hear from the respondent, and deliberate upon the appropriate level of civil sanction(s) to be imposed, if any, except to the extent that the respondent requests that they be heard in open public session.

2. The Council may take no formal action or, by majority vote of the Council (not including the respondent, if a Councilmember, who shall not participate in said vote) at an open public meeting, may impose any of the following sanctions in response to a sustained violation of the Code of Ethics:

a. Admonition: An admonition shall be a verbal non-public statement made by the Mayor, Deputy Mayor, or Mayor Pro Tem to the Councilmember or member of a City Committee or Commission who has violated the Code.

b. Reprimand: A reprimand shall be a letter prepared by the City Council, signed by the Mayor, Deputy Mayor, or Mayor Pro Tem, and directed to the Councilmember or member of a City Committee or Commission who has violated the Code.

c. Censure: A censure shall be a written statement administered personally by the Mayor, Deputy Mayor, or Mayor Pro Tem to the Councilmember or member of a City Committee or Commission who has violated the Code violation. The Councilmember or member of a City Committee or Commission shall appear at a time and place directed by the City Council to receive the censure. The censure shall be given publicly and the official who has violated the Code shall not make any statement in support or opposition thereto or in mitigation. A censure shall be deemed administered at the time it is scheduled whether or not the Councilmember or member of a City Committee or Commission appears as required.

d. Other sanctions: Any sanction imposed under this Ethics Program is in addition to and not in lieu of any other penalty, sanction, or remedy which may be imposed or sought according to law or equity.

3. The City Clerk shall forward, by registered mail, a copy of the findings, conclusions, and sanctions, if imposed, to the complainant and to the respondent at addresses as given by both persons to the City Clerk. Following approval by the Council, the City Clerk shall publish the written findings, conclusions, and sanctions, if imposed.

ARTICLE V -
ETHICS BOARD

A. Creation, Terms, and Appointments

1. Membership of Ethics Board

The Ethics Board consists of seven members appointed in accordance with this section.

2. Qualifications of Board Members

a. Members of the Board shall represent a diverse set of backgrounds and interests.

b. At least one member of the Ethics Board shall be a former judicial officer or have expertise in ethics acquired through education or experience.

c. Members appointed or reappointed after the effective date of Resolution No. 2019-26, updating the Ethics Program, shall not, while serving on the Ethics Board, also simultaneously be employees or officers of the city or individuals appointed to another city committee or commission.

3. Method of Appointment

a. Members of the Ethics Board shall be nominated by the Mayor and confirmed by the City Council by a supermajority vote of at least five Councilmembers.

b. The Mayor and City Council shall work cooperatively to ensure that any person who is nominated has the required support of the City Council. Nominations shall be presented at meetings of the City Council in which all seven Councilmembers are present, unless exceptional circumstances exist (e.g., a Council vacancy exists and has not yet been filled, or other good cause).

4. Terms of Appointment

a. Board members shall be appointed to terms of three years; however, the first two members nominated by the Mayor and confirmed by the City Council shall initially serve one-year terms to achieve staggered ending dates.

b. If a member is appointed to fill an unexpired term, that member's term shall end at the same time as the term of the person being replaced.

c. Each member shall continue to serve until a successor has been appointed, unless the member is removed or resigns.

5. Removal of Board Members

a. The absence of any member of the Board from three (3) consecutive meetings, unless the Board has excused the absence for good and sufficient reasons as determined by the Board, shall constitute a resignation from the Board.

b. The City Council may remove a member for inappropriate conduct before the expiration of the member's term. Before removing a member, the City Council shall specify the cause for removal and shall give the member the opportunity to make a personal explanation.

6. Compensation

Members of the Ethics Board shall serve without compensation. Members may be reimbursed for reasonable expenses pursuant to the rules of the City and as approved by the City Manager or their designee.

7. Rules

The Ethics Board may, by majority vote, adopt reasonable operating rules consistent with this Ethics Program. The City Council reserves the right to modify such operating rules at its discretion.

8. Consultation with City Attorney

The Ethics Board shall consult with the City Attorney's Office or special counsel appointed by the City Attorney's Office regarding legal issues which may arise in connection with the Board's duties and functions under this Ethics Program.

9. Liaison to the Ethics Board.

A representative of the City Attorney's Office shall attend Ethics Board meetings and serve as the liaison to the Ethics Board. No Councilmember shall serve as a liaison to the Ethics Board.

B. Training Provided by the Ethics Board

The Ethics Board shall perform the following training related duties:

1. At least every two years, the Ethics Board shall prepare and distribute a pamphlet describing the Code of Conduct (Article I) and Code of Ethics (Article II) to all Councilmembers and members of City Committees and Commissions, after review of the pamphlet by the City Attorney's Office. The Ethics Board shall ensure that all new Councilmembers and members of City Committees and Commissions receive a pamphlet on this Code of Ethics.

2. The Ethics Board shall develop and present a training course on the Code of Conduct and the Code of Ethics to be presented annually to all Councilmembers and members of City Committees and Commissions.

C. Training Provided to the Ethics Board

The Ethics Board shall include all requests for training for the coming year in the Board's annual report to the City Council, and the Council will determine what training to approve, if any.

D. Annual Report

By February 15 of each year, the Ethics Board shall submit an annual report to the City Council summarizing its activities during the previous calendar year and work plan for the following year. The report shall include any recommendations for modifying the Code of Conduct and Ethics Program as well as all training requested by the Ethics Board.

ARTICLE VI -
DEFINITIONS

For purposes of the Ethics Program, the following definitions shall apply.

"City Committees and Commissions" and "City Committee or Commission" mean all advisory boards, commissions, committees, and task forces created or appointed by the City Council.

"Confidential Information" means (a) specific information, rather than generalized knowledge, that is not available to the general public on request; or (b) information made confidential by law.

"Direct official action" means any of the following:

1. For Councilmembers and members of City Committees and Commissions, taking action, as defined by RCW 42.30.020, in an open public meeting.

2. For Councilmembers and members of City Committees and Commissions, directly, or indirectly through a proxy, doing the following: negotiating or recommending for or against a contract, purchase order, lease, concession, franchise, grant, or other similar instrument in which the City is a party.

3. For Councilmembers and members of City Committees and Commissions, directly, or indirectly through a proxy, doing the following: recommending for or against the approval of a permit, or other similar City approval or authorization, issued by the City. However, direct official action does not include the submittal, to the City, of a permit application by a Councilmember or a member of a City Committee or Commission or the appeal of a denial of such a permit application by the City. Direct official action includes actions taken by a Councilmember or a member of a City Committee or Commission to use or attempt to use their position to obtain special privileges or exemptions in the processing, or review on appeal, of their permit application.

4. For Councilmembers, appointing or terminating employees (i.e., the City Manager) or appointing or removing members of City Committees and Commissions.

Direct official action does not include acts that do not affect the disposition or decision with respect to the matter. Additionally, a Councilmember or member of a City Committee or Commission who recuses herself or himself in lieu of taking action, as defined by RCW 42.30.020, in an open public meeting is not exercising direct official action.

"Direct line of supervision" means the supervisor of an employee and the supervisor of an employee's supervisor.

"Fact-finding" means any action to gather facts or other evidence not submitted by a complainant in a complaint or a clarification to a complaint or by a respondent in a response or a clarification to a response. However, "fact-finding" does not include review by the Ethics Board of official video or audio recordings of meetings of the City Council or of City Committees and Commissions as well as review by the Ethics Board of the official minutes of such meetings.

"Gift" means any favor, reward, or gratuity and any money, good, service, travel, event ticket, lodging, dispensation, or other thing of value that is given, sold, rented, or loaned to a person without reasonable compensation and that is not available to the general public on the same terms and conditions. Any honoraria or payment for participation in an event will be considered a gift.

"Immediate family" means husband, wife, son, daughter, mother, father, grandmother, grandfather, grandchildren, brother, sister, domestic partner, or spouse of the above. The term includes any minor children for whom the person, or their domestic partner, provides day-to-day care and financial support. A "domestic partner" is an unmarried adult, unrelated by blood, with whom an unmarried officer, official, or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

"Legislation of General Application" means any legislative act, including regulations, policies, ordinances, resolutions, and motions, of general application, as opposed to legislative acts that affect only a particular person or individual or a small group of similarly situated persons or individuals.

"Major Contractor" means any person, corporation, company, firm, business, or other entity doing business over $5,000 with the City under one contract or annually.

"Political Action Committee" means a legal entity, other than a natural person, that raises, spends, receives, or contributes money to support or oppose the election of one or more candidates for elected office at the local, state, or federal levels.

"**Question of Fact**" means a factual dispute between the complainant and the respondent concerning an issue that is material to a determination as to whether a violation of the Code of Conduct (Article I) exists.

"**Reconciliation"** means mediation between a complainant and a respondent facilitated by a trained mediator.

"Rule of Necessity" shall be interpreted and defined in accordance with RCW 42.36.090, which provides: In the event of a challenge to a member or members of a decision-making body which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member or members publicly disclose the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

ARTICLE VII -
CITY COUNCIL REVIEW OF CODE OF CONDUCT
AND ETHICS PROGRAM

This Code of Conduct and Ethics Program shall automatically expire, and no longer be in force or effect, 12 months from the effective date of Section 1 of Resolution No. 2019-26, unless it is expressly renewed or otherwise amended by majority vote of the City Council.

Commented [KH2]: If we make the proposed changes, I recommend that there be no expiration date, but instead a planned review in 12 or 24 months. Perhaps direct the Ethics Board to provide an analysis of the efficacy and, fairness of the processes.

RESOLUTION NO. 2019-26

A RESOLUTION of the City Council of Bainbridge Island, Washington, amending the ethics program for the City of Bainbridge Island in accordance with Chapter 2.07 BIMC.

WHEREAS, Chapter 2.07 BIMC provides that the City Council shall establish, by resolution or ordinance, an ethics program for the City of Bainbridge Island; and

WHEREAS, on May 10, 2006, the City Council passed Resolution No. 2006-25, adopting an ethics program for the City of Bainbridge Island; and

WHEREAS, the City Council has previously amended the ethics program through the passage of Resolution Nos. 2011-07, 2011-13, 2012-11, and 2018-10; and

WHEREAS, in 2019, the City Council thoroughly considered the City's ethics program, including discussions held during the May 28, July 2, July 23, August 6, August 20, September 17, October 22, and November 26, 2019 Council meetings; and

WHEREAS, the Ethics Board has reviewed and provided input to the City Council on proposed changes to the City's ethics program; and

WHEREAS, the City Council desires to update the City's ethics program and to provide a delayed effective date for the revised ethics program to give City staff and the Ethics Board time to update operating rules, forms, and training materials, as needed, to conform with and implement the revised ethics program.

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

Section 1. Repeal and Replacement of Ethics Program. The ethics program adopted by Resolution No. 2018-10 is hereby repealed in its entirety and replaced as shown on **Exhibit A**, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Direction to Ethics Board. The Ethics Board shall not, without Council approval, consider any complaint, request for advisory opinion, or request for waiver until Section 1 of this resolution takes effect. The Ethics Board is directed to revise its operating rules, forms, and training materials, as needed, to conform with the Code of Conduct and Ethics Program included as **Exhibit A** to this resolution.

Section 3. Effective Date. Section 1 of this resolution shall take effect and be in force on February 1, 2020. Section 2 of this resolution shall take effect and be in force immediately upon passage.

Commented [KH1]: We'll need a new resolution, of course. I am not attempting to revise the original resolution at this time, just the document governing the program.

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

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

/s/
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

/s/
Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK: November 22, 2019
PASSED BY THE CITY COUNCIL:
RESOLUTION NO. 2019-26

Exhibit A: Code of Conduct and Ethics Program

~~**Exhibit A**~~
~~**Code of Conduct and Ethics Program**~~

CITY OF BAINBRIDGE ISLAND
CODE OF CONDUCT AND ETHICS PROGRAM

Resolution No. ~~2019-26~~2020-xx

Effective Date: ~~February 1, 2020~~ _____

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Commented [KH2]: Parts of the Table of Contents will need to be revised. I have not done that at this time, pending Council's decisions regarding the proposed changes.

CITY OF BAINBRIDGE ISLAND
CODE OF CONDUCT AND ETHICS PROGRAM

All those associated with City government, including Councilmembers and members of City Committees and Commissions, seek to earn and maintain the public's confidence in the City's services and the public's trust in its government. To this end, the decisions and work of those associated with City government must meet the highest ethical standards. It is therefore the purpose of this program to:

1. Articulate the Code of Conduct that will guide the conduct of Councilmembers and members of City Committees and Commissions;

2. Establish a Code of Ethics for Councilmembers and members of City Committees and Commissions;

3. Provide training for Councilmembers and members of City Committees and Commissions on the Code of Conduct and the Code of Ethics;

4. Establish a system that enables individuals, Councilmembers, and members of City Committees and Commissions to seek guidance and assistance regarding possible violations of the Code of Conduct or of the Code of Ethics;

5. Provide ~~a~~ processes to review possible violations of the Code of Conduct and of the Code of Ethics by Councilmembers and members of City Committees and Commissions; and

6. Maintain an Ethics Board to assist with the administration of the program.

This Code of Conduct and Ethics Program is intended to supplement state and federal law. As such, Councilmembers and members of City Committees and Commissions shall comply with all state and federal laws in the performance of their public duties. These laws include, but are not limited to, the following: the United States and Washington Constitutions; Chapter 42.23 RCW; and Chapter 42.17A RCW.

Commented [KH3]: I am proposing that we fully separate the two different processes – for conduct and ethics – in this document.

ARTICLE I -
CODE OF CONDUCT

A. Preamble

The City of Bainbridge Island has adopted this Code of Conduct, which consists of the Core Values and Ethicals Principles detailed below, to promote and maintain the highest standards of personal and professional conduct among City Councilmembers and members of City Committees and Commissions. The optimal operation of democratic government requires that the City's government be fair and accountable to the people it serves. This Code of Conduct articulated in Article I applies to Councilmembers and members of City Committees and Commissions.

Commented [KH4]: Not only do I believe that "ethical principles" is grammatically better, I think it is more accurate here than "ethics" principles and more clearly distinguishes the code of conduct from the code of ethics.

B. Core Values

1. Service, Helpfulness, Innovation

We are committed to providing service to the people of Bainbridge Island and to each other that is courteous, cost effective, and continuously improving.

2. Integrity

We treat one another with honesty and integrity, recognizing that trust is hard won and easily lost. We pledge to promote balanced, consistent, and lawful policies and directives, in keeping with that integrity and the highest standards of this community.

3. Equality, Fairness, Mutual Respect

We pledge to act with the standard of fairness and impartiality in the application of policies and directives and that of equality and mutual respect with regard to interpersonal conduct.

4. Responsibility, Stewardship, Recognition

We accept our responsibility for the stewardship of public resources, and our accountability for the results of our efforts, and we pledge to give recognition for exemplary work.

C. Ethicals Principles

Commented [KH5]: See comment above

1. Obligations to the Public

Following the highest standards of public service, Councilmembers and members of City Committees and Commissions act to promote the public good and preserve the public's trust. In practice, this principle looks like transparency and honesty in all public statements and written communications.

2. Obligations to Others

In order to sustain a culture of ethical integrity, Councilmembers and members of City Committees and Commissions treat each other and the public with respect and are guided by applicable codes of ethics. In practice, this principle looks like:

a. Councilmembers and members of City Committees and Commissions shall familiarize themselves with the ethical rules governing them (including Chapter 42.23 RCW and this Ethics Program) and obtain periodic education regarding such rules.

b. Councilmembers and members of City Committees and Commissions shall, in all their interactions, conduct themselves in a manner that demonstrates civility and respect for others.

3. Obligations Regarding the Use of Public Resources

In recognition of the importance of stewardship, Councilmembers and members of City Committees and Commissions use and allocate public monies, property, and other resources in a responsible manner that takes into consideration both present and future needs of the community. In practice, this principle looks like:

a. Councilmembers and members of City Committees and Commissions shall, to the extent possible, seek guidance regarding the use of public resources from staff and other experts, including legal advice from the City Attorney as appropriate, in order to ensure that public resources are used and conserved for the public good.

b. Councilmembers and members of City Committees and Commissions shall ensure that paid experts and consultants who provide guidance regarding the use of public resources shall be impartial and free of conflicts of interest.

ARTICLE II -
CODE OF ETHICS

Except where specifically stated, the rules articulated in Article II apply to Councilmembers and individuals serving on City Committees and Commissions.

A. Gifts and Compensation

1. Limitations on City-Related Gifts and Outside Compensation

Except as permitted under Subsections (2) and (3) below, no Councilmember or member of a City Committee or Commission, or any member of their immediate families, shall, directly or indirectly, accept any gift (as defined below) for a matter connected with or related to their services or duties with the City of Bainbridge Island or accept any non-City compensation for the performance or non-performance of those services or duties.

2. Exceptions to Gift Limitations

The following are exceptions to the limitation on gifts and may be accepted by those subject to Subsection (1) above:

a. Unsolicited items of trivial value. "Items of trivial value" means items or services with a value of fifty dollars ($50.00) or less, such as promotional t-shirts, pens, calendars, books, or other similar items.

b. Gifts from other City officers, officials, or employees, or their family members on appropriate occasions.

c. Gifts appropriate to the occasion and reasonable and customary in light of a familial, social, or official relationship of the giver and recipient, such as weddings, funerals, illnesses, holidays, and ground-breaking ceremonies.

d. Campaign contributions as permitted and reported in accordance with law.

e. Awards that are publicly presented by a nonprofit organization in recognition for public service if the award is not extraordinary when viewed in light of the position held by the recipient.

f. Gifts offered while visiting other cities, counties, states, or countries or hosting visitors from other cities, counties, states, or countries, when it would be a breach of protocol to refuse the gift, provided that any such gifts received shall become property of the City.

g. Reasonable and necessary costs to attend a conference or meeting that is directly related to the official or ceremonial duties of the Councilmember or member of a City Committee or Commission, provided that any payment of substantial travel or lodging expenses by any person or entity regulated by the City or doing or seeking to do business with the City must be approved in advance by the Mayor or, if the Mayor is the recipient, by the Deputy Mayor or the Mayor Pro Tem.

3. Immediate Family Gift Exception

It shall not be a violation of this section for a member of a Councilmember's or a member of a City Committee or Commission's immediate family to accept a gift which arises from an independent relationship, if the Councilmember or member of a City Committee or Commission does not significantly benefit from the gift, and it cannot reasonably be inferred that the gift was intended to influence the Councilmember or member of a City Committee or Commission in the performance of their duties.

B. Use of City Property by Councilmembers

1. Except for limited incidental personal use or emergency circumstances, no Councilmember shall request, permit, or use City vehicles, equipment, materials, or property for personal use, personal convenience, or profit.

2. From the time that a Councilmember declares or publicly states that they intend to run for reelection until the conclusion of the respective general election, that Councilmember shall not request or direct that City funds be used to purchase any media (including newspaper, radio, television, social media, or bulk mailing) that contains the name or image of that Councilmember unless the names or images of all City Councilmembers appear in the media being purchased.

C. Confidentiality

Except as required by law, a Councilmember, former Councilmember, or current or former member of a City Committee or Commission shall not disclose or use privileged, confidential, or propriety information obtained in executive session or otherwise in the course of their duties as a result of their position.

D. Conflict of Interest – General

1. Applications of Conflict of Interest

Except as permitted in Subsections (2) or (3) below, a Councilmember or member of a City Committee or Commission shall not take any direct official action on a matter if they, or a member of their immediate family:

a. Has any substantial direct or indirect contractual employment related to the matter;

b. Has other significant financial or private interest in that matter (which includes serving on a Board of Directors for any organization but does not, for Councilmembers, include appointing members to the Salary Commission); or

c. Is a party to a contract or the owner of an interest in real or personal property that would be significantly affected by that matter. Taking direct official action on, or regarding, legislation of general application does not "significantly affect" real or personal property within the meaning of this Subsection.

2. Conflict of Interest Exceptions for Councilmembers

Subsection (1) above shall not apply when a Councilmember:

a. Is required to take or participate in an action based upon the rule of necessity;

b. Acts as their own representative before the City Council, Hearing Examiner, or any other City board, commission, or agency, provided that the individual does not also participate in any way in the deliberations or decision of the City Council, Hearing Examiner, or that board, commission, or agency related to that matter;

c. Acquires an interest in bonds or other instruments of indebtedness issued by the City if acquired and held on the same terms available to the general public;

d. Officially participates in the development and adoption of the City's budget; or establishes the pay or benefit plan of City officers, officials, or employees;

e. Makes decisions on any legislation of general application unless these actions directly affect, or appear to affect, the official's or immediate family member's employment; or

f. Serves on the governing body of an organization or entity as part of their official duties as a Councilmember of the City.

3. Conflict of Interest Exceptions for Members of City Committees and Commissions

Subsection (1) above shall not apply to a member of a City Committee or Commission:

a. Who takes direct official action, as a member of a City Committee or Commission to which that member was appointed based on that member's ownership or lease of certain real property or of that member's ownership of a business located in a certain area of the City, that results in a conflict of interest under Subsection (1) above due solely to the fact of that member's ownership or lease of the certain real property or of that member's ownership of the business located in a certain area of the City providing the basis for that member's appointment to the City Committee or Commission; provided that the member fully discloses the basis for the conflict of interest under Subsection (1) during each meeting of the City Committee or Commission in which the conflict of interest under Subsection (1) occurs or may occur;

b. Who fully disclose the basis for the conflict of interest under Subsection (1) above on the public record of the City Committee or Commission and the Committee or Commission votes to allow the member to participate in the discussion or the vote; or

c. Is required to take action or participate in an action based upon the rule of necessity.

4. Disclosure for Councilmembers

All Councilmembers are required to comply with the Washington State Public Disclosure Commission requirements for financial disclosure. In addition, all Councilmembers shall publicly disclose their financial interest in any matter that comes before them. All Councilmembers shall annually complete a conflict of interest statement to be submitted to the City Clerk by April 15th.

E. Conflict of Interest – After Leaving Elected City Office

1. For two (2) years after leaving elected City office, no former Councilmember shall obtain employment in which they will take direct or indirect advantage of matters on which they took direct official action during their service with the City. This includes contractual negotiations or solicitation of business unavailable to others.

2. For two (2) years after leaving elected City office, no former Councilmember shall engage in any action or litigation in which the City is involved, on behalf of any other person or entity, when the action or litigation involves an issue on which the person took direct official action while in elected City office.

F. Conflict of Interest – Members of City Committees or Commissions and Employment

While serving on a City Committee or Commission, and for two (2) years after leaving such position, no member of a City Committee or Commission shall obtain employment in which they will take direct or indirect advantage of matters which they, as a member of a City Committee or Commission, recommended to the City Council. This includes applying for positions or contracts with the City when the City Committee or Commission on which the member served recommended funding such position or contract.

G. Conflict of Interest – Family Members of Councilmembers

1. Appointment of Family Members

Unless they obtain a waiver from the Ethics Board, no Councilmember shall appoint or hire a member of their immediate family for any type of employment with the City. This includes, but is not limited to, full time employment, part time employment, permanent employment, temporary employment, and contract employment.

2. Supervision of Family Members

No Councilmember shall supervise or be in a direct line of supervision over a member of their immediate family. If a Councilmember is placed in a direct line of supervision of a member of their immediate family, they shall have three (3) months to come into compliance or to obtain a waiver pursuant to Subsection (3) below.

3. Waivers

Waivers from this section may be sought from the Ethics Board to allow a member of the immediate family to be hired or to be in the direct line of supervision of a member of the immediate family. Procedures to consider such a waiver are set forth in Article III.

H. Conflict of Interest – Contractors

Every major contractor submitting bids to the City shall affirm that neither the contractor nor any agent of the contractor has made any prohibited gift to a Councilmember who is involved in direct official action on the bid or has a relationship to such Councilmember that would create a conflict of interest for that Councilmember under this Code of Conduct and Ethics Program.

I. Conflict of Interest - Individuals Serving on City Committees and Commissions

Individuals serving on City Committees and Commissions shall sign a conflict of interest statement upon appointment and reappointment.

J. Conduct of Public Meetings

1. Meetings involving Councilmembers or City Committees and Commissions should be conducted in a manner that maximizes transparency of relationships among individuals or groups that could affect decision-making.

2. Meetings of the City Council and City Committees and Commissions shall have a standing agenda item for disclosure of possible conflicts of interest. Members are encouraged to disclose relationships with persons and issues on the agenda, including potential conflicts of interests. If necessary, discussion among the members may be undertaken to judge the significance of these relationships and whether a possible conflict of interest exists.

K. Conflict of Interest – Individuals Serving on the Ethics Board

No member of the Ethics Board shall participate in the review of complaints or requests for advisory opinions relating to the conduct of a Councilmember where that member of the Ethics Board is or was a member of a political action committee that supports, supported, opposes, or opposed the election or reelection of the Councilmember in question.

ARTICLE III -
SUBMISSION AND REVIEW OF CODE OF CONDUCT COMPLAINTS AND CODE OF ETHICS COMPLAINTS, REQUESTS FOR WAIVERS, AND REQUESTS FOR ADVISORY OPINIONS

A. Submission and Review of ~~Ethics~~ Code of Conduct Complaints

1. Any individual may submit to the City Clerk a ~~n ethics~~ complaint alleging violations of the Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission.

~~b. The Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission; or~~

~~c. The ethics standards contained in the City of Bainbridge Island Employee Manual by a City employee other than the City Manager.~~

2. Each complaint must include the name and address of the complainant, along with a detailed statement of facts, supported by a declaration in compliance with RCW 9A.72.085, on a form supplied by the City Clerk.

3. The City Clerk shall refer complaints alleging one or more violations of the Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission, except for complaints concerning members of the Ethics Board, to the Ethics Board for review in accordance with Subsection A.4. -6. below. The City Clerk shall refer complaints alleging one or more violations of the Code of Conduct (Article I) by a member of the Ethics Board to the Hearing Examiner, who shall review the complaint in accordance with Subsection B.11.a.–f. below in place of the Ethics Board.

4. Upon receipt of a complaint, the Ethics Board shall make a threshold determination as to whether or not the complaint is reasonably credible and whether or not the facts asserted in the complaint, even if true, would constitute a violation of the Code of Conduct (Article I).

a. If the Ethics Board determines that the complaint lacks reasonable credibility, the Ethics Board shall dismiss the complaint, take no further action on it, and provide, following legal review~~,~~ a ~~written~~ notice of ~~threshold determination~~dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. ~~Reconciliation shall not occur regarding a complaint dismissed under this Subsection.~~ The City Clerk shall ~~provide~~forward the ~~threshold determination~~ notice of dismissal to the complainant and respondent ~~and publish it along with the~~ complaint.

b. If the Ethics Board determines that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Conduct (Article I), then the Ethics Board shall dismiss the complaint, take no further action on it, and provide, following legal review, a ~~written threshold determination~~ a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. ~~Reconciliation shall not occur regarding a complaint dismissed under this Subsection.~~ The City Clerk shall provide the

Commented [KH6]: By separating out into two subsections the submission of code of conduct complaints and code of ethics complaints we are more clearly distinguishing them

Commented [KH7]: A code of conduct complaint is NOT an ethics complaint

Commented [KH8]: Note that all of the text in green is not new, just relocated

Commented [KH9]: I am suggesting the creation of a dismissal form by the Ethics Board for sections A.4.a and b with language approved by the City Attorney

Commented [KH10]: If there is going to be a dismissal, why would we publish a "threshold determination" rather than a dismissal with a procedural basis for the dismissal? Surely the harm to the acuused person will exceed any educational value of publication of the alleged facts

~~threshold determination~~notice of dismissal to the complainant and respondent ~~and publish it along with the complaint.~~

c. If the Ethics Board determines that the complaint is reasonably credible and that the facts asserted in the complaint, if true, would constitute a violation of the Code of Conduct (Article I), then the Ethics Board shall provide, following legal review, a written threshold determination to the City Clerk, along with a recommendation as to the appropriateness of mediation for reconciliation or, alternatively, the issuance of an advisory opinion based on the facts and circumstances stated in the complaint. Complaints alleging conduct directed at the complainant individually shall be presumptively referred to mediation. (As an illustrative example, this could include a complaint brought by a resident alleging that a Councilmember violated the Code of Conduct by not treating that resident with civility and respect related to a particular interpersonal transaction.) Complaints alleging conduct not directed at the complainant shall be presumptively referred to the process set forth in A.6 below. (As an illustrative example, this could include a complaint brought by a resident alleging that a Councilmember violated the Code of Conduct by using public resources in a manner that fails to meet the standard of accepting responsibility for the stewardship of public resources).The City Clerk shall ~~provide~~forward the threshold determination and recommendation to the complainant and respondent and refer the complaint to either the mediation process as described in section A.5 below, or back to the Ethics Board for an advisory opinion as described in A.6 below~~a trained mediator for reconciliation as described below.~~

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5. As soon as practicable following receipt of a threshold determination under Article III, Subsection (A~~B~~)(4~~2~~)(c), that includes a recommendation for mediation, the City Clerk, or designee, shall schedule the time and place for reconciliation of the complaint.

a. To facilitate timely reconciliation, the City Manager is authorized to, as needed, negotiate, execute, or amend a contract with the Dispute Resolution Center of Kitsap County, or other similar firm or organization, for the provision of trained mediators suitable for facilitating reconciliation to resolve complaints.

b. Reconciliation shall occur at the time and place scheduled. However, if the complainant refuses to participate in reconciliation, then no reconciliation shall be scheduled, and no further action shall be taken on the complaint. If the respondent refuses to participate in reconciliation, then no reconciliation shall be scheduled. In circumstances where the respondent refuses to participate in reconciliation, the City Clerk shall, except for complaints concerning members of the Ethics Board, instead refer the complaint to the Ethics Board for review and issuance of an advisory opinion in accordance with Article III, Subsections A.6.a-g below. For complaints concerning members of the Ethics Board, the City Clerk shall instead refer such complaints to the Hearing Examiner, who shall review the complaint and issue an advisory opinion in accordance with Article III Subsections B.11.a–f, in place of the Ethics Board. If the parties engage in mediation, no further action shall occur under the ethics program.

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Commented [KH11]: This may need follow up training for ethics board. Generally, mediation is very appropriate for a complaint about alleged harm to an individual, but not for a complaint about conduct alleged to harm the public generally. (there are exceptions but not sure they could be addressed through this program without a lot more work)

6. Upon referral back to the Ethics Board of a complaint pursuant to Section A.4.c or A.5.b above, t~~T~~he Chair of the Ethics Board shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.

a. The Ethics Board shall then review the complaint and response, if submitted. The Ethics Board's review shall be limited to the complaint and the response, if submitted. In the course of reviewing a complaint, the Ethics Board may request clarification of the complaint by the complainant or of the response by the respondent; provided that if the Ethics Board obtains clarification of the complaint, the Ethics Board shall give the respondent the opportunity to review the clarification and to provide an additional written response. However, the Ethics Board shall not engage in other fact-finding.

b. If, in reviewing the complaint and response, a question of fact exists, the Ethics Board shall identify the existence of the question of fact in its advisory opinion.

c. After reviewing the matter, the Ethics Board shall, following legal review, ~~issue~~forward to the City Clerk an advisory opinion, with identifying information as to the complainant and individual(s) names in the complaint deleted, ~~, which shall forwarded to the City Clerk~~ for publication~~, along with the complaint and response, if submitted~~. The City Clerk shall provide notice to both the complainant and respondent of the ~~issuance~~ publication of the advisory opinion.

d. If, during the process of reviewing a complaint alleging a violation of the Code of Conduct (Article I), the Ethics Board determines that an additional violation of the Code of Conduct (Article I) may have occurred or a violation of the Code of Ethics (Article II) may have occurred, then the Ethics Board may choose to note that possibility in its advisory opinion. However, the Ethics Board shall not on its own initiative pursue an investigation of an additional violation of the Code of Conduct (Article I) or a violation of the Code of Ethics (Article II). Nothing in this subsection, however, shall preclude the complainant from subsequently filing other Code of Conduct (Article I) or Code of Ethics (Article II) complaints.
~~without the approval of the City Council. "Additional violation of the Code of Conduct (Article I)" means a violation of the Code of Conduct (Article I) that was not included in the complaint being reviewed.~~

e. The Ethics Board shall strive to complete its review and issue an advisory opinion within 45 business days from the date that the City Clerk forwarded the request to the Ethics Board. If review takes longer than 45 business days, the Ethics Board in its advisory opinion shall specify the reasons for why additional time was needed.

f. Advisory opinions shall be viewed as educational only. The purpose of such an opinion is to provide an educational opinion to Councilmembers, members of City Committees and Commissions, and the public on what type of conduct is generally expected from Councilmembers and members of City Committees and Commissions.

Commented [KH12]: If advisory opinions on code of conduct complaints are intended to be "educational only" (see section f below) , it should not be necessary that they include the names of the parties involved. I am suggesting that it would be more appropriate to publish only the opinion (w/o the complaint and response) and with identifying information regarding the parties. I believe that this would (1) encourage those with legitimate concerns to come forward without concern for their names being published on the website and (2) be less likely to discourage people from running for office or applying for a committee position out of fear of malicious complaints or an overzealous ethics board. Note that for the first three years of the program, opinions were anonymous, so this is not a new idea.

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~~3. To facilitate timely review under this Ethics Program, each complaint may only allege violations of one of the three standards listed in Subsection (A)(1) above. To the extent that an individual believes multiple standards were violated, the individual may submit multiple complaints.~~

B. Submission and Review of ~~Review of Article I~~Ethics Complaints

1. Any individual may submit to the City Clerk an ethics complaint alleging violations of one of the following:

a. The Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission; or

b. The ethics standards contained in the City of Bainbridge Island Employee Manual by a City employee other than the City Manager.

2. Each complaint must include the name and address of the complainant, along with a detailed statement of facts, supported by a declaration in compliance with RCW 9A.72.085, on a form supplied by the City Clerk.

~~3. To facilitate timely review under this Ethics Program, each complaint may only allege violations of one of the three standards listed in Subsection (A)(1) above. To the extent that an individual believes multiple standards were violated, the individual may submit multiple complaints.~~

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43. To facilitate timely review under this Subsection, each complaint may only allege violations of one of the two~~three~~ standards described~~listed~~ in Subsection B.1.~~(A)(1)~~ above. To the extent that an individual believes both~~multiple~~ standards were violated, the individual may submit multiple complaints (i.e., a complaint related to B.1.a. and a separate complaint related to B.1.b.).~~.~~

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~~51. The City Clerk shall refer complaints alleging one or more violations of the Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission, except for complaints concerning members of the Ethics Board, to the Ethics Board for review in accordance with Subsection (2) below. The City Clerk shall refer complaints alleging one or more violations of the Code of Conduct (Article I) by a member of the Ethics Board to the Hearing Examiner, who shall review the complaint in accordance with Subsection (2) below in place of the Ethics Board.~~4

~~2. Upon receipt of a complaint, the Ethics Board shall make a threshold determination as to whether or not the complaint is reasonably credible and whether or not the facts asserted in the complaint, even if true, would constitute a violation of the Code of Conduct (Article I).~~

~~a. If the Ethics Board determines that the complaint lacks reasonable credibility, the Ethics Board shall dismiss the complaint, take no further action on it, and provide, following legal review, a written threshold determination to the City Clerk. Reconciliation shall not occur regarding a complaint dismissed under this Subsection. The City Clerk shall provide the threshold determination to the complainant and respondent and publish it along with the complaint.~~

~~b. If the Ethics Board determines that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Conduct (Article I), then the Ethics Board shall dismiss the complaint, take no further action on it, and provide, following legal review, a written threshold determination to the City Clerk. Reconciliation shall not occur regarding a complaint dismissed under this Subsection. The City Clerk shall provide the threshold determination to the complainant and respondent and publish it along with the complaint.~~

~~c. If the Ethics Board determines that the complaint is reasonably credible and that the facts asserted in the complaint, if true, would constitute a violation of the Code of Conduct (Article I), then the Ethics Board shall provide, following legal review, a written threshold determination to the City Clerk. The City Clerk shall provide the threshold determination to the complainant and respondent and refer the complaint to a trained mediator for reconciliation as described below.~~

~~3. As soon as practicable following receipt of a threshold determination under Article III, Subsection (B)(2)(c), the City Clerk, or designee, shall schedule the time and place for reconciliation of the complaint.~~

~~4. To facilitate timely reconciliation, the City Manager is authorized to, as needed, negotiate, execute, or amend a contract with the Dispute Resolution Center of Kitsap County, or other similar firm or organization, for the provision of trained mediators suitable for facilitating reconciliation to resolve complaints.~~

~~5. Reconciliation shall occur at the time and place scheduled. However, if the complainant refuses to participate in reconciliation, then no reconciliation shall be scheduled, and no further action shall be taken on the complaint. If the respondent refuses to participate in reconciliation, then no reconciliation shall be scheduled. In circumstances where the respondent refuses to participate in reconciliation, the City Clerk shall, except for complaints concerning members of the Ethics Board, instead refer the complaint to the Ethics Board for review and issuance of an advisory opinion in accordance with Article III, Subsections (B)(5)(a)–(g). For complaints concerning members of the Ethics Board, the City Clerk shall instead refer such complaints to the Hearing Examiner, who shall review the complaint and issue an advisory opinion in accordance with Article II, Subsections (B)(5)(a)–(g), in place of the Ethics Board.~~

~~a. The Chair of the Ethics Board shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.~~

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~~b. The Ethics Board shall then review the complaint and response, if submitted. The Ethics Board's review shall be limited to the complaint and the response, if submitted. In the course of reviewing a complaint, the Ethics Board may request clarification of the complaint by the complainant or of the response by the respondent; provided that if the Ethics Board obtains clarification of the complaint, the Ethics Board shall give the respondent the opportunity to review the clarification and to provide an additional written response. However, the Ethics Board shall not engage in other fact-finding.~~

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~~c. If, in reviewing the complaint and response, a question of fact exists, the Ethics Board shall identify the existence of the question of fact in its advisory opinion.~~

~~d. After reviewing the matter, the Ethics Board shall, following legal review, issue an advisory opinion, which shall be forwarded to the City Clerk for publication along with the complaint and response, if submitted. The City Clerk shall provide notice to both the complainant and respondent of the issuance of the advisory opinion.~~

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~~e. If, during the process of reviewing a complaint alleging a violation of the Code of Conduct (Article I), the Ethics Board determines that an additional violation of the Code of Conduct (Article I) may have occurred or a violation of the Code of Ethics (Article II) may have occurred, then the Ethics Board may choose to note that possibility in its advisory opinion. However, the Ethics Board shall not on its own initiative pursue an investigation of an additional violation of the Code of Conduct (Article I) or a violation of the Code of Ethics (Article II) without the approval of the City Council. "Additional violation of the Code of Conduct (Article I)" means a violation of the Code of Conduct (Article I) that was not included in the complaint being reviewed.~~

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~~f. The Ethics Board shall strive to complete its review and issue an advisory opinion within 45 business days from the date that the City Clerk forwarded the request to the Ethics Board. If review takes longer than 45 business days, the Ethics Board in its advisory opinion shall specify the reasons for why additional time was needed.~~

~~g. Advisory opinions shall be viewed as educational only. The purpose of such an opinion is to provide an educational opinion to Councilmembers, members of City Committees and Commissions, and the public on what type of conduct is generally expected from Councilmembers and members of City Committees and Commissions.~~

~~C. Review of Article II Complaints~~

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~~3~~. The City Clerk shall refer complaints alleging one or more violations of the Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission, except for complaints concerning members of the Ethics Board, to the Ethics Board for review in accordance with Subsections (5)-(9) below. The City Clerk shall refer complaints alleging one or more violations of the Code of Ethics (Article II) by a member of the Ethics Board to the Hearing Examiner for review in accordance with Subsections (10)-(14) below.

~~6.~~5Upon receipt of a complaint, the Chair of the Ethics Board shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.

~~7~~65. The Ethics Board shall review any complaint forwarded to it by the City Clerk and any response submitted by the respondent. The Ethics Board shall not engage in other fact-finding. However, in the course of reviewing a complaint, the Ethics Board may request clarification of the complaint by the complainant or of the response by the respondent.

~~8~~76. After reviewing the complaint and the response, if one was submitted, the Ethics Board shall, following legal review, take one or more of the following actions and inform the complainant, the respondent, and the City Clerk accordingly:

a. ~~Refer the complaint back to the City Clerk if~~ If the Ethics Board, after review of the complaint and any response, determines that the complaint alleges violations of the Code of Conduct (Article I) rather than alleged violations of the Code of Ethics (Article II), then the Ethics Board shall dismiss the complaint and, after legal review, provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the complainant and respondent. Nothing in this subsection shall preclude the complainant from subsequently filing a Code of Conduct complaint based upon the same facts.

b. If the Ethics Board, after review of the complaint and any response, determines that the complaint lacks reasonable credibility, then the Ethics Board shall dismiss the complaint and, after legal review, provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the complainant and respondent.

c. If the Ethics Board, after review of the complaint and any response, determines that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics (Article II), then the Ethics Board shall dismiss the complaint and, after legal review, provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the complainant and respondent.

d. ~~Determine~~ If the Ethics Board, after review of the complaint and any response, determines that that the facts stated in the complaint, even if true, would not constitute a material violation of the Code of Ethics because any possible violation was inadvertent or minor or has been adequately cured, such that further proceedings on the complaint would not serve the purposes of the Code of Ethics (Article II), then the Ethics Board shall dismiss the complaint and, after legal review, provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the complainant and respondent.

e. If the Ethics Board learns at any time during its review of the complaint that~~Hold the complaint for action at a future time if~~ the matter is the subject of litigation it shall hold the complaint for action at a future time.~~; or~~

Commented [KH13]: There was no clarity here as to what happened to complaints that were not found to merit review by the HEX other than the Clerk and parties being advised of the board's determination. I am suggesting that there are two options: (1). The Board dismisses, as it would for Code of Conduct cases that it does not believe state a claim or are credible or have been resolved etc., or (2) the Board refers the matter to the HEX for further review.

f. If the Ethics Board, after review of the complaint and any response, determines that ~~, based on the submissions of the complainant and the respondent,~~ the facts asserted in the complaint appear credible and appear to constitute a violation of the Code of Ethics (Article II), then the Ethics ~~the~~ Board shall, following legal review, issue such a determination, and forward its determination, along with the complaint and response, to the complainant, respondent, and the City Clerk. The City Clerk shall then forward the Board's determination and associated materials to the Hearing Examiner for review and possible further proceedings in accordance with Article IV.
~~review by the Hearing Examiner is warranted.~~

~~9~~.8 The Ethics Board shall strive to complete its review within 45 business days from the date that the City Clerk forwarded the complaint to the Ethics Board. If review takes longer than 45 business days, the Ethics Board in its determination shall specify the reasons why additional time was needed.

~~1098~~. The Ethics Board shall report apparent violations of law to the ~~appropriate authorities.~~City Attorney.

~~11~~109. Upon receipt of a complaint, the Hearing Examiner shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.

1120. The Hearing Examiner shall conduct a threshold review of any complaint forwarded to ~~it~~ them by the City Clerk and any response submitted by the respondent. The Hearing Examiner shall not engage in other fact-finding during this preliminary review. However, in the course of reviewing a complaint, the Hearing Examiner may request clarification of the complaint by the complainant or of the response by the respondent.

1231. After reviewing the complaint and the response, if one was submitted, the Hearing Examiner shall take one or more of the following actions and inform the complainant, the respondent, and the City Clerk accordingly:

a. ~~Refer the complaint back to the City Clerk if~~Determine that the complaint alleges violations of the Code of Conduct (Article I) rather than alleged violations of the Code of Ethics (Article II), dismiss the complaint, and provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the Ethics Board, complainant, and respondent. Nothing in this subsection shall preclude the complainant from subsequently filing a Code of Conduct complaint based upon the same facts.

b. Determine that the complaint lacks reasonable credibility, dismiss the complaint, and provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the Ethics Board, complainant, and respondent.

Commented [JL14]: I added this text for clarity.

Commented [KH15]: Who are the appropriate authorities? Shouldn't there be review by the city attorney first?

Commented [KH16]: There's not a lot of clarity here regarding the fact that this is a threshold determination by the HEX and that additional process will occur should the HEX feel further review should occur.

c. Determine that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics (Article II), dismiss the complaint, and provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the Ethics Board, complainant, and respondent.

d. Determine that the facts stated in the complaint, even if true, would not constitute a material violation of the Code of Ethics because any possible violation was inadvertent or minor or has been adequately cured, such that further proceedings on the complaint would not serve the purposes of the Code of Ethics (Article II), dismiss the complaint and provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the Ethics Board, complainant and respondent.

e. Hold the complaint for action at a future time if the matter is the subject of litigation; or

f. Determine that, based on the submissions of the complainant and the respondent, further proceedings under Article IV are warranted.

1342. The Hearing Examiner shall strive to complete their review within 45 business days from the date that the City Clerk forwarded the complaint to the Hearing Examiner. If review takes longer than 45 business days, the Hearing Examiner in ~~its~~ their determination shall specify the reasons why additional time was needed.

1453. If the Hearing Examiner determines that, based on the submissions of the complainant and the respondent, further proceedings under Article IV are warranted, the Hearing Examiner shall forward ~~its~~ their determination, along with the complaint and response, to the complainant, respondent, and the City Clerk. The City Clerk will then schedule further proceedings in accordance with Article IV.

C. **Review of Complaints Concerning City Employees**

1. The City Clerk shall refer complaints concerning City employees to the City Manager.

2. The City Manager shall review any ethics complaint forwarded by the City Clerk and determine the appropriate course of action to address the complaint including, as applicable, authorizing such investigations as may be necessary to determine whether a violation has occurred, consistent with state law as well as relevant policies, procedures, and collective bargaining agreements.

3. Upon making a determination that no violation of ethics rules has occurred, the City Manager shall provide a written response regarding the determination to the complainant.

4. Upon making a determination that a violation of ethics rules has occurred, the City Manager or other appropriate City officer shall take action as guided by state law and relevant policies, procedures, and collective bargaining agreements.

5. In the event of a violation, the City Manager shall provide a response to the complainant outlining the substance of the violation and the action taken, subject to governing rules regarding confidentiality articulated in state law, City policy, and collective bargaining agreements.

6. Apparent violations of law shall be reported to the appropriate authorities, as applicable.

~~E~~D. Requests for Advisory Opinions by City Councilmembers or Members of City Committees or~~and~~ Commissions

1. To the extent described below, the following individuals or bodies may submit to the City Clerk a request for an advisory opinion from the Ethics Board:

a. A Councilmember or member of a City Committee or Commission may request an advisory opinion from the Ethics Board as to whether their own behavior has violated or might in the future violate the Code of Conduct (Article I) or the Code of Ethics (Article II).

b. The City Council may request an advisory opinion from the Ethics Board regarding City policies or practices in relation to the Code of Conduct (Article I) or the Code of Ethics (Article II).

c. City Committees and Commissions may request an advisory opinion from the Ethics Board regarding operating rules or practices in relation to the Code of Conduct (Article I) or the Code of Ethics (Article II).

d. A Councilmember may request an advisory opinion from the Ethics Board concerning the applicability of the Code of Ethics (Article II) to hypothetical circumstances and/or situations related to the actions, or potential actions, of a Councilmember or a member of a City Committee or Commission.

2. Requests for advisory opinions must be submitted to the City Clerk on a form supplied by the Ethics Board. The Ethics Board shall, following legal review, submit finalized advisory opinions to the City Clerk for publication.

3. Advisory opinions issued in response to requests made under subsection 1.a. or 1.d. above shall not include identifying information as to the requestor or the individual(s) whose conduct is the subject of the opinion unless otherwise agreed in writing by both the requestor and subject individual(s)

4. The grant of authority in this section is supplemental to, and does not change, the authority granted to the Ethics Board in Section B above.

Commented [KH17]: This is to encourage the seeking of opinions for the benefit of everyone. I have heard councilmembers and committee members say in the past that they would like to seek an opinion re their own actions or the actions of another but do not want to publicly accuse anyone if there is in fact no ethics violation. There was a time when ALL complaints under the program were anonymous in both directions, and I would suggest we have lost something in not allowing this option

F. Waivers

Councilmembers may request a waiver from the Ethics Board of the conflict of interest restrictions related to the hiring of and supervision over family members, as provided by Article II, Section F. Such requests shall be submitted in writing to the City Clerk, who shall refer them to the Ethics Board. Once finalized, the Board shall, following legal review, provide its response to the City Clerk, who shall publish both the request and the Board's response.

G. Effect of Advisory Opinion or Waiver

An individual who receives a waiver, or who acts in reliance on an advisory opinion, shall not later be found to have violated the Code of Conduct (Article I) or the Code of Ethics (Article II) if the individual acts in a manner consistent with that advisory opinion or waiver.

ARTICLE IV -
HEARING EXAMINER REVIEW
AND POSSIBLE SANCTIONS

A. Hearing Examiner Review of Article II Complaints

1. The City Clerk shall provide written notification to the complainant and the respondent of the time, date, and place of the hearing before the Hearing Examiner at which the complaint concerning alleged violations of the Code of Ethics (Article II) will be reviewed.

2. Hearings conducted by the Hearing Examiner shall be informal and held in accordance with rules of procedure adopted by the Hearing Examiner, except to the extent that such rules conflict with the terms of this Ethics Program. The respondent may be represented by legal counsel. The City Attorney shall designate special counsel to present the Code of Ethics violations charges and case. The respondent and special counsel may present and cross examine witnesses and give evidence before the Hearing Examiner. The Hearing Examiner may also call witnesses and compel the production of books, records, papers, or other evidence needed. To that end, the Hearing Examiner may issue subpoenas and subpoenas duces tecum at the request of the respondent, special counsel, or their own initiative. All testimony shall be under oath administered by the Hearing Examiner. The Hearing Examiner may adjourn the hearing from time to time in order to allow for the orderly presentation of evidence.

3. The Hearing Examiner or designee shall prepare an official record of the hearing, including all testimony, which shall be recorded by electronic device, and exhibits; provided that the Hearing Examiner or designee shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

4. Within 20 business days after the conclusion of the hearing, the Hearing Examiner shall, based upon a standard of proof of clear and convincing evidence, make findings of fact and conclusions of law. If the Hearing Examiner determines that the alleged Code of Ethics violation(s) have not been proven, the Hearing Examiner shall dismiss the complaint. If the Hearing Examiner determines that one or more Code of Ethics violation(s) are proven, the Hearing Examiner shall forward the matter to the City Council for a determination regarding the appropriate level of sanctions to be imposed for the Code of Ethics (Article II) violations. In either event, a copy of the findings and conclusions shall be forwarded to the City Clerk, for distribution to the City Council, and, by registered mail, to the person who made the complaint and to the respondent at addresses as given by such persons to the Hearing Examiner.

B. Action by City Council upon Hearing Examiner's Findings and Conclusion

1. Within 45 business days of receipt of the Hearing Examiner's findings and conclusions that sustain a Code of Ethics violation, the City Council shall schedule an executive session to consider the findings and conclusions, hear from the respondent, and deliberate upon the appropriate level of civil sanction(s) to be imposed, if any, except to the extent that the respondent requests that they be heard in open public session.

2. The Council may take no formal action or, by majority vote of the Council (not including the respondent, if a Councilmember, who shall not participate in said vote) at an open public meeting, may impose any of the following sanctions in response to a sustained violation of the Code of Ethics:

a. Admonition: An admonition shall be a verbal non-public statement made by the Mayor, Deputy Mayor, or Mayor Pro Tem to the Councilmember or member of a City Committee or Commission who has violated the Code.

b. Reprimand: A reprimand shall be a letter prepared by the City Council, signed by the Mayor, Deputy Mayor, or Mayor Pro Tem, and directed to the Councilmember or member of a City Committee or Commission who has violated the Code.

c. Censure: A censure shall be a written statement administered personally by the Mayor, Deputy Mayor, or Mayor Pro Tem to the Councilmember or member of a City Committee or Commission who has violated the Code violation. The Councilmember or member of a City Committee or Commission shall appear at a time and place directed by the City Council to receive the censure. The censure shall be given publicly and the official who has violated the Code shall not make any statement in support or opposition thereto or in mitigation. A censure shall be deemed administered at the time it is scheduled whether or not the Councilmember or member of a City Committee or Commission appears as required.

d. Other sanctions: Any sanction imposed under this Ethics Program is in addition to and not in lieu of any other penalty, sanction, or remedy which may be imposed or sought according to law or equity.

3. The City Clerk shall forward, by registered mail, a copy of the findings, conclusions, and sanctions, if imposed, to the complainant and to the respondent at addresses as given by both persons to the City Clerk. Following approval by the Council, the City Clerk shall publish the written findings, conclusions, and sanctions, if imposed.

ARTICLE V -
ETHICS BOARD

A. Creation, Terms, and Appointments

1. Membership of Ethics Board

The Ethics Board consists of seven members appointed in accordance with this section.

2. Qualifications of Board Members

a. Members of the Board shall represent a diverse set of backgrounds and interests.

b. At least one member of the Ethics Board shall be a former judicial officer or have expertise in ethics acquired through education or experience.

c. Members appointed or reappointed after the effective date of Resolution No. 2019-26, updating the Ethics Program, shall not, while serving on the Ethics Board, also simultaneously be employees or officers of the city or individuals appointed to another city committee or commission.

3. Method of Appointment

a. Members of the Ethics Board shall be nominated by the Mayor and confirmed by the City Council by a supermajority vote of at least five Councilmembers.

b. The Mayor and City Council shall work cooperatively to ensure that any person who is nominated has the required support of the City Council. Nominations shall be presented at meetings of the City Council in which all seven Councilmembers are present, unless exceptional circumstances exist (e.g., a Council vacancy exists and has not yet been filled, or other good cause).

4. Terms of Appointment

a. Board members shall be appointed to terms of three years; however, the first two members nominated by the Mayor and confirmed by the City Council shall initially serve one-year terms to achieve staggered ending dates.

b. If a member is appointed to fill an unexpired term, that member's term shall end at the same time as the term of the person being replaced.

c. Each member shall continue to serve until a successor has been appointed, unless the member is removed or resigns.

5. Removal of Board Members

a. The absence of any member of the Board from three (3) consecutive meetings, unless the Board has excused the absence for good and sufficient reasons as determined by the Board, shall constitute a resignation from the Board.

b. The City Council may remove a member for inappropriate conduct before the expiration of the member's term. Before removing a member, the City Council shall specify the cause for removal and shall give the member the opportunity to make a personal explanation.

6. Compensation

Members of the Ethics Board shall serve without compensation. Members may be reimbursed for reasonable expenses pursuant to the rules of the City and as approved by the City Manager or their designee.

7. Rules

The Ethics Board may, by majority vote, adopt reasonable operating rules consistent with this Ethics Program. The City Council reserves the right to modify such operating rules at its discretion.

8. Consultation with City Attorney

The Ethics Board shall consult with the City Attorney's Office or special counsel appointed by the City Attorney's Office regarding legal issues which may arise in connection with the Board's duties and functions under this Ethics Program.

9. Liaison to the Ethics Board.

A representative of the City Attorney's Office shall attend Ethics Board meetings and serve as the liaison to the Ethics Board. No Councilmember shall serve as a liaison to the Ethics Board.

B. Training Provided by the Ethics Board

The Ethics Board shall perform the following training related duties:

1. At least every two years, the Ethics Board shall prepare and distribute a pamphlet describing the Code of Conduct (Article I) and Code of Ethics (Article II) to all Councilmembers and members of City Committees and Commissions, after review of the pamphlet by the City Attorney's Office. The Ethics Board shall ensure that all new Councilmembers and members of City Committees and Commissions receive a pamphlet on this Code of Ethics.

2. The Ethics Board shall develop and present a training course on the Code of Conduct and the Code of Ethics to be presented annually to all Councilmembers and members of City Committees and Commissions.

C. Training Provided to the Ethics Board

The Ethics Board shall include all requests for training for the coming year in the Board's annual report to the City Council, and the Council will determine what training to approve, if any.

D. Annual Report

By February 15 of each year, the Ethics Board shall submit an annual report to the City Council summarizing its activities during the previous calendar year and work plan for the following year. The report shall include any recommendations for modifying the Code of Conduct and Ethics Program as well as all training requested by the Ethics Board.

ARTICLE VI -
DEFINITIONS

For purposes of the Ethics Program, the following definitions shall apply.

"City Committees and Commissions" and "City Committee or Commission" mean all advisory boards, commissions, committees, and task forces created or appointed by the City Council.

"Confidential Information" means (a) specific information, rather than generalized knowledge, that is not available to the general public on request; or (b) information made confidential by law.

"Direct official action" means any of the following:

1. For Councilmembers and members of City Committees and Commissions, taking action, as defined by RCW 42.30.020, in an open public meeting.

2. For Councilmembers and members of City Committees and Commissions, directly, or indirectly through a proxy, doing the following: negotiating or recommending for or against a contract, purchase order, lease, concession, franchise, grant, or other similar instrument in which the City is a party.

3. For Councilmembers and members of City Committees and Commissions, directly, or indirectly through a proxy, doing the following: recommending for or against the approval of a permit, or other similar City approval or authorization, issued by the City. However, direct official action does not include the submittal, to the City, of a permit application by a Councilmember or a member of a City Committee or Commission or the appeal of a denial of such a permit application by the City. Direct official action includes actions taken by a Councilmember or a member of a City Committee or Commission to use or attempt to use their position to obtain special privileges or exemptions in the processing, or review on appeal, of their permit application.

4. For Councilmembers, appointing or terminating employees (i.e., the City Manager) or appointing or removing members of City Committees and Commissions.

Direct official action does not include acts that do not affect the disposition or decision with respect to the matter. Additionally, a Councilmember or member of a City Committee or Commission who recuses herself or himself in lieu of taking action, as defined by RCW 42.30.020, in an open public meeting is not exercising direct official action.

"Direct line of supervision" means the supervisor of an employee and the supervisor of an employee's supervisor.

“Fact-finding” means any action to gather facts or other evidence not submitted by a complainant in a complaint or a clarification to a complaint or by a respondent in a response or a clarification to a response. However, “fact-finding” does not include review by the Ethics Board of official video or audio recordings of meetings of the City Council or of City Committees and Commissions as well as review by the Ethics Board of the official minutes of such meetings.

“Gift” means any favor, reward, or gratuity and any money, good, service, travel, event ticket, lodging, dispensation, or other thing of value that is given, sold, rented, or loaned to a person without reasonable compensation and that is not available to the general public on the same terms and conditions. Any honoraria or payment for participation in an event will be considered a gift.

“Immediate family” means husband, wife, son, daughter, mother, father, grandmother, grandfather, grandchildren, brother, sister, domestic partner, or spouse of the above. The term includes any minor children for whom the person, or their domestic partner, provides day-to-day care and financial support. A "domestic partner" is an unmarried adult, unrelated by blood, with whom an unmarried officer, official, or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

“Legislation of General Application” means any legislative act, including regulations, policies, ordinances, resolutions, and motions, of general application, as opposed to legislative acts that affect only a particular person or individual or a small group of similarly situated persons or individuals.

“Major Contractor” means any person, corporation, company, firm, business, or other entity doing business over $5,000 with the City under one contract or annually.

“Political Action Committee” means a legal entity, other than a natural person, that raises, spends, receives, or contributes money to support or oppose the election of one or more candidates for elected office at the local, state, or federal levels.

“**Question of Fact**” means a factual dispute between the complainant and the respondent concerning an issue that is material to a determination as to whether a violation of the Code of Conduct (Article I) exists.

“**Reconciliation”** means mediation between a complainant and a respondent facilitated by a trained mediator.

"Rule of Necessity" shall be interpreted and defined in accordance with RCW 42.36.090, which provides: In the event of a challenge to a member or members of a decision-making body which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member or members publicly disclose the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

ARTICLE VII -
CITY COUNCIL REVIEW OF CODE OF CONDUCT
AND ETHICS PROGRAM

This Code of Conduct and Ethics Program shall automatically expire, and no longer be in force or effect, 12 months from the effective date of Section 1 of Resolution No. 2019-26, unless it is expressly renewed or otherwise amended by majority vote of the City Council.

Commented [KH18]: If we make the proposed changes, I recommend that there be no expiration date, but instead a planned review in 12 or 24 months. Perhaps direct the Ethics Board to provide an analysis of the efficacy and, fairness of the processes.

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 30 Minutes

AGENDA ITEM: (9:10 PM) Ordinance No. 2020-15 Requiring Face Coverings - Councilmembers Carr, Hytopoulos, and Pollock,

SUMMARY: The Council Ad Hoc Committee (consisting of Councilmembers Carr, Hytopoulos, and Pollock) that was formed to work on an ordinance requiring face coverings is bringing forward their proposed ordinance for discussion and possible enactment.

AGENDA CATEGORY: Ordinance **PROPOSED BY:** City Council

RECOMMENDED MOTION: I move to approve Ordinance No. 2020-15 requiring face coverings due to the COVID-19 public health emergency.

STRATEGIC PRIORITY: Safe City

FISCAL IMPACT:

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

BACKGROUND: On June 9, 2020, the City Council enacted Resolution No. 2020-12 which strongly encourages the use of face coverings to address the COVID-19 public health emergency. At that June 9 Council meeting, the Council also considered, alternatively, an ordinance that would require, rather than encourage, the wearing of face coverings in certain circumstances.

The Council established an Ad Hoc Committee to review the proposed ordinance as drafted, revise it, and bring a revised version to the Council for consideration. Attached to this agenda item is that proposed ordinance, Ordinance No. 2020-15.

The ordinance includes a tiered approach, beginning with education and outreach as Level One, issuance of warnings as Level Two, and issuance of civil infractions as Level Three. As proposed, Level One would be in effect based on the effective date of the ordinance. The City would move to Level Two if the Council passed a

resolution based on specific criteria related to the public health emergency as described in the ordinance. Subsequently, the City could move to Level Three if the Council passed another resolution based on the criteria included in the ordinance.

At this time, City Management has not had the opportunity to evaluate the potential budgetary and resource impacts of this proposed ordinance, particularly related to the possibility that the City's police officers could potentially be involved in the issuance of warnings as part of Level Two as described in the ordinance, or the issuance of civil infractions as part of Level Three as described in the ordinance.

Also included with this item is a document entitled, "Findings of Mask Ordinance Subcommittee," which was prepared by the Ad Hoc Subcommittee. The document provides additional information and background regarding the importance of wearing face coverings to address the COVID-19 public health emergency.

ATTACHMENTS:

Ordinance No. 2020-15 - COVID-19 Face Covering Requirement

Findings of Mask Ordinance Subcommittee

FISCAL DETAILS:

Fund Name(s):

Coding:

ORDINANCE NO. 2020-15

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the Coronavirus Disease 2019 (COVID-19) public health emergency; amending Title 8 of the Bainbridge Island Municipal Code ("BIMC") to include a new Chapter 8.02 BIMC requiring the wearing of face coverings to protect the public health and reduce the spread of the COVID-19 virus for the duration of the COVID-19 emergency.

WHEREAS, on January 21, 2020, the first case of novel coronavirus disease (COVID-19) was confirmed in a person in Washington State and that person had traveled through King County, and King County is the most populous county in Washington State and is adjacent to Bainbridge Island and Kitsap County; and

WHEREAS, throughout February 2020, the number of cases of COVID-19 increased significantly in the local region and throughout Washington State, with the first COVID-19 related death in the United States announced on February 29, 2020; and

WHEREAS, the Kitsap Public Health District has been responding to the COVID-19 outbreak since approximately February 3, 2020; and

WHEREAS, on February 29, 2020, Governor Jay Inslee proclaimed a state of emergency within Washington State due to COVID-19; and

WHEREAS, on March 2, 2020, the City of Bainbridge Island's Emergency Operations Center ("EOC") was activated and remains operational in response to the COVID-19 outbreak and continues to actively monitor the situation and coordinate with City staff, community partners, the general public, and local, county, regional, and state governmental partners; and

WHEREAS, on March 3, 2020, the Kitsap Public Health District moved to full activation of their Emergency Coordination Center ("ECC") and the ECC has received significant resource requests from across Kitsap County; and

WHEREAS, on March 8, 2020, the Kitsap Public Health District was notified of the first Kitsap County resident testing positive for COVID-19, an individual residing on Bainbridge Island; and

WHEREAS, on March 9, 2020, the Bainbridge Island City Manager issued a Proclamation of Emergency in accordance with Chapter 2.44 of the Bainbridge Island Municipal Code, proclaiming the existence, or imminent threat, of an emergency threatening the public health, safety, and welfare; and

WHEREAS, on March 10, 2020, the Bainbridge Island City Council enacted Resolution No. 2020-06, which recognized the existence of the public health emergency, affirmed the Proclamation of Emergency issued by the City Manager, and authorized the emergency procurement of goods and services to address the emergency; and

WHEREAS, on March 11, 2020, the World Health Organization declared a state of pandemic due to COVID-19; and

WHEREAS, on March 13, 2020, President Donald Trump declared a National Emergency due to COVID-19, and on March 22, 2020 a Major Disaster was declared for the State of Washington; and

WHEREAS, on March 23, 2020, Governor Inslee imposed a "Stay Home – Stay Healthy" Order throughout Washington State prohibiting all people in Washington State from leaving their homes or participating in social, spiritual, and recreational gatherings of any kind regardless of the number of participants, and related to all non-essential businesses in Washington State; and

WHEREAS, on May 4, 2020, Governor Inslee issued a Proclamation modifying his "Stay Home – Stay Healthy" Order, with a phased-in approach to reopen Washington, which is increasing the frequency of encounters of residents with non-household members on Bainbridge Island, Kitsap County, and in neighboring counties, and is increasing their risk of exposure to persons with infectious COVID-19; and

WHEREAS, the age, condition, and health of a significant portion of the population of Bainbridge Island, Kitsap County, and other local cities and counties places that population at risk for serious health complications, including death, from COVID-19; and

WHEREAS, a large surge in the number of persons with serious infections can compromise the ability of the regional healthcare system to deliver necessary healthcare to the public; and

WHEREAS, individuals can be infected and contagious before or even without developing symptoms (pre-symptomatic and asymptomatic), and the evidence suggests a significant number of infections may be transmitted in this manner; and

WHEREAS, the United States Centers for Disease Control and Prevention ("CDC") has confirmed that a significant number of individuals who are infected remain asymptomatic and that as many as 25 percent of these individuals may contribute to transmission of the virus that causes COVID-19; and

WHEREAS, one key transmission method for COVID-19 is respiratory droplets that individuals expel when they breathe, talk, cough, or sneeze; and

WHEREAS, the CDC and the World Health Organization ("WHO") have recommended that members of the public should cover their noses and mouths with a cloth face covering to prevent inadvertently spreading COVID-19 while interacting with others outside their homes in public settings where other social distancing measures are difficult to maintain, and this recommendation is particularly applicable to areas like the Puget Sound region with significant community-based transmission; and

WHEREAS, on May 28, 2020, the Washington State Secretary of Health approved Kitsap County's request to move to Phase 2 of the state's Safe Start plan for COVID-19 recovery; and

WHEREAS, in a press release issued May 28, 2020 and in other materials provided as part of Kitsap County's COVID-19 response, Kitsap County residents are urged to: maintain six feet of distance from others in public whenever possible; wear a cloth face covering in places where physical distance can't be maintained; be compassionate to people who cannot wear face coverings; stay home when sick; wash hands frequently; clean and disinfect frequently used objects and surfaces; and cover coughs and sneezes; and

WHEREAS, in nearby Seattle and King County, on April 1, 2020, Public Health – Seattle and King County issued updated guidance on wearing face covering, stating that: "wearing a fabric mask can help prevent the spread of infection to others when the mask is worn by someone who already is infected with the virus that causes COVID-19, even if they don't have symptoms. The mask could help by blocking infectious droplets from spreading when someone with the infection coughs, sneezes or speaks;" and

WHEREAS, on June 1, 2020, Governor Inslee issued his "Safe Start" proclamation, Proclamation 20-25.4, which states, in part: "FURTHERMORE, until there is an effective vaccine, effective treatment or herd immunity, it is crucial to maintain some level of community interventions to suppress the spread of COVID-19 throughout all phases of recovery; and, therefore, throughout all phases, individuals should continue to engage in personal protective behaviors including: practice physical distancing, staying at least six feet away from other people; wear cloth face coverings in public places when not eating or drinking; stay home if sick; avoid others who are sick; wash hands frequently; cover coughs and sneezes; avoid touching eyes, nose and mouth with unwashed hands; and disinfect surfaces and objects regularly;" and

WHEREAS, Proclamation 20-25.4 issued by Governor Inslee also states: "FURTHERMORE, I hereby order, in addition to other requirements detailed in the Safe Start Washington Phased Reopening Plan, that, beginning on June 8, 2020, when on the job, all employees must wear a facial covering except when working alone or when the job has no in-person interaction as detailed in the Safe Start Washington Phased Reopening Plan; and, further, that employers must provide cloth facial coverings to employees, unless their exposure dictates a higher level of protection;" and

WHEREAS, on June 9, 2020, the Bainbridge Island City Council at a Council meeting considered an ordinance to require the wearing of face coverings, as well as a resolution to strongly encourage the wearing of face coverings, and after lengthy debate decided at that time to adopt the resolution, Resolution No. 2020-12, and that resolution is currently in effect; and

WHEREAS, the City Council is increasingly concerned that more than strong encouragement is necessary to address the public health emergency posed by COVID-19, especially because many individuals in the community continue not to wear face coverings as

recommended, and it is anticipated that the public health threat will increase further as Kitsap County moves into the next phases of Governor Inslee's Safe Start Washington Phased Reopening Plan, with the likelihood that Kitsap County will enter into Phase III in the coming days or weeks; and

WHEREAS, there is a national shortage of medical grade masks, surgical masks, and N95 respirator masks that are critically needed for healthcare providers who are on the front lines working to protect all of us, and health officials are increasingly urging non-medical workers to wear non-medical grade face coverings to help curb the spread of COVID-19; and

WHEREAS, workers of certain essential businesses and other frontline employees must be protected because they face greater exposure and risk of contracting COVID-19 due to their frequent in-person contact with members of the public and inability to work from home, and widespread mask use may decrease the risk of spread from someone with an unrecognized infection; and

WHEREAS, a public health emergency, as defined in Chapter 38.52 RCW, RCW 43.06.010(12), RCW 39.04.280(3), and Chapter 2.44 BIMC, or imminent threat of such an emergency, continues to exist on Bainbridge Island; and

WHEREAS, the City of Bainbridge Island, as a code city, has broad emergency authority under Article 11, Section 11 of the Washington State Constitution, including an affirmative grant of authority to make and enforce within the City's limits all such local police, sanitary, and other regulations as are not in conflict with general laws; and

WHEREAS, pursuant to Article 11, Section 11 of the Washington State Constitution, as well as Chapter 35A.13 and Chapter 35A.11 RCW, the City of Bainbridge Island is authorized to exercise local police powers so long as the subject matter is local, the City is acting in a reasonable way, and the action is consistent with state law, and all of those criteria are met in this situation; and

WHEREAS, based upon the findings set forth above, the City Council has a clear basis to declare, pursuant to RCW 35A.13.190, a public emergency requiring this ordinance to take effect immediately and to remain in effect until repealed or modified by the City Council as below described.

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

Section 1. Purpose. The purposes of this ordinance are to (1) educate the public on the health benefits of face coverings and to (2) mandate the wearing of face coverings that are consistent with guidelines issued by the CDC, WHO, and other leading health authorities.

Section 2. Findings. The recitals set forth above are hereby adopted as findings of fact for this ordinance. For the reasons set forth in those recitals, the City Council finds that this ordinance is necessary to protect the public health, safety, and welfare by reducing the spread of

COVID-19 within the City of Bainbridge Island. As such, a public emergency exists requiring that this ordinance take effect immediately upon passage.

Section 3. Face Coverings Required. Every individual shall wear a face covering over their nose and mouth constructed consistent with the latest CDC or WHO guidelines when in an area open to the public in which they are unable to maintain at least a six foot distance from other individuals who do not share their household.

A. This requirement applies to all areas within the city limits.

B. At this time, it is important to conserve medical-grade N95 respirator face coverings for health care workers. Therefore, unless a particular health reason requires it, other individuals should avoid using N95 masks.

C. Face coverings should be constructed according to the latest CDC or WHO guidelines.

D. Any mask that includes an unfiltered exhalation valve is not a face covering under this ordinance. Such exhalation valves permit respiratory droplet release, putting others at risk.

E. Face coverings do not replace, but are complementary to, physical distancing and other COVID-19 health safety measures, including staying away from ill people, staying home when ill, following all state and county directives regarding contact with individuals outside the same household or at public gatherings, frequent handwashing, and minimizing face touching.

Section 4. Exceptions. Face covering requirements shall not apply to the following individuals:

A. Any individual eating or drinking in a lawfully open eating or drinking establishment that is operating consistent with state and county COVID-19 guidelines.

B. Any child aged two years or younger. Children aged two years or younger should not wear a face covering due to risk of suffocation.

C. Any child aged three to five years unless parents or caregivers supervise the use of face coverings.

D. Any individual who has a physical disability that prevents easily wearing or removing a face covering.

E. Any individual who is deaf and uses facial and mouth movements as part of communication.

F. Any individual who has been advised by a medical professional that wearing a face covering may pose a health risk to that individual.

G. Any individual who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.

Section 5. Applicability. The areas and establishments to which the requirements of this ordinance apply include, but are not limited to, the following:

A. Groceries, pharmacies, and other retail establishments that sell food and beverage products, including but not limited to grocery stores, corner stores and convenience stores (including liquor stores), farmers' markets, food banks, farm and produce stands, supermarkets, other establishments that sell groceries and essentials, and similar food retail establishments.

B. Commercial retail stores that provide supplies, including convenience stores, pet supply stores, auto supplies and repair, hardware and home improvement, garden stores and nurseries that support food cultivation and production, office supply stores that support working from home, and home appliance retailers.

C. Restaurant carry-out and quick-serve food operations, including related to food preparation, carry-out, and delivery food employees.

D. Tobacco, marijuana, and vapor sellers.

E. Taxis and rideshares.

F. Sidewalks, trails, streets, parks, and parking lots.

G. Because adequate distancing cannot usually be maintained within the interior spaces of the establishments listed in A. through E. above, the wearing of face coverings is required in those spaces at all times during which the premises are open to the public.

Section 6. Signage Requirement. All establishments open to the public that are subject to this ordinance shall post signage near all public entrances advising individuals of this ordinance and of the requirement to wear face coverings. The City shall make available for download the signage to be used for this purpose.

Section 7. Relationship to Other Laws and Regulations. Nothing in this ordinance reduces or eliminates the requirements imposed by Directives and Orders from the Local Health Officer, Governor, or other regulatory state or federal agency, including employer-specific directives from the Washington State Department of Labor and Industries. However, recognizing that the face covering requirement effectuated by this ordinance may be enforceable through the issuance of a civil infraction to violators, and that directives by local health districts at this point in time do not include such enforceability, the requirements and enforceability of this ordinance govern over any Directive or Order from the Local Health Officer, Governor, or other regulatory state or federal agency. In the event of a conflict between the requirements of this ordinance and Chapter 2.44 of the Bainbridge Island Municipal Code, this ordinance shall control.

Section 8. Compliance and Enforcement. This ordinance shall be enforced in the

manner specified below.

A. The level of enforcement to be undertaken shall be determined based on a phased approach tied to three potential levels of concern. Movement from one level to another shall be only by a separately adopted City Council resolution and shall be based on one or more of the following findings of fact: a change in the local and/or regional rate of infection; a change in the rate of voluntary compliance with this ordinance; or guidance from regional, state, or national public health authorities.

B. Each level shall be in effect until the earliest of: (1) the City Council's adoption of a resolution declaring a higher or lower level of concern; (2) the end of the COVID-19 pandemic as determined by the World Health Organization; or (3) the repeal of this ordinance. Level One shall be in effect immediately upon the adoption of this ordinance.

1. Level One: Education and Outreach. Enforcement shall be limited to education and outreach by the City, in partnership with community organizations and other governmental entities, to disseminate information to the public regarding the requirements of this ordinance, and the need for and proper use of face coverings.

2. Level Two: Issuance of Warnings. In addition to the enforcement provided by Level One, the City's law enforcement officers shall have the authority to issue verbal warnings to individuals who are in violation of this ordinance.

3. Level Three: Issuance of Civil Infractions. In addition to the enforcement provided by Levels One and Two, the City's law enforcement officers shall have the authority to issue civil infractions for violations of this ordinance. For civil infractions issued pursuant to this ordinance, such infractions shall be processed in the manner set forth in Chapter 7.80 RCW. For individuals found to have committed a civil infraction based on the authority set forth in this ordinance, such individuals shall be subject to a monetary fine as follows:

(a) For a first violation, an individual is guilty of a Class 4 Civil Infraction and subject to a fine of $25.00.

(b) For a second violation, an individual is guilty of a Class 3 Civil Infraction and subject to a fine of $50.00.

(c) For a third violation, an individual is guilty of a Class 2 Civil Infraction and subject to a fine of $125.00.

(d) For each subsequent violation beyond the third violation, an individual is guilty of a Class 1 Civil Infraction and is subject to a fine of $250.00.

C. Nothing in this ordinance shall inhibit the right under existing Washington State law of privately owned businesses and establishments, or of nonprofit organizations and public agencies such as governmental entities, from lawfully refusing entry and/or service to any individual for not wearing a face covering at their premise or from contacting local law

enforcement for assistance regarding possible criminal trespass charges.

Section 9. Declaration of Emergency; Effective Date. Based upon the findings set forth above, the City Council hereby declares, pursuant to RCW 35A.13.190, a public emergency requiring this ordinance to take effect immediately. The City Council is also exercising the City's authority in this matter, as above described in the recitals and findings, pursuant to Article 11, Section 11 of the Washington State Constitution, as well as Chapter 35A.13 and Chapter 35A.11 RCW. This ordinance shall accordingly be in full force and effect immediately upon passage and shall remain in full force and effect until repealed or modified by the City Council.

Section 10. Codification. The City's Code Reviser is directed to codify sections 1, 3, 4, 5, 6 ,7, and 8 of this ordinance as a new Chapter 8.02 BIMC, Face Covering Requirement, and shall replace, when used in the codified sections, the word "ordinance" with the word "chapter."

Section 11. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

PASSED by the City Council this___day of_____, 2020.

APPROVED by the Mayor this_____day of_____, 2020.

_____
Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

_____
Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	June 19, 2020
PASSED BY THE CITY COUNCIL:	_____, 2020
PUBLISHED:	_____, 2020
EFFECTIVE DATE:	_____, 2020
ORDINANCE NUMBER:	2020-15

Findings of Mask Ordinance Subcommittee

1. The science is clear: Masks save lives.

"Several new studies published this month support wearing masks to curb the transmission of the novel coronavirus. The broadest, a review funded by the World Health Organization and published in the journal Lancet, concluded that data from 172 observational studies indicate wearing face masks reduces the risk of coronavirus infection."

"Spate of New Research Supports Wearing Masks to Control Coronavirus Spread"
https://www.washingtonpost.com/health/2020/06/13/spate-new-research-supports-wearing-masks-control-coronavirus-spread/

(Also see cited studies, including):

"Physical Distancing, Face Masks, and Eye Protection to Prevent Person-to-Person transmission of SARA-CoV-2 and COVID-19: A Systematic Review and Meta-Analysis"
https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)31142-9/fulltext#%20

2. Experts agree that masks should be mandatory

"Therefore, we ask that government officials require cloth masks to be worn in all public places, such as stores, transportation systems, and public buildings as soon as possible. This action will prevent people who are infectious from unknowingly spreading the disease."

"Over 100 Prominent Academics Call for Cloth Mask Requirements"
https://masks4all.co/letter-over-100-prominent-health-experts-call-for-cloth-mask-requirements/

"Masks Help Stop the Spread of Coronavirus – The Science is Simple and I'm One of 100 Experts Urging Governors to Require Public Mask-Wearing"
https://theconversation.com/masks-help-stop-the-spread-of-coronavirus-the-science-is-simple-and-im-one-of-100-experts-urging-governors-to-require-public-mask-wearing-138507

"To guard against a sooner-than-expected resurgence in COVID-19 cases, as they open up their economies, governors across the country must institute mandatory mask policies in public places immediately." Vin Gupta, MD assistant professor of pulmonary and critical care medicine at the University of Washington

"Governors Must Insist on Mandatory Masks — Now"
https://www.nbcnews.com/think/opinion/governors-must-insist-mandatory-masks-now-ncna1215526
(video)
https://www.msnbc.com/morning-joe/watch/doctor-calls-on-governors-to-implement-mandatory-masks-in-public-84026949916

3. Many other cities/counties/states/countries have mandated masks.

"100+ countries require masks in public because almost every Government in the world endorses them as an effective containment solution."

"What Countries Require Masks in Public or Recommend Masks?"
https://masks4all.co/what-countries-require-masks-in-public/

"As the US starts to reopen from coronavirus lockdowns across the country, state governments and local health officials are instituting measures to help keep us safe as we venture into the public."

"Are face masks required where you live? Here are the rules for all 50 states"
https://www.cnet.com/health/where-are-face-masks-required/

"What U.S. States Require Masks in Public?"
https://masks4all.co/what-states-have-mandatory-mask-laws/

"California's strategy to restart the economy and get people back to work will only be successful if people act safely and follow health recommendations. That means wearing a face covering, washing your hands and practicing physical distancing."

"California Issues New, Stricter Statewide Mask Requirement"
https://www.huffpost.com/entry/california-new-mask-requirement_n_5eebbccbc5b66743723479ae

4. Our essential services workers are required to protect us; we should protect them

"Some Grocery Workers "Scared to Death" to Return to Work**"**
https://www.cbsnews.com/news/kroger-workers-scared-work-customers-face-masks/

"Retail workers and cashiers, including those in grocery stores and pharmacies, are among those most at risk of contracting Covid-19, data shows."

"Grocery Union Demands CDC Require Masks"
https://www.politico.com/news/2020/04/08/grocery-union-demands-cdc-require-masks-176082

5. It isn't reasonable to simply tell our elders to stay home until the pandemic is over

"*The implementation of physical distancing is an essential step in reducing transmission of the virus. But in an effort to flatten the curve, physical distancing may be causing social isolation and loneliness. Although loneliness and social isolation can affect anyone regardless of age, the elderly are particularly vulnerable, especially under the current conditions of the pandemic."*

"The Unspoken COVID-19 toll on the Elderly: Loneliness"
https://abcnews.go.com/Health/unspoken-covid-19-toll-elderly-loneliness/story?id=69958717

6. Covid-19 doesn't just kill, it leaves many survivors seriously disabled, sometimes for life.

"*The UK National Health Service assumes that of Covid-19 patients who have required hospitalization, 45 percent will need ongoing medical care, 4 percent will require inpatient rehabilitation, and 1 percent will permanently require acute care. Other preliminary evidence, as well as historical research on other coronaviruses like severe acute respiratory syndrome (SARS) and Middle East respiratory syndrome (MERS), suggests that for some people, a full recovery might still be years off. For others, there may be no returning to normal*."

"The Emerging Long-term Complications of Covid-19, Explained"
https://www.vox.com/2020/5/8/21251899/coronavirus-long-term-effects-symptoms

7. Young healthy people cannot assume that they will be spared.

"*The woman in her 20s was otherwise healthy but developed a severe case of COVID-19 that resulted in hospitalization, says Dr. Ankit Bharat, Northwestern's chief of thoracic surgery."*

"1st-Known U.S. Lung Transplant For COVID-19 Patient Performed in Chicago"
https://www.npr.org/sections/health-shots/2020/06/12/875486356/first-known-u-s-lung-transplant-for-covid-19-patient-performed-in-chicago

"Reports of strokes in the young and middle-aged — not just at Mount Sinai, but also in many other hospitals in communities hit hard by the novel coronavirus — are the latest twist in our evolving understanding of the disease it causes. ... Once thought to be a pathogen that primarily attacks the lungs, it has turned out to be a much more formidable foe — impacting nearly every major organ system in the body."

"Young and Middle-aged People, Barely Sick with Covid-19, are Dying of Strokes"
https://www.washingtonpost.com/health/2020/04/24/strokes-coronavirus-young-patients/

8. Wearing masks is not contrary to getting back to normal, it's an essential part of it

"We further speculate that deployment of masks in public areas may eventually help the economy with transitioning into the post-COVID world.

First, masks could prove to be a cost-effective way of trying to reduce re-emergence of the virus in the medium run, as epidemiologic models suggest that virus re-emergence may necessitate re-introduction of social distancing measures with some regularity over the course of next 12 to 18 months (Flaxman et al. 2020). But wearing masks could give some hope of removing the need to put the economy into the switch on, switch off mode — which would require many businesses to close, open, and close again on short notice."

"Can Masks Help with Reopening the Economy?
https://siepr.stanford.edu/research/publications/can-masks-help-reopening-economy

"But masks do more than just protect against the virus. If widely worn, they send a message: 'It's safe to come out now.'

The economy will not recover *until almost everyone gets that message"*

"To Help the Economy, Wear a Mask"
https://www.forbes.com/sites/patrickwwatson/2020/05/27/to-help-the-economy-wear-a-mask/#59e94669551a

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 15 Minutes

AGENDA ITEM: (9:40 PM) Face Mask Initiatives - Councilmember Deets,

SUMMARY: Councilmember Deets has provided the attached information on face mask initiatives for Council discussion.

AGENDA CATEGORY: Discussion **PROPOSED BY:** City Council

RECOMMENDED MOTION: Discussion.

STRATEGIC PRIORITY: Safe City

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

Discussion & Recommendations on Promotion of Wearing of Masks on B.I..pdf

Poulsbo Safe Signage.jpg

Bainbridge Safe Poster.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

MEMORANDUM

Date: June 23, 2020

To: Mayor Leslie Schneider, Deputy Mayor Rasham Nassar, Councilmembers Kirsten Hytopoulos, Kol Medina, Christy Carr, Michael Pollock, and City Manager Morgan Smith

From: Joe Deets, Councilmember

Subject: Wearing Face Masks to Reduce COVID-19 Transmission on Bainbridge Island. Discussion Points and Recommended Action Items related to the Supply, Promotion and Financing of Masks.

I. Introduction

This memo is part of two larger discussions that Council is currently having related to the COVID-19 pandemic. The first centers of the medical side, specifically what safety measures need to be approved by us to help protect the residents of Bainbridge Island, its workers, and visitors from becoming infected with the virus. The second discussion involves the economic calamity that has descended on local businesses because of the pandemic.

Please note that details relating to face mask supply, purchase and distribution come from conversations I have had with Bainbridge Prepares Executive Director Loren Bast, Bainbridge Island Downtown Association Executive Director Jerri Lane, and Interim CEO of the Bainbridge Island Chamber of Commerce Kevin Dwyer.

II. Medical Evidence

There should be no debate that the medical literature is compelling regarding the efficacy of wearing face masks to reduce COVID-19 transmission. An article in the Asian Pacific Society of Respirology supports that the wearing of face masks, even homemade ones, significantly reduces the risk of virus transmission. And an article in the Infectious Disease Modeling Journal supports the use of face mask wearing by the public as being of potentially of high value in reducing transmission.

III. Supply

The City, through its Emergency Operations Center, currently has 2,000 to 2,500 non-medical grade disposable face masks in storage. At the time of this writing it is unclear whether the City can distribute the masks to businesses. Meanwhile the Bainbridge Artisan Resource Network (BARN) has 1,000 to 1,400 face masks to distribute if needed.

Whether it is 3,000 or 1,000 masks available for distribution, it should be clear that with thousands of Island residents, workers and visitors, and an undeterminable time horizon, it would be prudent of us to substantially increase the supply of both disposable and reusable face masks. Purchasing can be done in quantities of 5,000, with scalability currently not an issue. At 5,000 masks, storage requirements will be minimal. The face masks are flat-packed, and 5,000 can fit into a car trunk. Bainbridge Prepares has the storage space if needed. The Chamber has also said that it can store the masks.

IV. Promotion

With the start of Phase 2, the Chamber & Downtown Association jointly launched their Bainbridge Safe, Open, Welcome Campaign. Among the host of actions taken is the creation of kiosk signage, posters for individual businesses, PSA announcement on the Ferries, and adds in the Review, Kitsap Sun, and Bainbridge Islander.

It is recommended that the City support these on-going efforts in at least two ways. One is to provide financial support and the other is to ensure that its messaging is complementary to the language that is already in place. Please refer to the attached Bainbridge Safe poster.

V. Distribution

The Chamber and the Downtown Association have confirmed that they are prepared to carry out the distribution of face masks to businesses. It is recommended that before distribution occurs that the recipient business sign a disclaimer. For reference to what the disclaimer can look like, please see the disclaimer used in the City of Poulsbo's Recovery Program (link provided below).

VI. Financing

The City of Bainbridge Island has been awarded $735,600 in Coronavirus Aid, Relief and Economic Security (CARES) funding. The monies are to be used for COVID-19 related expenses incurred from March 1st to October 31st of this year. Among the allowed uses are "expenses of actions to facilitate compliance with public health measures" and "expenses associated with the provision of economic support in connected with the emergency".

I believe it entirely appropriate and a clear expression of the City's solidarity with the business community during this time of extreme hardship that it apply some CARES funding to purchase face masks for use by local businesses, as well as to aggressively promote the wearing of face masks on Bainbridge Island. It is worth noting that the City of Poulsbo has already made this decision, by creating signage (see the attached) and providing 100 disposable and 10 reusable face masks to any business or non-profit that asks. Having said this, the discussion here is not meant to circumvent the discussion on CARES funding that we will be having on June 30th. Rather it is to bring up the fact that the actions being described in this memo match well the intention for that funding, and that a neighbor municipality is already doing it.

VII. Appointment of Council Liaison to Local Business Community

This discussion and the recommended action items described are just a start of what needs to be done to support the local business community. A reasonable, no-cost, and proactive additional step is to create a Council Liaison to Island Businesses. The Liaison would engage with the Chamber of Commerce, Downtown Association and greater business community on matters related to economic recovery, and report to the full Council.

VIII. Recommended Actions for Discussion

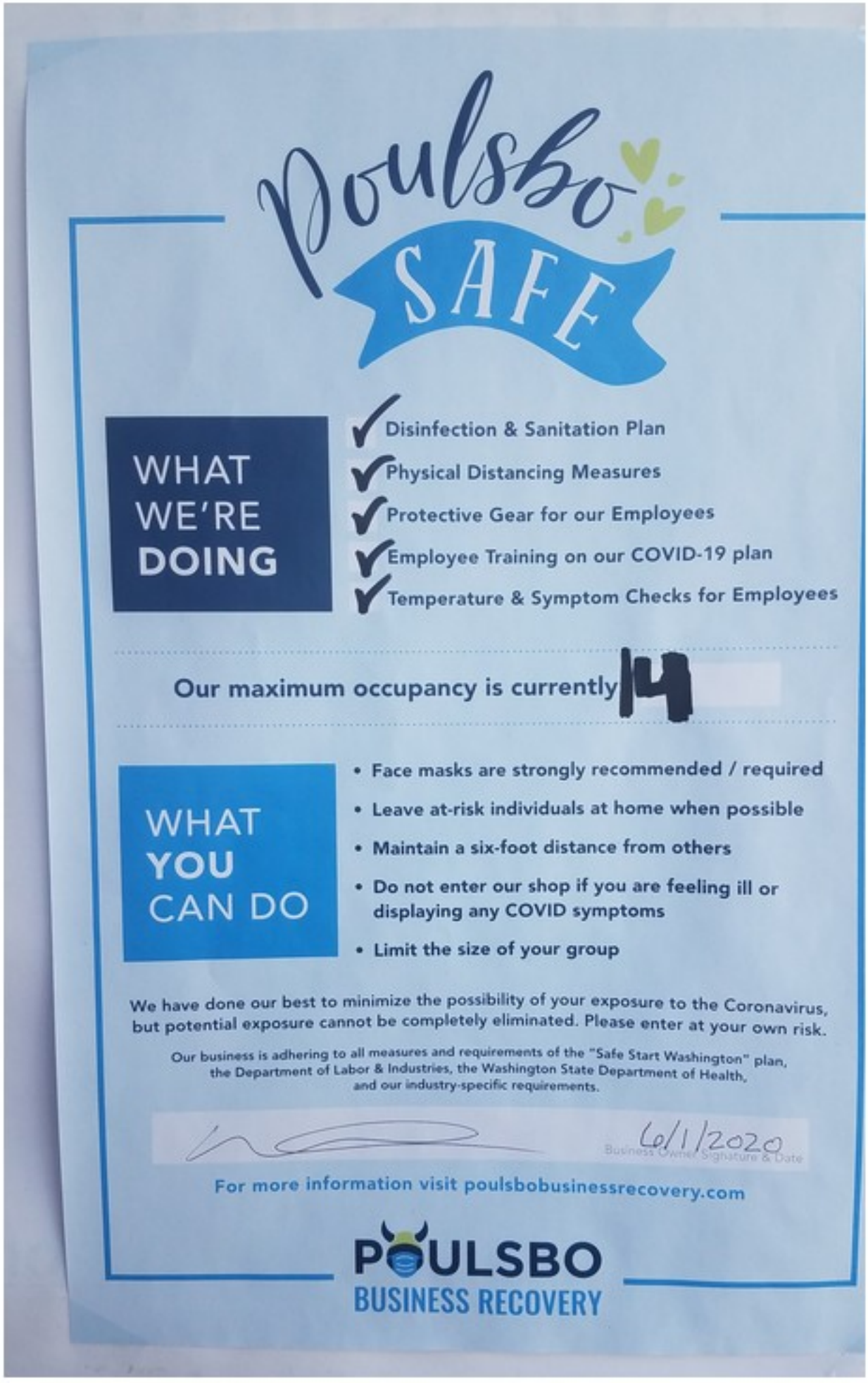
a. Apply CARES funding for the purchase of disposable and reusable face masks for use by local businesses.
b. Apply CARES funding for the promotion of wearing face masks on Bainbridge Island.
c. Appoint a Council Liaison to the local business community.

Attachments and Reference Link:

Bainbridge Safe Poster

Poulsbo Safe Poster

Link to Poulsbo Business Recovery website: https://poulsbobusinessrecovery.com/


Poulsbo
SAFE
WHAT WE'RE DOING
✓ Disinfection & Sanitation Plan
✓ Physical Distancing Measures
✓ Protective Gear for our Employees
✓ Employee Training on our COVID-19 plan
✓ Temperature & Symptom Checks for Employees
Our maximum occupancy is currently 14
WHAT YOU CAN DO
• Face masks are strongly recommended / required
• Leave at-risk individuals at home when possible
• Maintain a six-foot distance from others
• Do not enter our shop if you are feeling ill or displaying any COVID symptoms
• Limit the size of your group
We have done our best to minimize the possibility of your exposure to the Coronavirus, but potential exposure cannot be completely eliminated. Please enter at your own risk.
Our business is adhering to all measures and requirements of the "Safe Start Washington" plan, the Department of Labor & Industries, the Washington State Department of Health, and our industry-specific requirements.
6/1/2020
Business Owner Signature & Date
For more information visit poulsbobusinessrecovery.com
POULSBO
BUSINESS RECOVERY

Welcome!

We are **Bainbridge Strong**

Our Businesses are

Bainbridge Safe*

For your safety,
help us by observing:

Social Distancing

Use of Face Coverings

Occupancy Limits

Use of Hand Sanitizer

* Meets or exceeds Washington State safety and health requirements

BAINBRIDGE ISLAND
DOWNTOWN ASSOCIATION

Thank You
for your business!

BAINBRIDGE ISLAND
CHAMBER OF COMMERCE

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (9:55 PM) Appointment of Deputy Mayor for July through December, 2020,

SUMMARY: The Council will appoint a Deputy Mayor for July through December, 2020.

AGENDA CATEGORY: Appointment **PROPOSED BY:** City Council

RECOMMENDED MOTION: I move to appoint _____ as Deputy Mayor for July 1, 2020 through December 31, 2020.

STRATEGIC PRIORITY: Good Governance

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

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (10:05 PM) Appointments to the Design Review Board - Mayor Schneider,

SUMMARY: A call for participation was issued for volunteers to serve on the Design Review Board. This agenda item includes completed applications and resumes where provided by the applicant. Interviews were conducted. Mayor Schneider recommends the appointments identified in the attached spreadsheet.

AGENDA CATEGORY: Appointment **PROPOSED BY:** Executive

RECOMMENDED MOTION: Motion 1: I move to approve the recommended appointment of Bob Russell to Position 1, and the reappointment of Laurel Wilson to Position 2, to the Design Review Board as identified on the attached spreadsheet.

Motion 2: I move to forward for approval with the July 14, 2020 Consent Agenda the recommended appointment of Bob Russell to Position 1, and the reappointment of Laurel Wilson to Position 2, to the Design Review Board as identified on the attached spreadsheet.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

City Advisory Group Vacancies (Design Review Board).pdf

Marshall - Design Review Board (Redacted).pdf

Russell - Design Review Board (Redacted).pdf

Wilson - Design Review Board (Redacted).pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

Design Review Board

Interview Team	Recommended Appointments	Applications Received Alphabetically
Mayor/Council Liaison Leslie Schneider **Councilmember** Christy Carr **Chair** Joe Dunstan	**Design Review Board** **Position 1–** Bob Russell (June 2023) **Position 2 –** Laurel Wilson (June 2023) - Reappointment	Megan Marshall Bob Russell Laurel Wilson

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Thursday, May 7, 2020 9:18:27 AM

City Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Megan Marshall
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	Olson Kundig
Current Position	Architect
I am interested in serving on one of the following City advisory groups (select all that apply):	Design Review Board , Planning Commission

Experience & Qualifications

Have you served on any City advisory groups in the past?	No
If so, please indicate which groups:	N/A
Please share your qualifications for this appointment (skills,	I am an architect currently employed at Olson Kundig, a Seattle-based architecture firm. Prior to Olson Kundig, I worked at Perkins+Will in their Seattle office. I have over nine years of

activities, training, education) if any:	professional experience with a wide range of project types spanning single-family residential, multi-family residential, hospitality, science and technology, healthcare, and campus planning. I have had the opportunity to work on projects sited all over the globe, which has provided me with a unique perspective on how different justicitions address the building review process (design, sustainability, accessibility, etc.). I am passionate about identifying and implementing innovative ways of improving the built environment and its connection with the surrounding community, not only through project work, but also through participation in various committees. I served as co-director of Perkins+Will Seattle's Material Health Lab and was one of the first members of the Perkins+Will Seattle Resiliency Lab. At Olson Kundig I have been involved in creating new standards of design for multi-family and hospitality projects. My involvement in these groups has afforded me unique educational experiences, both as a learner and teacher, while also broadening my skill sets in specialized areas of project work. I am a licensed architect in the state of Washington and a U.S. Green Building Council Leadership in Energy and Environmental Design, Building Design, and Construction accredited professional (LEED AP BD+C). I hold a Master of Architecture degree from the University of Southern California and a Bachelor of Science degree in architecture from Washington State University. I grew up on Bainbridge Island and graduated from Bainbridge High School (2004). This community is dear to me, and I would be honored to offer my experience and expertise to help shape the future of the island. I hope to have the opportunity to discuss this opening further with you.
Please share your community interests (groups, committees, organizations) if any:	As I noted in the previous question, this community is dear to me, and I would be honored to offer my experience and expertise to help shape the future of the island. I have worked on a number of professional boards and have volunteered service for youth architecture education programs, but this would be my first time serving on a community-based board. (Please see attached resume.)
Feel free to attach your resume (optional):	
Type the Year	2020
How did you hear about the volunteer opportunity?	City Website



MEGAN MARSHALL
AIA, LEED AP BD+C

Licensed Architect, WA

University of Southern California
Los Angeles, CA / 2008 - 2010
Master of Architecture

Washington State University
Pullman, WA / 2004 - 2008
Bachelor of Science, Architecture
Minor in Sociology

AIA Member
USGBC Member

OLSON KUNDIG / SEATTLE, WA / ARCHITECT / 2017-present

As a generalist architect I have experience working on projects large and small. My role is often to serve as the design lead, but I also enjoy jumping deeper into a project to assist in addressing more technical design issues. At Olson Kundig I have worked primarily on multi-family, residential, and hospitality project types.

PROJECT HIGHLIGHTS:

. Project architect on a multi-family project consisting of 8 unique buildings situated on top of an existing garage in West Hollywood, CA. Responsibilities include working with the design principal, developer, and consultants from schematic design thru construction administration.

. Project architect on a large multi-building resort in rural China. Experience working on an international team and with the local architect on a large project on an extremely complex site. Project scope includes schematic design thru construction documents.

. Design and technical support on multiple high-end residential projects located in Seattle, San Francisco, Costa Rica, and Mexico.

. Assisted in the design documentation for multiple commercial buildings and market hall in Walla Walla, WA.

PERKINS + WILL / SEATTLE, WA / ARCHITECT / 2010-2017

I began my career and seven-year tenure at Perkins+will as an intern architect, became a licensed architect in 2015, and then associate in 2016. During this time, I worked primarily on higher-education and science and technology projects.

PROJECT HIGHLIGHTS

. Experience detailing exterior and interior conditions for complex building types including the UW Medicine Phase 3.1 Building in South Lake Union, a multi-building campus for Illumina in San Diego, and the UCSD Center for Novel Therapeutics building in San Diego.

. Assisted in numerous spatial planning studies for science and technology as well as office workspaces

. Creation and coordination of design and documentation for a master plan, as well as coordination of predesign report documents

. Sustainability lead on a LEED-Platinum shell-and-core building and LEED-Silver laboratory building.

MAGRAW ZECHA / POULSBO, WA / GRAPHIC DESIGN / 2010-present

My role at Magraw Zecha began in 2010. I was responsible for creating a new marketing and graphic identity for Magraw Zecha which included a new logo, website, business cards, and marketing materials. I continue to maintain the website and advise on graphic and marketing materials as needed.

The owner of the Magraw Zecha, Scott Magraw, is my father.

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Friday, April 24, 2020 3:55:03 PM

City Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Bob Russell
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	None
Current Position	Sr Project Development Manager
I am interested in serving on one of the following City advisory groups (select all that apply):	Design Review Board

Experience & Qualifications

Have you served on any City advisory groups in the past?	No
If so, please indicate which groups:	Though I do sit in on Design Review Board, Planning Commission, Council, and Island Center Sub-Area Plan committee meetings, and contribute my thoughts.
Please share your qualifications for this	My family has been contributing members of the island's community for over 100 years. I provide a fresh set of eyes, practical and independent thinking, and have no preconceived

appointment (skills, activities, training, education) if any:	mindset. I have managed a wide variety of site and building projects throughout the U.S. and into Canada, from architect / engineer design through construction completion and turnover to customer, for my entire career. I promote creative and innovative solutions with a strong emphasis on collaboration to resolve sticky issues. Earned a Bachelor of Science, Construction Management, University of Washington. The Board uses the "Design Standards & Guidelines - Design for Bainbridge 2019" as its key reference, to review, question, and act on proposed projects presented to the Board. The use of these design parameters fall easily within my purview of expertise.
Please share your community interests (groups, committees, organizations) if any:	Presenting fresh and practical (make sense) recommendations to the COBI City Council, and other City advisory committees. I have a strong interest in facilitating the best approaches to provide affordable housing on Bainbridge, and reducing the island's carbon footprint using Green Building practices. I also enjoy providing practical comments (both written and public testimony) to the City Council and City Advisory Committees, such as my recent testimony, and writing, to the Planning Commission, regarding the use of ADU's as part of a proposed City Ordinance revision.
Feel free to attach your resume (optional):	
Type the Year	2020
How did you hear about the volunteer opportunity?	Other (please specify below)
Other	Chairperson DRB, and my own awareness



BOB RUSSELL

SENIOR PROJECT DEVELOPMENT MANAGER

EXECUTIVE SUMMARY

Proactive real estate development and construction management professional, wanting to use my personal energy, career-long experience and proven abilities to benefit the Bainbridge Island community, and the COBI. I thoroughly enjoy working and collaborating with people to arrive at thoughtful, practical solutions. I am well suited to perform design reviews for proposed projects of any type located anywhere on Bainbridge Island.

MY EXPERTISE

- Excellent communicator, relationship builder, and problem solver
- Knowledgeable construction and real estate development project manager
- Proficient building and site design reviewer, with due-diligence reporting
- Effective collaborator and consensus builder
- Strong planning, scheduling, budgeting, and reporting background
- Seeks out innovations that result in continuing customer benefits

COMMITTEES

- Housing and Human Service Committee - (Maui, Lanai, Molokai) - Wailuku, Maui
- Church lay re-development committee - Kehei, Maui

RELEVANT EXPERIENCE

Sr Project/Facility Manager, Corporate Real Estate

DHL Express, Seattle, WA - 1998-2018

- Developed distribution centers w/ 3rd party developers nationwide and construction of building expansions, renovations, and tenant improvements
- Researched and initiated nationwide facilities management platform; implemented energy savings program

Project Manager

Frontier Construction, Lynwood, WA - 1996-1998

- Multi-tenant retirement home, Safeway store

Superintendent (contract)

Gateway/Key/City of Seattle Tower, Seattle, WA - 1994-1996

- Build out 400,000 sf of high-end professional and commercial office space

Construction Manager (contract)

Boeing, Kent/Seattle, WA - 1989-1993

- Building cost estimator, R&D tenant improvements, corporate office building, wind tunnel, mountainous R&D geodesic dome, industrial mechanical and electrical improvements

Field Project Engineer, Superintendent, Construction Manager

Hawaiian Dredging & Construction, Honolulu, HI - 1974-1988

- High-rise apartment building, 3 resort hotels, 3 resort condominiums, major hospital expansion, water treatment plant, golf clubhouse / restaurant, prison campus, resort tennis clubhouse / courts

Field Cost Engineer

Haas & Hayne Corporation, Honolulu, HI - 1972-1973

- Federal Office and Courthouse Building

Field Project Engineer

Charles Pankow, Honolulu, HI - 1970-1972

- 2 mid-rise, low-cost housing apartment buildings

EDUCATION

University of Washington

Bachelor of Science, Construction Management

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Thursday, May 7, 2020 8:25:00 PM

City Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	laurel wilson
Email	
Phone	
Address	
City	bainbridge is
State	Washington
Zip	98110
Current Employer	self/Arcstudio
Current Position	principal
I am interested in serving on one of the following City advisory groups (select all that apply):	Design Review Board

Experience & Qualifications

Have you served on any City advisory groups in the past?	Yes
If so, please indicate which groups:	Current: DRB. Past : Public Arts Council and site specific juries
Please share your qualifications for this appointment (skills,	Licensed architect. Bainbridge resident for nearly 25 years.

activities, training, education) if any:	
Please share your community interests (groups, committees, organizations) if any:	Founding director, Space.City Forum for Art and Architecture
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	*Field not completed.*
How did you hear about the volunteer opportunity?	Other
Other	Email reminder.

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (10:15 PM) Agenda Bill for Consent Agenda,

SUMMARY: Consider approval of the following Consent Agenda items:

B. Accounts Payable and Payroll
C. City Council Study Session Minutes, June 2, 2020
D. Regular City Council Business Meeting Minutes, June 9, 2020
E. Annual Road Striping Contract - Public Works
F. Amendment No. 1 to Water & Sewer Telemetry Upgrade Professional Services Agreement
G. 2020 Asphalt Repair Project
H. 2020 Kitsap Regional Coordinating Council (KRCC) ILA Amendment
I. Staffing Request for COVID-19 Response
J. Affirm Council Priorities from March 6, 2020 Retreat
K. Appointments to the Planning Commission

AGENDA CATEGORY: Consent Agenda **PROPOSED BY:** Executive

RECOMMENDED MOTION: I move to approve the Consent Agenda, as presented.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:**

AGENDA ITEM: Accounts Payable and Payroll

SUMMARY: Consider approval of payroll and accounts payable.

AGENDA CATEGORY: Consent Agenda **PROPOSED BY:** Executive

RECOMMENDED MOTION: Approve with consent agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

AP Report to Council of Cash Disbursements 06-24-20.pdf

Payroll.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

ACCOUNTS PAYABLE REPORT TO CITY COUNCIL OF CASH DISBURSEMENTS

CHECK RUN: June 8, 2020 - June 22, 2020
CITY COUNCIL: June 9, 2020 - June 23, 2020

Last check from previous run: 353807 dated 06/10/2020 issued to Puget Sound Energy for $24,721.73.

Payment Type	Check Date	Check Number	Department/Vendor/Description	Amount
VOID	5/27/20	353634	CRT/AWC/Lost check: void and reprint	N/A
Manual	6/10/20	353808	CenturyLink/Citywide telemetry & fax service - June 2020	1,134.90
Manual	6/10/20	353809	PW/Island Hands/Janitorial services: regular & extra - May 2020	39,089.08
Manual	6/10/20	353810	Verizon/Citywide wireless services - May 2020	5,773.13
Manual	6/17/20	353811	AWC/Cobra check - May 2020	827.65
Manual	6/17/20	353812	US Bank/Credit card purchases - May 2020	23,061.90
Manual	6/17/20	353919	COBI Municipal Court/Out court ticket	360.00
			Total Manual Checks and Electronic Disbursements	**70,246.66**
Regular Run	6/24/20	353813-353918	**Total Regular Check Run**	**365,133.73**
			Total Disbursements	**435,380.39**
Retainage Release	6/10/20	190	Aqua Tech/Public Works pumphouse	1,578.18
Retainage Release	6/10/20	191	Gary Harper Construction/Old treatment plant pump station	19,096.71
Retainage Release	6/10/20	192	Air Management Solutions/Heat pump replacement	3,594.63
Retainage Release	6/17/20	193	Peninsula Tree Service/Waterfront park tree removal	3,548.76
Travel Advance	N/A	N/A		N/A

Prepared and Reviewed by _____Carrie Freitas, Senior Accounting Technician

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein and that the claim is a just, due, and unpaid obligation against the City of Bainbridge Island, and that I am authorized to authenticate and certify to said claim.

Karl R. Shaw

6/18/2020

Karl R. Shaw, Accounting Manager — Date

VOID
6/17/2020
CF

6/17/2020

06/17/2020 08:32 | CITY OF BAINBRIDGE ISLAND | P 1
cfreitas | A/P CASH DISBURSEMENTS JOURNAL | apcshdsb

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
353634	05/27/2020	VOID	37	ASSOCIATION OF WA CI	240490	05-2020	05/01/2020			-843.12
Invoice: 05-2020							CRT/MAY 2020 COBRA DEGROEN			
					-843.12	21011125 520000	COURT - BENEFITS			
							CHECK 353634 TOTAL:			-843.12
						NUMBER OF CHECKS 1	*** CASH ACCOUNT TOTAL ***			-843.12

	COUNT	AMOUNT
TOTAL VOIDED CHECKS	1	843.12

*** GRAND TOTAL *** -843.12

Payment was mailed on 5/27/2020 but was not received by AWC due to a change in remittance address.
In order to get payment to correct place on time the check was stop paid and reissued.

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER JNL SRC ACCOUNT EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T	OB	DEBIT	CREDIT
2020 6 175									
APP 001-213000					GENERAL - ACCOUNTS PAYABLE				843.12
06/17/2020	353634	VOID			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH			843.12	
06/17/2020	353634	VOID			AP CASH DISBURSEMENTS JOURNAL				
					GENERAL LEDGER TOTAL			843.12	843.12
APP 631-130000					DUE TO/FROM CLEARING				843.12
06/17/2020	05/24/20	VOID							
APP 001-130000					GENERAL - DUE TO/FROM CLEARING			843.12	
06/17/2020	05/24/20	VOID							
					SYSTEM GENERATED ENTRIES TOTAL			843.12	843.12
					JOURNAL 2020/06/175 TOTAL			1,686.24	1,686.24

FUND / ACCOUNT	YEAR	PER	JNL	EFF DATE / ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2020	6	175	06/17/2020		
001-130000				GENERAL - DUE TO/FROM CLEARING	843.12	
001-213000				GENERAL - ACCOUNTS PAYABLE		843.12
				FUND TOTAL	843.12	843.12
631 CLEARING FUND	2020	6	175	06/17/2020		
631-130000				DUE TO/FROM CLEARING		843.12
635-111100				CASH	843.12	
				FUND TOTAL	843.12	843.12

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		843.12
631	CLEARING FUND	843.12	
	TOTAL	843.12	843.12

** END OF REPORT - Generated by Carrie L. Freitas **

Manual
CF 6/10/20

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
353808	06/10/2020	PRTD	551	CENTURYLINK	240921	0225JUN20	06/02/2020		M060920	112.05
Invoice: 0225JUN20							O&M FIRE ALARM MONIT			
					112.05	91011897 542100	GG-C/E-O&M YARD FAC-PHONE			
					240922	0456JUN20	06/02/2020		M060920	69.99
Invoice: 0456JUN20							VILLAGE SEWER PUMP			
					69.99	91421891 542100	GG-SWR-FAC-PHONE			
					240923	0754JUN20	06/02/2020		M060920	70.95
Invoice: 0754JUN20							FLETCHER BAY WELL TELEM			
					70.95	91411891 542100	GG-WTR-FAC-PHONE			
					240924	1745JUN20	06/02/2020		M060920	53.13
Invoice: 1745JUN20							CH ELEVATOR SERVICE LINE			
					53.13	91011189 542100	GG-C/E-CITY HALL-PHONE			
					240925	3736JUN20	06/02/2020		M060920	112.05
Invoice: 3736JUN20							CH FIRE ALARM MONIT			
					112.05	91011189 542100	GG-C/E-CITY HALL-PHONE			
					240926	5211JUN20	06/02/2020		M060920	199.32
Invoice: 5211JUN20							POL PHN SVCS			
					199.32	91011215 542100	GG-C/E-PD-PHONE			
					240927	8731JUN20	06/02/2020		M060920	58.76
Invoice: 8731JUN20							COMMONS FIRE ALARM MONIT			
					58.76	91011755 542100	GG-C/E-COMMONS-PHONE			
					240928	8834JUN20	06/02/2020		M060920	69.99
Invoice: 8834JUN20							259 FERNCLIFF PRV TELEM			
					69.99	91411891 542100	GG-WTR-FAC-PHONE			
					240929	9136JUN20	06/02/2020		M060920	150.16
Invoice: 9136JUN20							CH SECURITY ALARM MONIT			
					150.16	91011189 542100	GG-C/E-CITY HALL-PHONE			
					240930	9791JUN20	06/02/2020		M060920	137.80
Invoice: 9791JUN20							POL TI MANDUS			
					137.80	91011215 542100	GG-C/E-PD-PHONE			
					240931	9840JUN20	06/02/2020		M060920	50.35
Invoice: 9840JUN20							HEAD OF BAY WELL TELEM			
					50.35	91411891 542100	GG-WTR-FAC-PHONE			
					240932	9858JUN20	06/02/2020		M060920	50.35
Invoice: 9858JUN20							SANDS AVE WELL TELEM			
					50.35	91411891 542100	GG-WTR-FAC-PHONE			
							CHECK 353808 TOTAL:			1,134.90

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
				INVOICE DTL DESC						
353809	06/10/2020	PRTD	8646	ISLAND HANDS	240919	17482	06/04/2020		M060920	13,665.11
Invoice: 17482							2020-2023 JANITORIAL CONTRACT			
					13,225.16	73011183 54110000269	JANITORIAL CONTRACT-PRO SVCS			
					439.95	73425358 54110000269	JANITORIAL CONTRACT-PRO SVCS			
					240920	17483	06/04/2020		M060920	25,423.97
Invoice: 17483							EMERGENCY JANITORIAL- COVID-19			
					24,661.25	73011183 54810101069	COVID19-EXTRA JANITORIAL			
					762.72	73425358 54810101069	COVID19-EXTRA JANITORIAL			
								CHECK 353809 TOTAL:		39,089.08
353810	06/10/2020	PRTD	1485	VERIZON WIRELESS	240933	9855797877	06/01/2020		M060920	5,773.13
Invoice: 9855797877							CITYWIDE WIRELESS SERVICES			
					4,010.07	91011189 542100	GG-C/E-CITY HALL-PHONE			
					1,763.06	91011189 54210001069	COVID19-ADD'L CELL PHONES			
								CHECK 353810 TOTAL:		5,773.13
						NUMBER OF CHECKS 3		*** CASH ACCOUNT TOTAL ***		45,997.11

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	3	45,997.11

*** GRAND TOTAL *** 45,997.11

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER JNL / SRC ACCOUNT / EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
2020 6 90									
APP 001-213000					GENERAL - ACCOUNTS PAYABLE			44,482.81	
06/10/2020 M060920		061020			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH				45,997.11
06/10/2020 M060920		061020			AP CASH DISBURSEMENTS JOURNAL				
APP 402-213000					ACCOUNTS PAYABLE			1,272.66	
06/10/2020 M060920		061020			AP CASH DISBURSEMENTS JOURNAL				
APP 401-213000					ACCOUNTS PAYABLE			241.64	
06/10/2020 M060920		061020			AP CASH DISBURSEMENTS JOURNAL				
					GENERAL LEDGER TOTAL			45,997.11	45,997.11
APP 631-130000					DUE TO/FROM CLEARING			45,997.11	
06/10/2020 M060920		061020			GENERAL - DUE TO/FROM CLEARING				44,482.81
APP 001-130000					DUE TO/FROM CLEARING				1,272.66
06/10/2020 M060920		061020			DUE TO/FROM CLEARING				241.64
APP 402-130000									
06/10/2020 M060920		061020							
APP 401-130000									
06/10/2020 M060920		061020							
					SYSTEM GENERATED ENTRIES TOTAL			45,997.11	45,997.11
					JOURNAL 2020/06/90 TOTAL			91,994.22	91,994.22

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2020	6	90	06/10/2020			
001-130000					GENERAL - DUE TO/FROM CLEARING		44,482.81
001-213000					GENERAL - ACCOUNTS PAYABLE	44,482.81	
					FUND TOTAL	44,482.81	44,482.81
401 WATER OPERATING FUND	2020	6	90	06/10/2020			
401-130000					DUE TO/FROM CLEARING		241.64
401-213000					ACCOUNTS PAYABLE	241.64	
					FUND TOTAL	241.64	241.64
402 SEWER OPERATING FUND	2020	6	90	06/10/2020			
402-130000					DUE TO/FROM CLEARING		1,272.66
402-213000					ACCOUNTS PAYABLE	1,272.66	
					FUND TOTAL	1,272.66	1,272.66
631 CLEARING FUND	2020	6	90	06/10/2020			
631-130000					DUE TO/FROM CLEARING	45,997.11	
635-111100					CASH		45,997.11
					FUND TOTAL	45,997.11	45,997.11

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		44,482.81
401	WATER OPERATING FUND		241.64
402	SEWER OPERATING FUND		1,272.66
631	CLEARING FUND	45,997.11	
	TOTAL	45,997.11	45,997.11

** END OF REPORT - Generated by Carrie L. Freitas **

Manual - Reprint

CF 6/17/20

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
353811	06/17/2020	PRTD	37	ASSOCIATION OF WASHI	240490	05-2020	05/01/2020	M052420		827.65
Invoice: 05-2020						CRT/MAY 2020 COBRA DEGROEN				
					827.65	21011125 520000 COURT - BENEFITS				
								CHECK 353811 TOTAL:		827.65

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 827.65

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	1	827.65

*** GRAND TOTAL *** 827.65

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER JNL / SRC ACCOUNT / EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
2020 6 178									
APP 001-213000					GENERAL - ACCOUNTS PAYABLE			827.65	
06/17/2020	M052420	REPRNT			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH				827.65
06/17/2020	M052420	REPRNT			AP CASH DISBURSEMENTS JOURNAL				
					GENERAL LEDGER TOTAL			827.65	827.65
APP 631-130000					DUE TO/FROM CLEARING			827.65	
06/17/2020	M052420	REPRNT							
APP 001-130000					GENERAL - DUE TO/FROM CLEARING				827.65
06/17/2020	M052420	REPRNT							
					SYSTEM GENERATED ENTRIES TOTAL			827.65	827.65
					JOURNAL 2020/06/178 TOTAL			1,655.30	1,655.30

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2020 6	178	06/17/2020			
001-130000				GENERAL - DUE TO/FROM CLEARING		827.65
001-213000				GENERAL - ACCOUNTS PAYABLE	827.65	
				FUND TOTAL	827.65	827.65
631 CLEARING FUND	2020 6	178	06/17/2020			
631-130000				DUE TO/FROM CLEARING	827.65	
635-111100				CASH		827.65
				FUND TOTAL	827.65	827.65

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		827.65
631	CLEARING FUND	827.65	
	TOTAL	827.65	827.65

** END OF REPORT - Generated by Carrie L. Freitas **

US Bank - May 2020
CF 6/17/20

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
353812	06/17/2020	PRTD	7314 US BANK	240935	04/29/20-JB	05/25/2020		USB05-20	666.81
Invoice: 04/29/20-JB						POL/ELLIOT BAY MARINA/M8 FUEL			
				666.81	54025212 532000	MARINE - FUEL			
				240936	04/28/20-BB	05/25/2020		USB05-20	166.69
Invoice: 04/28/20-BB						POL/WALMART/FACE MASKS(100)			
				166.69	53011252 53110001069	COVID19-SUPPLIES			
				240937	05/02/20-BB	05/25/2020		USB05-20	50.20
Invoice: 05/02/20-BB						POL/AMAZON/SD CARD READER			
				50.20	51011191 531100	PD-C/E-PROP RM-SUPPLIES			
				240938	05/18/20-BB	05/25/2020		USB05-20	14.11
Invoice: 05/18/20-BB						POL/AMAZON/TEST TUBE DRYING RACK			
				14.11	51011191 531100	PD-C/E-PROP RM-SUPPLIES			
				240940	04/30/20-MD	05/25/2020		USB05-20	261.47
Invoice: 04/30/20-MD						IT/LINKEDIN/ONLINE TRAINING			
				261.47	81011881 443410	IT - C/E TRAINING			
				240941	05/04/20-MD	05/25/2020		USB05-20	274.21
Invoice: 05/04/20-MD						IT/AMAZON/WEBCAMS			
				274.21	81011252 53110001069	COVID19-SUPPLIES			
				240942	05/05/20-MD	05/25/2020		USB05-20	-2,075.61
Invoice: 05/05/20-MD						IT/MS OFFICE/GCC GI LICENSES			
				-2,075.61	81011881 535100	IT - C/E COMPUTER SOFTWARE			
				240943	05/07/20-MD	05/25/2020		USB05-20	837.06
Invoice: 05/07/20-MD						IT/AMAZON/MONITORS			
				837.06	81011252 53550001069	COVID19-COMPUTER HARDWARE			
				240944	05/15/20-MD	05/25/2020		USB05-20	40.32
Invoice: 05/15/20-MD						IT/AMAZON/WARRANTY PRINTER			
				40.32	81011881 535500	IT - C/E COMPUTER PARTS & EQ			
				240945	05/18/20-MD	05/25/2020		USB05-20	327.00
Invoice: 05/18/20-MD						IT/ESRI/ARC GIS SERVICE CREDITS			
				327.00	81011881 535100	IT - C/E COMPUTER SOFTWARE			
				240946	05/18/20-MD-A	05/25/2020		USB05-20	42.51
Invoice: 05/18/20-MD-A						IT/SYSTOOLS/PRR INBOX SW CONVRTR			
				42.51	81011881 535100	IT - C/E COMPUTER SOFTWARE			
				240947	05/18/20-MD-B	05/25/2020		USB05-20	261.59
Invoice: 05/18/20-MD-B						IT/AMAZON/HP PRINTER			
				261.59	81011881 535500	IT - C/E COMPUTER PARTS & EQ			
				240948	05/18/20-MD-C	05/25/2020		USB05-20	23.97
Invoice: 05/18/20-MD-C						IT/AMAZON/MOUSE PAD			
				23.97	81011881 535500	IT - C/E COMPUTER PARTS & EQ			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				240949	05/20/20-MD	05/25/2020		USB05-20	101.31
Invoice: 05/20/20-MD					IT/AMAZON/HEAD SETS				
				101.31	81011252 53550001069	COVID19-COMPUTER HARDWARE			
				240950	05/20/20-MD-A	05/25/2020		USB05-20	607.13
Invoice: 05/20/20-MD-A					IT/AMAZON/HEADSETS(16)				
				607.13	81011252 53550001069	COVID19-COMPUTER HARDWARE			
				240951	05/21/20-MD	05/25/2020		USB05-20	267.05
Invoice: 05/21/20-MD					IT/PDFXCHANGE/PDF SOFTWARE				
				267.05	81011881 535100	IT - C/E COMPUTER SOFTWARE			
				240952	05/21/20-MD-A	05/25/2020		USB05-20	55.56
Invoice: 05/21/20-MD-A					IT/ADOBE/ACROBAT PRO: TE				
				55.56	81011252 53510001069	COVID19-SOFTWARE			
				240953	05/25/20-MD	05/25/2020		USB05-20	-499.00
Invoice: 05/25/20-MD					IT/MS/ANSWER DESK TECH SUPPORT				
				-499.00	81011881 541100	IT - C/E PROF SERVICES			
				240954	04/27/20-KD	05/25/2020		USB05-20	8.94
Invoice: 04/27/20-KD					EX/UPS/GIMBAL RETURN				
				8.94	31011572 542500	EX-GF-OUTREACH-POSTAGE			
				240955	04/29/20-KD	05/25/2020		USB05-20	-521.25
Invoice: 04/29/20-KD					EX/GOV SOC MEDIA/CONF CREDIT				
				-521.25	31011572 443410	EX-GF-OUTREACH-TRAINING			
				240956	05/13/20-KD	05/25/2020		USB05-20	119.40
Invoice: 05/13/20-KD					EX/CANVA/ANNUAL SUBX				
				119.40	31011572 549100	OUTREACH DUES, SUBS& MEMBER			
				240957	05/25/20-JF	05/25/2020		USB05-20	73.68
Invoice: 05/25/20-JF					POL/AMAZON/HOLSTER: CLARK				
				73.68	51011211 531100	PD-C/E-ADM-SUPPLIES			
				240958	05/15/20-RL	05/25/2020		USB05-20	35.00
Invoice: 05/15/20-RL					LEGAL/CVENT/TRAINING: SEPLER				
				35.00	32011154 443410	LGL-GF-TRAINING			
				240959	05/18/20-RL	05/25/2020		USB05-20	19.85
Invoice: 05/18/20-RL					CC/NAMETAGCOUNTRY/CARR TAG				
				19.85	11011116 531100	COUNCIL - SUPPLIES			
				240960	05/18/20-RL-A	05/25/2020		USB05-20	39.00
Invoice: 05/18/20-RL-A					EX/SOUND CIRC/1 YR SUBX BR				
				39.00	31011131 549100	EX-GF-DUES/SUBCR/MEMBERSH			
				240961	05/08/20-JL	05/25/2020		USB05-20	12.02
Invoice: 05/08/20-JL					POL/UNITED PACIFIC/FUEL				
				12.02	52011212 532000	PD DET-C/E-FUEL			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
Invoice: 05/14/20-AL				240963	05/14/20-AL	05/25/2020		USB05-20	642.96
					EX/AMAZON/HAM RADIO PARTS				
				642.96	31011256 531100	EX-GF-EMERG PREP-SUPPLIES			
Invoice: 05/14/20-AL-A				240964	05/14/20-AL-A	05/25/2020		USB05-20	52.96
					EX/AMAZON/HAM RADIO PARTS				
				52.96	31011256 531100	EX-GF-EMERG PREP-SUPPLIES			
Invoice: 05/14/20-AL-B				240965	05/14/20-AL-B	05/25/2020		USB05-20	436.00
					EX/AMAZON/HAM RADIO PARTS				
				436.00	31011256 531100	EX-GF-EMERG PREP-SUPPLIES			
Invoice: 05/14/20-AL-C				240966	05/14/20-AL-C	05/25/2020		USB05-20	62.69
					EX/ULINE/EOC SUPPLIES				
				62.69	31011256 531100	EX-GF-EMERG PREP-SUPPLIES			
Invoice: 05/18/20-AL				240967	05/18/20-AL	05/25/2020		USB05-20	446.36
					EX/ANTENNA FACTORY/HAM RADIO ANTENNAE				
				446.36	31011256 531100	EX-GF-EMERG PREP-SUPPLIES			
Invoice: 05/20/20-AL				240968	05/20/20-AL	05/25/2020		USB05-20	1,110.34
					EX/GIGAPARTS/HAM RADIO TRIPODS				
				1,110.34	31011256 531100	EX-GF-EMERG PREP-SUPPLIES			
Invoice: 05/20/20-AL-A				240969	05/20/20-AL-A	05/25/2020		USB05-20	5,046.10
					EX/DX ENGINEERING/HAM RADIOS				
				5,046.10	31011256 531100	EX-GF-EMERG PREP-SUPPLIES			
Invoice: 05/21/20-AL				240970	05/21/20-AL	05/25/2020		USB05-20	1,170.03
					EX/IORION WIRE/HAM RADIO PARTS				
				1,170.03	31011256 531100	EX-GF-EMERG PREP-SUPPLIES			
Invoice: 05/21/20-AL-A				240971	05/21/20-AL-A	05/25/2020		USB05-20	1,178.79
					EX/AMAZON/HAM RADIO PARTS				
				1,178.79	31011256 531100	EX-GF-EMERG PREP-SUPPLIES			
Invoice: 05/25/20-AL				240972	05/25/20-AL	05/25/2020		USB05-20	413.00
					EX/SUNNY COMM/HAM RADIO PARTS				
				413.00	31011256 531100	EX-GF-EMERG PREP-SUPPLIES			
Invoice: 04/30/20-RL				240973	04/30/20-RL	05/25/2020		USB05-20	78.48
					FIN/MAGID GLOVE SUPPLY/EOC GLOVES				
				78.48	31011252 53110001069	COVID19-SUPPLIES			
Invoice: 04/29/20-CL				240974	04/29/20-CL	05/25/2020		USB05-20	417.44
					EX/EBAY/FLEET DISINF SUPPLIES				
				417.44	31011252 53110001069	COVID19-SUPPLIES			
Invoice: 05/06/20-CL				240975	05/06/20-CL	05/25/2020		USB05-20	23.26
					PCD/CLICK2MAIL/LEGAL NOTICE POSTCARDS				
				23.26	63470586 542450	PCD-PLANNING-COMM OUTREACH			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
					240976	05/13/20-CL	05/25/2020		USB05-20	21.32
Invoice: 05/13/20-CL						PCD/CLICK2MAIL/LEGAL NOTICE POSTCARDS				
					21.32	63470586 542450	PCD-PLANNING-COMM OUTREACH			
					240977	04/30/20-DM	05/25/2020		USB05-20	572.27
Invoice: 04/30/20-DM						PW/YA YA FAVORMART/FACEMASKS				
					572.27	73011252 53110001069	COVID19-SUPPLIES			
					240978	05/01/20-DM	05/25/2020		USB05-20	546.75
Invoice: 05/01/20-DM						PW/YA YA FAVORMART/FACEMASKS				
					546.75	73011252 53110001069	COVID19-SUPPLIES			
					240979	05/01/20-DM-A	05/25/2020		USB05-20	1,995.00
Invoice: 05/01/20-DM-A						PW/JANITORIAL DIRECT/VITAL OXIDE 55G				
					1,995.00	73011252 53110001069	COVID19-SUPPLIES			
					240980	05/12/20-DM	05/25/2020		USB05-20	1,410.71
Invoice: 05/12/20-DM						PW/LAIRD PLASTICS/SNEEZE GUARDS				
					1,410.71	73011252 53110001069	COVID19-SUPPLIES			
					240981	05/13/20-DM	05/25/2020		USB05-20	470.24
Invoice: 05/13/20-DM						PW/LAIRD PLASTICS/SNEEZE GUARDS				
					470.24	73011252 53110001069	COVID19-SUPPLIES			
					240982	05/14/20-DM	05/25/2020		USB05-20	234.22
Invoice: 05/14/20-DM						PW/POP DISPLAYS/SNEEZE GUARD				
					234.22	73011252 53110001069	COVID19-SUPPLIES			
					240983	05/14/20-DM-A	05/25/2020		USB05-20	94.24
Invoice: 05/14/20-DM-A						PW/US PLASTIC CORP/GALLON JUGS				
					94.24	73011252 53110001069	COVID19-SUPPLIES			
					240984	05/21/20-DM	05/25/2020		USB05-20	33.77
Invoice: 05/21/20-DM						PW/OFFICE MAX/VITAL OXIDE LABELS				
					33.77	73011252 53110001069	COVID19-SUPPLIES			
					240985	05/22/20-DM	05/25/2020		USB05-20	140.39
Invoice: 05/22/20-DM						PW/AMAZON/HANDS FREE DOOR OPENER				
					140.39	73011252 53110001069	COVID19-SUPPLIES			
					240986	05/04/20-SM	05/25/2020		USB05-20	20.54
Invoice: 05/04/20-SM						CRT/AMAZON/LITERATURE BOX FOR OUTSIDE				
					20.54	21011252 53110001069	COVID19-SUPPLIES			
					240987	05/11/20-SM	05/25/2020		USB05-20	22.64
Invoice: 05/11/20-SM						CRT/ACE/TAPE, DROPCLOTH, POWER CORD				
					22.64	21011252 53110001069	COVID19-SUPPLIES			
					240988	05/14/20-SM	05/25/2020		USB05-20	68.65
Invoice: 05/14/20-SM						CRT/AMAZON/THERMOMETER				
					68.65	21011252 53110001069	COVID19-SUPPLIES			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
240989	05/25/2020			240989	05/14/20-SM-A	05/25/2020		USB05-20	16.33
Invoice: 05/14/20-SM-A					CRT/ZOOM/SOFTWARE SUBX				
				16.33	21011252 53510001069	COVID19-SOFTWARE			
240990	05/25/2020			240990	05/18/20-SM	05/25/2020		USB05-20	38.12
Invoice: 05/18/20-SM					CRT/COSTCO/OFFICE SUPPLIES				
				38.12	21011125 531100	COURT - SUPPLIES			
240991	05/25/2020			240991	05/20/20-SM	05/25/2020		USB05-20	78.46
Invoice: 05/20/20-SM					CRT/AMAZON/HEADSETS				
				78.46	21011252 53110001069	COVID19-SUPPLIES			
240992	05/25/2020			240992	05/08/20-EP	05/25/2020		USB05-20	-150.00
Invoice: 05/08/20-EP					POL/76/CREDIT ON FRAUD				
				-150.00	52011212 520000	POLICE - C/E INVEST BENEFITS			
240993	05/25/2020			240993	05/08/20-EP-A	05/25/2020		USB05-20	-150.00
Invoice: 05/08/20-EP-A					POL/76/CREDIT ON FRAUD				
				-150.00	52011212 520000	POLICE - C/E INVEST BENEFITS			
240994	05/25/2020			240994	05/12/20-EP	05/25/2020		USB05-20	76.29
Invoice: 05/12/20-EP					POL/ACE/SPACE HEATER				
				76.29	51011215 531100	POLICE - C/E FACIL SUPPLIES			
240995	05/25/2020			240995	05/01/20-JR	05/25/2020		USB05-20	900.00
Invoice: 05/01/20-JR					PCD/STORAGE98110/ARCHIVE STORAGE				
				900.00	61470581 545000	PCD - DEV ADMIN RENTS & LEASES			
240996	05/25/2020			240996	04/27/20-JR	05/25/2020		USB05-20	125.00
Invoice: 04/27/20-JR					PCD/APA/ONLINE CONFERENCE				
				125.00	63011586 443410	CUR - C/E TRAINING TRAVEL			
240997	05/25/2020			240997	05/06/20-JR	05/25/2020		USB05-20	-47.82
Invoice: 05/06/20-JR					PCD/AMAZON/RETURN				
				-47.82	65470597 531100	CODE - DEV OFFICE SUPPLIES			
240998	05/25/2020			240998	05/12/20-JR	05/25/2020		USB05-20	53.66
Invoice: 05/12/20-JR					PCD/NEWEGG/ETHERNET CORD				
				53.66	61011252 53110001069	COVID19-SUPPLIES			
240999	05/25/2020			240999	05/01/20-MS	05/25/2020		USB05-20	-125.00
Invoice: 05/01/20-MS					PCD/MRSC/CANCELLED TRAINING				
				-125.00	61011584 443410	PCD - C/E ADM TRAINING			
241000	05/25/2020			241000	05/20/20-BS	05/25/2020		USB05-20	493.23
Invoice: 05/20/20-BS					POL/ILLIOT BAY MARINA/MARINE FUEL				
				493.23	54025212 532000	MARINE - FUEL			
241001	05/25/2020			241001	05/21/20-BS	05/25/2020		USB05-20	89.45
Invoice: 05/21/20-BS					POL/AMAZON/MARINE PWC FLUSH KIT				
				89.45	54025212 531100	MARINE - SUPPLIES			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
					241002	05/23/20-BS	05/25/2020		USB05-20	456.36
Invoice: 05/23/20-BS							POL/AMAZON/MARINE SUPPLIES			
					456.36	54025212 531100	MARINE - SUPPLIES			
					241003	05/21/20-KB	05/25/2020		USB05-20	75.00
Invoice: 05/21/20-KB							HR/SUMMIT LAW/WEBINAR: RETURN TO WORK ISSUES			
					75.00	31011252 44341001069	COVID19-TRAINING			
					241004	05/21/20-KB-A	05/25/2020		USB05-20	22.00
Invoice: 05/21/20-KB-A							HR/WAPELRA/WEBINAR: BARG DURING A PANDEMIC			
					22.00	31011252 44341001069	COVID19-TRAINING			
					241005	05/04/20-KJ	05/25/2020		USB05-20	75.00
Invoice: 05/04/20-KJ							EXCC/WMCA/DUES			
					75.00	36011143 549100	CLERK-DUES/SUBSCR/MEMBRSHPS			
					241006	05/05/20-KJ	05/25/2020		USB05-20	350.00
Invoice: 05/05/20-KJ							EXCC/NAGARA/DUES			
					350.00	36011143 549100	CLERK-DUES/SUBSCR/MEMBRSHPS			
					241007	05/18/20-KJ	05/25/2020		USB05-20	20.50
Invoice: 05/18/20-KJ							CC/DINN BROS/PHOTO HANGER			
					20.50	11011116 531100	COUNCIL - SUPPLIES			
					241008	05/13/20-KS	05/25/2020		USB05-20	50.00
Invoice: 05/13/20-KS							FIN/GFOA/SEC COVID19 DISCLOSURES			
					50.00	41011144 443410	FIN - C/E TRAINING			
					241009	04/28/20-KG	05/25/2020		USB05-20	121.19
Invoice: 04/28/20-KG							ENG/AMAZON/IPAD CASES			
					121.19	72011321 531100	ENG - C/E ADMIN SUPPLIES			
					241010	05/11/20-KG	05/25/2020		USB05-20	-26.15
Invoice: 05/11/20-KG							ENG/AMAZON/RETURN			
					-26.15	72011321 531100	ENG - C/E ADMIN SUPPLIES			
					241011	05/18/20-KG	05/25/2020		USB05-20	35.00
Invoice: 05/18/20-KG							ENG/MRSC/BEST PRACTICES WEBINAR			
					35.00	72011324 443410	ENG - C/E - TRAINING			
					241012	05/03/20-CK	05/25/2020		USB05-20	104.72
Invoice: 05/03/20-CK							PW/AMAZON/PISTON PUMP			
					104.72	73011252 53110001069	COVID19-SUPPLIES			
					241013	05/03/20-CK-A	05/25/2020		USB05-20	57.48
Invoice: 05/03/20-CK-A							PW/AMAZON/PPE SLEEVES			
					57.48	73011252 53110001069	COVID19-SUPPLIES			
					241014	05/01/20-CK	05/25/2020		USB05-20	1,806.45
Invoice: 05/01/20-CK							PW/TANK&BARREL/CHEM STORAGE TANK			
					1,806.45	73425358 531100	O&M-WWTP-SUPPLIES			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
					241015	05/06/20-CK	05/25/2020		USB05-20	42.45
Invoice: 05/06/20-CK							PW/AMAZON/PPE APRONS			
					42.45	73011252 53110001069	COVID19-SUPPLIES			
					241016	05/07/20-CK	05/25/2020		USB05-20	16.34
Invoice: 05/07/20-CK							PW/ADOBE.PRO SUBX			
					16.34	73411345 549100	DUES/SUBSCRIPTIONS			
					241017	05/10/20-CK	05/25/2020		USB05-20	305.19
Invoice: 05/10/20-CK							PW/AMAZON/WWTP PRINTER			
					305.19	73425358 531100	O&M-WWTP-SUPPLIES			
					241018	05/14/20-CK	05/25/2020		USB05-20	16.34
Invoice: 05/14/20-CK							PW/ADOPE/PRO SUBX			
					16.34	73411345 549100	DUES/SUBSCRIPTIONS			
					241019	05/19/20-CK	05/25/2020		USB05-20	30.40
Invoice: 05/19/20-CK							PW/AMAZON/FUEL FORCE CARDS			
					30.40	73637891 531100	OFFICE SUPPLIES			
					241020	05/19/20-CK-A	05/25/2020		USB05-20	48.85
Invoice: 05/19/20-CK-A							PW/SAFETY SIGN/FUEL YARD SIGNS			
					48.85	73011189 531100	O&M - C/E FACIL OFC SUPPLIES			
					241021	05/22/20-CK	05/25/2020		USB05-20	128.01
Invoice: 05/22/20-CK							PW/WALMART/FACE MASKS			
					128.01	73011252 53110001069	COVID19-SUPPLIES			
					241022	05/23/20-CK	05/25/2020		USB05-20	10.88
Invoice: 05/23/20-CK							PW/AMAZON/BIODIESEL DECAL			
					10.88	73011897 531100	O&M-C/E-PWY FAC-SUPPLIES			
								CHECK 353812 TOTAL:		23,061.90

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 23,061.90

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	1	23,061.90

*** GRAND TOTAL *** 23,061.90

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER JNL SRC ACCOUNT EFF DATE JNL DESC REF 1 REF 2 REF 3	ACCOUNT DESC LINE DESC	T	OB	DEBIT	CREDIT
2020 6 183					
APP 001-213000	GENERAL - ACCOUNTS PAYABLE			19,990.42	
06/17/2020 USB05-20 USBANK	AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100	CASH				23,061.90
06/17/2020 USB05-20 USBANK	AP CASH DISBURSEMENTS JOURNAL				
APP 407-213000	ACCOUNTS PAYABLE			896.76	
06/17/2020 USB05-20 USBANK	AP CASH DISBURSEMENTS JOURNAL				
APP 402-213000	ACCOUNTS PAYABLE			2,111.64	
06/17/2020 USB05-20 USBANK	AP CASH DISBURSEMENTS JOURNAL				
APP 401-213000	ACCOUNTS PAYABLE			32.68	
06/17/2020 USB05-20 USBANK	AP CASH DISBURSEMENTS JOURNAL				
APP 631-213000	ACCOUNTS PAYABLE			30.40	
06/17/2020 USB05-20 USBANK	AP CASH DISBURSEMENTS JOURNAL				
	GENERAL LEDGER TOTAL			23,061.90	23,061.90
APP 631-130000	DUE TO/FROM CLEARING			23,031.50	
06/17/2020 USB05-20 USBANK					
APP 001-130000	GENERAL - DUE TO/FROM CLEARING				19,990.42
06/17/2020 USB05-20 USBANK					
APP 407-130000	DUE TO/FROM CLEARING				896.76
06/17/2020 USB05-20 USBANK					
APP 402-130000	DUE TO/FROM CLEARING				2,111.64
06/17/2020 USB05-20 USBANK					
APP 401-130000	DUE TO/FROM CLEARING				32.68
06/17/2020 USB05-20 USBANK					
	SYSTEM GENERATED ENTRIES TOTAL			23,031.50	23,031.50
	JOURNAL 2020/06/183 TOTAL			46,093.40	46,093.40

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR	PER	JNL	EFF DATE / ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2020	6	183	06/17/2020		
001-130000				GENERAL - DUE TO/FROM CLEARING		19,990.42
001-213000				GENERAL - ACCOUNTS PAYABLE	19,990.42	
				FUND TOTAL	19,990.42	19,990.42
401 WATER OPERATING FUND	2020	6	183	06/17/2020		
401-130000				DUE TO/FROM CLEARING		32.68
401-213000				ACCOUNTS PAYABLE	32.68	
				FUND TOTAL	32.68	32.68
402 SEWER OPERATING FUND	2020	6	183	06/17/2020		
402-130000				DUE TO/FROM CLEARING		2,111.64
402-213000				ACCOUNTS PAYABLE	2,111.64	
				FUND TOTAL	2,111.64	2,111.64
407 BUILDING & DEVELOPMENT FUND	2020	6	183	06/17/2020		
407-130000				DUE TO/FROM CLEARING		896.76
407-213000				ACCOUNTS PAYABLE	896.76	
				FUND TOTAL	896.76	896.76
631 CLEARING FUND	2020	6	183	06/17/2020		
631-130000				DUE TO/FROM CLEARING	23,031.50	
631-213000				ACCOUNTS PAYABLE	30.40	
635-111100				CASH		23,061.90
				FUND TOTAL	23,061.90	23,061.90

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		19,990.42
401	WATER OPERATING FUND		32.68
402	SEWER OPERATING FUND		2,111.64
407	BUILDING & DEVELOPMENT FUND		896.76
631	CLEARING FUND	23,031.50	
	TOTAL	23,031.50	23,031.50

** END OF REPORT - Generated by Carrie L. Freitas **

Manual
CF 6/17/20

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
353919	06/17/2020	PRTD	51	BAINBRIDGE ISLAND	241197	XZ0147902	06/08/2020	M061720		360.00
Invoice: XZ0147902							OUT COURT TICKET - CLARK			
					360.00	01136 369915	COURT FINES PD AT CITY HALL			
									CHECK 353919 TOTAL:	360.00
									NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL ***	360.00

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	1	360.00

*** GRAND TOTAL *** 360.00

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER JNL / SRC ACCOUNT / EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
2020 6 207									
APP 001-213000					GENERAL - ACCOUNTS PAYABLE			360.00	
06/17/2020	M061720	061720			AP CASH DISBURSEMENTS JOURNAL				360.00
APP 635-111100					CASH				
06/17/2020	M061720	061720			AP CASH DISBURSEMENTS JOURNAL				
					GENERAL LEDGER TOTAL			360.00	360.00
APP 631-130000					DUE TO/FROM CLEARING			360.00	
06/17/2020	M061720	061720			GENERAL - DUE TO/FROM CLEARING				360.00
APP 001-130000									
06/17/2020	M061720	061720							
					SYSTEM GENERATED ENTRIES TOTAL			360.00	360.00
					JOURNAL 2020/06/207 TOTAL			720.00	720.00

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2020	6	207	06/17/2020			
001-130000					GENERAL - DUE TO/FROM CLEARING		360.00
001-213000					GENERAL - ACCOUNTS PAYABLE	360.00	
					FUND TOTAL	360.00	360.00
631 CLEARING FUND	2020	6	207	06/17/2020			
631-130000					DUE TO/FROM CLEARING	360.00	
635-111100					CASH		360.00
					FUND TOTAL	360.00	360.00

JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
001 GENERAL FUND		360.00
631 CLEARING FUND	360.00	
TOTAL	360.00	360.00

** END OF REPORT - Generated by Carrie L. Freitas **

Regular - UB
CF 6/17/20

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
353813	06/24/2020	PRTD	9492	BUSSELL, DELORES	240864	86844	06/04/2020		05/17/20	181.33
Invoice: 86844							UB 12159 380 COSGROVE STREET NW			
					181.33	411 122100	WATER ACCOUNTS RECEIVABLE			
							CHECK 353813 TOTAL:			181.33
353814	06/24/2020	PRTD	9490	CAVE PROPERTIES	240861	86841	06/04/2020		05/17/20	455.54
Invoice: 86841							UB 11113 440 WINSLOW WAY E			
					455.54	411 122100	WATER ACCOUNTS RECEIVABLE			
							CHECK 353814 TOTAL:			455.54
353815	06/24/2020	PRTD	9494	DARMOFAL, SARAH	240866	86846	06/04/2020		05/17/20	187.20
Invoice: 86846							UB 10805 537 CHERRY AVENUE NE			
					187.20	411 122100	WATER ACCOUNTS RECEIVABLE			
							CHECK 353815 TOTAL:			187.20
353816	06/24/2020	PRTD	7250	DAVOCK, MICHAEL & AR	240863	86843	06/04/2020		05/17/20	43.77
Invoice: 86843							UB 11918 8707 ROSARIO PLACE NW			
					43.77	411 122100	WATER ACCOUNTS RECEIVABLE			
							CHECK 353816 TOTAL:			43.77
353817	06/24/2020	PRTD	9493	DIAZ-ALONSO, ZOEY	240865	86845	06/04/2020		05/17/20	54.25
Invoice: 86845							UB 10174 1162 GROW AVENUE NW			
					54.25	411 122100	WATER ACCOUNTS RECEIVABLE			
							CHECK 353817 TOTAL:			54.25
353818	06/24/2020	PRTD	9491	NEWBERRY, CARROLL	240862	86842	06/04/2020		05/17/20	53.93
Invoice: 86842							UB 11766 1131 CHERRY AVENUE NE			
					53.93	411 122100	WATER ACCOUNTS RECEIVABLE			
							CHECK 353818 TOTAL:			53.93
353819	06/24/2020	PRTD	9489	PETERSON (EXECUTOR),	240860	86840	06/04/2020		05/17/20	138.92
Invoice: 86840							UB 10032 320 NICHOLSON PLACE NW			
					138.92	411 122100	WATER ACCOUNTS RECEIVABLE			
							CHECK 353819 TOTAL:			138.92
353820	06/24/2020	PRTD	9495	TAYARA, KELLY	240867	86847	06/04/2020		05/17/20	160.72
Invoice: 86847							UB 11958 816 STRAWBERRY LANE NW			
					160.72	411 122100	WATER ACCOUNTS RECEIVABLE			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
				INVOICE DTL DESC						
							CHECK 353820 TOTAL:			160.72
353821	06/24/2020	PRTD	9488	ZHANG, LING	240859	86839	06/04/2020		05/17/20	366.73
Invoice: 86839							UB 11966 824 STRAWBERRY LANE			
					366.73	411 122100	WATER ACCOUNTS RECEIVABLE			
							CHECK 353821 TOTAL:			366.73

NUMBER OF CHECKS 9 *** CASH ACCOUNT TOTAL *** 1,642.39

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	9	1,642.39

*** GRAND TOTAL *** 1,642.39

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER JNL / SRC ACCOUNT / EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
2020 6 196					ACCOUNTS PAYABLE			1,642.39	
APP 401-213000					AP CASH DISBURSEMENTS JOURNAL				
06/24/2020	05/17/20	REG-A			CASH				1,642.39
APP 635-111100					AP CASH DISBURSEMENTS JOURNAL				
06/24/2020	05/17/20	REG-A							
					GENERAL LEDGER TOTAL			1,642.39	1,642.39
					DUE TO/FROM CLEARING			1,642.39	
APP 631-130000									
06/24/2020	05/17/20	REG-A			DUE TO/FROM CLEARING				1,642.39
APP 401-130000									
06/24/2020	05/17/20	REG-A							
					SYSTEM GENERATED ENTRIES TOTAL			1,642.39	1,642.39
					JOURNAL 2020/06/196 TOTAL			3,284.78	3,284.78

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
401 WATER OPERATING FUND	2020	6	196	06/24/2020			
401-130000					DUE TO/FROM CLEARING		1,642.39
401-213000					ACCOUNTS PAYABLE	1,642.39	
					FUND TOTAL	1,642.39	1,642.39
631 CLEARING FUND	2020	6	196	06/24/2020			
631-130000					DUE TO/FROM CLEARING	1,642.39	
635-111100					CASH		1,642.39
					FUND TOTAL	1,642.39	1,642.39

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
401	WATER OPERATING FUND		1,642.39
631	CLEARING FUND	1,642.39	
	TOTAL	1,642.39	1,642.39

** END OF REPORT - Generated by Carrie L. Freitas **

Regular CF 6/17/20

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
353822	06/24/2020	PRTD	5	ACE HARDWARE	240868	46570/1	05/15/2020		06/21/20	52.90
Invoice: 46570/1						PW/WWTP MX SUPPLIES				
					52.90	73425358 531100 O&M-WWTP-SUPPLIES				
					240869	46607/1	05/20/2020		06/21/20	93.77
Invoice: 46607/1						PW/WWTP MX SUPPLIES				
					93.77	73425358 531100 O&M-WWTP-SUPPLIES				
					240870	46650/1	05/27/2020		06/21/20	58.74
Invoice: 46650/1						PW/MOUNT STRIPS, PIC HANGING STRIPS				
					58.74	73011183 531100 O&M-C/E-CH FAC-SUPPLIES				
					240871	4666/1	05/28/2020		06/21/20	302.78
Invoice: 4666/1						PW/PADLOCK, PAINT				
					302.78	73411345 531100 OFFICE SUPPLIES				
					240872	46675/1	06/01/2020		06/21/20	10.38
Invoice: 46675/1						PW/KEYS(8)				
					10.38	73011768 531100 O&M-C/E-PARKS-SUPPLIES				
					241023	46698/1	06/03/2020		06/21/20	41.38
Invoice: 46698/1						ENG/WQFM SUPPLIES				
					41.38	72011319 53110000809 WTR QUAL & FLOW MONIT-SUPPLIES				
					241162	46646/1	05/27/2020		06/21/20	21.78
Invoice: 46646/1						PW/BULBS				
					21.78	73431835 531100 OFFICE SUPPLIES				
					241163	46656/1	05/27/2020		06/21/20	131.50
Invoice: 46656/1						PW/WWTP MX SUPPLIES				
					131.50	73425358 531100 O&M-WWTP-SUPPLIES				
					241164	46668/1	05/29/2020		06/21/20	40.31
Invoice: 46668/1						PW/WWTP MX SUPPLIES				
					40.31	73425358 531100 O&M-WWTP-SUPPLIES				
					241165	46683/1	06/01/2020		06/21/20	90.45
Invoice: 46683/1						PW/ANGLE GRINDER, WIRE BRUSH				
					90.45	73425358 531100 O&M-WWTP-SUPPLIES				
					241166	46686/1	06/01/2020		06/21/20	70.84
Invoice: 46686/1						PW/BATTERY				
					70.84	73411345 531100 OFFICE SUPPLIES				
					241167	46695/1	06/02/2020		06/21/20	-70.84
Invoice: 46695/1						PW/RETURN BATTERY				
					-70.84	73411345 531100 OFFICE SUPPLIES				
					241168	46706/1	06/04/2020		06/21/20	71.90
Invoice: 46706/1						PW/WWTP MX SUPPLIES				
					71.90	73425358 531100 O&M-WWTP-SUPPLIES				

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
					241169	46711/1	06/04/2020		06/21/20	14.79
	Invoice: 46711/1						PW/MX SUPPLIES			
					14.79	73111264 531100	O&M-STREET-TRAF CONTROL-SUPPLY			
					241170	46714/1	06/04/2020		06/21/20	71.85
	Invoice: 46714/1						PW/MX SUPPLIES			
					71.85	73411345 531100	OFFICE SUPPLIES			
					241171	46731/1	06/08/2020		06/21/20	113.33
	Invoice: 46731/1						PW/WWTP MX SUPPLIES			
					113.33	73425358 531100	O&M-WWTP-SUPPLIES			
								CHECK	353822 TOTAL:	1,115.86
353823	06/24/2020	PRTD	7726	AIR MANAGEMENT SOLUT	240903	0001132035	05/31/2020		06/21/20	564.13
	Invoice: 0001132035						PW/EMERGENCY BOILER REPAIR			
					564.13	73011183 54810000707	CH HVAC-REPAIRS			
					241077	0001131962	06/12/2020		06/21/20	7,958.81
	Invoice: 0001131962						PW/MAJOR HVAC MX: VARIOUS LOCS			
					5,345.33	73011183 54810000707	CH HVAC-REPAIRS			
					312.29	73011215 54810000707	PD HVAC-REPAIRS			
					341.52	73011755 54810000707	COMMONS HVAC-REPAIRS			
					230.54	73425358 54810000707	WWTP HVAC-REPAIRS			
					394.04	73011255 54810000707	COURT HVAC-REPAIRS			
					1,335.09	73011897 54810000707	PWY HVAC-REPAIRS			
								CHECK	353823 TOTAL:	8,522.94
353824	06/24/2020	PRTD	863	INTERSTATE BATTERIES	240880	22062346	05/28/2020		06/21/20	390.11
	Invoice: 22062346						PW/ BATTERIES			
					312.09	73111427 531100	OFFICE SUPPLIES			
					78.02	73111423 531100	OFFICE SUPPLIES			
					240881	22062347	05/28/2020		06/21/20	261.45
	Invoice: 22062347						PW/WWTP BATTERY			
					261.45	73425358 531100	O&M-WWTP-SUPPLIES			
					241046	22062158	05/14/2020		06/21/20	2,014.65
	Invoice: 22062158						PW/BATTERIES			
					261.49	73011189 531100	O&M - C/E FACIL OFC SUPPLIES			
					921.80	73421355 531100	WIN COLL-SUPPLIES			
					259.31	73426355 531100	O&M-SIS-SUPPLIES			
					108.95	73011183 531100	O&M-C/E-CH FAC-SUPPLIES			
					197.24	73411345 531100	OFFICE SUPPLIES			
					132.93	73011755 531100	O&M-COMMONS SUPPLIES			
					132.93	73011897 531100	O&M-C/E-PWY FAC-SUPPLIES			
					241047	22062159	05/14/2020		06/21/20	250.59
	Invoice: 22062159						PW/BATTERIES			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
						250.59 73011581 531100	O&M-C/E-PCD VEH WORK-SUPPLIES			
					241048	22062160	05/14/2020		06/21/20	-28.34
							PW/RETURN			
			Invoice: 22062160			-28.34 73011581 531100	O&M-C/E-PCD VEH WORK-SUPPLIES			
							CHECK	353824 TOTAL:		2,888.46
353825	06/24/2020	PRTD	7166	AMERICAN MESSAGING	241024	W4104492UF	06/01/2020		06/21/20	93.52
			Invoice: W4104492UF				PW/MESSAGINE SERVICE			
						93.52 73637891 542100	O&M - ALLOC FACIL TELEPHONE			
							CHECK	353825 TOTAL:		93.52
353826	06/24/2020	PRTD	7821	AUS WEST LOCKBOX	240873	1991768749	05/28/2020		06/21/20	58.49
			Invoice: 1991768749				PW/LAUNDRY SERVICE			
						58.49 73638893 589310	LAUNDRY SERVICES			
					241172	1991777724	06/04/2020		06/21/20	58.49
			Invoice: 1991777724				PW/LAUNDRY SERVICE			
						58.49 73638893 589310	LAUNDRY SERVICES			
							CHECK	353826 TOTAL:		116.98
353827	06/24/2020	PRTD	1235	AT&T ONENET SERVICE	241025	1271994296	06/01/2020		06/21/20	12.99
			Invoice: 1271994296				FIN/FAX LONG DIST			
						12.99 91011189 542100	GG-C/E-CITY HALL-PHONE			
					241026	1272002479	06/01/2020		06/21/20	.77
			Invoice: 1272002479				PCD/FAX LONG DIST			
						.77 91011189 542100	GG-C/E-CITY HALL-PHONE			
							CHECK	353827 TOTAL:		13.76
353828	06/24/2020	PRTD	4365	AUTOMATIC FUNDS TRAN	240874	115817	05/07/2020		06/21/20	4.55
			Invoice: 115817				UB/FINAL BILL PRINT & MAIL			
						2.28 43411341 541100	FIN - WATER ADMIN PROF SERVICE			
						2.27 43421351 541100	FIN - SEWER ADMIN PROF SERVICE			
					240875	BAIN2005983	05/31/2020		06/21/20	351.00
			Invoice: BAIN2005983				FIN/PHONE & WEB PMT SVCS			
						175.50 43411341 541100	FIN - WATER ADMIN PROF SERVICE			
						175.50 43421351 541100	FIN - SEWER ADMIN PROF SERVICE			
					241027	115729	05/01/2020		06/21/20	774.94
			Invoice: 115729				UB/STATEMENT PREP & MAIL: MAY			
						387.47 43411341 541100	FIN - WATER ADMIN PROF SERVICE			
						387.47 43421351 541100	FIN - SEWER ADMIN PROF SERVICE			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
					241028	BAIN2005028	05/29/2020		06/21/20	183.20
							FIN/MAY B&O			
Invoice: BAIN2005028										
					179.00	41011141 541100	FIN - C/E ADMIN PROF SERVICES			
					4.20	41011141 542500	FIN-C/E-ADM-POSTAGE/SHIPPING			
					241092	116220	06/02/2020		06/21/20	10.06
							UB/FINAL BILL PRINT & MAIL			
Invoice: 116220										
					5.03	43411341 541100	FIN - WATER ADMIN PROF SERVICE			
					5.03	43421351 541100	FIN - SEWER ADMIN PROF SERVICE			
					241093	116221	06/02/2020		06/21/20	740.62
							UB/STATEMENT PREP & MAIL			
Invoice: 116221										
					370.31	43411341 541100	FIN - WATER ADMIN PROF SERVICE			
					370.31	43421351 541100	FIN - SEWER ADMIN PROF SERVICE			
					241094	116267	06/03/2020		06/21/20	9.80
							UB/FINAL BILL PRINT & MAIL			
Invoice: 116267										
					4.90	43411341 541100	FIN - WATER ADMIN PROF SERVICE			
					4.90	43421351 541100	FIN - SEWER ADMIN PROF SERVICE			
							CHECK	353828 TOTAL:		2,074.17
353829	06/24/2020	PRTD	37	ASSOCIATION OF WASHI	241195	JUN20	06/13/2020		06/21/20	827.65
							CRT/JUNE COBRA: DEGROEN			
Invoice: JUN20										
					827.65	21011125 520000	COURT - BENEFITS			
							CHECK	353829 TOTAL:		827.65
353830	06/24/2020	PRTD	47	BAINBRIDGE DISPOSAL	241029	0000978324	05/31/2020		06/21/20	2,125.78
							CITYWIDE DISP SVCS MAY 2020			
Invoice: 0000978324										
					140.98	91011215 547900	GG-C/E-PD-GARBAGE			
					425.00	91111427 547900	GG-STREET-ROADSIDE-GARBAGE			
					435.42	91011768 547900	GG-C/E-PARKS-GARBAGE			
					424.31	91425358 547900	GG-WWTP-GARBAGE(NOT BIOSOLIDS)			
					680.59	91011897 547900	GG-C/E-O&M YARD FAC-GARBAGE			
					19.48	91111427 547900	GG-STREET-ROADSIDE-GARBAGE			
					241173	0000978287	05/31/2020		06/21/20	186.92
							SS/COMMONS DISP SVC			
Invoice: 0000978287										
					186.92	91011755 547900	GG-C/E-COMMONS-GARBAGE			
					241174	0000978518	05/31/2020		06/21/20	342.01
							CITY HALL DISPOSAL SERVICES			
Invoice: 0000978518										
					342.01	91011189 547900	GG-C/E-CITY HALL-GARBAGE			
					241175	0000978575	05/31/2020		06/21/20	76.72
							BIG BELLY DISPOSAL SERVICES			
Invoice: 0000978575										
					76.72	91011768 547900	GG-C/E-PARKS-GARBAGE			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
						CHECK 353830 TOTAL:			2,731.43
353831	06/24/2020	PRTD	55 SOUND PUBLISHING, IN	241030	BIR898349	05/15/2020		06/21/20	61.39
Invoice: BIR898349					CC/ORD 2020-12				
				61.39	11011113 544000	COUNCIL - LEGAL NOTICES			
				241031	BIR899380	05/29/2020		06/21/20	72.01
Invoice: BIR899380					CC/ORD 2020-13, 2019-39				
				72.01	11011113 544000	COUNCIL - LEGAL NOTICES			
						CHECK 353831 TOTAL:			133.40
353832	06/24/2020	PRTD	55 SOUND PUBLISHING, IN	240904	7986275-2500036	05/31/2020		06/21/20	55.50
Invoice: 7986275-2500036					POL/CLASSIFIEDS: PROPERTY				
				55.50	51011191 544000	PD-C/E-PROP RM-ADVERTISING			
				240905	7986275-2500366	05/31/2020		06/21/20	101.00
Invoice: 7986275-2500366					POL/NOI: TOO MUCH 11				
				101.00	55011757 54400000159	PD-DERELICT VES-ADVERTISING			
						CHECK 353832 TOTAL:			156.50
353833	06/24/2020	PRTD	5623 BHC CONSULTANTS	241034	0012247	06/10/2020		06/21/20	4,003.69
Invoice: 0012247					NEW BROOKLYN SEWER BASIN STUDY				
				4,003.69	72421355 54110001070	NEW BROOKLYN SWR BASIN-PRO SVC			
						CHECK 353833 TOTAL:			4,003.69
353834	06/24/2020	PRTD	1 BAINBRIDGE HIGH SCHO	241128	2020	06/16/2020		06/21/20	55.00
Invoice: 2020					POL/2020 YEARBOOK				
				55.00	53011212 531100	PD-C/E-PATROL SUPPLIES			
						CHECK 353834 TOTAL:			55.00
353835	06/24/2020	PRTD	1847 CATALYST WORKPLACE A	241042	297790	06/04/2020	20200011	06/21/20	2,987.98
Invoice: 297790					CAMBRIDGE PLUS SERIES DESK TOP				
				2,987.98	73011183 531100	O&M-C/E-CH FAC-SUPPLIES			
						CHECK 353835 TOTAL:			2,987.98
353836	06/24/2020	PRTD	551 CENTURYLINK	241129	4953JUN20	06/07/2020		06/21/20	69.99
Invoice: 4953JUN20					310 MADISON AVE SLS TELEM				
				69.99	91421891 542100	GG-SWR-FAC-PHONE			
				241130	5127JUN20	06/07/2020		06/21/20	121.59
Invoice: 5127JUN20					8804 MADISON AVE				

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
					121.59	71011183 54210000724	PD/COURT BLDG NON CAP-PHONE			
					241131	5996JUN20	06/07/2020		06/21/20	86.04
				Invoice: 5996JUN20			E-PHONE @ WFP DOCK			
					86.04	91011757 542100	GG-GF-WFP DOCK-PHONE			
							CHECK	353836 TOTAL:		277.62
353837	06/24/2020	PRTD	103	CITY OF BAINBRIDGE I	241037	22000433	05/05/2020		06/21/20	79.79
				Invoice: 22000433			PW/APR 2020 SANDS WELL			
					31.29	73111290 547500	O&M-STREET-ADM OH-CITY WTR/SWR			
					48.50	73431835 547500	O&M-SSWM MAINT-CITY WTR/SWR			
					241039	22000450	06/02/2020		06/21/20	119.42
				Invoice: 22000450			PW/WELL BILLING MAY20			
					40.15	73111290 547500	O&M-STREET-ADM OH-CITY WTR/SWR			
					37.03	73411345 547500	O&M-WTR MAINT-CITY WTR/SWR			
					42.24	73431835 547500	O&M-SSWM MAINT-CITY WTR/SWR			
							CHECK	353837 TOTAL:		199.21
353838	06/24/2020	PRTD	104	CITY OF BREMERTON	241040	BKAT000542	06/01/2020		06/21/20	2,906.08
				Invoice: BKAT000542			IT/BKAT SVCS MAY 2020			
					2,906.08	81011881 542420	IT-C/E-TELEVISTED COUNCIL MEET			
					241041	BKAT000546	06/01/2020		06/21/20	2,906.08
				Invoice: BKAT000546			IT/BKAT JUN20			
					2,906.08	81011881 542420	IT-C/E-TELEVISTED COUNCIL MEET			
							CHECK	353838 TOTAL:		5,812.16
353839	06/24/2020	PRTD	4950	CORRECT EQUIPMENT IN	240876	41659	05/28/2020	20200019	06/21/20	3,173.99
				Invoice: 41659			E-ONE CORE			
					3,173.99	73426355 531100	O&M-SIS-SUPPLIES			
							CHECK	353839 TOTAL:		3,173.99
353840	06/24/2020	PRTD	5132	CRYSTAL SPRINGS	241043	5228674 060320	06/03/2020		06/21/20	28.10
				Invoice: 5228674 060320			CRT/WATER SERVICES			
					28.10	21011125 531100	COURT - SUPPLIES			
							CHECK	353840 TOTAL:		28.10
353841	06/24/2020	PRTD	6363	LN CURTIS & SONS	240906	INV392459	05/28/2020		06/21/20	331.36
				Invoice: INV392459			POL/UNIFORMS: CLARK			
					331.36	51011211 520000	PD-C/E ADMIN-BENEFITS			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
					241132	INV394158	06/03/2020		06/21/20	812.39
				Invoice: INV394158			POL/EQUIPMENT: DOMINOWSKI			
					812.39	53011212 531100	PD-C/E-PATROL SUPPLIES			
					241133	INV394165	06/03/2020		06/21/20	20.25
				Invoice: INV394165			POL/UNIFORMS: DOMINOWSKI			
					20.25	53011212 520000	POLICE - C/E PATROL BENEFITS			
					241134	INV394410	06/04/2020		06/21/20	103.03
				Invoice: INV394410			POL/BELT, POUCH: DOMINOWSKI			
					103.03	53011212 531100	PD-C/E-PATROL SUPPLIES			
					241135	INV394441	06/04/2020		06/21/20	294.57
				Invoice: INV394441			POL/PUCHES: DOMINOWSKI			
					294.57	53011212 531100	PD-C/E-PATROL SUPPLIES			
					241136	INV394669	06/05/2020		06/21/20	46.90
				Invoice: INV394669			POL/BATON HOLDER: MD			
					46.90	53011212 531100	PD-C/E-PATROL SUPPLIES			
					241137	INV395686	06/10/2020		06/21/20	219.85
				Invoice: INV395686			POL/HOLSTER: CLARK			
					219.85	53011212 531100	PD-C/E-PATROL SUPPLIES			
					241138	INV395795	06/10/2020		06/21/20	33.68
				Invoice: INV395795			POL/NAME PATCHES: DOMINOWSKI			
					33.68	53011212 520000	POLICE - C/E PATROL BENEFITS			
					241139	INV395883	06/10/2020		06/21/20	361.01
				Invoice: INV395883			POL/UNIFORMS: ZB, MT			
					361.01	53011212 520000	POLICE - C/E PATROL BENEFITS			
					241140	INV396209	06/11/2020		06/21/20	384.38
				Invoice: INV396209			POL/UNIFORMS: DOMINOWSKI			
					384.38	53011212 520000	POLICE - C/E PATROL BENEFITS			
								CHECK	353841 TOTAL:	2,607.42
353842	06/24/2020	PRTD	7016	CUSTOM PRINTING	240877	9303	05/27/2020		06/21/20	67.85
				Invoice: 9303			PW/BUS CARDS: RAY N			
					67.85	73637891 531100	OFFICE SUPPLIES			
					241141	9320	06/03/2020		06/21/20	257.86
				Invoice: 9320			POL/BUSINESS ENVELOPES			
					257.86	51011211 531100	PD-C/E-ADM-SUPPLIES			
								CHECK	353842 TOTAL:	325.71

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
353843	06/24/2020	PRTD	4975	DAY WIRELESS SYSTEMS	240907	INV633889	05/28/2020		06/21/20	1,166.30
Invoice: INV633889							POL/RECALIBRATION X15			
					1,166.30	53011212 548100	POLICE - C/E PATROL MAINTENANC			
							CHECK	353843 TOTAL:		1,166.30
353844	06/24/2020	PRTD	672	DSC INC	241044	100231	05/29/2020		06/21/20	11.75
Invoice: 100231							PW/COMPRESSION X MNPT, 90 ST ELBOW			
					11.75	73011897 531100	O&M-C/E-PWY FAC-SUPPLIES			
					241177	100242	06/04/2020		06/21/20	229.26
Invoice: 100242							PW/SAWZALL BLADES			
					229.26	73637941 531100	VACTOR R&M-SUPPLIES			
							CHECK	353844 TOTAL:		241.01
353845	06/24/2020	PRTD	4503	ENVIRONMENTAL SYSTEM	240878	93838476	06/01/2020		06/21/20	14,715.00
Invoice: 93838476							IT/GIS ANNUAL SW MX			
					14,715.00	81011881 548500	IT - C/E COMPUTER SUPPORT			
							CHECK	353845 TOTAL:		14,715.00
353846	06/24/2020	PRTD	7510	EXPERIAN	240908	CD2102001757	05/29/2020		06/21/20	92.65
Invoice: CD2102001757							POL/INFORMATION SERVICES			
					92.65	52011212 549100	PD-C/E-INV-DUES/SUBSCR/MEMBRSH			
							CHECK	353846 TOTAL:		92.65
353847	06/24/2020	PRTD	1953	FERGUSON ENTERPRISES	241178	SC441526	05/31/2020		06/21/20	4.51
Invoice: SC441526							PW/SERVICE CHARGE			
					4.51	73011189 549900	O&M-C/E-FAC-MISC			
							CHECK	353847 TOTAL:		4.51
353848	06/24/2020	PRTD	1953	FERGUSON ENTERPRISES	240879	0865710	05/20/2020		06/21/20	779.11
Invoice: 0865710							PW/METER MX SUPPLIES			
					779.11	73411345 531100	OFFICE SUPPLIES			
							CHECK	353848 TOTAL:		779.11
353849	06/24/2020	PRTD	231	GALLS, LLC	240909	015640730	05/12/2020		06/21/20	26.15
Invoice: 015640730							POL/EARPIECE: TOVAR			
					26.15	53011212 531100	PD-C/E-PATROL SUPPLIES			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
								CHECK	353849 TOTAL:	26.15
353850	06/24/2020	PRTD	513	GRAINGER	241045	9549970490	06/03/2020		06/21/20	165.96
Invoice: 9549970490							PW/SAFETY GLASSES(50)			
						165.96 73637891 531100	OFFICE SUPPLIES			
								CHECK	353850 TOTAL:	165.96
353851	06/24/2020	PRTD	1517	GUARDIAN SECURITY SY	241142	1026301	06/01/2020		06/21/20	260.52
Invoice: 1026301							POL/ALARM MONITORING			
						260.52 51011215 541100	POLICE - C/E FACIL PROF SVCS			
								CHECK	353851 TOTAL:	260.52
353852	06/24/2020	PRTD	4850	HOME DEPOT CREDIT SE	241179	20710	05/27/2020		06/21/20	276.89
Invoice: 20710							PW/MX SUPPLIES			
						24.98 73011215 531100	O&M-C/E-POLICE FAC-SUPPLIES			
						238.71 73011897 531100	O&M-C/E-PWY FAC-SUPPLIES			
						13.20 73011183 531100	O&M-C/E-CH FAC-SUPPLIES			
					241180	4525240	06/02/2020		06/21/20	152.52
Invoice: 4525240							PW/WWTP MX SUPPLIES			
						152.52 73425358 531100	O&M-WWTP-SUPPLIES			
								CHECK	353852 TOTAL:	429.41
353853	06/24/2020	PRTD	8894	BAINBRIDGE ISLAND TH	240910	Q1-Q2 2020	05/29/2020		06/21/20	750.00
Invoice: Q1-Q2 2020							2020-21 CULTURAL FUNDING: 10-M			
						750.00 31011732 54110000297	EX-GF-CULTURAL ARTS & SCIENCES			
								CHECK	353853 TOTAL:	750.00
353854	06/24/2020	PRTD	3114	JOHNSON CONTROLS FIR	240882	21632032	05/21/2020		06/21/20	139.57
Invoice: 21632032							PW/ALARM MONIT MAR-MAY: SHOP			
						139.57 73011897 54110000390	PWY-ALARM SVCS			
					240883	21632037	05/21/2020		06/21/20	139.57
Invoice: 21632037							PW/COMMONS ALARM MONIT MAR-MAY			
						139.57 73011755 54110000390	FAC BLDG/FIRE ALARM-COMMONS			
					240884	21632040	05/21/2020		06/21/20	278.47
Invoice: 21632040							PW/CH ALARM MONIT MAR-MAY			
						278.47 73011183 54110000390	FAC BLDG/FIRE ALARM-CITY HALL			
								CHECK	353854 TOTAL:	557.61

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
353855	06/24/2020	PRTD	333 KITSAP COUNTY AUDITO	240911	484774-2020003090043	05/31/2020		06/21/20	112.50
	Invoice: 484774-2020003090043				ENG/EASEMENT: WYATT				
					112.50 72321952 66100000708 WYATT-MAD TO LOVELL-ROW ACQ				
				240912	484774-202003090044	05/31/2020		06/21/20	105.50
	Invoice: 484774-202003090044				PCD/NOTICE TO TTITLE				
					105.50 63470588 551000 CUR-DEV PLAN-RECORDING FEES				
						CHECK 353855 TOTAL:			218.00
353856	06/24/2020	PRTD	2306 KITSAP COUNTY PROSEC	241049	JUN20	06/04/2020		06/21/20	9,554.69
	Invoice: JUN20				LEGAL/PROSEC. SVCS JUN 2020				
					9,554.69 32011521 541112 LGL-OUTSIDE PROSECUTOR				
						CHECK 353856 TOTAL:			9,554.69
353857	06/24/2020	PRTD	4740 KITSAP COUNTY MRW FU	240914	4497	05/27/2020		06/21/20	12.82
	Invoice: 4497				POL/HAZ WASTE DISP				
					12.82 91011215 547900 GG-C/E-PD-GARBAGE				
						CHECK 353857 TOTAL:			12.82
353858	06/24/2020	PRTD	1496 KITSAP COUNTY SEWER	241051	KCSD7-COBI-2020-JUN	06/01/2020		06/21/20	20,938.31
	Invoice: KCSD7-COBI-2020-JUN				344.55 ERU				
					20,938.31 73426356 551000 SIS-SD#7 PROCESSING CHGS				
						CHECK 353858 TOTAL:			20,938.31
353859	06/24/2020	PRTD	1505 KITSAP COUNTY TREASU	241050	MAY20	05/31/2020		06/21/20	12.97
	Invoice: MAY20				MAY 2020 COURT OUT REMIT				
					12.97 41612860 586000 CRIME VICTIMS-OUT				
						CHECK 353859 TOTAL:			12.97
353860	06/24/2020	PRTD	1971 KELLEY CONNECT	241052	IN683993	06/09/2020		06/21/20	94.08
	Invoice: IN683993				CRT/COPIER OVERAGE				
					94.08 21011125 545000 COURT - RENTS & LEASES - OPER				
						CHECK 353860 TOTAL:			94.08
353861	06/24/2020	PRTD	1971 KELLEY CONNECT	241078	27224406	06/11/2020		06/21/20	239.26
	Invoice: 27224406				PCD/COPIER LEASE				
					239.26 61470581 545000 PCD - DEV ADMIN RENTS & LEASES				

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
								CHECK 353861 TOTAL:		239.26
353862	06/24/2020	PRTD	315	KITSAP HUMANE SOCIET	241095	1911	06/01/2020		06/21/20	5,936.50
Invoice: 1911							KITSAP HUMANE SOCIETY ANNUAL C			
					5,936.50	91011393 541100	FIN - C/E ANIMAL CONTROL FEES			
								CHECK 353862 TOTAL:		5,936.50
353863	06/24/2020	PRTD	309	KITSAP TIRE CENTER I	240885	INV048972	05/21/2020		06/21/20	314.38
Invoice: INV048972							PW/ALL TERRAIN TIRES (2)			
					314.38	73411345 531100	OFFICE SUPPLIES			
								CHECK 353863 TOTAL:		314.38
353864	06/24/2020	PRTD	7849	LAW OFFICE OF THOMAS	241110	JUN20	06/13/2020		06/21/20	4,484.38
Invoice: JUN20							LEGAL/PUB DEF SVCS JUN 2020			
					4,484.38	32011281 541113	LGL-PUBLIC DEFENDER			
								CHECK 353864 TOTAL:		4,484.38
353865	06/24/2020	PRTD	7987	LEGACY TELECOMMUNICA	240886	42995	05/08/2020		06/21/20	1,290.78
Invoice: 42995							PW/ST BARNABUS GENERATOR SVCS			
					1,290.78	73011256 54810000902	2018 STORM PREP-FAC GF-R&M			
					240887	43110	05/28/2020		06/21/20	641.12
Invoice: 43110							PW/ISLAND CHURCH GENERATOR SVC			
					641.12	73011256 54810000902	2018 STORM PREP-FAC GF-R&M			
					240888	43111	05/28/2020		06/21/20	416.93
Invoice: 43111							PW/KLICKITAT GENERATOR SVC			
					416.93	73421355 548100	WIN COLL-R&M			
								CHECK 353865 TOTAL:		2,348.83
353866	06/24/2020	PRTD	5011	LEXISNEXIS RISK SOLU	240915	20200531	05/31/2020		06/21/20	163.50
Invoice: 20200531							POL/MAY SUX			
					163.50	52011212 549100	PD-C/E-INV-DUES/SUBSCR/MEMBRSH			
								CHECK 353866 TOTAL:		163.50
353867	06/24/2020	PRTD	7038	MOON SECURITY SERVIC	241053	1026777	03/31/2020		06/21/20	208.00
Invoice: 1026777							CRT/MAR20 HOUSE ARREST MONIT			
					208.00	21011232 545000	COURT-ELECT HOME DET'N-EQ RENT			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
								CHECK	353867 TOTAL:	208.00
353868	06/24/2020	PRTD	2574	NATIONAL BARRICADE C	240891	286667	05/18/2020		06/21/20	3,194.26
Invoice: 286667							PW/STREET SIGNAGE			
					3,194.26	990 141100	MERCHANDISE			
					240892	286668	05/18/2020		06/21/20	3,049.82
Invoice: 286668							PW/POSTS, ANCHORS			
					3,049.82	990 141100	MERCHANDISE			
								CHECK	353868 TOTAL:	6,244.08
353869	06/24/2020	PRTD	8887	NCSI	240893	2462	06/01/2020		06/21/20	92.50
Invoice: 2462							EX/VOLUNTEER BACKGROUND CHECKS			
					92.50	31011256 541100	EX-GF-EMERG PREP-PROF SVCS			
								CHECK	353869 TOTAL:	92.50
353870	06/24/2020	PRTD	9254	NELSON/NYGAARD	240894	1	05/04/2020		06/21/20	60,172.08
Invoice: 1							SUSTAINABLE TRANSPORTATION PLA			
					60,172.08	72111444 54110001018	SUSTAINABLE TRANS-PROF SVC			
								CHECK	353870 TOTAL:	60,172.08
353871	06/24/2020	PRTD	2430	OGDEN MURPHY WALLACE	241143	838484	04/23/2020		06/21/20	24,638.42
Invoice: 838484							LEGAL/PROF SVCS MARCH 2020			
					126.00	32470152 54111100844	LIT-CLARK ADMIN APPEAL(SUP CT)			
					31.50	32470152 54111100893	LIT-CAINION (APA SUP CT)			
					6,781.57	32011152 54111101021	DUNN PRR SUIT (SUP CT)			
					2,195.55	32011152 54111101047	LIT-SCHULZE PRA SUIT (SUP CT)			
					3,382.50	32470152 54111101059	LIT-CLARK COMPLAINT (SUP CT)			
					9,150.70	32470152 54111101067	URBAN BAINBRIDGE (GMHB)			
					157.50	32011152 54111001020	SMALL CELL WIRELESS ORD			
					828.60	32011152 541110	LGL-GF-LEGAL ADVICE			
					441.00	91011211 541110	GG-C/E-CIVIL SVC-LEGAL ADVICE			
					157.50	32470152 54111100896	LIT-BAINBRIDGE ALLIANCE			
					157.50	32470152 54111100897	PRES RESP SHORE(CT OF APPEALS)			
					220.50	32470152 54111401056	HEX-WINSLOW HOTEL(OMW)			
					1,008.00	32470152 54111401071	HEX-CENTRAL HIGHLANDS (OMW)			
					241144	839840	06/12/2020		06/21/20	44,577.48
Invoice: 839840							LEGAL/PROF SVCS MAY 2020			
					9,688.76	32470152 54111100844	LIT-CLARK ADMIN APPEAL(SUP CT)			
					4,330.50	32011152 54111101021	DUNN PRR SUIT (SUP CT)			
					12,783.39	32011152 54111101047	LIT-SCHULZE PRA SUIT (SUP CT)			
					94.50	32470152 54111101059	LIT-CLARK COMPLAINT (SUP CT)			
					7,875.87	32470152 54111101067	URBAN BAINBRIDGE (GMHB)			
					1,543.50	32470152 54111101078	LIT-WINSLOW HOTEL (SUP CT)			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
				INVOICE DTL DESC						
					724.50	32011152	54111001020	SMALL CELL WIRELESS ORD		
					717.00	32011152	54111001046	LGL-PSE FRANCHISE		
					1,732.50	32011152	541110	LGL-GF-LEGAL ADVICE		
					283.50	91011211	541110	GG-C/E-CIVIL SVC-LEGAL ADVICE		
					3,467.75	32470152	54111100897	PRES RESP SHORE(CT OF APPEALS)		
					1,335.71	32470152	54111401071	HEX-CENTRAL HIGHLANDS (OMW)		
								CHECK 353871 TOTAL:		69,215.90
353872	06/24/2020	PRTD	8200	PACIFIC DUST CONTROL	241054	1839	05/28/2020		06/21/20	1,373.40
Invoice: 1839							PW/ROAD TREATMENT			
					1,373.40	73435838	548100	O&M-DECANT-REPAIRS		
								CHECK 353872 TOTAL:		1,373.40
353873	06/24/2020	PRTD	2623	PAPE MACHINERY	240916	HM 235851 S	05/27/2020	20200010	06/21/20	72,869.77
Invoice: HM 235851 S							FRONT BROOM SWEEPER			
					72,869.77	73111944	66400000972	2019 BROOM SWEEPER-EQUIP PURCH		
								CHECK 353873 TOTAL:		72,869.77
353874	06/24/2020	PRTD	9267	PAYGOV	241055	481	06/08/2020		06/21/20	2,214.31
Invoice: 481							FIN/CC FEES MAY 2020			
					2,214.31	91011423	54110001069	COVID19-CREDIT CARD PROC FEES		
								CHECK 353874 TOTAL:		2,214.31
353875	06/24/2020	PRTD	6333	PETROCARD INC.	241182	0301557-IN	05/26/2020		06/21/20	52.18
Invoice: 0301557-IN							PW/GADUS S3 V220C 2 TUBE			
					52.18	73425358	531100	O&M-WWTP-SUPPLIES		
								CHECK 353875 TOTAL:		52.18
353876	06/24/2020	PRTD	7803	PINTO, MICHELLE	241056	387	06/03/2020		06/21/20	120.00
Invoice: 387							CRT/INTERPRETER SVCS			
					120.00	21011125	541230	COURT - INTERPRETER		
								CHECK 353876 TOTAL:		120.00
353877	06/24/2020	PRTD	420	PITNEY BOWES GLOBAL	241057	001334337	05/30/2020		06/21/20	1,036.08
Invoice: 001334337							FIN/MAIL MACHINE LEASE			
					1,036.08	44011141	545000	RENTS & LEASES - OPERATING		
								CHECK 353877 TOTAL:		1,036.08

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
353878	06/24/2020	PRTD	1205	PUGET SOUND ENERGY	241145	3319MAY20	06/09/2020		06/21/20	18.86
Invoice: 3319MAY20							PW/CASEY ST WATER			
					18.86	73416345 547100	CASEY STREET WTR-ELECTRICITY			
					241146	9932MAY20	06/09/2020		06/21/20	10.43
Invoice: 9932MAY20							184 WINSLOW WAY E			
					10.43	91011739 547100	COMM EVENTS-ELECTRICITY			
							CHECK 353878 TOTAL:			29.29
353879	06/24/2020	PRTD	9440	QBSI-XEROX	241058	IN2330381	05/26/2020		06/21/20	48.69
Invoice: IN2330381							CRT/COPIER LEASE			
					48.69	21011125 545000	COURT - RENTS & LEASES - OPER			
							CHECK 353879 TOTAL:			48.69
353880	06/24/2020	PRTD	7435	KAN MAN INC	240895	1914178	05/21/2020		06/21/20	180.00
Invoice: 1914178							PW/EAGLE HARBOR CANS			
					180.00	73011768 545000	O&M-C/E-PARKS-OP LEASES			
					240896	1914179	05/21/2020		06/21/20	90.00
Invoice: 1914179							PW/CREOSOTE CAN			
					90.00	73011768 545000	O&M-C/E-PARKS-OP LEASES			
					240897	1914180	05/21/2020		06/21/20	90.00
Invoice: 1914180							PW/VINCENT RD CAN			
					90.00	73435838 545000	O&M-DECANT-RENTS			
					240898	1914181	05/21/2020		06/21/20	90.00
Invoice: 1914181							PW/HIDDEN COVE CAN			
					90.00	73011897 545000	O&M-C/E-PWYD FAC-RENTS			
							CHECK 353880 TOTAL:			450.00
353881	06/24/2020	PRTD	408	ROLLING BAY COMMERCI	241059	291507	05/30/2020		06/21/20	4,197.30
Invoice: 291507							CRT/JUNE RENT			
					4,197.30	21011125 545000	COURT - RENTS & LEASES - OPER			
							CHECK 353881 TOTAL:			4,197.30
353882	06/24/2020	PRTD	9497	ROSEN SUPPLY COMPANY	241060	2181312-00	06/02/2020		06/21/20	230.93
Invoice: 2181312-00							PW/ELKAY WATERSENTRY			
					230.93	73011897 531100	O&M-C/E-PWY FAC-SUPPLIES			
							CHECK 353882 TOTAL:			230.93

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
353883	06/24/2020	PRTD	639	EDWARD ROSENBAUM, PH	241061	314087	05/25/2020		06/21/20	975.00
Invoice: 314087							POL/PRE-HIRE EVAL(3)			
					975.00	53011212 541100	POLICE - C/E PATROL PROF SVCS			
							CHECK	353883 TOTAL:		975.00
353884	06/24/2020	PRTD	6820	RICH BOTTALICO	241062	2262	05/14/2020		06/21/20	1,956.55
Invoice: 2262							PW/REPLACE AUGER EDGES			
					1,956.55	73637943 531100	DITCHMASTER R&M-SUPPLIES			
							CHECK	353884 TOTAL:		1,956.55
353885	06/24/2020	PRTD	7385	CHARLES P. SHANE	241063	002487	06/01/2020		06/21/20	153.75
Invoice: 002487							CRT/PUB DEF SVCS			
					153.75	32011281 541113	LGL-PUBLIC DEFENDER			
							CHECK	353885 TOTAL:		153.75
353886	06/24/2020	PRTD	7385	CHARLES P. SHANE	241064	002493	06/06/2020		06/21/20	131.25
Invoice: 002493							CRT/PUB DEF SVCS			
					131.25	32011281 541113	LGL-PUBLIC DEFENDER			
					241065	002494	06/06/2020		06/21/20	62.25
Invoice: 002494							CRT/PUB DEF SVCS			
					62.25	32011281 541113	LGL-PUBLIC DEFENDER			
					241066	002495	06/06/2020		06/21/20	56.25
Invoice: 002495							CRT/PUB DEF SVCS			
					56.25	32011281 541113	LGL-PUBLIC DEFENDER			
					241067	002496	06/06/2020		06/21/20	24.75
Invoice: 002496							CRT/PUB DEF SVCS			
					24.75	32011281 541113	LGL-PUBLIC DEFENDER			
							CHECK	353886 TOTAL:		274.50
353887	06/24/2020	PRTD	8129	SMARSH INC	240899	INV00593199	05/31/2020		06/21/20	681.26
Invoice: INV00593199							IT/TEXT ARCHIVING SVC			
					681.26	81011881 548500	IT - C/E COMPUTER SUPPORT			
							CHECK	353887 TOTAL:		681.26
353888	06/24/2020	PRTD	8855	SOUND LAW CENTER	240917	2418	06/03/2020		06/21/20	822.50
Invoice: 2418							HEX/APR-MAY HEX ACTIVITIES			
					822.50	34470586 54111001071	HEX-CENTRAL HIGHLANDS (SLC)			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
								CHECK	353888 TOTAL:	822.50
353889	06/24/2020	PRTD	9065	SOUNDWEST ENGINEERIN	241069	05-01-18	06/08/2020		06/21/20	4,256.25
Invoice: 05-01-18							COUNTRY CLUB BULKHEAD & CULVER			
						4,256.25 72111425 54110000781	CO CLUB RD BULKHEAD R&M-PRO SV			
								CHECK	353889 TOTAL:	4,256.25
353890	06/24/2020	PRTD	8132	SPECTRA LABORATORIES	240918	20-02128	04/02/2020		06/21/20	21.16
Invoice: 20-02128							PW/ECOLI TESTING			
						21.16 73011897 54110000391	LAB SVCS-PWY FAC			
					241070	20-02132	04/02/2020		06/21/20	21.16
Invoice: 20-02132							PW/ECOLI TESTING			
						21.16 73415345 54110000391	LAB SVCS-WATER ROCKAWAY			
					241071	20-02133	04/02/2020		06/21/20	84.64
Invoice: 20-02133							PW/ECOLI TESTING			
						84.64 73411345 54110000391	LAB SVCS-WATER			
					241072	20-03218	05/29/2020		06/21/20	114.00
Invoice: 20-03218							PW/BOD TESTING			
						114.00 73425358 54110000391	LAB & TESTING SVCS-WWTP			
					241079	20-03329	06/03/2020		06/21/20	114.00
Invoice: 20-03329							PW/BOD TESTING			
						114.00 73425358 54110000391	LAB & TESTING SVCS-WWTP			
					241183	20-03445	06/05/2020		06/21/20	21.16
Invoice: 20-03445							PW/ECOLI TESTING: ROCKAWAY			
						21.16 73415345 54110000391	LAB SVCS-WATER ROCKAWAY			
					241184	20-03446	06/05/2020		06/21/20	42.32
Invoice: 20-03446							PW/IRON, MANGANESE TESTING: TAYLOR			
						42.32 73415345 54110000391	LAB SVCS-WATER ROCKAWAY			
					241185	20-03447	06/05/2020		06/21/20	211.60
Invoice: 20-03447							PW/ECOLI TESTING			
						211.60 73411345 54110000391	LAB SVCS-WATER			
					241186	20-03448	06/05/2020		06/21/20	21.16
Invoice: 20-03448							PW/ECOLI TESTING: PW			
						21.16 73011897 54110000391	LAB SVCS-PWY FAC			
								CHECK	353890 TOTAL:	651.20
353891	06/24/2020	PRTD	2467	STAPLES	241080	3440797204	02/29/2020		06/21/20	27.72
Invoice: 3440797204							ENG/OFFICE SUPPLIES			
						27.72 72011321 531100	ENG - C/E ADMIN SUPPLIES			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
					241081	3440797207	02/29/2020		06/21/20	35.32
				Invoice: 3440797207			ENG/OFFICE SUPPLIES			
					35.32	72011321 531100	ENG - C/E ADMIN SUPPLIES			
					241082	3440797208	02/29/2020		06/21/20	10.03
				Invoice: 3440797208			ENG/OFFICE SUPPLIES			
					10.03	72011321 531100	ENG - C/E ADMIN SUPPLIES			
					241083	3444610232	04/04/2020		06/21/20	28.12
				Invoice: 3444610232			ENG/OFFICE SUPPLIES			
					28.12	72011321 531100	ENG - C/E ADMIN SUPPLIES			
					241084	3444610234	04/04/2020		06/21/20	26.04
				Invoice: 3444610234			ENG/OFFICE SUPPLIES			
					26.04	72011321 531100	ENG - C/E ADMIN SUPPLIES			
					241085	3444610235	04/04/2020		06/21/20	11.43
				Invoice: 3444610235			ENG/OFFICE SUPPLIES			
					11.43	72011321 531100	ENG - C/E ADMIN SUPPLIES			
					241086	3444610236	04/04/2020		06/21/20	97.57
				Invoice: 3444610236			ENG/OFFICE SUPPLIES			
					97.57	72011321 531100	ENG - C/E ADMIN SUPPLIES			
					241087	3444610237	04/04/2020		06/21/20	8.40
				Invoice: 3444610237			ENG/OFFICE SUPPLIES			
					8.40	72011321 531100	ENG - C/E ADMIN SUPPLIES			
					241088	3444610238	04/04/2020		06/21/20	12.92
				Invoice: 3444610238			ENG/OFFICE SUPPLIES			
					12.92	72011321 531100	ENG - C/E ADMIN SUPPLIES			
					241089	3444610241	04/04/2020		06/21/20	45.06
				Invoice: 3444610241			ENG/OFFICE SUPPLIES			
					45.06	72011321 531100	ENG - C/E ADMIN SUPPLIES			
					241147	8058553130	06/09/2020		06/21/20	23.97
				Invoice: 8058553130			PCD/OFFICE SUPPLIES			
					23.97	61011581 531100	PCD - C/E ADMIN SUPPLIES			
							CHECK	353891 TOTAL:		326.58
353892	06/24/2020	PRTD	2122	STERICYCLE INC	241148	3005127226	05/31/2020		06/21/20	10.36
				Invoice: 3005127226			POL/BIOHAZARD DISPOSAL			
					10.36	51011211 541100	PD-C/E-ADM-PROF SVCS			
							CHECK	353892 TOTAL:		10.36

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
353893	06/24/2020	PRTD	9496	ANDREA STEURER	241090	LIC FEE REBATE 2020	06/09/2020		06/21/20	10.00
Invoice: LIC FEE REBATE 2020						TRANSP BENEFIT DIST REBATE				
					10.00	17131 317600 TBF-VEHICLE FEES				
								CHECK 353893 TOTAL:		10.00
353894	06/24/2020	PRTD	7095	SUPERIOR SAW & SUPPL	241091	139269	05/26/2020		06/21/20	65.40
Invoice: 139269						PW/SHARPEN CHAINS (6)				
					65.40	73111427 548100 O&M-ACCESS RDSIDE R&M				
								CHECK 353894 TOTAL:		65.40
353895	06/24/2020	PRTD	6746	SYMBOL ARTS	241096	0353065-IN	06/02/2020		06/21/20	1,999.34
Invoice: 0353065-IN						EX/COVID RESPONSE COINS(300)				
					1,999.34	31011256 541100 EX-GF-EMERG PREP-PROF SVCS				
								CHECK 353895 TOTAL:		1,999.34
353896	06/24/2020	PRTD	8243	TILZ	241188	MAY20	05/31/2020		06/21/20	190.00
Invoice: MAY20						PW/WASTE DISPOSAL				
					190.00	73111427 531100 OFFICE SUPPLIES				
								CHECK 353896 TOTAL:		190.00
353897	06/24/2020	PRTD	6714	TOSHIBA FINANCIAL SE	241097	27224405	06/11/2020		06/21/20	353.16
Invoice: 27224405						PCD/COPIER LEASE				
					353.16	61470581 545000 PCD - DEV ADMIN RENTS & LEASES				
								CHECK 353897 TOTAL:		353.16
353898	06/24/2020	PRTD	558	TOWN & COUNTRY MARKE	241189	06/08/20	06/08/2020		06/21/20	1.73
Invoice: 06/08/20						PW/WATER				
					1.73	73411345 531100 OFFICE SUPPLIES				
								CHECK 353898 TOTAL:		1.73
353899	06/24/2020	PRTD	8183	JOHN A. GREEN	241099	15645	05/12/2020		06/21/20	147.90
Invoice: 15645						PW/INSTALL VEH #, #83				
					147.90	73011581 531100 O&M-C/E-PCD VEH WORK-SUPPLIES				
								CHECK 353899 TOTAL:		147.90

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
353900	06/24/2020	PRTD	6088	ULINE SHIPPING SUPPL	241100	120102931	05/18/2020		06/21/20	95.68
Invoice: 120102931							POL/BIOHAZARD CAN			
					95.68	51011191 531100	PD-C/E-PROP RM-SUPPLIES			
							CHECK 353900 TOTAL:			95.68
353901	06/24/2020	PRTD	2190	UNITED PARCEL SERVIC	241101	000028Y3Y1220	05/30/2020		06/21/20	9.09
Invoice: 000028Y3Y1220							POL/SHIPPING			
					9.09	91011215 542500	GG-C/E-PD-POSTAGE			
					241149	000028Y3Y1230	06/06/2020		06/21/20	14.62
Invoice: 000028Y3Y1230							POL/SHIPPING			
					14.62	91011215 542500	GG-C/E-PD-POSTAGE			
							CHECK 353901 TOTAL:			23.71
353902	06/24/2020	PRTD	1152	USA BLUE BOOK	241102	248725	05/27/2020		06/21/20	129.39
Invoice: 248725							PW/ALGAE BRUSH, BOD SOLUTION			
					129.39	73425358 531100	O&M-WWTP-SUPPLIES			
							CHECK 353902 TOTAL:			129.39
353903	06/24/2020	PRTD	553	UTILITIES UNDERGROUN	241103	0050113	05/31/2020		06/21/20	187.05
Invoice: 0050113							PW/EXCAVATION NOTICES			
					187.05	73637893 54110000393	O&M ALLOC-LOCATING SVCS			
							CHECK 353903 TOTAL:			187.05
353904	06/24/2020	PRTD	5402	VIRTUAL GRAFFITI INC	241032	932761	06/10/2020		06/21/20	9,492.89
Invoice: 932761							IT/BACKUP SYST ANNUAL MX			
					9,492.89	81011881 548500	IT - C/E COMPUTER SUPPORT			
							CHECK 353904 TOTAL:			9,492.89
353905	06/24/2020	PRTD	605	WA ST AUDITOR'S OFFI	241105	L136900	06/10/2020		06/21/20	9,217.65
Invoice: L136900							2019 FINANCIAL AUDIT			
					5,742.51	91011423 541100	FIN-C/E STATE AUDITOR			
					763.64	91111433 541100	FIN-STREET-STATE AUDITOR			
					400.55	91411341 541100	GG-WTR-ADM-PROF SVCS			
					1,109.69	91421351 541100	GG-SWR-ADM-PROF SVCS			
					451.78	91431383 541100	GG-SSWM-ADM-PROF SVCS			
					374.74	91470148 541100	FIN-DEV-STATE AUDITOR			
					374.74	91471148 541100	FIN-BLDG-STATE AUDITOR			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
								CHECK 353905 TOTAL:		9,217.65
353906	06/24/2020	PRTD	1945	WA ST DEPT LABOR & I	241176	263245	06/12/2020		06/21/20	134.10
Invoice: 263245							PW/ANNUAL ELEVATOR OPERATING CERTIF			
						134.10 73011183 549800	O&M-C/E-CH FAC-PERMITS			
								CHECK 353906 TOTAL:		134.10
353907	06/24/2020	PRTD	4104	WA ST FERRIES	241107	RK347162	05/31/2020		06/21/20	61.20
Invoice: RK347162							MAY20 WAVE2GO FERRY CHARGES			
						61.20 53011212 543100	PATROL-TRAVEL/MEALS/LODGING			
								CHECK 353907 TOTAL:		61.20
353908	06/24/2020	PRTD	952	WASHINGTON STATE PAT	241108	I20007206	06/03/2020		06/21/20	68.50
Invoice: I20007206							FIN/BACKGROUND CHECKS			
						68.50 41654861 586100	AGENCY DISBURSEMENTS			
								CHECK 353908 TOTAL:		68.50
353909	06/24/2020	PRTD	2251	WA ST TREASURER	241109	JUN20 SBCC	05/31/2020		06/21/20	199.50
Invoice: JUN20 SBCC							WA STATE COURT OUT REMIT SBCC			
						199.50 41652860 586000	SBCC BLDG.-OUT			
					241111	JUN20	05/31/2020		06/21/20	959.90
Invoice: JUN20							WA STATE OUT COURT REMIT MAY 2020			
						343.35 41611860 586000	PSEA 60% OUT			
						81.70 41610860 586000	PSEA 30% OUT			
						55.23 41619860 586000	PSEA 3 - STATE DISB OUT			
						28.70 41616860 586000	THEFT PRV&TR BRAIN INJ-OUT			
						11.89 41616860 586000	THEFT PRV&TR BRAIN INJ-OUT			
						109.71 41614860 586000	JUDICIAL INFO SYST.-OUT			
						80.00 41615860 586964	DNA COLLECTION			
						14.31 41618860 586000	TRAUMA CARE-OUT			
						33.80 41612860 586311	DOM VIOLENCE PROT ORD VIOLATIO			
						47.42 41618860 586000	TRAUMA CARE-OUT			
						14.80 41618860 586000	TRAUMA CARE-OUT			
						84.36 41618860 586000	TRAUMA CARE-OUT			
						54.63 41615860 586961	STATE CRIME LAB			
								CHECK 353909 TOTAL:		1,159.40
353910	06/24/2020	PRTD	512	WABO - WASHINGTON AS	241112	39569	06/11/2020		06/21/20	250.00
Invoice: 39569							PCD/PERMIT REVIEW TRAINING: AH, JS			
						250.00 63011586 443410	CUR - C/E TRAINING TRAVEL			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
							CHECK 353910 TOTAL:			250.00
353911	06/24/2020	PRTD	6812	WALKER, VIRGINIA	241113	LIC FEE REBATE 2020	06/09/2020		06/21/20	10.00
	Invoice: LIC FEE REBATE 2020					TRANSP BENEFIT DIST REBATE				
						10.00 17131 317600 TBF-VEHICLE FEES				
							CHECK 353911 TOTAL:			10.00
353912	06/24/2020	PRTD	7551	WASHINGTON TRACTOR I	241114	2098523	05/29/2020		06/21/20	632.52
	Invoice: 2098523					PW/STORM POND MX SUPPLIES				
						632.52 73431835 531100 OFFICE SUPPLIES				
					241115	2098548	05/29/2020		06/21/20	2,031.43
	Invoice: 2098548					PW/STREETSCAPE MX SUPPLIES				
						2,031.43 73111427 531100 OFFICE SUPPLIES				
							CHECK 353912 TOTAL:			2,663.95
353913	06/24/2020	PRTD	4513	WM CORPORATE SERVICE	241192	0036999-1048-9	06/01/2020	21900056	06/21/20	2,729.51
	Invoice: 0036999-1048-9					BIOSOLIDS LANDFILL DISPOSAL				
						2,729.51 73425358 54790100551 BIOSOLIDS WASTE DISPOSAL				
							CHECK 353913 TOTAL:			2,729.51
353914	06/24/2020	PRTD	5709	WEBCHECK INC	241116	6638	05/31/2020		06/21/20	245.25
	Invoice: 6638					FIN/WEBCHECK SVCS MAY 2020				
						122.62 43411341 541100 FIN - WATER ADMIN PROF SERVICE				
						122.63 43421351 541100 FIN - SEWER ADMIN PROF SERVICE				
							CHECK 353914 TOTAL:			245.25
353915	06/24/2020	PRTD	9160	WEST SOUND PLUMBING	241193	10269	05/29/2020		06/21/20	323.65
	Invoice: 10269					PW/PLUMBING REPAIR				
						323.65 73011897 548100 O&M-C/E-PWYD FAC-REPAIRS				
							CHECK 353915 TOTAL:			323.65
353916	06/24/2020	PRTD	499	WESTBAY AUTO PARTS I	241117	527433-A	03/12/2020		06/21/20	71.39
	Invoice: 527433-A					PW/SHORT PD INV 527433				
						71.39 990 141100 MERCHANDISE				
					241118	541905	06/08/2020		06/21/20	-47.97
	Invoice: 541905					PW/WARRANTY INV 540006				
						-47.97 990 141100 MERCHANDISE				
					241119	542534	06/08/2020		06/21/20	47.83

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
	Invoice: 542534					PW/FUEL FILTER				
					47.83	990 141100 MERCHANDISE				
					241120	542592	06/08/2020		06/21/20	106.11
	Invoice: 542592					PW/FITLERS (AIR, OIL, FUEL)				
					106.11	990 141100 MERCHANDISE				
					241121	542895	06/08/2020		06/21/20	102.44
	Invoice: 542895					PW/AIR FILTERS				
					102.44	990 141100 MERCHANDISE				
					241122	542928	06/08/2020		06/21/20	40.32
	Invoice: 542928					PW/DISC BRAKE SET				
					40.32	73411345 531100 OFFICE SUPPLIES				
					241124	543227	06/08/2020		06/21/20	21.93
	Invoice: 543227					PW/BULBS, OIL FILTERS				
					21.93	990 141100 MERCHANDISE				
					241125	544213	06/08/2020		06/21/20	76.47
	Invoice: 544213					PW/OIL FILTER, DISC PAD, GLOW PLUG				
					60.16	73431835 531100 OFFICE SUPPLIES				
					16.31	73431835 531100 OFFICE SUPPLIES				
					241152	544413	05/26/2020		06/21/20	177.45
	Invoice: 544413					PW/GLOW PLUG CONTROLLER				
					177.45	73431835 531100 OFFICE SUPPLIES				
					241154	544543	05/27/2020		06/21/20	74.67
	Invoice: 544543					PW/GREAST CART				
					74.67	73638935 531100 O&M-STD ALLOCATION-SUPPLIES				
					241155	544559	05/27/2020		06/21/20	78.65
	Invoice: 544559					PW/LATEX GLOVES				
					78.65	73638935 531100 O&M-STD ALLOCATION-SUPPLIES				
					241156	544582	05/27/2020		06/21/20	24.99
	Invoice: 544582					PW/V-BELT				
					24.99	990 141100 MERCHANDISE				
					241157	544586	05/27/2020		06/21/20	103.07
	Invoice: 544586					PW/FILTERS: OIL, FUEL				
					103.07	990 141100 MERCHANDISE				
					241158	544611	05/27/2020		06/21/20	35.72
	Invoice: 544611					PW/COMPRESS OIL 30W GAL				
					35.72	73011897 531100 O&M-C/E-PWY FAC-SUPPLIES				
					241159	545185	05/29/2020		06/21/20	200.48
	Invoice: 545185					PW/ALTERNATOR				
					100.24	73111423 531100 OFFICE SUPPLIES				
					100.24	73111427 531100 OFFICE SUPPLIES				

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
								CHECK	353916 TOTAL:	1,113.55
353917	06/24/2020	PRTD	9478	WETLAND RESOURCES	241160	20042-0320	04/01/2020		06/21/20	2,170.00
Invoice: 20042-0320							ENG/RESEARCH, FIELD DELINEATION			
					2,170.00	72311942 64110000724	PD/COURT BLDG-PROF SVCS/DESIGN			
								CHECK	353917 TOTAL:	2,170.00
353918	06/24/2020	PRTD	2607	ZEE MEDICAL SERVICE	241194	68401782	06/03/2020		06/21/20	334.37
Invoice: 68401782							PW/FIRST AID RESTOCK: PW			
					334.37	73637891 531100	OFFICE SUPPLIES			
								CHECK	353918 TOTAL:	334.37
							NUMBER OF CHECKS 97		*** CASH ACCOUNT TOTAL ***	363,491.34

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	97	363,491.34

*** GRAND TOTAL *** 363,491.34

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER JNL / SRC ACCOUNT / EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
2020 6 197									
APP 402-213000					ACCOUNTS PAYABLE			36,763.88	
06/24/2020	06/21/20	REG-B			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH				363,491.34
06/24/2020	06/21/20	REG-B			AP CASH DISBURSEMENTS JOURNAL				
APP 001-213000					GENERAL - ACCOUNTS PAYABLE			124,698.32	
06/24/2020	06/21/20	REG-B			AP CASH DISBURSEMENTS JOURNAL				
APP 401-213000					ACCOUNTS PAYABLE			3,612.84	
06/24/2020	06/21/20	REG-B			AP CASH DISBURSEMENTS JOURNAL				
APP 403-213000					ACCOUNTS PAYABLE			2,914.14	
06/24/2020	06/21/20	REG-B			AP CASH DISBURSEMENTS JOURNAL				
APP 101-213000					STREETS - ACCOUNTS PAYABLE			141,469.87	
06/24/2020	06/21/20	REG-B			AP CASH DISBURSEMENTS JOURNAL				
APP 631-213000					ACCOUNTS PAYABLE			3,304.86	
06/24/2020	06/21/20	REG-B			AP CASH DISBURSEMENTS JOURNAL				
APP 301-213000					ACCOUNTS PAYABLE			2,282.50	
06/24/2020	06/21/20	REG-B			AP CASH DISBURSEMENTS JOURNAL				
APP 407-213000					ACCOUNTS PAYABLE			40,510.19	
06/24/2020	06/21/20	REG-B			AP CASH DISBURSEMENTS JOURNAL				
APP 650-213000					ACCOUNTS PAYABLE			1,240.87	
06/24/2020	06/21/20	REG-B			AP CASH DISBURSEMENTS JOURNAL				
APP 901-213000					ACCOUNTS PAYABLE			6,673.87	
06/24/2020	06/21/20	REG-B			AP CASH DISBURSEMENTS JOURNAL				
APP 171-213000					TBF-A/P			20.00	
06/24/2020	06/21/20	REG-B			AP CASH DISBURSEMENTS JOURNAL				
					GENERAL LEDGER TOTAL			363,491.34	363,491.34
APP 631-130000					DUE TO/FROM CLEARING			360,186.48	
06/24/2020	06/21/20	REG-B			DUE TO/FROM CLEARING				36,763.88
APP 402-130000									
06/24/2020	06/21/20	REG-B			GENERAL - DUE TO/FROM CLEARING				124,698.32
APP 001-130000									
06/24/2020	06/21/20	REG-B			DUE TO/FROM CLEARING				3,612.84
APP 401-130000									
06/24/2020	06/21/20	REG-B			DUE TO/FROM CLEARING				2,914.14
APP 403-130000									
06/24/2020	06/21/20	REG-B			STREETS - DUE TO/FROM CLEARING				141,469.87
APP 101-130000									
06/24/2020	06/21/20	REG-B			DUE TO/FROM CLEARING				2,282.50
APP 301-130000									
06/24/2020	06/21/20	REG-B			DUE TO/FROM CLEARING				40,510.19
APP 407-130000									
06/24/2020	06/21/20	REG-B			DUE TO/FROM CLEARING				1,240.87
APP 650-130000									
06/24/2020	06/21/20	REG-B			DUE TO/FROM CLEARING				6,673.87
APP 901-130000									

JOURNAL ENTRIES TO BE CREATED

YEAR PER JNL SRC ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
	06/24/2020	06/21/20	REG-B							
APP 171-130000						TBF-DUE TO/FROM CLEARING				20.00
	06/24/2020	06/21/20	REG-B							
						SYSTEM GENERATED ENTRIES TOTAL			360,186.48	360,186.48
						JOURNAL 2020/06/197 TOTAL			723,677.82	723,677.82

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2020 6	197	06/24/2020			
001-130000				GENERAL - DUE TO/FROM CLEARING		124,698.32
001-213000				GENERAL - ACCOUNTS PAYABLE	124,698.32	
				FUND TOTAL	124,698.32	124,698.32
101 STREET FUND	2020 6	197	06/24/2020			
101-130000				STREETS - DUE TO/FROM CLEARING		141,469.87
101-213000				STREETS - ACCOUNTS PAYABLE	141,469.87	
				FUND TOTAL	141,469.87	141,469.87
171 TRANSP BEN FUND	2020 6	197	06/24/2020			
171-130000				TBF-DUE TO/FROM CLEARING		20.00
171-213000				TBF-A/P	20.00	
				FUND TOTAL	20.00	20.00
301 CAPITAL CONSTRUCTION FUND	2020 6	197	06/24/2020			
301-130000				DUE TO/FROM CLEARING		2,282.50
301-213000				ACCOUNTS PAYABLE	2,282.50	
				FUND TOTAL	2,282.50	2,282.50
401 WATER OPERATING FUND	2020 6	197	06/24/2020			
401-130000				DUE TO/FROM CLEARING		3,612.84
401-213000				ACCOUNTS PAYABLE	3,612.84	
				FUND TOTAL	3,612.84	3,612.84
402 SEWER OPERATING FUND	2020 6	197	06/24/2020			
402-130000				DUE TO/FROM CLEARING		36,763.88
402-213000				ACCOUNTS PAYABLE	36,763.88	
				FUND TOTAL	36,763.88	36,763.88
403 STORM & SURFACE WATER FUND	2020 6	197	06/24/2020			
403-130000				DUE TO/FROM CLEARING		2,914.14
403-213000				ACCOUNTS PAYABLE	2,914.14	
				FUND TOTAL	2,914.14	2,914.14
407 BUILDING & DEVELOPMENT FUND	2020 6	197	06/24/2020			
407-130000				DUE TO/FROM CLEARING		40,510.19
407-213000				ACCOUNTS PAYABLE	40,510.19	
				FUND TOTAL	40,510.19	40,510.19
631 CLEARING FUND	2020 6	197	06/24/2020			

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
631-130000					DUE TO/FROM CLEARING	360,186.48	
631-213000					ACCOUNTS PAYABLE	3,304.86	
635-111100					CASH		363,491.34
					FUND TOTAL	363,491.34	363,491.34
650 AGENCY FUND	2020	6	197	06/24/2020			
650-130000					DUE TO/FROM CLEARING		1,240.87
650-213000					ACCOUNTS PAYABLE	1,240.87	
					FUND TOTAL	1,240.87	1,240.87
901 CITY-WIDE REPORTING FUND	2020	6	197	06/24/2020			
901-130000					DUE TO/FROM CLEARING		6,673.87
901-213000					ACCOUNTS PAYABLE	6,673.87	
					FUND TOTAL	6,673.87	6,673.87

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		124,698.32
101	STREET FUND		141,469.87
171	TRANSP BEN FUND		20.00
301	CAPITAL CONSTRUCTION FUND		2,282.50
401	WATER OPERATING FUND		3,612.84
402	SEWER OPERATING FUND		36,763.88
403	STORM & SURFACE WATER FUND		2,914.14
407	BUILDING & DEVELOPMENT FUND		40,510.19
631	CLEARING FUND	360,186.48	
650	AGENCY FUND		1,240.87
901	CITY-WIDE REPORTING FUND		6,673.87
	TOTAL	360,186.48	360,186.48

** END OF REPORT - Generated by Carrie L. Freitas **

Retainage Release
CF 6/10/20

CASH ACCOUNT: 628 111100 CASH-RETAINAGE

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
190	06/10/2020	PRTD	9228	AQUA TECH	240902	RETREL-1043	06/05/2020		RT060920	1,578.18
Invoice: RETREL-1043							RETAINGE & INT: PW PUMPHOUSE			
					1,578.18	41628860 586000	RETAINAGE RELEASE			
							CHECK	190 TOTAL:		1,578.18
191	06/10/2020	PRTD	6190	GARY HARPER CONSTRUC	240901	RETREL-921	06/08/2020		RT060920	19,096.71
Invoice: RETREL-921							RETAINAGE: OLD TRTMNT PLNTS PUMP STN			
					19,096.71	41628860 586000	RETAINAGE RELEASE			
							CHECK	191 TOTAL:		19,096.71
						NUMBER OF CHECKS 2		*** CASH ACCOUNT TOTAL ***		20,674.89

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	2	20,674.89

*** GRAND TOTAL *** 20,674.89

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER JNL SRC ACCOUNT EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T	OB	DEBIT	CREDIT
2020 6 89					ACCOUNTS PAYABLE			20,674.89	
APP 622-213000					AP CASH DISBURSEMENTS JOURNAL				
06/10/2020	RT060920	RETREL			CASH-RETAINAGE				20,674.89
APP 628-111100					AP CASH DISBURSEMENTS JOURNAL				
06/10/2020	RT060920	RETREL							
					JOURNAL 2020/06/89	TOTAL		20,674.89	20,674.89

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
622 EXPENDABLE TRUST FUND	2020	6	89	06/10/2020			
622-213000					ACCOUNTS PAYABLE	20,674.89	
628-111100					CASH-RETAINAGE		20,674.89
					FUND TOTAL	20,674.89	20,674.89

** END OF REPORT - Generated by Carrie L. Freitas **

Retainage Release @ 6/10/20

CASH ACCOUNT: 628 111100 CASH-RETAINAGE

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
192	06/10/2020	PRTD	7726	AIR MANAGEMENT SOLUT	240934	RETREL-770	06/10/2020		RT061020	3,594.63
Invoice: RETREL-770						HEAT PUMP REPL RET & INT				
					3,594.63	41628860 586000	RETAINAGE RELEASE			
								CHECK	192 TOTAL:	3,594.63

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 3,594.63

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	1	3,594.63

*** GRAND TOTAL *** 3,594.63

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER JNL SRC ACCOUNT EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T	OB	DEBIT	CREDIT
2020 6 93									
APP 622-213000					ACCOUNTS PAYABLE			3,594.63	
06/10/2020	RT061020	RETREL			AP CASH DISBURSEMENTS JOURNAL				
APP 628-111100					CASH-RETAINAGE				3,594.63
06/10/2020	RT061020	RETREL			AP CASH DISBURSEMENTS JOURNAL				
					JOURNAL 2020/06/93	TOTAL		3,594.63	3,594.63

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
622 EXPENDABLE TRUST FUND	2020	6	93	06/10/2020			
622-213000					ACCOUNTS PAYABLE	3,594.63	
628-111100					CASH-RETAINAGE		3,594.63
					FUND TOTAL	3,594.63	3,594.63

** END OF REPORT - Generated by Carrie L. Freitas **

Retainage Release
CF 6/17/20

CASH ACCOUNT: 628 111100 CASH-RETAINAGE

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
193	06/17/2020	PRTD	8655	PENINSULA TREE SERVI	241196	RETREL-1051	06/15/2020		RT061720	3,548.76
Invoice: RETREL-1051						RETAINAGE & INT: WFP TREE REMOVAL				
					3,548.76	41628860 586000 RETAINAGE RELEASE				
								CHECK	193 TOTAL:	3,548.76
						NUMBER OF CHECKS 1		*** CASH ACCOUNT TOTAL ***		3,548.76

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	1	3,548.76

*** GRAND TOTAL *** 3,548.76

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER JNL SRC ACCOUNT EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T	OB	DEBIT	CREDIT
2020 6 195									
APP 622-213000					ACCOUNTS PAYABLE			3,548.76	
06/17/2020	RT061720	RETREL			AP CASH DISBURSEMENTS JOURNAL				
APP 628-111100					CASH-RETAINAGE				3,548.76
06/17/2020	RT061720	RETREL			AP CASH DISBURSEMENTS JOURNAL				
					JOURNAL 2020/06/195	TOTAL		3,548.76	3,548.76

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
622 EXPENDABLE TRUST FUND	2020	6	195	06/17/2020			
622-213000					ACCOUNTS PAYABLE	3,548.76	
628-111100					CASH-RETAINAGE		3,548.76
					FUND TOTAL	3,548.76	3,548.76

** END OF REPORT - Generated by Carrie L. Freitas **

PAYROLL

PAYROLL CHECK RUN: 6 - 19 - 2020

Run Type	Run Date	Check # Sequence	Comments	Amount
Normal	6/19/2020	48173 -48303	Regular check run (Direct Dep)	332,058.60
Normal	6/19/2020	109383 - 109384	Regular check run (Paper Checks)	3,354.54
Normal	6/19/2020	109385 - 109392	Vendor check run (Paper Checks)	125,462.29
EFTPS	6/19/2020	N/A	Federal Tax Electronic Transfer	125,309.89
Vendor	6/19/2020	N/A	P/R vendor ACH	237.50
			TOTAL:	**586,422.82**

Prepared and Reviewed by: Brenda Landolt Date 6-18-20

Brenda Landolt, Payroll Specialist

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Bainbridge Island, and that I am authorized to authenticate and certify to said claim.

Date June 18, 2020

Kimberly M. Dunscombe, Budget Manager

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:**

AGENDA ITEM: City Council Study Session Minutes, June 2, 2020

SUMMARY: Consider approval of meeting minutes.

AGENDA CATEGORY: Consent Agenda **PROPOSED BY:** Executive

RECOMMENDED MOTION: Approve with the Consent Agenda.

STRATEGIC PRIORITY: Good Governance

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

BACKGROUND:

ATTACHMENTS:

City Council Study Session Minutes June 2, 2020.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL STUDY SESSION
TUESDAY, JUNE 2, 2020

MEETING MINUTES

1) CALL TO ORDER / ROLL CALL

Deputy Mayor Nassar called the meeting to order at 6:00 p.m. on the Zoom webinar platform.

Deputy Mayor Nassar, Mayor Schneider, and Councilmembers Carr, Deets, Hytopoulos, Medina and Pollock participated in the video conference.

2) EXECUTIVE SESSION

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

Deputy Mayor Nassar adjourned the meeting to an executive session at 6:05 p.m. in accordance with RCW 42.30.110((1)(i). The executive session was extended by 10 minutes at 6:20 p.m. Deputy Mayor reconvened the meeting at 6:31 p.m.

3) APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE

Councilmember Deets moved and Councilmember Pollock seconded to add a discussion on racial equity on Bainbridge Island. The motion was approved unanimously, 7-0.

Councilmember Hytopoulos moved and Councilmember Pollock seconded to add a discussion on mandating masks. The motion was approved unanimously, 7-0.

Mayor Schneider moved and Councilmember Deets seconded to add a discussion on extending the call for advisory committee applicants. The motion was approved unanimously, 7-0.

Councilmember Deets moved and Councilmember Pollock seconded the motion to approve the agenda as modified. The motion was approved unanimously, 7-0.

No conflicts of interest were disclosed.

4) MAYOR'S REPORT

Mayor Schneider read a letter to the community from Commissioner Rob Gelder that was signed by elected officials from Kitsap County on human rights and denouncing the death of George Floyd. She invited Police Chief Clark to speak, and he denounced the actions of the officers in Minnesota and commented on the department's work.

5) FUTURE COUNCIL AGENDAS

5.A Future Council Agendas

Cover Page
June 9 City Council Regular Business Meeting.pdf
June 16 City Council Study Session.pdf
June 23 City Council Regular Business Meeting.pdf

Deputy City Manager Schroer provided a review of future Council agendas. Councilmember Medina noted that he is likely to be absent for the last two weeks in July. Councilmember Deets asked to schedule a larger discussion on racial equity.

6) PRESENTATIONS

6.A Racial Equity on Bainbridge Island [ADDED]

Councilmember Deets introduced the agenda item.

James Friday, Chair of the Race Equity Task Force, read a statement about race equity on Bainbridge and the work of the task force.

Council discussed restarting the Race Equity Task Force, and staff will reach out to the task force to discuss scheduling a meeting in the near future.

Deputy Mayor Nassar read the draft of her resolution on racial equity, and Council discussed it.

MOTION: Councilmember Deets moved and Councilmember Pollock seconded to amend the resolution by removing "epidemic of police" and insert "in particular" before "the actions of the police officers" in the first whereas clause.
Deets/Pollock: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

MOTION: I move to approve the resolution just read by Deputy Mayor Nassar.
Pollock/Medina: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

Council discussed scheduling the next discussion on equity.

6.B Update on COVID-19 Response Activities

Cover Page

Emergency Management Coordinator LeSage and Deputy City Manager Schroer provided a presentation on COVID-19 response activities and addressed Council's questions.

6.C Council Discussion Regarding Mandating Masks [ADDED]

Councilmember Hytopoulos introduced the agenda item, and Council discussed the proposal.

MOTION: I move to direct the City Attorney to draft an ordinance and a resolution for Council consideration on June 9, 2020.
Pollock/Medina: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

7) UNFINISHED BUSINESS

7.A Update on the Development Moratorium - Planning

Cover Page
Abbreviated moratorium work program status report .pdf
Ordinance No. 2020-09 Extending the Development Moratorium Approved 032420.pdf
Development Moratorium Summary

Planning Director Wright provided an update on the Development Moratorium.

7.B Police and Court Project Update and Sustainability Discussion - Public Works

Cover Page
Project Page with Budget Remaining
Council Presentation

Project Manager Loveless and consultant Elizabeth Powers of O'Brien360 provided a presentation on sustainability and addressed Council's questions.

MOTION: I move to direct and authorize the City Manager to proceed with completing design and advertisement for construction bids without pursuing LEED certification for the project.
Nassar/Pollock: The motion carried unanimously, 7 – 0.

Council referred to the Climate Change Advisory Committee (CCAC) consideration of the Council making a commitment to seek a local offset of the amount of carbon that would have potentially been eliminated over time if the Council expended the resources to pursue LEED certification for that facility. Council discussed a difference of approximately 64 metric tons between the facility as designed currently versus a facility that would achieve LEED certification.

7.C Sustainable Transportation Plan Next Steps Discussion - Public Works
Cover Page
BAINBRIDGE STP June Council Update 20200520.pdf
Memo_Sustainable Transp Plan status update.pdf

Engineering Project Manager Epstein and Jennifer Wieland of Nelson/Nygaard provided a presentation and addressed Council's questions. Council discussed next steps.

Council discussed tabling the discussion, leaving the scope of work unchanged.

MOTION: I move to table the discussion.
Pollock/Hytopoulos: The motion carried, 5 – 2.

AYES: Carr, Hytopoulos, Medina, Pollock, Schneider
NOES: Deets, Nassar
ABSENT: None
ABSTAIN: None

8) COUNCIL DISCUSSION

Councilmember Pollock moved and Councilmember Medina seconded to adjourn the meeting. Following discussion, the motion was withdrawn.

8.A Affirm Council Priorities from March 6, 2020 Retreat - Mayor Schneider
Cover Page
2020_City_Council_Priorities_March Revision.pdf
2021-2022_Council_Budget_Priorities - DRAFT.pdf

This item was postponed to the next Study Session.

8.B Formalize Process for Councilmembers to Add Items to Agendas - Mayor Schneider
Cover Page
Policy for Council-directed agenda items.docx

This item was postponed to the next Study Session.

8.C. Extending the Deadline for City Advisory Committee Applications [Added]

Council's consensus was to extend the deadline for applications to City advisory committees and to move forward with appointments to the Planning Commission and Design Review Board.

9) FOR THE GOOD OF THE ORDER

10) ADJOURNMENT

Deputy Mayor Nassar adjourned the meeting at 10:27 p.m.

Leslie Schneider, Mayor

Christine Brown, CMC, City Clerk

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:**

AGENDA ITEM: City Council Regular Business Meeting Minutes, June 9, 2020

SUMMARY: Consider approval of meeting minutes.

AGENDA CATEGORY: Consent Agenda **PROPOSED BY:** Executive

RECOMMENDED MOTION: Approve with the Consent Agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

City Council Regular Business Meeting Minutes June 9, 2020.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, JUNE 9, 2020

MEETING MINUTES

1) CALL TO ORDER/ROLL CALL

Mayor Schneider called the remote meeting to order at 6:01 p.m. on the Zoom webinar.

Mayor Schneider, Deputy Mayor Nassar, and Councilmembers Carr, Deets, Hytopoulos, Medina and Pollock participated in the remote meeting.

2) APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

Councilmember Deets moved and Councilmember Pollock seconded to add a discussion on Councilmember Deet's mask initiatives. Council agreed to add this item to 8.B. Deputy Mayor Nassar moved and Councilmember Pollock seconded to approve the agenda as presented. The motion was approved by unanimously, 7-0. No conflicts of interests were disclosed.

3) PUBLIC COMMENT

3.A Instructions for Providing Public Comment in Remote Meetings - City Clerk
Cover Page
Instructions for Providing Public Comment at Remote Meetings.docx

Sal DeRosalia spoke regarding race equity.

Bob Scales spoke in favor of the mask ordinance.

4) MAYOR'S REPORT

Mayor Schneider spoke about the accreditation of the City's Police Department and the City's use of force policy. She noted that Police Chief Clark is currently reviewing the policy and will provide a briefing to Council and the community in July.

5) CITY MANAGER'S REPORT

Deputy City Manager Schroer reported that there will be a Race Equity Task Force remote meeting on June 18, 2020, the extended deadline for advisory group applications is July 31, 2020, and there will be a car parade tomorrow in Winslow for the Class of 2020.

6) FUTURE COUNCIL AGENDAS

6.A Future Council Agendas

Cover Page
June 16 City Council Study Session.pdf
June 22 Special Joint City Council Meeting.pdf
June 23 City Council Regular Business Meeting.pdf

Deputy City Manager Schroer reviewed future Council agendas. Council discussed the agenda for the joint meeting with the Planning Commission on June 22, 2020. Councilmember Deets requested the addition of a discussion on the Grow Avenue Safe Streets pilot project.

7) PUBLIC HEARING(S)

7.A Ordinance No. 2020-13 Relating to 6-Month Extension of Landmark Tree Ordinance - Planning

Cover Page
20200225_Tree_Memo_Council
Ordinance No. 2020-13 Extending Landmark Tree Regulations Winslow Area - Public Hearing Draft
Exhibit A (Revised) - Work Plan to Ordinance No. 2020-13 Extending Landmark Tree Regulations - For Public Hearing Draft.docx
Exhibit_B_Winslow Master Plan Study Area
Ord 2019-39

Planning Director Wright introduced the agenda item.

Mayor Schneider opened the public hearing at 6:42 p.m. There was no public comment. Mayor Schneider closed the public hearing at 6:43 p.m.

MOTION: I move to approve Ordinance No. 2020-13 to extend for six months the interim control related to the protection of landmark trees.
Deets/Medina: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

8) UNFINISHED BUSINESS

8.A Next Steps for City Manager Transition - Mayor Schneider

Cover Page

Mayor Schneider introduced the agenda item. Council discussed a timeline and next steps. Council directed City Manager Smith to contact Strategic Government Resources (SGR) to discuss next steps to initiate a search and to schedule a briefing from SGR for Council.

8.B Discuss Options for Encouraging or Requiring Face Coverings on Bainbridge Island

Cover Page
Resolution No. 2020-XX - Directive Related to Face Coverings.docx
Ordinance No. 2020-XX, COVID-19 Face Covering Requirement.docx

Mayor Schneider introduced the agenda item. City Attorney Levan provided information on the resolution and ordinance.

Public Comment

Anne Marie Kimball spoke in favor of masks.

Loren Bast, Executive Director of Bainbridge Prepares, spoke in favor of masks.

Pascal Schuback spoke in favor of the resolution and educating the public.

MOTION: I move to focus the discussion on the draft ordinance.
Medina/Hytopoulos: The motion carried, 6 – 1.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Schneider
NOES: Pollock
ABSENT: None
ABSTAIN: None

Council discussed the ordinance, including enforcement issues.

MOTION: I move to adopt Resolution No. 2020-XX related to the City Council's strong recommendation that individuals on Bainbridge Island wear face coverings in certain circumstances to address the COVID-19 public health emergency.
Deets/Pollock: The motion carried, 4 – 3, after Councilmember Pollock called the question with a second by Councilmember Deets and that motion carried 5-2.

AYES: Deets, Hytopoulos, Pollock, Schneider
NOES: Medina, Hytopolous, Carr
ABSENT: None
ABSTAIN: None

MOTION: Councilmember Pollock moved to form a Council ad hoc committee with Councilmember Hytopoulos to develop an ordinance requiring masks.
Pollock/Nassar: The motion carried unanimously, 7 – 0.

Councilmember Carr will be on the Council ad hoc committee with Councilmembers Pollock and Hytopoulos.

9) NEW BUSINESS

9.A Staffing Request for COVID-19 Response - Executive

Cover Page
Exec_Staffing_Request_for_Temporary_position_for CC 06092020

City Manager Smith introduced the agenda item and responded to Council's questions.

MOTION: I move to forward for approval with the Consent Agenda for the June 23, 2020, Council meeting creation of a term-limited position to support COVID-19 response with a corresponding increase to the approved budget.
Medina/Deets: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

9.B Core 40 Eagle Harbor Phase II Non-Motorized Improvements Project Grant Award and Budget Amendment - Public Works

Cover Page
Eagle Harbor Phase II Slide Presentation.pptx
Resolution No. 2020-07, Accepting FHWA Grant Funding for Core 40 Eagle Harbor Phase II
2020 Contingency Supplemental Funding.xlsx

Public Works Director Wierzbicki provided a presentation on the project and responded to Council's questions.

Deputy Mayor Nassar moved and Councilmember Pollock seconded to forward for approval with the June 23, 2020 Consent Agenda: approval of Resolution No. 2020-07; authorization for a budget amendment of $800,000 from both the streets and SSWM funds, thereby increasing the spending authority for this project; and an amendment to the Capital Improvement Plan to move the project from 2022 to 2020.

Council discussed the project and requested additional research to determine if a separated pathway is feasible.

AMENDED MOTION: I move to forward for additional discussion on the June 23 2020 Council meeting, the Eagle Harbor Core 40 Phase II Improvements project.
Nassar/Pollock: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

9.C Ordinance No. 2020-14 Relating to 2020 1st Quarter Budget and Updated Capital Improvement Plan Amendments - Finance

Cover Page
2020 1st QTR BUA Transmittal Memo_Final.docx
ORD 2020-14 2020 1st QTR Budget Amendments.docx
Ord 2020-14 Attachment A - Q1 Budget Amendments.pdf

Finance Director Pitts introduced the agenda item.

AMENDED MOTION: I move to forward Ordinance No. 2020-14, amending the City's 2020 modified budget and the 2019-2024 update to the Capital Improvement Plan to Unfinished Business on June 23, 2020.
Nassar/Pollock: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

9.D Annual Road Striping Contract - Public Works

Cover Page
2020 Road Striping Contract
Road Marking List_Attachment D.xlsx
Bid Form.doc

Public Works Director Wierzbicki introduced the agenda item and responded to Council's questions.

MOTION: I move to forward the 2020 Annual Road Striping Contract with Stripe Rite Inc., in the amount of $162,706.94, for approval with the June 23, 2020 Consent Agenda.
Medina/Deets: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

9.E Amendment No. 1 to Water & Sewer Telemetry Upgrade Professional Services Agreement - Public Works

Cover Page
Amendment No. 1 to Water & Sewer Telemetry Upgrade Professional Services Agreement
Water & Sewer Telemetry Upgrade Professional Services Agreement (Executed July 26, 2019)

Public Works Director Wierzbicki introduced the agenda item.

MOTION: I move to forward Amendment No. 1 to the Water & Sewer Telemetry Upgrade Professional Services Agreement with S&B Inc., in the amount of $58,106.84, for approval with the June 23, 2020 Consent Agenda.
Deets/Medina: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

9.F Public Works 2020 Fleet Purchases - Public Works

Cover Page
Utility Van & Bucket Truck Quotes.pdf

Public Works Director Wierzbicki introduced the agenda item and explained that staff are pulling the utility van from the purchase.

MOTION: I move to approve the purchase of one Bucket Truck from Altec Industries, Inc in the amount of $239,991.10.
Medina/Deets: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

9.G City Hall Repairs Project Contract Award - Public Works

Cover Page
City Hall Repairs Contract.docx

Public Works Director Wierzbicki introduced the agenda item.

MOTION: I move to forward consideration of the City Hall Repairs Project contract award to the June 23, 2020 Unfinished Business Agenda.
Medina/Deets: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

9.H 2020 Asphalt Repair Project - Public Works

Cover Page
2020 Asphalt Repair Project Bid Form
2020 Asphalt Repair Project Contract
2020 Asphalt Repair Map (1).pdf

Public Works Director Wierzbicki introduced the agenda item.

MOTION: I move to forward, for approval with the June 23, 2020 Consent Agenda, the award to the Granite Construction Company of the contract for the 2020 Asphalt Repair Project in the amount of $444,305.00.
Deets/Medina: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

9.I 2020 Kitsap Regional Coordinating Council (KRCC) ILA Amendment - Executive

Cover Page
KRCC ILA - 2020 Proposed Amendment - Clean
KRCC ILA 2020 Amendment - Redline

Deputy City Attorney Sepler introduced the agenda item.

MOTION: I move to forward the 2020 KRCC ILA Amendment for approval with the June 23, 2020 Consent Agenda.
Hytopoulos/Deets: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None
ABSENT: None
ABSTAIN: None

10) COUNCIL DISCUSSION

10.A Creation of Council Ad Hoc Committee to Develop a COVID-19 Economic Recovery Plan and Initial Discussion of Plan

Cover Page
Economic Recovery Plan Ad Hoc Committee.pdf

Councilmember Deets introduced the agenda item.

MOTION: I move to approve the creation of a Council ad hoc committee to develop a COVID-19 economic recovery plan.
Carr/Nassar: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

10.B Next Steps Regarding the City's Code of Conduct and Ethics Program

Cover Page
KH Proposed Revisions to Resolution No. 2019-26 Updating the City's Ethics Program Approved 112619.pdf

Councilmember Hytopoulos introduced the agenda item. Council discussed the program and forwarded the agenda item to a future meeting for further discussion.

11) CONSENT AGENDA

11.A Agenda Bill for Consent Agenda

Cover Page

11.B Accounts Payable and Payroll

Cover Page
Payroll.pdf
AP Report to Council of Cash Disbursements 06-10-20.pdf

Payroll: normal direct deposit check sequence 48045 – 48172 = $306,750.45; regular payroll check number 109371 – 109372 = $2,891.23; vendor check run sequence 109373 – 109382 = $210,146.08; Federal Tax Electronic Funds Transfer = $114,013.68; ACH = $237.50. Total disbursement = $734,038.94.

Accounts Payable: check number 353725 from previous run = $291.39; manual check number sequence 3536726 – 353353729 = $31,995.43; ACH #'s 389, 391, 392, 393 = $534,395.90; EFT 390 = $18,799.32; regular check number sequence 353730 – 353807 = $192,776.42. Total disbursement = $777,967.07.

11.C Special City Council Meeting Minutes, May 19, 2020

Cover Page

Special City Council Meeting Minutes May 19, 2020.pdf

11.D Special City Council Meeting Minutes, May 26, 2020
Cover Page
Special City Council Meeting Minutes May 26, 2020.pdf

11.E Resolution No. 2020-05 relating to Climate Emergency - Deputy Mayor Nassar
Cover Page
Climate Change Emergency Resolution Marked.pdf
Climate Emergency Resolution CCAC Recommendations 2-25-20.docx

Deputy Mayor Nassar moved and Councilmember Deets seconded to approve the Consent Agenda as presented. The motion was approved unanimously, 7-0.

12) COMMITTEE REPORTS

There were no committee reports.

13) FOR THE GOOD OF THE ORDER

Councilmember Deets mentioned that he will be absent for the July 7, 2020 Study Session.

Councilmember Carr noted that she submitted a comment as an individual to the Department of Ecology on the net pen aquaculture facility and hopes the Council will discuss the facility at a future meeting.

14) ADJOURNMENT

Mayor Schneider adjourned the meeting at 10:15 p.m.

_____
Leslie Schneider, Mayor

_____
Christine Brown, CMC, City Clerk

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: Annual Road Striping Contract - Public Works,

SUMMARY:
The 2020 Annual Road Striping project includes road striping on approximately eighty (80) miles of roadway totaling 1,013,648 linear feet of paint stripe and other miscellaneous traffic marker improvements.

AGENDA CATEGORY: Contract **PROPOSED BY:** Public Works

RECOMMENDED MOTION:
Approve with Consent Agenda.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	$162,706.94
Ongoing Cost:	
One-Time Cost:	$162,706.94
Included in Current Budget?	Yes

BACKGROUND: This work includes road striping on approximately eighty (80) miles of roadway totaling 1,013,648 linear feet of paint stripe and other miscellaneous traffic marker improvements. See attached striping list.

Bids were solicited through the MRSC Small Works Roster process and and three bids were received. See attached bid form.

City staff reviewed the bid results and the contractor's qualifications and recommends that City Council award the 2020 Road Striping project to the apparent low bidder, Stripe Rite Inc. in the amount of $162,706.94.

ATTACHMENTS:

2020 Road Striping Contract

Road Marking List_Attachment D.xlsx

Bid Form.doc

FISCAL DETAILS: 2020 Repair & Maintenance Budget - Street Fund

Current Budget = $230,000.00

Expenditure = $162,706.94

Remaining = $67,293.06

Fund Name(s): Streets Fund

Coding:

CITY OF BAINBRIDGE ISLAND
SMALL WORKS ROSTER CONTRACT

THIS SMALL WORKS ROSTER CONTRACT ("Contract") is entered into between the City of Bainbridge Island, a Washington State municipal corporation ("City"), and Stripe Rite Inc., a Washington State corporation, ("Contractor"). In consideration of the terms and conditions set forth in this Contract, the City and the Contractor (the "Parties") agree as follows:

1. Contractor Services. The Contractor shall furnish at its own cost and expense all labor, tools, materials, and equipment required to construct and complete in a good workmanlike manner, and to the satisfaction of the City, the public works project known as the **2020 Road Striping Project** ("Project"). The Project is detailed in the following documents, which are attached hereto and incorporated herein by reference:

- Scope of Work (Attachment A)
- Insurance Requirements (Attachment B)
- Amendments to the Standard Specifications and Special Provisions (Attachment C)
- 2020 Road List (Attachment D)
- Declaration of Retainage
- Payment and Performance Bonds
- Schedule of Prevailing Wages (see https://fortress.wa.gov/lni/wagelookup/prvWagelookup.aspx)
- Guarantee Form
- Certification of Compliance with Wage Payment Statutes

2. Notice to Proceed, Time of Completion. The Contractor shall commence work within seven (7) days after the City issues a written Notice to Proceed and shall complete the work within twenty-one (21) calendar days from the City's issuance of the Notice to Proceed. The time of beginning, rate of progress, and time of completion are essential conditions of this Contract.

3. Payment.

3.1 Payment amount and procedures. The City shall pay the Contractor for all work and services covered by this Contract in an amount that shall not exceed One Hundred Sixty-Two Thousand, Seven Hundred Six Dollars and 94/100 ($162,706.94), which amount includes all applicable sales tax. The payment amount shall exclude approved change orders, in accordance with the quantity and unit prices shown on the attached bid proposal. The Contractor shall submit, in a format acceptable to the City, monthly invoices for work and services performed in a previous calendar month. The City shall pay for the portion of the work described in the invoice that has been completed by the Contractor and approved by the City. The City's payment shall not constitute a waiver of the City's right to final inspection and acceptance of the work.

3.2 Defective or Unauthorized Work. If, during the course of the Contract, the work rendered does not meet the requirements set forth in the Contract, the Contractor shall correct or modify the required work to comply with the requirements of the Contract. The City shall have the right to withhold payment for such work until it meets the requirements of the Contract. If the Contractor is unable, for any reason, to satisfactorily complete any portion of the work, the City may complete the work by contract or otherwise, and the Contractor shall be liable to the City for any additional costs incurred by the City. "Additional costs" means all reasonable costs incurred by the City, including legal costs and attorneys' fees, beyond the maximum contract price under this Contract. The City further reserves the right to deduct the cost to complete the work, including any additional costs, from any amounts due or to become due to the Contractor.

3.3 Final Payment; Waiver of Claim. Thirty (30) days after completion and final acceptance of the Project by the City as complying with the terms of this Contract, the City shall pay to the Contractor all sums due as provided by this Contract, except those required to be withheld by law or agreed to in special contract provisions. THE CONTRACTOR'S ACCEPTANCE OF FINAL PAYMENT (EXCLUDING WITHHELD RETAINAGE) SHALL CONSTITUTE A WAIVER OF CLAIMS, EXCEPT THOSE PREVIOUSLY AND PROPERLY MADE AND IDENTIFIED BY THE CONTRACTOR AS UNSETTLED AT THE TIME REQUEST FOR FINAL PAYMENT IS MADE.

3.4 Retainage. The City shall hold back a retainage in the amount of five percent (5%) of any and all payments made to the Contractor for a period of sixty (60) days after the date of final acceptance, or until receipt of all necessary releases from the State Department of Revenue and the State Department of Labor and Industries, and until settlement of any liens filed under chapter 60.28 RCW, whichever is later.

4. Prevailing Wage. The Contractor shall comply with and pay prevailing wages as required by chapter 39.12 RCW, as well as paying prevailing wages related to public works and building service maintenance contracts funded in part or in whole with federal funds. Federal wage laws and regulations shall be applicable. No worker, laborer, or mechanic employed in the performance of any part of this Contract shall be paid less than the prevailing rate of wage as determined by the Industrial Statistician of the Department of Labor and Industries for the State of Washington.

Prior to making any payment under this Contract, the Contractor shall submit to the City an approved copy of the "Statement of Intent to Pay Prevailing Wages" from the Department of Labor and Industries. It is the Contractor's responsibility to obtain and file the Statement. The Contractor shall be responsible for all filing fees. Notice from the Contractor and all subcontractors of intent to pay prevailing wages and prevailing wage rates for the Project must be posted for the benefit of the workers. Each invoice shall include a signed statement that prevailing wages have been paid by the Contractor and all subcontractors.

In case any dispute arises regarding the prevailing rates of wages for work of a similar nature, and such dispute cannot be resolved by the parties of interest, including labor and management representatives, the matter shall be referred for arbitration to the Director of the Department of Labor and Industries of the State of Washington, and his/her decision therein shall be final and conclusive and binding on all parties involved in the dispute as provided for by RCW 39.12.060, as it may be amended in the future.

5. Indemnification and Hold Harmless.

5.1 Defense, Indemnification, and Hold Harmless. The Contractor shall defend, indemnify, and hold harmless the City, its officers, officials, employees, and volunteers from any and all claims, injuries, damages, losses, or suits, including attorney fees, arising out of or in connection with the performance of this Contract, except for injuries and damages caused by the sole negligence of the City.

5.2 Liability for Damages Caused by Concurrent Negligence. Should a court of competent jurisdiction determine that this Contract is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the City, its officers, officials, employees, and volunteers, the Contractor's liability hereunder shall be only to the extent of the Contractor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Contract.

5.3 Inspection and Acceptance. The City's inspection or acceptance of any of the Contractor's work when completed shall not be grounds to void, nullify, and/or invalidate any of these covenants of indemnification.

5.4 No Third Party Right of Indemnification. Nothing contained in this Contract shall be construed to create a liability or a right of indemnification in any third party.

6. Nondiscrimination and Compliance with Laws.

6.1 Nondiscrimination. The Contractor agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this Contract because of race, creed, color, national origin, marital status, sex, sexual orientation, age, disability, or other circumstance prohibited by federal, state, or local law or ordinance, except for a bona fide occupational qualification.

6.2 Compliance with Laws. The Contractor shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this Contract.

6.3 Violation of this Section. Violation of this Section 6 shall be a material breach of this Contract and grounds for cancellation, termination, or suspension by the City, in whole or in part, and may result in ineligibility for further work for the City.

7. Job Safety.

7.1 Work Site Safety. The Contractor shall take all necessary precaution for the safety of employees on the work site and shall comply with all applicable provisions of federal, state, and local regulations, ordinances, and codes. The Contractor shall erect and properly maintain, at all times, as required by the conditions and progress of the work, all necessary safeguards for the protection of workers and the public and shall post danger signs warning against known and unusual hazards.

7.2 Trench Safety. All trenches shall be provided with adequate safety systems as required by chapter 49.17 RCW and WAC 296-155-650 and -655. The Contractor is responsible for providing the competent person and registered professional engineer required by WAC 296-155-650 and -655.

8. Utility Location. The Contractor is solely responsible for locating any underground utilities affected by the work and is deemed to be an "excavator" for the purposes of chapter 19.122 RCW. The Contractor shall be responsible for compliance with chapter 19.122 RCW including utilization of the "one call" locator system, before commencing any excavation activities.

9. Warranty and Guarantee. The Contractor shall warrant and guarantee the materials and work to be free of defects for a period of two (2) years after the City's final acceptance of the entire Project. The Contractor shall be liable for any costs, losses, expenses, or damages, including consequential damages, suffered by the City resulting from defects in the Contractor's work including, but not limited to, the cost of materials and labor expended by the City in making emergency repairs and the cost of engineering, inspection, and supervision by the City. The Contractor shall hold the City harmless from any and all claims, which may be made against the City as a result of any defective work, and the Contractor shall defend any claims at its own expense. Where materials or procedures are not specified in the Contract, the City will rely on the professional judgment of the Contractor to make the appropriate selections.

10. Correction of Defects. The Contractor shall be responsible for correcting all defects in workmanship and/or materials discovered after the acceptance of this work. When corrections of defects are made, the Contractor shall be responsible for correcting all defects in workmanship and/or materials in the corrected work for one year after the acceptance of the corrections of the City. The Contractor shall start work to remedy such defects within seven (7) days of the City's mailed notice of discovery, and shall complete such work within a reasonable time agreed to by both parties. In emergencies where damage may result from delay or where loss of service may result, such corrections may be made by the City, in which case the Contractor shall pay all costs incurred by the City to perform the correction. In the event the Contractor does not accomplish corrections within the time specified, the correction work will be otherwise accomplished by the City and all costs of same shall be paid by the Contractor.

11. Change Order/Contract Modification.

11.1 Amendments. This Contract, together with attachments and/or other addenda, represents the entire and integrated Contract between the parties hereto and supersedes all prior negotiations, representations, or agreements, either written or oral. This Contract may be amended, modified, or added to only by written change order properly signed by both parties.

11.2 Change Orders. The City may issue a written change order for any change in the work during the performance of this Contract. If the Contractor determines, for any reason, that a change order is necessary, the Contractor must submit a written change order request to the City within fourteen (14) calendar days of the date the Contractor knew or should have known of the facts and events giving rise to the requested change. If the City determines that the change increases or decreases the Contractor's costs or time for performance, the City will make an equitable adjustment. The City will attempt, in good faith, to reach agreement with the Contractor on all equitable adjustments. If the parties are unable to agree, the City will determine the equitable adjustment as it deems appropriate. The Contractor shall proceed with the change order work upon receiving the written change order. If the Contractor fails to require a change order within the time frame allowed, the Contractor waives its right to make any claim or submit subsequent change order requests for that portion of the work. If the Contractor disagrees with the equitable adjustment, the Contractor must complete the change order work; however, the Contractor may elect to protest the adjustment as provided below.

11.3 Procedure and Protest by Contractor. If the Contractor disagrees with anything required by a change order, another written order, or an oral order from the City, including any direction, instruction, interpretation, or determination by the City, the Contractor shall, within fourteen (14) calendar days, provide a signed written notice of protest to the City that states the date of the notice of the protest, the nature and circumstances that caused the protest, the provisions of the Contract that support the protest, the estimated dollar cost, if any, of the protested work and how the estimate was determined, and an analysis of the progress schedule showing the schedule change or disruption, if applicable. The Contractor shall keep complete records of extra costs and time incurred as a result of the protested work. The City shall have access to any of the Contractor's records needed to evaluate the protest. If the City determines that a protest is valid, the City will adjust the payment for work or time by an equitable adjustment.

11.4 Failure to Protest or Follow Procedures Constitutes Waiver. By not protesting or failing to follow procedures as this section provides, the Contractor waives any additional entitlement or claims for protested work and accepts from the City any written or oral order (including directions, instructions, interpretations, and determinations).

11.5 Contractor's Duty to Complete Protested Work. Regardless of any protest, the Contractor shall proceed to promptly complete work that the City has ordered.

11.6 Contractor's Acceptance of Changes. The Contractor accepts all requirements of a change order by: (1) endorsing the change order; (2) writing a separate acceptance; or (3) not protesting in the manner this section provides. A change order that is accepted by the Contractor as provided herein shall constitute full payment and final settlement of all claims for contract time and for direct, indirect, and consequential costs, including costs of delays related to any work, either covered or affected by the change.

12. Claims. The Contractor shall give written notice to the City of all claims, other than change orders, within thirty (30) days of the occurrence of events giving rise to the claim, but in no event later than the time of approval by the City for final payment. Any claim for damages, additional payment for any reason, or extension of time shall be conclusively deemed to have been waived by Contractor, unless a timely written claim is made in strict accordance with the

applicable provisions of this Contract. At a minimum, a Contractor's written claim must include the information required in Section 11.3 regarding protests.

FAILURE TO PROVIDE A COMPLETE AND WRITTEN NOTIFICATION OF CLAIM IN THE TIME ALLOWED SHALL BE AN ABSOLUTE WAIVER OF ANY CLAIMS ARISING IN ANY WAY FROM THE FACTS OR EVENTS SURROUNDING THAT CLAIM.

The Contractor must, in any event, file any claim or bring any suit arising from or connected to this Contract within 120 calendar days from the date the work is completed. The Contractor, upon making application for the final payment, shall be deemed to have waived its right to claim for any other damages for which application has not been made, unless such claim for final payment includes notice of additional claim and fully describes such claim.

13. Contractor's Risk of Loss. It is understood that the whole of the work under this Contract is to be done at the Contractor's risk, and that it/he/she has familiarized itself/himself/herself with all existing conditions and other contingencies likely to affect the work, and has made its/his/her bid accordingly, and that Contractor shall assume the responsibility and risk of all loss or damage to materials or work which may arise from any cause whatsoever prior to completion.

14. Insurance. The Contractor shall maintain insurance as follows:

[X] Commercial General Liability as described in Attachment B.
[X] Automobile Liability as described in Attachment B.
[X] Workers' Compensation as described in Attachment B.
[] Builders Risk as described in Attachment B.
[X] Contractors Pollution Liability as described in Attachment B.

15. Payment and Performance Bonds. The Contractor shall provide Payment and Performance bonds to the City in the amount of 100% of the Contract price and no less. The bonds must be accepted by the City prior to the execution of the Contract and shall be in a form approved by the City. The bonds shall be released thirty (30) days after the date of final acceptance of the work performed under this Contract and receipt of all necessary releases from the Department of Revenue and the Department of Labor and Industries in settlement of any liens filed under chapter 60.28 RCW, whichever is later.

16. Termination. This Contract shall terminate upon satisfactory completion of the work described in the Scope of Work (Attachment A) and final payment by the City. The City may terminate the Contract and take possession of the premises and all materials thereon and finish the work by whatever methods it may deem expedient by giving ten (10) days' written notice to the Contractor.

In the event that this Contract is terminated by the City, the Contractor shall not be entitled to receive any further amounts due under this Contract until the work specified in the Scope of Work (Attachment A) is satisfactorily completed, as scheduled, up to the date of termination. At such time, if the unpaid balance of the amount to be paid under the Contract exceeds the expense incurred by the City in finishing the work, and all damages sustained by the City or which may be sustained by the City or which may be sustained by reason of such refusal, neglect, failure, or discontinuance of employment, such excess shall be paid by the City to the

Contractor. If the City's expense and damages exceed the unpaid balance, the Contractor and its surety shall be jointly and severally liable therefore to the City and shall pay such difference to the City. Such expense and damages shall include all legal costs incurred by the City to protect the rights and interests of the City under the Contract, provided such legal costs shall be reasonable.

17. **Attorney's Fees and Costs**. If any legal proceeding is brought related to the enforcement of this Contract, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Contract, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

18. **General Administration**. The Project Manager of the City shall have primary responsibility for the City under this Contract to oversee and approve all work performed as well as all financial invoices.

19. **Ownership of Documents**. On payment to the Contractor by the City of all compensation due under this Contract, all finished or unfinished documents and material prepared by the Contractor with funds paid by the City under this Contract shall become the property of the City and shall be forwarded to the City upon its request. Any records, reports, information, data, or other documents or materials given to or prepared or assembled by the Contractor under this Contract shall be kept confidential and shall not be made available to any individual or organization by the Contractor without prior written approval of the City or by court order.

20. **Subletting or Assigning of Contracts**. Neither the City nor the Contractor shall assign, transfer, or encumber any rights, duties, or interests accruing from this Contract without the prior written consent of the other. If subcontract work is needed, prior to approval by the City, the Contractor must verify that its first-tier subcontractors meet the bidder responsibility criteria as provided in RCW 39.04.350.

21. **Relationship of Parties**. The parties intend that an independent contractor relationship will be created by this Contract. As the Contractor is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative, or subcontractor of the Contractor shall be or shall be deemed to be the employee, agent, representative, or subcontractor of the City. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance, and unemployment insurance, are available from the City to the Contractor or its employees, agents, representatives, or subcontractors. The Contractor shall be solely and entirely responsible for its acts and for the acts of Contractor's agents, employees, representatives, and subcontractors during the performance of this Contract. The City may, during the term of this Contract, engage other independent contractors to perform the same or similar work that the Contractor performs hereunder.

22. **Nonwaiver of Breach**. The failure of the City to insist upon strict performance of any of the terms and rights contained in this Contract, or to exercise any option contained in this Contract in one or more instances, shall not be construed to be a waiver or relinquishment of those terms and rights and such terms and rights shall remain in full force and effect.

23. **Written Notice.** All communications regarding this Contract shall be sent to the Parties at the addresses listed below in the Contact information, unless otherwise notified. Any written notice shall become effective on delivery, but in any event on the date three (3) calendar days after the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Contract.

24. **Term.** This Contract shall be effective from the date of Contract execution through expiration of the warranty period as described in Section 9.

IN WITNESS WHEREOF, the Parties have executed this Contract as of the later of the signature dates included below.

STRIPE RITE, INC.	CITY OF BAINBRIDGE ISLAND
Date:_____	Date:_____
By:_____	By:_____
Name_____	Morgan Smith, City Manager
Title_____	
Tax I.D. #_____	
City Bus. Lic. #_____	

CITY CONTACT:

Joel Goodwin
City of Bainbridge Island
280 Madison Ave N
Bainbridge Island, WA 98110
Phone: 206.780.3583
Fax: 206.780.5104

CONTRACTOR CONTACT:

Print Name:_____
Address:_____
_____
_____
Phone:_____
Fax: _____
Contractor License #: _____
(If this is a new contractor or if the Contractor has never conducted work with the City, a W-9 form must be attached to this Contract.)

ATTACHMENT A
PROJECT – SCOPE OF WORK
2020 ROAD STRIPING

The work on this project shall be accomplished in accordance with the *Standard Specifications for Road, Bridge and Municipal Construction*, 2020 edition, as issued by the Washington State Department of Transportation (WSDOT) and the American Public Works Association (APWA), Washington State Chapter (hereafter "Standard Specifications"). The Standard Specifications, as modified or supplemented by the Amendments to the Standard Specifications and the Special Provisions outlined in Attachment C, all of which are made a part of the Contract Documents, shall govern all of the work. The terms of the Contract shall govern in the event of a conflict with the terms of the Standard Specifications, as amended, or with the terms of the Special Provisions.

The Contractor shall complete the road striping, road markings and other related work listed in the "2020 Road List" Attachment D.

ATTACHMENT B
INSURANCE REQUIREMENTS

A. Insurance Term

The Contractor shall procure and maintain insurance, as required in this Section, without interruption from commencement of the Contractor's work through the term of the Contract and for thirty (30) days after the physical completion date, unless otherwise indicated herein.

B. No Limitation

The Contractor's maintenance of insurance, its scope of coverage, and limits as required herein shall not be construed to limit the liability of the Contractor to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance

The Contractor's required insurance shall be of the types and coverage as stated below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be at least as broad as Insurance Services Office (ISO) form CA 00 01.

2. Commercial General Liability insurance shall be as least at broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, personal injury and advertising injury, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide a per project general aggregate limit using ISO form CG 25 03 05 09 or an equivalent endorsement. There shall be no exclusion for liability arising from explosion, collapse, or underground property damage. The City shall be named as an additional insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City using ISO Additional Insured endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing at least as broad coverage.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Contractors Pollution Liability insurance covering losses caused by pollution conditions that arise from the operations of the Contractor. Contractors Pollution Liability insurance shall be written in an amount of at least $1,000,000 per loss, with an annual aggregate of at least $1,000,000. Contractors Pollution Liability shall cover bodily injury, property damage, cleanup costs, and defense including costs and expenses incurred in the investigation, defense, or settlement of claims.

   If the Contractors Pollution Liability insurance is written on a claims-made basis, the Contractor warrants that any retroactive date applicable to coverage under the policy precedes the effective date of this contract, and that continuous coverage will be maintained or an extended discovery period will be exercised for a period of three (3) years beginning from the time that work under the contract is completed.

   The City shall be named by endorsement as an additional insured on the Contractors Pollution Liability insurance policy.

   If the scope of services as defined in this Contract includes the disposal of any hazardous materials from the job site, the Contractor must furnish to the City evidence of Pollution Liability insurance maintained by the disposal site operator for losses arising from the insured facility accepting waste under this contract. Coverage certified to the City under this paragraph must be maintained in minimum amounts of $1,000,000 per loss, with an annual aggregate of at least $1,000,000.

D. Minimum Amounts of Insurance

The Contractor shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of $1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than $1,000,000 each occurrence, $2,000,000 general aggregate and $2,000,000 products-completed operations aggregate limit.

E. City Full Availability of Contractor Limits

If the Contractor maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Contractor, irrespective of whether such limits maintained by the Contractor are greater than those required by this contract or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Contractor.

F. Other Insurance Provision

The Contractor's Automobile Liability, Commercial General Liability, and Builders Risk insurance policies are to contain, or be endorsed to contain, that they shall be primary insurance as respect the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.

G. Contractor's Insurance for Other Losses

The Contractor shall assume full responsibility for all loss or damage from any cause whatsoever to any tools, Contractor's employee-owned tools, machinery, equipment, or motor vehicles owned or rented by the Contractor, or the Contractor's agents, suppliers, contractors or subcontractors as well as to any temporary structures, scaffolding, and protective fences.

H. Waiver of Subrogation

The Contractor and the City waive all rights against each other, any of their Subcontractors, Sub-subcontractors, agents, and employees, each of the other, for damages caused by fire or other perils to the extent covered by Builders Risk insurance or other property insurance obtained pursuant to the Insurance Requirements Section of this Contract or other property insurance applicable to the work. The policies shall provide such waivers by endorsement or otherwise.

I. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.

J. Verification of Coverage

The Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsements, evidencing the Automobile Liability and Commercial General Liability insurance of the Contractor before commencement of the work. Before any exposure to loss may occur, the Contractor shall file with the City a copy of the Builders Risk insurance policy that includes all applicable conditions, exclusions, definitions, terms, and endorsements related to this project. Upon request by the City, the Contractor shall furnish certified copies of all required insurance policies, including endorsements, required in this contract and evidence of all subcontractors' coverage.

K. Subcontractors' Insurance

The Contractor shall cause each and every Subcontractor to provide insurance coverage that complies with all applicable requirements of the Contractor-provided insurance as set forth herein, except the Contractor shall have sole responsibility for determining the limits of coverage required to be obtained by Subcontractors. The Contractor shall ensure that the City is an additional insured on each and every Subcontractor's Commercial General liability insurance policy using an endorsement at least as broad as ISO Additional Insured endorsement CG 20 38 04 13.

L. Notice of Cancellation

The Contractor shall provide the City and all Additional Insureds for this work with written notice of any policy cancellation within two (2) business days of their receipt of such notice.

M. Failure to Maintain Insurance

Failure on the part of the Contractor to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five (5) business days' notice to the Contractor to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Contractor from the City.

INTRODUCTION TO THE SPECIAL PROVISIONS

(August 14, 2013 APWA GSP)

The work on this project shall be accomplished in accordance with the *Standard Specifications for Road, Bridge and Municipal Construction*, 2020 edition, as issued by the Washington State Department of Transportation (WSDOT) and the American Public Works Association (APWA), Washington State Chapter (hereafter "Standard Specifications"). The Standard Specifications, as modified or supplemented by the Amendments to the Standard Specifications and these Special Provisions, all of which are made a part of the Contract Documents, shall govern all of the Work.

These Special Provisions are made up of both General Special Provisions (GSPs) from various sources, which may have project-specific fill-ins; and project-specific Special Provisions. Each Provision either supplements, modifies, or replaces the comparable Standard Specification, or is a new Provision. The deletion, amendment, alteration, or addition to any subsection or portion of the Standard Specifications is meant to pertain only to that particular portion of the section, and in no way should it be interpreted that the balance of the section does not apply.

The project-specific Special Provisions are not labeled as such. The GSPs are labeled under the headers of each GSP, with the effective date of the GSP and its source. For example:

(March 8, 2013 APWA GSP)
(April 1, 2013 WSDOT GSP)

Also incorporated into the Contract Documents by reference are:

- *Manual on Uniform Traffic Control Devices for Streets and Highways*, currently adopted edition, with Washington State modifications, if any
- *Standard Plans for Road, Bridge and Municipal Construction*, WSDOT/APWA, current edition
- City of Bainbridge Island Design and Construction Standards

Contractor shall obtain copies of these publications, at Contractor's own expense.

Division 1
General Requirements

DESCRIPTION OF WORK

(March 13, 1995)
Approximately 80 miles of island wide road striping and other traffic marking activities, all in accordance with the Contract Documents.

1-01.3 Definitions

(January 4, 2016 APWA GSP)

Delete the heading **Completion Dates** and the three paragraphs that follow it, and replace them with the following:

Dates

Bid Opening Date
The date on which the Contracting Agency publicly opens and reads the Bids.

Award Date
The date of the formal decision of the Contracting Agency to accept the lowest responsible and responsive Bidder for the Work.

Contract Execution Date
The date the Contracting Agency officially binds the Agency to the Contract.

Notice to Proceed Date
The date stated in the Notice to Proceed on which the Contract time begins.

Substantial Completion Date
The day the Engineer determines the Contracting Agency has full and unrestricted use and benefit of the facilities, both from the operational and safety standpoint, any remaining traffic disruptions will be rare and brief, and only minor incidental work, replacement of temporary substitute facilities, plant establishment periods, or correction or repair remains for the Physical Completion of the total Contract.

Physical Completion Date
The day all of the Work is physically completed on the project. All documentation required by the Contract and required by law does not necessarily need to be furnished by the Contractor by this date.

Completion Date
The day all the Work specified in the Contract is completed and all the obligations of the Contractor under the contract are fulfilled by the Contractor. All documentation required by the Contract and required by law must be furnished by the Contractor before establishment of this date.

Final Acceptance Date
The date on which the Contracting Agency accepts the Work as complete.

Supplement this Section with the following:

All references in the Standard Specifications, Amendments, or WSDOT General Special Provisions, to the terms “Department of Transportation”, “Washington State Transportation Commission”, “Commission”, “Secretary of Transportation”, “Secretary”, “Headquarters”, and “State Treasurer” shall be revised to read “Contracting Agency”.

All references to the terms “State” or “state” shall be revised to read “Contracting Agency” unless the reference is to an administrative agency of the State of Washington, a State statute or regulation, or the context reasonably indicates otherwise.

All references to “State Materials Laboratory” shall be revised to read “Contracting Agency designated location”.

All references to “final contract voucher certification” shall be interpreted to mean the Contracting Agency form(s) by which final payment is authorized, and final completion and acceptance granted.

Additive
A supplemental unit of work or group of bid items, identified separately in the Bid Proposal, which may, at the discretion of the Contracting Agency, be awarded in addition to the base bid.

Alternate
One of two or more units of work or groups of bid items, identified separately in the Bid Proposal, from which the Contracting Agency may make a choice between different methods or material of construction for performing the same work.

Business Day
A business day is any day from Monday through Friday except holidays as listed in Section 1-08.5.

Contract Bond
The definition in the Standard Specifications for "Contract Bond" applies to whatever bond form(s) are required by the Contract Documents, which may be a combination of a Payment Bond and a Performance Bond.

Contract Documents
See definition for "Contract".

Contract Time
The period of time established by the terms and conditions of the Contract within which the Work must be physically completed.

Notice of Award
The written notice from the Contracting Agency to the successful Bidder signifying the Contracting Agency's acceptance of the Bid Proposal.

Notice to Proceed
The written notice from the Contracting Agency or Engineer to the Contractor authorizing and directing the Contractor to proceed with the Work and establishing the date on which the Contract time begins.

Traffic
Both vehicular and non-vehicular traffic, such as pedestrians, bicyclists, wheelchairs, and equestrian traffic.

1-02 BID PROCEDURES AND CONDITIONS

1-02.1 Prequalification of Bidders

Delete this section and replace it with the following:

1-02.1 Qualifications of Bidder
(January 24, 2011 APWA GSP)

Before award of a public works contract, a bidder must meet at least the minimum qualifications of RCW 39.04.350(1) to be considered a responsible bidder and qualified to be awarded a public works project.

1-02.2 Plans and Specifications
(June 27, 2011 APWA GSP)

Delete this section and replace it with the following:

Information as to where Bid Documents can be obtained or reviewed can be found in the Call for Bids (Advertisement for Bids) for the work.

After award of the contract, plans and specifications will be issued to the Contractor at no cost as detailed below:

To Prime Contractor	No. of Sets	Basis of Distribution
Reduced plans (11" x 17")	n/a	Furnished automatically upon award.
Contract Provisions	1	Furnished automatically upon award.
Large plans (e.g., 22" x 34")	n/a	Furnished only upon request.

Additional plans and Contract Provisions may be obtained by the Contractor from the source stated in the Call for Bids, at the Contractor's own expense.

1-02.5 Proposal Forms
(July 31, 2017 APWA GSP)

Delete this section and replace it with the following:

The Proposal Form will identify the project and its location and describe the work. It will also list estimated quantities, units of measurement, the items of work, and the materials to be furnished at the unit bid prices. The bidder shall complete spaces on the proposal form that call for, but are not limited to, unit prices; extensions; summations; the total bid amount; signatures; date; and, where applicable, retail sales taxes and acknowledgment of addenda; the bidder's name, address, telephone number, and signature; the bidder's UDBE/DBE/M/WBE commitment, if applicable; a State of Washington Contractor's Registration Number; and a Business License Number, if applicable. Bids shall be completed by typing or shall be printed in ink by hand, preferably in black ink. The required certifications are included as part of the Proposal Form.

The Contracting Agency reserves the right to arrange the proposal forms with alternates and additives, if such be to the advantage of the Contracting Agency. The bidder shall bid on all alternates and additives set forth in the Proposal Form unless otherwise specified.

1-02.13 Irregular Proposals
(June 20, 2017 APWA GSP)

Delete this section and replace it with the following:

1. A Proposal will be considered irregular and will be rejected if:
   a. The Bidder is not prequalified when so required;
   b. The authorized Proposal form furnished by the Contracting Agency is not used or is altered;
   c. The completed Proposal form contains any unauthorized additions, deletions, alternate Bids, or conditions;
   d. The Bidder adds provisions reserving the right to reject or accept the award, or enter into the Contract;
   e. A price per unit cannot be determined from the Bid Proposal;
   f. The Proposal form is not properly executed;
   g. The Bidder fails to submit or properly complete a Subcontractor list, if applicable, as required in Section 1-02.6;
   h. The Bidder fails to submit or properly complete an Underutilized Disadvantaged Business Enterprise Certification, if applicable, as required in Section 1-02.6;
   i. The Bidder fails to submit written confirmation from each UDBE firm listed on the Bidder's completed UDBE Utilization Certification that they are in agreement with the bidder's UDBE participation commitment, if applicable, as required in Section 1-02.6, or if the written confirmation that is submitted fails to meet the requirements of the Special Provisions;
   j The Bidder fails to submit UDBE Good Faith Effort documentation, if applicable, as required in Section 1-02.6, or if the documentation that is submitted fails to demonstrate that a Good Faith Effort to meet the Condition of Award was made;
   k. The Bid Proposal does not constitute a definite and unqualified offer to meet the material terms of the Bid invitation; or
   l. More than one Proposal is submitted for the same project from a Bidder under the same or different names.

2. A Proposal may be considered irregular and may be rejected if:
   a. The Proposal does not include a unit price for every Bid item;
   b. Any of the unit prices are excessively unbalanced (either above or below the amount of a reasonable Bid) to the potential detriment of the Contracting Agency;
   c. Receipt of Addenda is not acknowledged;
   d. A member of a joint venture or partnership and the joint venture or partnership submit Proposals for the same project (in such an instance, both Bids may be rejected); or
   e. If Proposal form entries are not made in ink.

1-02.14 Disqualification of Bidders
(May 17, 2018 APWA GSP, Option B)

Delete this section and replace it with the following:

A Bidder will be deemed not responsible if the Bidder does not meet the mandatory bidder responsibility criteria in RCW 39.04.350(1), as amended; or does not meet Supplemental Criteria 1-7 listed in this Section.

The Contracting Agency will verify that the Bidder meets the mandatory bidder responsibility criteria in RCW 39.04.350(1), and Supplemental Criteria 1-2. Evidence that

the Bidder meets Supplemental Criteria 3-7 shall be provided by the Bidder as stated later in this Section.

1. **Delinquent State Taxes**

   A Criterion: The Bidder shall not owe delinquent taxes to the Washington State Department of Revenue without a payment plan approved by the Department of Revenue.

   B. Documentation: The Bidder, if and when required as detailed below, shall sign a statement (on a form to be provided by the Contracting Agency) that the Bidder does not owe delinquent taxes to the Washington State Department of Revenue, or if delinquent taxes are owed to the Washington State Department of Revenue, the Bidder must submit a written payment plan approved by the Department of Revenue, to the Contracting Agency by the deadline listed below.

2. **Federal Debarment**

   A Criterion: The Bidder shall not currently be debarred or suspended by the Federal government.

   B. Documentation: The Bidder shall not be listed as having an "active exclusion" on the U.S. government's "System for Award Management" database (www.sam.gov).

3. **Subcontractor Responsibility**

   A Criterion: The Bidder's standard subcontract form shall include the subcontractor responsibility language required by RCW 39.06.020, and the Bidder shall have an established procedure which it utilizes to validate the responsibility of each of its subcontractors. The Bidder's subcontract form shall also include a requirement that each of its subcontractors shall have and document a similar procedure to determine whether the sub-tier subcontractors with whom it contracts are also "responsible" subcontractors as defined by RCW 39.06.020.

   B. Documentation: The Bidder, if and when required as detailed below, shall submit a copy of its standard subcontract form for review by the Contracting Agency, and a written description of its procedure for validating the responsibility of subcontractors with which it contracts.

4. **Claims Against Retainage and Bonds**

   A Criterion: The Bidder shall not have a record of excessive claims filed against the retainage or payment bonds for public works projects in the three years prior to the bid submittal date, that demonstrate a lack of effective management by the Bidder of making timely and appropriate payments to its subcontractors, suppliers, and workers, unless there are extenuating circumstances and such circumstances are deemed acceptable to the Contracting Agency.

   B. Documentation: The Bidder, if and when required as detailed below, shall submit a list of the public works projects completed in the three years prior to the bid

submittal date that have had claims against retainage and bonds and include for each project the following information:

- Name of project
- The owner and contact information for the owner;
- A list of claims filed against the retainage and/or payment bond for any of the projects listed;
- A written explanation of the circumstances surrounding each claim and the ultimate resolution of the claim.

5. **Public Bidding Crime**

A Criterion: The Bidder and/or its owners shall not have been convicted of a crime involving bidding on a public works contract in the five years prior to the bid submittal date.

B. Documentation: The Bidder, if and when required as detailed below, shall sign a statement (on a form to be provided by the Contracting Agency) that the Bidder and/or its owners have not been convicted of a crime involving bidding on a public works contract.

6. **Termination for Cause / Termination for Default**

A Criterion: The Bidder shall not have had any public works contract terminated for cause or terminated for default by a government agency in the five years prior to the bid submittal date, unless there are extenuating circumstances and such circumstances are deemed acceptable to the Contracting Agency.

B. Documentation: The Bidder, if and when required as detailed below, shall sign a statement (on a form to be provided by the Contracting Agency) that the Bidder has not had any public works contract terminated for cause or terminated for default by a government agency in the five years prior to the bid submittal date; or if Bidder was terminated, describe the circumstances. .

7. **Lawsuits**

A Criterion: The Bidder shall not have lawsuits with judgments entered against the Bidder in the five years prior to the bid submittal date that demonstrate a pattern of failing to meet the terms of contracts, unless there are extenuating circumstances and such circumstances are deemed acceptable to the Contracting Agency

B. Documentation: The Bidder, if and when required as detailed below, shall sign a statement (on a form to be provided by the Contracting Agency) that the Bidder has not had any lawsuits with judgments entered against the Bidder in the five years prior to the bid submittal date that demonstrate a pattern of failing to meet the terms of contracts, or shall submit a list of all lawsuits with judgments entered against the Bidder in the five years prior to the bid submittal date, along with a written explanation of the circumstances surrounding each such lawsuit. The Contracting Agency shall evaluate these explanations to determine whether the lawsuits demonstrate a pattern of failing to meet of terms of construction related contracts

As evidence that the Bidder meets the Supplemental Criteria stated above, the apparent low Bidder must submit to the Contracting Agency by 12:00 P.M. (noon) of the second business day following the bid submittal deadline, a written statement verifying that the Bidder meets the supplemental criteria together with supporting documentation (sufficient in the sole judgment of the Contracting Agency) demonstrating compliance with the Supplemental Criteria. The Contracting Agency reserves the right to request further documentation as needed from the low Bidder and documentation from other Bidders as well to assess Bidder responsibility and compliance with all bidder responsibility criteria. The Contracting Agency also reserves the right to obtain information from third-parties and independent sources of information concerning a Bidder's compliance with the mandatory and supplemental criteria, and to use that information in their evaluation. The Contracting Agency may consider mitigating factors in determining whether the Bidder complies with the requirements of the supplemental criteria.

The basis for evaluation of Bidder compliance with these mandatory and supplemental criteria shall include any documents or facts obtained by Contracting Agency (whether from the Bidder or third parties) including but not limited to: (i) financial, historical, or operational data from the Bidder; (ii) information obtained directly by the Contracting Agency from others for whom the Bidder has worked, or other public agencies or private enterprises; and (iii) any additional information obtained by the Contracting Agency which is believed to be relevant to the matter.

If the Contracting Agency determines the Bidder does not meet the bidder responsibility criteria above and is therefore not a responsible Bidder, the Contracting Agency shall notify the Bidder in writing, with the reasons for its determination. If the Bidder disagrees with this determination, it may appeal the determination within two (2) business days of the Contracting Agency's determination by presenting its appeal and any additional information to the Contracting Agency. The Contracting Agency will consider the appeal and any additional information before issuing its final determination. If the final determination affirms that the Bidder is not responsible, the Contracting Agency will not execute a contract with any other Bidder until at least two business days after the Bidder determined to be not responsible has received the Contracting Agency's final determination.

Request to Change Supplemental Bidder Responsibility Criteria Prior To Bid: Bidders with concerns about the relevancy or restrictiveness of the Supplemental Bidder Responsibility Criteria may make or submit requests to the Contracting Agency to modify the criteria. Such requests shall be in writing, describe the nature of the concerns, and propose specific modifications to the criteria. Bidders shall submit such requests to the Contracting Agency no later than five (5) business days prior to the bid submittal deadline and address the request to the Project Engineer or such other person designated by the Contracting Agency in the Bid Documents.

1-02.15 Pre Award Information
(August 14, 2013 APWA GSP)

Revise this section to read:

Before awarding any contract, the Contracting Agency may require one or more of these items or actions of the apparent lowest responsible bidder:

1. A complete statement of the origin, composition, and manufacture of any or all materials to be used,
2. Samples of these materials for quality and fitness tests,

3. A progress schedule (in a form the Contracting Agency requires) showing the order of and time required for the various phases of the work,
4. A breakdown of costs assigned to any bid item,
5. Attendance at a conference with the Engineer or representatives of the Engineer,
6. Obtain, and furnish a copy of, a business license to do business in the city or county where the work is located.
7. Any other information or action taken that is deemed necessary to ensure that the bidder is the lowest responsible bidder.

Award and Execution of Contract

1-03.3 Execution of Contract
(October 1, 2005 APWA GSP)

Revise this section to read:

Copies of the Contract Provisions, including the unsigned Form of Contract, will be available for signature by the successful bidder on the first business day following award. The number of copies to be executed by the Contractor will be determined by the Contracting Agency.

Within 14 calendar days after the award date, the successful bidder shall return the signed Contracting Agency-prepared contract, an insurance certification as required by Section 1-07.18, and a satisfactory bond as required by law and Section 1-03.4. Before execution of the contract by the Contracting Agency, the successful bidder shall provide any pre-award information the Contracting Agency may require under Section 1-02.15.

Until the Contracting Agency executes a contract, no proposal shall bind the Contracting Agency nor shall any work begin within the project limits or within Contracting Agency-furnished sites. The Contractor shall bear all risks for any work begun outside such areas and for any materials ordered before the contract is executed by the Contracting Agency.

If the bidder experiences circumstances beyond their control that prevents return of the contract documents within the calendar days after the award date stated above, the Contracting Agency may grant up to a maximum of 7 additional calendar days for return of the documents, provided the Contracting Agency deems the circumstances warrant it.

1-03.7 Judicial Review
(November 30, 2018 APWA GSP)

Revise this section to read:

Any decision made by the Contracting Agency regarding the Award and execution of the Contract or Bid rejection shall be conclusive subject to the scope of judicial review permitted under Washington Law. Such review, if any, shall be timely filed in the Superior Court of the county where the Contracting Agency headquarters is located, provided that where an action is asserted against a county, RCW 36.01.050 shall control venue and jurisdiction.

Scope of the Work

1-04.2 Coordination of Contract Documents, Plans, Special Provisions, Specifications, and Addenda

Revise the second paragraph to read:

Except as otherwise provided in the Contract Documents, any inconsistency in the parts of the contract shall be resolved by following this order of precedence (e.g., 1 presiding over 2, 2 over 3, 3 over 4, and so forth):

1. Addenda,
2. Proposal Form,
3. Special Provisions,
4. Contract Plans,
5. Amendments to the Standard Specifications,
6. Standard Specifications,
7. Contracting Agency's Standard Plans or Details (if any), and
8. WSDOT Standard Plans for Road, Bridge, and Municipal Construction.

SECTION 1-05, CONTROL OF WORK

1-05.7 Removal of Defective and Unauthorized Work

(October 1, 2005 APWA GSP)

Supplement this section with the following:

If the Contractor fails to remedy defective or unauthorized work within the time specified in a written notice from the Engineer, or fails to perform any part of the work required by the Contract Documents, the Engineer may correct and remedy such work as may be identified in the written notice, with Contracting Agency forces or by such other means as the Contracting Agency may deem necessary.

If the Contractor fails to comply with a written order to remedy what the Engineer determines to be an emergency situation, the Engineer may have the defective and unauthorized work corrected immediately, have the rejected work removed and replaced, or have work the Contractor refuses to perform completed by using Contracting Agency or other forces. An emergency situation is any situation when, in the opinion of the Engineer, a delay in its remedy could be potentially unsafe, or might cause serious risk of loss or damage to the public.

Direct or indirect costs incurred by the Contracting Agency attributable to correcting and remedying defective or unauthorized work, or work the Contractor failed or refused to perform, shall be paid by the Contractor. Payment will be deducted by the Engineer from monies due, or to become due, the Contractor. Such direct and indirect costs shall include in particular, but without limitation, compensation for additional professional services required, and costs for repair and replacement of work of others destroyed or damaged by correction, removal, or replacement of the Contractor's unauthorized work.

No adjustment in contract time or compensation will be allowed because of the delay in the performance of the work attributable to the exercise of the Contracting Agency's rights provided by this Section.

The rights exercised under the provisions of this section shall not diminish the Contracting Agency's right to pursue any other avenue for additional remedy or damages with respect to the Contractor's failure to perform the work as required.

1-05.11 Final Inspection

Delete this section and replace it with the following:

1-05.11 Final Inspections and Operational Testing

(October 1, 2005 APWA GSP)

1-05.11(1) Substantial Completion Date

When the Contractor considers the work to be substantially complete, the Contractor shall so notify the Engineer and request the Engineer establish the Substantial Completion Date. The Contractor's request shall list the specific items of work that remain to be completed in order to reach physical completion. The Engineer will schedule an inspection of the work with the Contractor to determine the status of completion. The Engineer may also establish the Substantial Completion Date unilaterally.

If, after this inspection, the Engineer concurs with the Contractor that the work is substantially complete and ready for its intended use, the Engineer, by written notice to the Contractor, will set the Substantial Completion Date. If, after this inspection the Engineer does not consider the work substantially complete and ready for its intended use, the Engineer will, by written notice, so notify the Contractor giving the reasons therefor.

Upon receipt of written notice concurring in or denying substantial completion, whichever is applicable, the Contractor shall pursue vigorously, diligently and without unauthorized interruption, the work necessary to reach Substantial and Physical Completion. The Contractor shall provide the Engineer with a revised schedule indicating when the Contractor expects to reach substantial and physical completion of the work.

The above process shall be repeated until the Engineer establishes the Substantial Completion Date and the Contractor considers the work physically complete and ready for final inspection.

1-05.11(2) Final Inspection and Physical Completion Date

When the Contractor considers the work physically complete and ready for final inspection, the Contractor by written notice, shall request the Engineer to schedule a final inspection. The Engineer will set a date for final inspection. The Engineer and the Contractor will then make a final inspection and the Engineer will notify the Contractor in writing of all particulars in which the final inspection reveals the work incomplete or unacceptable. The Contractor shall immediately take such corrective measures as are necessary to remedy the listed deficiencies. Corrective work shall be pursued vigorously, diligently, and without interruption until physical completion of the listed deficiencies. This process will continue until the Engineer is satisfied the listed deficiencies have been corrected.

If action to correct the listed deficiencies is not initiated within 7 days after receipt of the written notice listing the deficiencies, the Engineer may, upon written notice to the Contractor, take whatever steps are necessary to correct those deficiencies pursuant to Section 1-05.7.

The Contractor will not be allowed an extension of contract time because of a delay in the performance of the work attributable to the exercise of the Engineer's right hereunder.

Upon correction of all deficiencies, the Engineer will notify the Contractor and the Contracting Agency, in writing, of the date upon which the work was considered physically complete. That date shall constitute the Physical Completion Date of the contract, but shall not imply acceptance of the work or that all the obligations of the Contractor under the contract have been fulfilled.

1-05.11(3) Operational Testing

It is the intent of the Contracting Agency to have at the Physical Completion Date a complete and operable system. Therefore when the work involves the installation of machinery or other mechanical equipment; street lighting, electrical distribution or signal systems; irrigation systems; buildings; or other similar work it may be desirable for the Engineer to have the Contractor operate and test the work for a period of time after final inspection but prior to the physical completion date. Whenever items of work are listed in the Contract Provisions for operational testing they shall be fully tested under operating conditions for the time period specified to ensure their acceptability prior to the Physical Completion Date. During and following the test period, the Contractor shall correct any items of workmanship, materials, or equipment which prove faulty, or that are not in first class operating condition. Equipment, electrical controls, meters, or other devices and equipment to be tested during this period shall be tested under the observation of the Engineer, so that the Engineer may determine their suitability for the purpose for which they were installed. The Physical Completion Date cannot be established until testing and corrections have been completed to the satisfaction of the Engineer.

The costs for power, gas, labor, material, supplies, and everything else needed to successfully complete operational testing, shall be included in the unit contract prices related to the system being tested, unless specifically set forth otherwise in the proposal.

Operational and test periods, when required by the Engineer, shall not affect a manufacturer's guaranties or warranties furnished under the terms of the contract.

1-05.13 Superintendents, Labor and Equipment of Contractor
(August 14, 2013 APWA GSP)

Delete the sixth and seventh paragraphs of this section.

1-05.15 Method of Serving Notices
(March 25, 2009 APWA GSP)

Revise the second paragraph to read:

All correspondence from the Contractor shall be directed to the Project Engineer. <u>All correspondence from the Contractor constituting any notification, notice of protest, notice of dispute, or other correspondence constituting notification required to be furnished under the Contract, must be in paper format, hand delivered or sent via mail delivery service to the Project Engineer's office. Electronic copies such as e-mails or electronically delivered copies of correspondence will not constitute such notice and will not comply with the requirements of the Contract.</u>

Add the following new section:

1-05.16 Water and Power
(October 1, 2005 APWA GSP)

The Contractor shall make necessary arrangements, and shall bear the costs for power and water necessary for the performance of the work, unless the contract includes power and water as a pay item.

Control of Material

1-06.6 Recycled Materials
(January 4, 2016 APWA GSP)

Delete this section, including its subsections, and replace it with the following:

The Contractor shall make their best effort to utilize recycled materials in the construction of the project. Approval of such material use shall be as detailed elsewhere in the Standard Specifications.

Prior to Physical Completion the Contractor shall report the quantity of recycled materials that were utilized in the construction of the project for each of the items listed in Section 9-03.21. The report shall include hot mix asphalt, recycled concrete aggregate, recycled glass, steel furnace slag and other recycled materials (e.g. utilization of on-site material and aggregates from concrete returned to the supplier). The Contractor's report shall be provided on DOT form 350-075 Recycled Materials Reporting.

Legal Relations and Responsibilities to the Public

1-07.1 Laws to be Observed
(October 1, 2005 APWA GSP)

Supplement this section with the following:

In cases of conflict between different safety regulations, the more stringent regulation shall apply.

The Washington State Department of Labor and Industries shall be the sole and paramount administrative agency responsible for the administration of the provisions of the Washington Industrial Safety and Health Act of 1973 (WISHA).

The Contractor shall maintain at the project site office, or other well known place at the project site, all articles necessary for providing first aid to the injured. The Contractor shall establish, publish, and make known to all employees, procedures for ensuring immediate removal to a hospital, or doctor's care, persons, including employees, who may have been injured on the project site. Employees should not be permitted to work on the project site before the Contractor has established and made known procedures for removal of injured persons to a hospital or a doctor's care.

The Contractor shall have sole responsibility for the safety, efficiency, and adequacy of the Contractor's plant, appliances, and methods, and for any damage or injury resulting from their failure, or improper maintenance, use, or operation. The Contractor shall be solely and completely responsible for the conditions of the project site, including safety for all persons

and property in the performance of the work. This requirement shall apply continuously, and not be limited to normal working hours. The required or implied duty of the Engineer to conduct construction review of the Contractor's performance does not, and shall not, be intended to include review and adequacy of the Contractor's safety measures in, on, or near the project site.

1-07.2 State Taxes

Delete this section, including its sub-sections, in its entirety and replace it with the following:

1-07.2 State Sales Tax

(June 27, 2011 APWA GSP)

The Washington State Department of Revenue has issued special rules on the State sales tax. Sections 1-07.2(1) through 1-07.2(3) are meant to clarify those rules. The Contractor should contact the Washington State Department of Revenue for answers to questions in this area. The Contracting Agency will not adjust its payment if the Contractor bases a bid on a misunderstood tax liability.

The Contractor shall include all Contractor-paid taxes in the unit bid prices or other contract amounts. In some cases, however, state retail sales tax will not be included. Section 1-07.2(2) describes this exception.

The Contracting Agency will pay the retained percentage (or release the Contract Bond if a FHWA-funded Project) only if the Contractor has obtained from the Washington State Department of Revenue a certificate showing that all contract-related taxes have been paid (RCW 60.28.051). The Contracting Agency may deduct from its payments to the Contractor any amount the Contractor may owe the Washington State Department of Revenue, whether the amount owed relates to this contract or not. Any amount so deducted will be paid into the proper State fund.

1-07.2(1) State Sales Tax — Rule 171

WAC 458-20-171, and its related rules, apply to building, repairing, or improving streets, roads, etc., which are owned by a municipal corporation, or political subdivision of the state, or by the United States, and which are used primarily for foot or vehicular traffic. This includes storm or combined sewer systems within and included as a part of the street or road drainage system and power lines when such are part of the roadway lighting system. For work performed in such cases, the Contractor shall include Washington State Retail Sales Taxes in the various unit bid item prices, or other contract amounts, including those that the Contractor pays on the purchase of the materials, equipment, or supplies used or consumed in doing the work.

1-07.2(2) State Sales Tax — Rule 170

WAC 458-20-170, and its related rules, apply to the constructing and repairing of new or existing buildings, or other structures, upon real property. This includes, but is not limited to, the construction of streets, roads, highways, etc., owned by the state of Washington; water mains and their appurtenances; sanitary sewers and sewage disposal systems unless such sewers and disposal systems are within, and a part of, a street or road drainage system; telephone, telegraph, electrical power distribution lines, or other conduits or lines in or above streets or roads, unless such power lines become a part of a street or road lighting system;

and installing or attaching of any article of tangible personal property in or to real property, whether or not such personal property becomes a part of the realty by virtue of installation.

For work performed in such cases, the Contractor shall collect from the Contracting Agency, retail sales tax on the full contract price. The Contracting Agency will automatically add this sales tax to each payment to the Contractor. For this reason, the Contractor shall not include the retail sales tax in the unit bid item prices, or in any other contract amount subject to Rule 170, with the following exception.

Exception: The Contracting Agency will not add in sales tax for a payment the Contractor or a subcontractor makes on the purchase or rental of tools, machinery, equipment, or consumable supplies not integrated into the project. Such sales taxes shall be included in the unit bid item prices or in any other contract amount.

1-07.2(3) Services

The Contractor shall not collect retail sales tax from the Contracting Agency on any contract wholly for professional or other services (as defined in Washington State Department of Revenue Rules 138 and 244).

(January 2, 2012)
Work Zone Clear Zone

The Work Zone Clear Zone (WZCZ) applies during working and nonworking hours. The WZCZ applies only to temporary roadside objects introduced by the Contractor's operations and does not apply to preexisting conditions or permanent Work. Those work operations that are actively in progress shall be in accordance with adopted and approved Traffic Control Plans, and other contract requirements.

During nonworking hours equipment or materials shall not be within the WZCZ unless they are protected by permanent guardrail or temporary concrete barrier. The use of temporary concrete barrier shall be permitted only if the Engineer approves the installation and location.

During actual hours of work, unless protected as described above, only materials absolutely necessary to construction shall be within the WZCZ and only construction vehicles absolutely necessary to construction shall be allowed within the WZCZ or allowed to stop or park on the shoulder of the roadway.

The Contractor's nonessential vehicles and employees private vehicles shall not be permitted to park within the WZCZ at any time unless protected as described above.

Deviation from the above requirements shall not occur unless the Contractor has requested the deviation in writing and the Engineer has provided written approval.

Minimum WZCZ distances are measured from the edge of traveled way and will be determined as follows:

Regulatory Posted Speed	Distance From Traveled Way (Feet)
35 mph or less	10 *
40 mph	15
45 to 55 mph	20
60 mph or greater	30

* or 2-feet beyond the outside edge of sidewalk

Minimum Work Zone Clear Zone Distance

(WSDOT January 5, 2015)
Lane closures are subject to the following restrictions:

Lane restrictions shall be held to a minimum time and length needed for each operation. If the Engineer determines that the lane restrictions are causing congestion, the Contractor will be required to open all lanes to traffic until the congestion is eliminated.

There shall be no delay to medical, fire, police, or other emergency vehicles with flashing lights and sirens. The Contractor shall alert all flaggers and personnel of this requirement. If the Engineer determines the permitted closure hours adversely affect traffic, the Engineer may adjust the hours accordingly. The Engineer will notify the Contractor in writing of any change in the closure hours.

The following roadways maybe reduced to one-way within the active construction area:

- Wyatt Way NW maybe reduced to one westbound lane of one-way travel
- Wyatt Way NW west of Lovell maybe closed to through traffic only during underground utility relocation
- Madison Ave N maybe reduced to one northbound lane of one-way travel
- Grow Ave NW maybe reduced to one southbound lane of one-way travel
- Lovell Ave NW maybe reduced to one northbound lane of one-way travel

Twenty four (24) hour access to all residences shall be maintained at all times. If the Contractor must restrict access to these homeowners for work elements that are unavoidable, the Contractor must provide homeowners with a minimum of 48-hour notice before restricting or eliminating their access.

Access to business property adjacent to the intersection of Wyatt Way NW and Madison Ave N shall be maintain during business hours.

All work within the traveled way shall be limited to working hours of 7:30 am to 4:00 pm Monday thru Friday unless otherwise approved by the Engineer.

1. Contractor shall develop public information and communication materials for the project for distribution by the City to local residents and businesses. The material should include: project area, working hours, work to be completed, traffic control, etc.
2. Working hours for weekends are 8:00am to 6:00pm on Saturday.

No construction will be allowed on Sunday.

3. Lane closures are not allowed on any of the following unless otherwise agreed to by the Engineer:

   A holiday;

   A holiday weekend; holidays that occur on Friday, Saturday, Sunday or Monday are considered a holiday weekend. A holiday weekend includes Saturday, Sunday, and the holiday;

   After 12:00pm on the day prior to a holiday or holiday

   weekend; and Before 12:00pm on the day after the

   Holiday or holiday weekend.

1-08 PROSECUTION AND PROGRESS

Add the following new section:

1-08.0 Preliminary Matters

(May 25, 2006 APWA GSP)

Add the following new section:

1-08.0(1) Preconstruction Conference

(October 10, 2008 APWA GSP)

Prior to the Contractor beginning the work, a preconstruction conference will be held between the Contractor, the Engineer and such other interested parties as may be invited. The purpose of the preconstruction conference will be:

1. To review the initial progress schedule;
2. To establish a working understanding among the various parties associated or affected by the work;
3. To establish and review procedures for progress payment, notifications, approvals, submittals, etc.;
4. To establish normal working hours for the work;
5. To review safety standards and traffic control; and
6. To discuss such other related items as may be pertinent to the work.

The Contractor shall prepare and submit at the preconstruction conference the following:

1. A breakdown of all lump sum items;
2. A preliminary schedule of working drawing submittals; and
3. A list of material sources for approval if applicable.

Add the following new section:

1-08.0(2) Hours of Work
(December 8, 2014 APWA GSP)

Except in the case of emergency or unless otherwise approved by the Engineer, the normal working hours for the Contract shall be any consecutive 8-hour period between 7:00 a.m. and 6:00 p.m. Monday through Friday, exclusive of a lunch break. If the Contractor desires different than the normal working hours stated above, the request must be submitted in writing prior to the preconstruction conference, subject to the provisions below. The working hours for the Contract shall be established at or prior to the preconstruction conference.

All working hours and days are also subject to local permit and ordinance conditions (such as noise ordinances).

If the Contractor wishes to deviate from the established working hours, the Contractor shall submit a written request to the Engineer for consideration. This request shall state what hours are being requested, and why. Requests shall be submitted for review no later than 5 prior to the day(s) the Contractor is requesting to change the hours.

If the Contracting Agency approves such a deviation, such approval may be subject to certain other conditions, which will be detailed in writing. For example:

1. On non-Federal aid projects, requiring the Contractor to reimburse the Contracting Agency for the costs in excess of straight-time costs for Contracting Agency representatives who worked during such times. (The Engineer may require designated representatives to be present during the work. Representatives who may be deemed necessary by the Engineer include, but are not limited to: survey crews; personnel from the Contracting Agency's material testing lab; inspectors; and other Contracting Agency employees or third party consultants when, in the opinion of the Engineer, such work necessitates their presence.)
2. Considering the work performed on Saturdays, Sundays, and holidays as working days with regard to the contract time.
3. Considering multiple work shifts as multiple working days with respect to contract time even though the multiple shifts occur in a single 24-hour period.
4. If a 4-10 work schedule is requested and approved the non working day for the week will be charged as a working day.
5. If Davis Bacon wage rates apply to this Contract, all requirements must be met and recorded properly on certified payroll

Subcontracting

Section 1-08.1 is supplemented with the following:

(June 3, 2020)
Prior to any subcontractor or lower tier subcontractor beginning work, the Contractor shall submit to the Engineer a certification (WSDOT Form 420-004) that a written agreement between the Contractor and the subcontractor or between the subcontractor and any lower tier subcontractor has been executed. This certification shall also guarantee that these subcontract agreements include all the documents required by the Special Provision **Federal Agency Inspection**.

A Subcontractor or lower tier Subcontractor will not be permitted to perform any work under the contract until the following documents have been completed and submitted to the Engineer:

1. Request to Sublet Work (WSDOT Form 421-012), and
2. Contractor and Subcontractor or Lower Tier Subcontractor Certification for Federal-aid Projects (WSDOT Form 420-004).

The Contractor's records pertaining to the requirements of this Special Provision shall be open to inspection or audit by representatives of the Contracting Agency during the life of the contract and for a period of not less than three years after the date of acceptance of the contract. The Contractor shall retain these records for that period. The Contractor shall also guarantee that these records of all Subcontractors and lower tier Subcontractors shall be available and open to similar inspection or audit for the same time period.

Progress Schedule

1-08.3 Progress Schedule

Section 1-08.3 is supplemented with the following:

(*****)
The Contractor shall provide daily progress updates when working and prior to leaving the site that include a list of roads painted and raised pavement markers installed with quantities used. The daily progress update form and submittal shall be agreed upon during the pre-construction meeting.

Prosecution of Work

1-08.4 Prosecution of Work

Delete this section and replace it with the following:

Time for Completion

Section 1-08.5 is supplemented with the following:

(*****)
The project's first working day shall be July 1, 2020 or earlier. The project's Physical Completion date shall be September 1, 2020 or earlier.

Measurement and Payment

1-09.6 Force Account
(October 10, 2008 APWA GSP)

Supplement this section with the following:

The Contracting Agency has estimated and included in the Proposal, dollar amounts for all items to be paid per force account, only to provide a common proposal for Bidders. All such dollar amounts are to become a part of Contractor's total bid. However, the Contracting Agency does not warrant expressly or by implication, that the actual amount of work will correspond with those estimates. Payment will be made on the basis of the amount of work actually authorized by Engineer.

Temporary Traffic Control

Measurement

Lump Sum Bid for Project (No Unit Items)

Section 1-10.4(1) is supplemented with the following:

(August 2, 2004)
The proposal contains the item “Project Temporary Traffic Control”, lump sum. The provisions of Section 1-10.4(1) shall apply.

Division 8
Miscellaneous Construction

8-09 Raised Pavement Markers

Section 8-09 is supplemented with the following:

(*****)
Raised Pavement Marker Type 1 and Type 2 shall be removed in accordance with Attachment A.

Section 8-09.5 is supplemented with:

(*****)
“Raised Pavement Marker Type 1”, per each.
“Raised Pavement Marker Type 2”, per each.

8-22 Pavement Marking

Section 8-22.3(1) is revised to read:

The Contractor shall pre-mark each installation of pavement marking materials prior to application, except when existing markings are visible. The pre-marking shall be a guide in placing the pavement markings. Placement of the pavement marking materials shall not be performed until the pre-marking has been inspected and approved by the Engineer.

Section 8-22.3(3)D is supplemented with:

(*****)
Broken or “Skip” lines length and spacing shall match existing painted markings.

Section 8-22.3(3)F is supplemented with:

(*****)
Pavement markings shall be applied at 15 mils base line wet thickness measured above the pavement surface or above the groove bottom for grooved markings in thousandths of an inch (mils).

Prior to the starting work the Contractor shall run a test paint line with the Engineer present to measure and confirm the mils thickness is being met. Following confirmation and approval by the Engineer that the mils thickness standard is being met the Contractor shall start painting. Any paint line during the project that is found not to meet the thickness standard shall be repainted at no cost to Owner.

Section 8-22.3(4) is supplemented with:

(*****)
The installed pavement marking material shall have a uniform thickness and smooth surfaced cross-section throughout its entire length.

The Contractor shall be responsible for removing all pavement marking materials spilled on the road surface by a method acceptable to the Engineer.

Section 8-22.3 (6) is replaced with:

(*****)
Pavement markings to be removed shall be obliterated until blemishes caused by the pavement marking removal conform to the coloration of the adjacent pavement. Hydro-blasting shall be used to remove the painted markings as the only method allowed. If in the opinion of the Engineer, the pavement is materially damaged by the pavement marking removal, such damage shall be repaired by the Contractor in accordance with Section 1-07.13(3).

Division 9
Materials

9-34 Pavement Marking Material

Section 9-34.2 is modified as follows:

Center line, edge lines, and painted wide lines shall be Low VOC Waterborne Paint.

Attachment D
Road List

ROAD NAME	Center Stripe (LF)	Edge Line (LF)	Painted Wide Line (LF)	Recessed Pavement Marker Type 2 (EA)	Remove Raised Pavement Marker (EA)	Remove Plastic Crosswalk Line (Per SQ FT)	Removing Plastic Traffic Marker (EA)
Agate Pass Road	3,485	0	0	0	0	0	0
Agatewood Road	1,600	0	0	0	0	0	0
Agate Point Road	3,229	0	0	0	0	0	0
Arrow Point Drive	9,504	0	0	0	0	0	0
Baker Hill Road	10,666	21,332	0	0	0	0	0
Battle Point Drive	10,930	0	0	0	0	0	1
Bayhill Road	350	0	0	0	0	0	0
Bergman Road	2,817	0	0	0	0	0	0
Bjune Drive	302	1,641	0	0	0	47	0
Blakely Avenue	15,840	31,680	0	0	0	0	0
Blakely Hill Road	4,224	100	0	0	0	48	0
Brien Drive	0	988	0	0	0	0	0
Bucklin Hill Road	5,333	10,666	3,900	0	0	0	0
Byron Drive	1,297	0	0	0	0	0	0

ROAD NAME	Center Stripe (LF)	Edge Line (LF)	Painted Wide Line (LF)	Recessed Pavement Marker Type 2 (EA)	Remove Raised Pavement Marker (EA)	Remove Plastic Crosswalk Line (Per SQ FT)	Removing Plastic Traffic Marker (EA)
Cave Avenue	0	0	0	0	0	84	
Cherry Avenue	2,400	0	0	0	0	0	1
Commodore Lane	1984	0	0	0	0	0	0
Cosgrove Avenue	0	0	0	0	0	80	1
County Park Road	0	0	0	0	0	0	0
Country Club Road	8,976	0	0	0	0	0	0
Crystal Springs Drive	9,194	0	0	0	0	0	0
Day Road	12,461	24,922	0	0	0	0	0
Dingley Road	774	1,548		0	0	0	0
Dolphin Drive	2,640	0	0	0	0	0	0
Eagle Harbor Drive	12,725	25,450	0	0	0	0	0
Ericksen Avenue	2,600	10,750	4,992	0	0	120	0
Euclid Avenue E	7,603	0	0	0	0	0	0
Falk Road	2,763	0	0	0	0	0	0
Ferncliff Avenue	8,818	9,874	7,300	0	0	0	0
Fletcher Bay Road	12,091	22,722	1,460	340	200	0	1

ROAD NAME	Center Stripe (LF)	Edge Line (LF)	Painted Wide Line (LF)	Recessed Pavement Marker Type 2 (EA)	Remove Raised Pavement Marker (EA)	Remove Plastic Crosswalk Line (Per SQ FT)	Removing Plastic Traffic Marker (EA)
Finch Road	2,640	3,822	1,600	0	0	0	0
Fort Ward Hill Road	7,973	4,934	0	0	0	0	0
Foster Road	1,954	0	0	0	0	0	0
Frey Road	1,320	0	0	0	0	0	0
Grand Avenue	4,752	7,104	2,520	0	0	0	0
Grow Avenue	4,150	8,300	0	0	0	0	0
Halls Hill Road	3,854	0	0	0	0	0	0
Harborview Drive	2,587	0	0	0	0	0	0
Henderson Road	4,013	0	0	0	0	0	0
Hidden Cove Rd	11,088	22,176	0	0	0	0	0
High School Road	7,260	16,592	9,355	0	200	40	2
Ihland	0	0	0	0	0	0	0
Komedal Road	2,429	0	0	0	0	0	0
Koura Road	7,248	16,684	0	0	0	0	0
Lafayette Avenue	3,960	7,920	0	0	0	0	0
Lofgren Road	1,901	3,802	0	0	0	0	0

ROAD NAME	Center Stripe (LF)	Edge Line (LF)	Painted Wide Line (LF)	Recessed Pavement Marker Type 2 (EA)	Remove Raised Pavement Marker (EA)	Remove Plastic Crosswalk Line (Per SQ FT)	Removing Plastic Traffic Marker (EA)
Lovegren Road	2,563	0	0	0	0	0	0
Lovell Avenue	2,640	5,280	0	0	0	0	0
Lynnwood Center Road	6,653	10,660	2,646	0	0	0	0
Madison Avenue & Madison Ave. N	22,326	35,452	15,984	0	0	108	13
Mandus Olson	2,590	0	0	0	0	0	0
Manitou Beach Road	8,501	17,002	0	0	0	0	0
Manzanita Avenue	5,280	0	0	0	0	0	0
McDonald Avenue	2,323	0	0	0	0	0	0
Miller Road	15,101	30,202	0	0	0	0	0
Moran Road	2,904	5,808	0	0	0	0	0
Murden Cove	1,848	0	0	0	0	0	0
Nakata Place	0	0	0	0	0	0	0
New Brooklyn Road	10,666	19,373	1,959	0	0	108	0
New Sweden Avenue	3,907	0	0	0	0	0	0
Nicholson Place	0	0	0	0	0	0	0

ROAD NAME	Center Stripe (LF)	Edge Line (LF)	Painted Wide Line (LF)	Recessed Pavement Marker Type 2 (EA)	Remove Raised Pavement Marker (EA)	Remove Plastic Crosswalk Line (Per SQ FT)	Removing Plastic Traffic Marker (EA)
North Street	528	0	0	0	0	0	0
Oddfellow Road	2,904	5,808	0	0	0	0	0
Old Creosote Drive	3,653	0	0	0	0	0	0
Old Mill Road	5,280	0	0	0	0	0	0
Olympic Terrace	2,798	0	0	0	0	0	0
Parfitt Way	3,640	0	0	0	0	84	0
Park Avenue	1,742	3,484	0	0	0	0	0
Peterson Hill Road	1,320	0	0	0	0	0	0
Phelps Road	8,026	16,052	6,060	0	0	0	0
Pleasant Beach Drive	6,970	13,940	920	0	0	0	0
Point White Drive	8,026	16,052	0	0	0	0	0
Ralston Road	581	0	0	0	0	0	0
Rockaway Beach Road	5,280	0	0	0	0	0	0
Rose Avenue	1,584	0	0	0	0	0	0
Sands Avenue	2,534	0	0	0	0	0	0
Seabold Road	400	0	0	0	0	0	0

ROAD NAME	Center Stripe (LF)	Edge Line (LF)	Painted Wide Line (LF)	Recessed Pavement Marker Type 2 (EA)	Remove Raised Pavement Marker (EA)	Remove Plastic Crosswalk Line (Per SQ FT)	Removing Plastic Traffic Marker (EA)
Seabold Church Road	581	0	0	0	0	0	0
South Beach Road	3,168	0	0	0	0	0	0
Sportsman Club Road	8,606	17,212	0	0	0	0	1
Springridge Road	5,966	0	0	0	0	0	0
Sunrise Drive	15,787	31,574	0	0	0	0	0
Taylor Avenue	6,791	0	0	0	0	0	0
Toe Jam Hill Road	7,920	0	S	0	0	0	0
Tolo Road	326	0	0	0	0	0	1
Torvanger Road	1,320	0	0	0	0	0	0
Valley Road	2,587	5,174	0	0	0	0	0
Vincent Road	2,734	0	0	0	0	0	0
Wallace Way	1,320	2,640	0	0	0	0	0
Wardwell Road	286	572	0	0	0	0	0
Washington Avenue	0	0	0	0	0	0	0
Weaver Road	3,117	0	0	0	0	0	0
West Port Madison Road	5,333	0	0	0	0	0	0

ROAD NAME	Center Stripe (LF)	Edge Line (LF)	Painted Wide Line (LF)	Recessed Pavement Marker Type 2 (EA)	Remove Raised Pavement Marker (EA)	Remove Plastic Crosswalk Line (Per SQ FT)	Removing Plastic Traffic Marker (EA)
Wing Point Way	6,500	4,500	3,240	0	0	0	0
Wing Point Road	1,145	2,290	0	0	0	0	0
Winther Road	1,320	0	0	0	0	0	0
Winslow Way	3,676	2,774	1,900	0	0	0	0
Wood Avenue	1,742	0	0	0	0	0	0
Wyatt Way	5,280	30,768	1,500	0	0	0	4
Yaquina Avenue	3,168	0	0	0	0	0	0
3-T Road	890	0	0	0	0	0	0
Total	**453,866**	**529,624**	**65,336**	**340**	**400**	**719**	**25**

Declaration of Option for Management of Statutory Retained Percentage Under Chapter 60.28 RCW

The Contractor shall declare an option for management of the statutory retained percentage for this Contract by affixing the Contractor's signature and date to one of the following three options in accordance with RCW 60.28.011(4) and subject to the conditions of the Measurement and Payment Section. The Contractor may also have some or all of the retained percentage released by tendering a retainage bond acceptable to the Owner (City of Bainbridge Island) in accordance with RCW 60.28.011(6).

☐ I hereby elect to have the retained percentage of this Contract **HELD IN A FUND** by the City of Bainbridge Island ("City") in accordance with RCW 60.28.011(4)(a).

Date: _____ Signed: _____

☐ I hereby elect to have the City deposit the retained percentage of this Contract in an **INTEREST-BEARING ACCOUNT** in accordance with RCW 60.28.011(4)(b).

Date: _____ Signed: _____

☐ I hereby elect to have the City **PLACE IN ESCROW** the retained percentage of this Contract in accordance with RCW 60.28.011(4)(c). If this option is chosen, the Contractor must designate a repository acceptable to Owner as follows:

I hereby designate _____ as the repository for the escrow of said funds. The terms of which are specified by a separate escrow agreement. The cost of the investment program and the risk thereof is to be borne entirely by the Contractor. All investments selected are subject to City approval. Prior to the City placing any monies in an escrow account, the Contractor shall provide an original signed escrow agreement from the repository with a letter stating their acceptance of the account, the account number, the nature of the investments to be made, and a statement that they will not release any funds until authorized in writing by the City. When the monies reserved are to be placed in escrow, the City will issue a check representing the sum of the monies reserved payable to the bank or trust company and the Contractor jointly. Such check shall be converted into bonds and securities chosen by the Contractor and approved by the City and the bonds and securities held in escrow.

Date: _____ Signed: _____

☐ I hereby elect to tender a retainage bond for some or all of the retained percentage in accordance with RCW 60.28.011(6). Such bond shall be issued by a surety accepted for business in this state by the Washington Insurance Commissioner and with an A.M. Best rating of at least B plus and otherwise acceptable by the Owner (City).

Date: _____ Signed: _____

CITY OF BAINBRIDGE ISLAND
280 Madison Avenue N
Bainbridge Island, Washington 98110

Subject: **2020 Road Striping**

To Whom It May Concern:

The undersigned Contractor hereby guarantees and warrants the complete construction and installation of all work, systems, and apparatus done and performed in connection with the above-referenced Project to be free from defects in materials and workmanship for a period of **two (2) years** from the date of final acceptance of the entire Project. The undersigned agrees to remedy and correct at its own expense any such defects appearing during that period of time due to unsatisfactory materials or workmanship, and will pay for any and all damage which may occur to other aspects of the work or the Project which may result from the occurrence of such defects or the correction of the same. It is understood that partial or entire use of the Project by the City of Bainbridge Island ("City") shall not constitute final acceptance of the Project.

This Guarantee and its acceptance by the City shall in no way be deemed a waiver by the City of any rights or remedies (or time limits in which to enforce said rights or remedies) it may have against the undersigned for defective workmanship or defective materials under the laws of the State of Washington pertaining to acts of negligence.

This Guarantee shall not be interpreted as holding the undersigned responsible for any deterioration of the work related to the Project due to normal use or abuse of the work by the City.

_____
Contractor Signature

_____
Date

_____
Print – Company Name – Title

STATE OF WASHINGTON)
) ss
COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument, and acknowledged it as the _____ of _____ to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.

DATED: _____

_____

NAME: _____
(Print Name)
Notary Public in and for the State of Washington
Commission Expires: _____

Certification of Compliance with Wage Payment Statutes

The bidder hereby certifies that, within the three-year period immediately preceding the bid solicitation date for the 2020 Road Striping Project, the bidder is not a "willful" violator, as defined in RCW 49.48.082, of any provision of chapters 49.46, 49.48, or 49.52 RCW, as determined by a final and binding citation and notice of assessment issued by the Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

_____
Bidder's Business Name

_____
Signature of Authorized Official*

_____
Printed Name

_____
Title

_____ _____ _____
Date City State

Check One:

Sole Proprietorship ☐ Partnership ☐ Joint Venture ☐ Corporation ☐

State of Incorporation, or if not a corporation, State where business entity was formed:

_____

If a co-partnership, give firm name under which business is transacted:

_____

** If a corporation, proposal must be executed in the corporate name by the president or vice-president (or any other corporate officer accompanied by evidence of authority to sign). If a co-partnership, proposal must be executed by a partner.*

Payment Bond

KNOW ALL PEOPLE BY THESE PRESENTS: **BOND NO.: _____**

That we, _____, the CONTRACTOR, herein referred to as PRINCIPAL, and _____, as SURETY, are held and firmly bound unto THE CITY OF BAINBRIDGE ISLAND (hereinafter the "OWNER") in the full sum of _____ _____dollars ($_____), lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITIONS of this obligation are such that, whereas, the PRINCIPAL has entered into an agreement in writing with the OWNER, dated _____, 20__, for the construction of the **City of Bainbridge Island's 2020 Road Striping Project,** according to the terms, conditions, and covenants specified in the Contract including all of the Contract Documents therein referred to, which are hereby referred to and made a part hereof as fully and completely as though set forth in detail herein, and

WHEREAS, it is understood and made a part of the consideration for this obligation that the OWNER shall have the right to sue on this bond in its own name to recover for any loss, injury, damage, or liability whatsoever sustained or incurred by it by reason of the PRINCIPAL's failure to pay all laborers, mechanics, and subcontractors and material men, and all persons who shall supply such person or persons and such PRINCIPAL or subcontractors with provisions and supplies for the carrying on of such Work as defined and required by chapter 39.08 RCW, any breach of the contract documents, or of any provision in this bond, in the same manner and to the same extent as though this obligation ran directly to the OWNER.

NOW, THEREFORE, if the PRINCIPAL shall well, truly, and faithfully perform all of the provisions and fulfill all of the undertakings, covenants, terms, conditions, and agreements for payment of all persons laborers, mechanics, and subcontractors and material men, and all persons who shall supply such person or persons and such PRINCIPAL or subcontractors with provisions and supplies for the carrying on of such Work as required by chapter 39.08 RCW and shall indemnify and save harmless OWNER from all cost and damage by reason of the PRINCIPAL's default or failure to do so, then this obligation shall be null and void, otherwise this obligation shall remain in full force and effect and SURETY will be obligated to pay such person or persons as required by chapter 39.08 RCW.

IT IS FURTHER DECLARED AND AGREED that the SURETY hereby further stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Agreement, the Work to be performed thereunder, or the Project Specifications shall in any way affect its obligation on this Bond, and the SURETY hereby waives notice of any change, extension of time, alteration, or addition to the terms of the Contract, the Work, or the Project Specifications. SURETY hereby attaches an original Power of Attorney verifying the authority of the person(s) executing this Bond on behalf of the SURETY.

Sealed and dated this _____ day of _____, 20__.

PRINCIPAL:

By:_____
(Print Name)

Signature:_____

Title:_____

SURETY:

By:_____
(Print Name)

Signature:_____

Title:_____

Address:_____

_____

Attachments: Original Surety Power of Attorney

Performance Bond

KNOW ALL PEOPLE BY THESE PRESENTS: **BOND NO.: _____**

That we, _____, the CONTRACTOR, herein referred to as PRINCIPAL, and _____, as SURETY, are held and firmly bound unto THE CITY OF BAINBRIDGE ISLAND (hereinafter the "OWNER") in the full sum of _____ _____dollars ($_____), lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITIONS of this obligation are such that, whereas, the PRINCIPAL has entered into an agreement in writing with the OWNER, dated _____, 20___, for the construction of the **City of Bainbridge Island, 2020 Road Striping Project**, according to the terms, conditions and covenants specified in the Contract including all of the Contract Documents therein referred to, which are hereby referred to and made a part hereof as fully and completely as though set forth in detail herein, and

WHEREAS, it is understood and made a part of the consideration for this obligation that the OWNER shall have the right to sue on this bond in its own name to compel performance by the SURETY and to recover for any loss, injury, damage, or liability whatsoever sustained or incurred by it by reason of the PRINCIPAL's failure to perform all requirements and obligations under the Contract as defined by the Contract Documents in the same manner and to the same extent as though this obligation ran directly to the OWNER.

NOW, THEREFORE, if the PRINCIPAL shall well, truly, and faithfully perform all of the provisions and fulfill all of the undertakings, covenants, terms, conditions, and agreements under the Contract and the Contract Documents and save harmless OWNER from all cost and damage by reason of the PRINCIPAL's default or other failure to do so, then this obligation shall be null and void, otherwise this obligation shall remain in full force and effect and SURETY will be obligated to perform or pay to have performed any and all such obligations not performed by the PRINCIPAL in accord with the Contract Documents in the same manner and to the same extent as the PRINCIPAL.

IT IS FURTHER DECLARED AND AGREED that the SURETY hereby further stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract, the Work to be performed thereunder, or other Contract Documents shall in any way affect its obligation on this Bond, and the SURETY hereby waives notice of any change, extension of time, alteration, or addition to the terms of the Contract, the Work, or other Contract Documents. SURETY hereby attaches an original Power of Attorney verifying the authority of the person(s) executing this Bond on behalf of the SURETY.

Sealed and dated this _____ day of _____, 20__.

PRINCIPAL:

By:_____
(Print Name)

Signature:_____

Title:_____

SURETY:

By:_____
(Print Name)

Signature:_____

Title:_____

Address:_____

_____

Attachments: Original Surety Power of Attorney

2020 Road Striping List
Attachment D

ROAD NAME	Center Stripe (LF)	Edge Line (LF)	Painted Wide Line (LF)	Recessed Pavement Marker Type 2 (EA)	Remove Raised Pavement Marker (EA)	Remove Plastic Crosswalk Line (Per SQ FT)	Removing Plastic Traffic Marker (EA)
Agate Pass Road	3,485	0	0	0	0	0	0
Agatewood Road	1,600	0	0	0	0	0	0
Agate Point Road	3,229	0	0	0	0	0	0
Arrow Point Drive	9,504	0	0	0	0	0	0
Baker Hill Road	10,666	21,332	0	0	0	0	0
Battle Point Drive	10,930	0	0	0	0	0	1
Bayhill Road	350	0	0	0	0	0	0
Bergman Road	2,817	0	0	0	0	0	0
Bjune Drive	302	1,641	0	0	0	47	0
Blakely Avenue	15,840	31,680	0	0	0	0	0
Blakely Hill Road	4,224	100	0	0	0	48	0
Brien Drive	0	988	0	0	0	0	0
Bucklin Hill Road	5,333	10,666	3,900	0	0	0	0
Byron Drive	1,297	0	0	0	0	0	0
Cave Avenue	0	0	0	0	0	84	0
Cherry Avenue	2,400	0	0	0	0	0	1
Commodore Lane	1,984	0	0	0	336	0	0
Cosgrove Avenue	0	0	0	0	0	80	1
County Park Road	0	0	0	0	0	0	0
Country Club Rd	8,976	0	0	0	0	0	0
Crystal Springs Drive	9,194	0	0	0	0	0	0
Day Road	12,461	24,922	0	0	0	0	0
Dingley Road	774	1,548		0	0	0	0
Dolphin Drive	2,640	0	0	0	0	0	0
Eagle Harbor Drive	12,725	25,450	0	0	0	0	0
Ericksen Avenue	2,600	10,750	4,992	0	0	120	0
Euclid Avenue E	7,603	0	0	0	0	0	0
Falk Road	2,763	0	0	0	0	0	0
Ferncliff Avenue	8,818	9,874	7,300	0	0	0	0
Fletcher Bay Road	12,091	22,722	1,460	340	0	0	1

2020 Road Striping List
Attachment D

ROAD NAME	Center Stripe (LF)	Edge Line (LF)	Painted Wide Line (LF)	Recessed Pavement Marker Type 2 (EA)	Remove Raised Pavement Marker (EA)	Remove Plastic Crosswalk Line (Per SQ FT)	Removing Plastic Traffic Marker (EA)
Finch Road	2,640	3,822	1,600	0	0	0	0
Fort Ward Hill Road	7,973	4,934	0	0	0	0	0
Foster Road	1,954	0	0	0	0	0	0
Frey Road	1,320	0	0	0	0	0	0
Grand Avenue	4,752	7,104	2,520	0	0	0	0
Grow Avenue	4,150	8,300	0	0	0	0	0
Halls Hill Road	3,854	0	0	0	0	0	0
Harborview Drive	2,587	0	0	0	0	0	0
Henderson Road	4,013	0	0	0	0	0	0
Hidden Cove Rd	11,088	22,176	0	0	0	0	0
High School Rd.	7,260	16,592	9,355	0	200	40	2
Ihland	0	0	0	0	0	0	0
Komedal Road	2,429	0	0	0	0	0	0
Koura Road	7,248	16,684	0	0	0	0	0
Lafayette Avenue	3,960	7,920	0	0	0	0	0
Lofgren Road	1,901	3,802	0	0	0	0	0
Lovegren Road	2,563	0	0	0	0	0	0
Lovell Avenue	2,640	5,280	0	0	0	0	0
Lynwood Center Rd	6,653	10,660	2,646	0	0	0	0
Madison Ave & Madison Ave North	22,326	35,452	15,984	0	0	108	13
Mandus Olson	2,590	0	0	0	0	0	0
Manitou Beach Road	8,501	17,002	0	0	0	0	0
Manzanita Avenue	5,280	0	0	0	0	0	0
McDonald Avenue	2,323	0	0	0	0	0	0
Miller Road	15,101	30,202	0	0	0	0	0
Moran Road	2,904	5,808	0	0	0	0	0
Murden Cove	1,848	0	0	0	0	0	0
Nakata Place	0	0	0	0	0	0	0
New Brooklyn Road	10,666	19,373	1,959	0	0	108	0

2020 Road Striping List
Attachment D

ROAD NAME	Center Stripe (LF)	Edge Line (LF)	Painted Wide Line (LF)	Recessed Pavement Marker Type 2 (EA)	Remove Raised Pavement Marker (EA)	Remove Plastic Crosswalk Line (Per SQ FT)	Removing Plastic Traffic Marker (EA)
New Sweden Ave	3,907	0	0	0	0	0	0
Nicholson Place	0	0	0	0	0	0	0
North Street	528	0	0	0	0	0	0
Oddfellow Road	2,904	5,808	0	0	0	0	0
Old Creosote Drive	3,653	0	0	0	0	0	0
Old Mill Road	5,280	0	0	0	0	0	0
Olympic Terrace	2,798	0	0	0	0	0	0
Parfitt Way	3,640	0	0	0	0	84	0
Park Avenue	1,742	3,484	0	0	0	0	0
Peterson Hill Road	1,320	0	0	0	0	0	0
Phelps Road	8,026	16,052	6,060	0	0	0	0
Pleasant Beach Drive	6,970	13,940	920	0	0	0	0
Point White Drive	8,026	16,052	0	0	0	0	0
Ralston Road	581	0	0	0	0	0	0
Rockaway Beach Road	5,280	0	0	0	0	0	0
Rose Avenue	1,584	0	0	0	0	0	0
Sands Avenue	2,534	0	0	0	0	0	0
Seabold Road	400	0	0	0	0	0	0
Seabold Church Road	581	0	0	0	0	0	0
South Beach Road	3,168	0	0	0	0	0	0
Sportsman Club Road	8,606	17,212	0	0	0	0	1
Springridge Road	5,966	0	0	0	0	0	0
Sunrise Drive	15,787	31,574	0	0	0	0	0
Taylor Avenue	6,791	0	0	0	0	0	0
Toe Jam Hill Road	7,920	0	S	0	0	0	0
Tolo Road	326	0	0	0	0	0	1
Torvanger Road	1,320	0	0	0	0	0	0
Valley Road	2,587	5,174	0	0	0	0	0
Vincent Road	2,734	0	0	0	0	0	0

2020 Road Striping List
Attachment D

ROAD NAME	Center Stripe (LF)	Edge Line (LF)	Painted Wide Line (LF)	Recessed Pavement Marker Type 2 (EA)	Remove Raised Pavement Marker (EA)	Remove Plastic Crosswalk Line (Per SQ FT)	Removing Plastic Traffic Marker (EA)
Wallace Way	1,320	2,640	0	0	0	0	0
Wardwell Road	286	572	0	0	0	0	0
Washington Avenue	0	0	0	0	0	0	0
Weaver Road	3,117	0	0	0	0	0	0
West Port Madison Road	5,333	0	0	0	0	0	0
Wing Point Way	6,500	4,500	3,240	0	0	0	0
Wing Point Road	1,145	2,290	0	0	0	0	0
Winther Road	1,320	0	0	0	0	0	0
Winslow Way	3,676	2,774	1,900	0	0	0	0
Wood Avenue	1,742	0	0	0	0	0	0
Wyatt Way	5,280	30,768	1,500	0	0	0	4
Yaquina Avenue	3,168	0	0	0	0	0	0
3-T Road	890	0	0	0	0	0	0
Totals	**453,866**	**529,624**	**65,336**	**340**	**536**	**719**	**25**

City of Bainbridge Island
Public Works Department

Project: **2020 Road Striping Project**

Bid Opening Date: Bids Due on April 7th, 2020 @ 10:00 am

Note: Bids Are Opened in Order Received. Bids Solicited by: ☐ Advertisement ☒ Small Works Roster The Engineers Estimate is: $190,000-$220,000	**Stripe Rite, Inc.**	**Specialized Pavement Marking, Inc.**	**Apply-A-Line, LLC**	
Proposal – *Items of Work & Materials, Estimated Quantities, Units of Measurement.*	X	X	X	
Proposal Signature Page	X	X	X	
Statement of Bidders Qualifications	X	X	X	
Total Amount Base Bid:	$162,706.94	$211,376.10	$169,837.40	
Washington State Sales Tax @ 9.0 %	n/a	n/a	n/a	
TOTAL BID AMOUNT	$162,706.94	$211,376.10	$169,837.40	

A total of 3 bids were received for the 2020 Road Striping project. Project Manager, Joel Goodwin has reviewed all the bids and recommends that the City Council award the contract to the apparent low bidder, Stripe Rite Inc. in the amount of $162,706.94.

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: Amendment No. 1 to Water & Sewer Telemetry Upgrade Professional Services Agreement - Public Works,

SUMMARY:
Amendment No. 1 to the Design Professional Services Agreement with S&B Inc., in the amount of $58,106.84, is needed for upgrades to the existing SCADA (Supervisory Control and Data Acquisition) system located at the Wastewater Treatment Plant with remote telemetry units at each water and sewer pumping and storage facility.

AGENDA CATEGORY: Contract **PROPOSED BY:** Public Works

RECOMMENDED MOTION: Approve with Consent Agenda.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	$58,106.84
Ongoing Cost:	
One-Time Cost:	$58,106.84
Included in Current Budget?	Yes

BACKGROUND: The Water & Sewer Telemetry Upgrade Professional Services Agreement consists of upgrades to the existing master SCADA (Supervisory Control and Data Acquisition) system located at the Wastewater Treatment Plant with remote telemetry units at each water and sewer pumping and storage facility.

Amendment No. 1 to the Design Professional Services Agreement is needed for additional design of the Sakai Village lift station controls upgrade, new sensors at the Lovell Avenue lift station, pressure reducing valve conversions at the Ferncliff Avenue and Ericksen Avenue stations, and a Windows 10 upgrade to the main telemetry unit system.

City Council approved the original Water & Sewer Telemetry Upgrade Agreement at the July 9, 2019 Council Meeting in the amount of $297,346.90. Upon approval of Amendment No. 1, the revised contract amount will be $355,453.74.

Under Section 9.0 of the City's Procurement Policy, City Council approval is required before the City Manager may execute an amendment to a professional services agreement that provides for a cost increase exceeding 10% of the original contract cost (or $50,000, whichever is greater), and is within the approved budget.

ATTACHMENTS:

Amendment No. 1 to Water & Sewer Telemetry Upgrade Professional Services Agreement

Water & Sewer Telemetry Upgrade Professional Services Agreement (Executed July 26, 2019)

FISCAL DETAILS:

The expenditures for this amendment are split between utility funds: Water Fund at $23,518.93; Sewer Fund at $34,587.91. The overall SCADA project budget is proposed to be amended and increased to cover these costs when the City Council reviews and approves the 2020 Q1 budget amendments.

Fund Name(s): Sewer Fund

Coding:

AMENDMENT NO. 1 TO
AGREEMENT FOR PROFESSIONAL SERVICES

THIS AMENDMENT NO. 1 TO THE AGREEMENT FOR PROFESSIONAL SERVICES ("Amendment") amends the Agreement for Professional Services ("Agreement") entered into on July 26, 2019, by the City of Bainbridge Island, a Washington State municipal corporation, ("City"), and S & B, Inc., a Washington State corporation ("Consultant").

WHEREAS, the City and the Consultant entered into the Agreement to provide professional services in connection with the City's desires to replace obsolete Programmable Logic Controllers (PLCs) and tone telemetry technology with high reliability PLC technology, expand monitoring control abilities, enhance operator display and viewing options, and improve system reliability; and

WHEREAS, the City desires that the Consultant provide additional services relating to additional design of the Sakai Village lift station controls upgrade, new sensors at the Lovell Avenue lift station, pressure reducing valve conversions at the Ferncliff Avenue and Ericksen Avenue stations, and a Windows 10 upgrade to the main telemetry unit system; and

WHEREAS, the Consultant is willing to provide such additional services in exchange for an additional $58,106.84.

NOW, THEREFORE, the City and the Consultant agree to amend the Agreement as follows:

1. Section 3.A is hereby amended to read as follows:

A. The City shall pay the Consultant for such services: (check one)

[ ] Hourly, plus actual expenses, in accordance with **Attachment A**, but not more than a total of _____ ($_____).
[X] A total fixed sum, in accordance with **Attachment A**: a total amount of ~~Two-Hundred Ninety-Seven Thousand Three Hundred Forty-Six Dollars and Ninety Cents ($297,346.90)~~ Three Hundred Fifty-Five Thousand Four Hundred Fifty-Three Dollars and Seventy-Four Cents ($355,453.74).
[ ] Other: $_____, for all services performed and incurred under this Agreement, to be billed monthly in equal amounts.

2. **Attachment A**, Scope of Services, is hereby amended to include the new tasks shown on attached **Exhibit A**.

3. Except as modified herein, all other terms and conditions to the Agreement shall remain in full force and effect.

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

S & B, INC.	CITY OF BAINBRIDGE ISLAND
Date:_____	Date:_____
By:_____	By:_____
Name_____	Morgan Smith, City Manager
Title_____	
Tax I.D. #_____	
City Bus. Lic. #_____	

EXHIBITA

S&B inc. 13200 SE 30th St., Bellevue, Washington 98005 (425) 644-1700 FAX (425) 746-9312

April 24, 2020

City of Bainbridge Island
280 Madison Avenue N
Bainbridge Island, WA 98110
Via email: pcorelis@bainbridgewa.gov

Attention: Peter Corelis, P.E.
Subject: Amended Scope for SCADA System Upgrade Recommendations and Proposal Professional Engineering Services and System Integration

Peter:

We are pleased to provide the following amended recommendations and quotation for the second phase of SCADA upgrades to your system. This amendment to the existing Professional Service Agreement addresses items identified by City personnel that are critical.

Background Information

The existing SCADA system consists of a Master Telemetry Unit and computer system located at the Waste Water Treatment Plant (WWTP), and remote telemetry units placed at each water and sewer pumping and storage facility. In 2009, as part of the WWTP improvements, the automation system was upgraded with the addition of several programmable logic controllers (PLCs). The water distribution and sewer collection SCADA master PLC was moved to the WWTP and integrated into a single SCADA system serving water and wastewater needs. All automation system upgrades performed since this time are connected to the 2009 PLC unit and therefore have a significant lifespan remaining. The expected lifespan of full hardware support for this technology is considered fifteen to twenty years. Some parts of the master telemetry unit at the WWTP are from the original 1994 system and are more than twenty years old.

The current professional service agreement contract removes the remaining tone telemetry and 505 series PLC components that are obsolete and difficult to service. The amended professional service agreement will replacement a first generation RTU at Sakai Lift Station, upgrades to the Master Telemetry Unit (MTU) WinCC SCADA upgrade, new sensor and floats for Lower Lovell Lift Station, and Cla Val conversion for Ferncliff and Ericksen PRV stations.

Key performance factors identified for this upgrade includes:

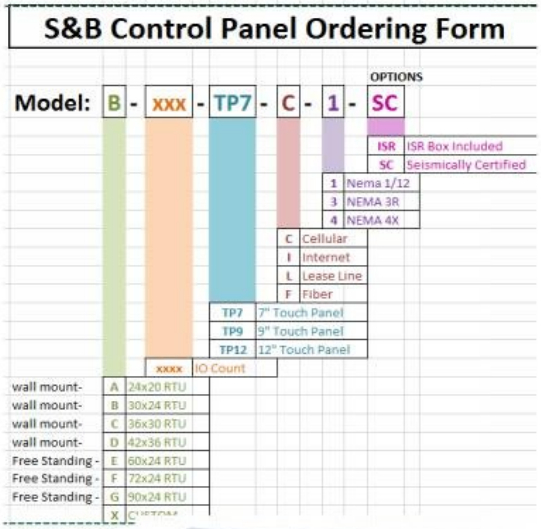
- Replacement of obsolete PLC and tone telemetry technology with high reliability PLC technology
- Expanded monitoring and control abilities
- Enhanced Operator Display for new RTUs
- Improved System Reliability

First Generation RTU Upgrades

The sewer lift stations at Sunday Cove, Vineyard, Sakai Village, Rockaway, North Town Woods and Lynnwood are first generation PLC based units that communicate with the new Master PLC installed in 2009. Communication was moved from the TI PLC to the new Master PLC with the original Professional Service Agreement. The move was done in the Fall of 2019. The City has identified that Sakai LS should be upgraded to our 4th generation RTU.

Additional instruments quoted with the new RTUs include a wet well level transmitter, two high level floats and smoke sensor, both required by the new design. Other sensors such as floats and limit switches are available if existing units are proven defective.

With each upgrade of the remote system, corresponding changes are required to the master telemetry unit to exchange data and process alarm conditions. Costs associated with the MTU changes are included in the RTU pricing. The proposed RTUs are configurable to work on existing leased lines, DSL/Cable, radio and cellular communication channels. The basis of estimate for the lift station RTU upgrades are based on DSL implementation. The RTU is UL listed and meets local, state and federal standards for construction and safety. Startup services are provided following installation by our electrical sub-contractor, modification of the MTU to accommodate the new system and decommissioning of the old tone telemetry equipment.



S&B Inc 4th Generation RTU

The RTUs for this project are utilizing standard products, see RTU product order number matrix. All RTU's will come with TP700 and ready for either DSL or Cellular connectivity.

PLC

A Siemens 1500 series processor and ET200-SP series form factor is selected as the replacement for your existing series 440 processor. The 1500 series processor is our most common PLC deployment today.



The Siemens 1500 series Programmable Logic Controller (PLC) is very powerful and fast – handling multiple requests from many locations simultaneously. The new PLC will accommodate the computing needs of the reservoir stations, and have sufficient capacity to significantly expand in scope as new control features or devices are added in the future. It comes with built-in security where users must authenticate through established credentials to view the PLC and make any adjustments to the program. This is an added layer of protection to stop any unauthorized access. The 1500 series processor will accommodate a wide variety of communication options including telephone, fiber optics, cellular, and/or cable/DSL communication. For this application, the District has selected cellular.

A key change in the technology between the existing system and the proposed new PLC is with the machine code. The new 1500 series PLC uses object oriented code which allows for CPU efficient execution of functional block, statement list and structured control languages using the industry standard IEC 61131 guidelines for programmable logic

controllers. This conversion is a major step in building open system platforms that are less dependent on specific manufacturer features.

Touch Panel Controls

New RTUs include a 7" color touch panel display for improved local control capabilities to the operator for setpoint entry and alarm display.

Master Telemetry Unit (MTU) WinCC SCADA Upgrade

After January 14, 2020, Microsoft will end support for Windows 7 and Server 2008. The primary affect to your system is in security as Microsoft will no longer provide security updates or support for PCs running Windows 7 or Server 2008. We recommend upgrading the computers to the latest software and are pleased to provide you with a scope to replace the client SCADA computer, your server computers use Windows Server 2012 R2 and are supported.

The SCADA computer system was last upgraded in 2016. SCADA computers, which run continuously acquiring SCADA data, have a far shorter lifespan than personal computers as they are used continuously with heavy demands on the hard disks and processing units. SCADA computers have a lifespan of 3-5 years (workstations) and 5-7 years (servers) you are at the benchmark time frame for complete replacement of the Client computer as the hardware costs are less than the labor to load, configure and test. It is best practice to be proactive in the replacement cadence of the SCADA computers.

This scope provides options to replace the workstation computer and software with new equipment and updated Siemens SCADA software application compatible with the new Microsoft Windows 10 Enterprise operating system for the workstation and Server 2012 R2 for the server machine. Using Windows 10 for SCADA system software applications requires more user management over the monthly Windows Update than the previous Windows 7 system required. Therefore, we recommend Windows 10 Enterprise LTSC 2019 as the version of operating system best matched to SCADA operation. This version provides the most stable operating system environment and one easiest to manage internally or by our field engineers. Unlike the standard Windows 10 Professional, the LTSC 2019 is a leaner operating system focused on stability and without unnecessary programs and frequently mandated Anniversary Updates. The best feature is the stable performance necessary for critical applications such as SCADA. The downside of this version of Windows 10 is that it is available as a "volume license / software assurance" software subscription service only, not factory installed. We must install a new enterprise windows OS and manage a volume license purchase, placed in the utilities name.

The workstation will be configured for Win911 off-duty call out and similar to the SCADA application program. Your current version is 7.1x, a relicensing fee is required by the manufacturer to re-install your existing software version and is included in our scope.

The existing server computers has just entered the expected life span time frame of 5-7 years. The servers are running Windows Server 2012 R2 OS with a Mainstream Support End Date of 10/9/2018 and Extended Support End Date of 10/10/2023. We recommend replacing the server machines prior to 2023. The Existing Server WinCC computer will only have the WinCC application software update for compatibility with WinCC version upgrade on the Client computer.

The SCADA computer system includes a dual monitor display with two 24" LCD screens, for the workstation with a desktop mount stand that holds the monitors fixed into relationship to each other. The monitors have a narrow edge which improves the overall operating environment when viewing data that spans more than one monitor. The client computer video card is provided with three ports; one display Port (DP) and two mini Display Ports (mDP). The two mDP ports will be used for the 24" monitors, leaving the DP available for a future connection.

Work will be performed by an S&B Inc field Engineer.

New Sensor and Floats for Lower Lovell Lift Station

The City currently has a 2016 RTU removed from the Village Lift Station that is suitable for use at Lower Lovell Lift Station. The City has decided to not reuse the level transmitter and floats from Village. This provides new Level Transmitter and Floats for the repurposed RTU at Lower Lovell.

Cla Val Conversion for Ferncliff and Ericksen PRVs

These two PRV station are included in the original current scope of work for installation by a contractor. Currently these sites do not have override control and monitoring capacities from SCADA. The City's newer PRV stations are designed with override close on the small PRV, override open/close/hold on the larger PRV, and monitoring of valve position. We propose adding these same features to Ferncliff and Ericksen. The Cla Val retrofit will occur before the contractor installs the new RTUs. S&B will order the Cla Val retrofit from GC systems and direct GC Systems to coordinate with City Personnel to schedule installation.

Professionals Engineering Services for Installation by Contractor:

The work quoted includes Professional engineering services to provide the City with design documents for inclusion into the City's specifications for contractor bid package. Installation is not part of this scope of work.

Summary of sites that required contractor installation:
Sakai Village Lift Station

We recommend that the contractor performs a site visit to each station prior to providing a bid. Below is a brief description of requirements by site (only new sites added this amendment are described below).

Sewer sites at Sakai Village

Replace first generation telemetry RTU at Sakai Village S&B model B-32I8Q8AI-TP7-I-1-ISR. New unit is Nema type 1/12 sized 24x24x10 with intrinsically safe circuit kit for installation into existing MCP panel.

Price is based on change from leased line to DSL service with VPN supplied in RTU for secure communication. S&B will provide instructions to City personnel for CenturyLink to change phone line services. Field instruments include one submersible level transmitter and two floats.

The following items are performed by an S&B Field Engineer. No contractor installation is required:

MASTER TELEMETRY UNIT (MTU) WINCC SCADA UPGRADE {WORK PERFORMED BY S&B FIELD ENGINEER}

The master system modifications for upgrading the WinCC server application software to V7.5 SP1 Upd2 and replacement of Windows 10 Enterprise LTSC 2019 client computer with WinCC7.5 SP1 Upd2 and Win911 loaded.

Startup and Commissioning:

The SCADA system requires testing with each item listed below following installation. Our quote includes startup and commissioning for each RTU.

Training:

Training is provided concurrent with each station upgrade. Our field engineer will instruct the assigned operator(s) with the use of the new touch screen devices with specific focus on control features as part of the station commissioning. This provides the City with hands on training and self-sufficiency in maintaining the SCADA system. Equipment and software planned for these upgrades are consistent with the newer pump stations purchased by the City and we do not anticipate operators having difficulty understanding the technology applied at each pump station.

O&M Manual:

S&B will provide a conformed O&M for the City for the SCADA Master System. Two copies will be proved to the City. The Binders include schematic drawings on 11x17 and a DVD with hardware manuals and operation description.

Warranty Support:

The system integration and software development required for this project is included with full support for a time period not less than one (1) year. During this time period, we will receive requests for assistance and respond using a high speed network connection to the control system via VPN within one business day. The initial response will identify problem areas, determining if the system requires software modifications, hardware replacement or both in order to maintain automatic operation of the system. The technologies available to us for troubleshooting the new system allow our engineers to remotely access the MTU system, assess current and historical conditions, and make assessments quickly.

We will support the City in the diagnosis and resolution of hardware failures to equipment provided under this scope of work during the warranty period without additional fees.

Scope of Work Estimates:

Our work summary is provided on the attached table and is broken into several columns to reflect selected options and anticipated services:

1. Professional Services / Application Software / Design
2. System integration / hardware / packaged software
3. Field Instruments and Sensors
4. Electrical Installation estimates provided with I&C and Electrical Design documents

Professional Services includes application specific software engineering, electrical and I&C design, CAE generated drawings application specific, application development for the Siemens S7 PLC, WinCC graphic computer software

environments, and factory testing of RTU with software, startup, commissioning and training. System integration includes materials, panel integration, use SBI packaged software Library, Standard Product CAE drawings, and field devices. System integration work is performed at our facility in Bellevue, tested and then shipped to location for installation. The assembly of custom RTUs was determined by Washington State L&I in 2017 to require inside electrician prevailing wage rates; this scope of work provides all standard products with RTU model numbers. Please see the attached "Scope of Work Pricing and Details" section for a more detail breakout of Professional Services and System Integration.

Professional Engineering Services for design is provided by S&B, to provide the City with electrical and I&C specifications for include in the contractor installation bid documents. Professional Engineering Services deliverable may include but not limited to; electrical site plan, station One-Lines, conduit schedule, equipment and field device placement, block diagrams, network diagram, I&C and Electrical Specifications for inclusion into the City's Small works Roster bid document.

City to provide S&B civil site plan in AUTOCAD, transmitted electronically for the stations requiring installation by contractor.

Scheduling:

Our typical project cycle is 8 to 10 weeks for delivery. Scheduling will accommodate City needs. Our field work will impact operations for coordination with confined space entries for our electrical sub-contractor. We will plan ahead, coordinate work and minimize disruption to the operation of your systems. In spite of this we anticipate portions of the control system operation will require manual operation by the City for up to eight hour durations while critical control changes are implemented.

Service Life:

For your lifecycle planning, it is important to consider equipment service life. During this time period the device should be repairable or replaceable with like kind. The SCADA system is composed of parts that are on the leading edge of technology and more susceptible to obsolescence than other equipment in your water and sewer systems such as pumps and valves. We recommend our customers to consider the following lifecycle estimates in the budget cycle for the purposes of budget planning.

Description	*Support Life*	*Repair Frequency*
PLC central processing unit (RTU, MTU)	20 years	rare – never
PLC I/O modules	20 years	15 year
Communication (modems of all types)	7 years	5 year
Touch Screens for PLC	8 years	8 year
Power Supplies	20 years	7 year
Computer Systems	5-7 years	4 year
Pressure Transmitters	20 years	15 year
Submersible Level Transmitter	15 years	10 year
Network Connected motor controllers	20 years	20 years

Standard Inclusions:

- Control system design and software based on S&B standards.
- Equipment is factory tested and shipped FOB factory with freight allowed, common carrier, destination.
- Shop Drawings, instruction manuals and software documentation via electronic media.
- Submittal Documentation available at 4 weeks after receipt of order
- Field Engineering Services for technical support of installation questions, start-up, and acceptance testing of equipment supplied by this quotation. S&B is a designer and supplier of control system equipment, providing technical support and engineering services to review installation of our equipment, commission and attest to its compliance with the project specifications.
- Quote is valid for ninety days from date of bid

Standard Exclusions:

Unless specifically included as a line item in this quotation's scope of supply the following are excluded from our scope of deliverables:

- L&I filing fees, prevailing wage compliance.
- Electrical installation.
- Stamped seismic calculations for Seismic Zone compliance.
- Conduit, wire or cable external to the control system panels listed in this scope
- Mounting brackets, stanchions, supports, pads that are not integral to the control system panels or process instruments listed in this scope.
- Liquidated damages (available upon request and definition of scope)
- Credit Card payment (service available for additional fee)
- Cost of Utility service (cost provided by City of Bainbridge Island)

Prices quoted are valid for sixty (60) days and we accept the City's standard contract form presented in our 2015 - 2016 contract. Please feel free to use the text in this scope of work for your Contract attachment.

We thank you for the opportunity to provide this proposal and will be happy to answer any questions you may have regarding technical or administrative issues.

Yours very truly,

James E Swanson II

James E Swanson II, PE
Vice President
S&B Inc.

Scope of Work Pricing and Details

Electrical scope:

- Portion of our work includes providing an instrument and electrical installation plans and specifications. The new sensor for Lower Lovell and Sakai Lift Station will be added to the design packet.

Summary

New sensor and Floats for Lower Lovell	$1,456.24
SCADAClient 1 upgrade to windows 10 with WinCC upgrade to V7.5	$7,579.86
Sakai LS added to scope of Work	$29,341.74
Ferncliff and Ericksen Cla Val conversion	$19,729.00
Amended Scope Total	**$58,106.84**

Detail Breakout

SCADAClient 1 upgrade to windows 10 with WinCC upgrade to V7.5		$6,954.00
WSST	9.0%	$625.86
Total		**$7,579.86**
New Sensors for Lower Lovell (repurposed Village RTU)		$1,336.00
(two floats and submersible level transmitter - 705		
WSST	9.0%	$120.24
Total		**$1,456.24**
Ferncliff and Ericksen Cla Val conversion		$18,100.00
convert 6" and 8" to model 131G-AV-BCSY, 2" to model 93DG-01 and install (4) X105LCW micro switches		
WSST	9.0%	$1,629.00
Total		**$19,729.00**
Sakai LS added to scope of Work		
S&B Model B-32I8Q8AI-TP7-I-1-ISR		
Design (I&C and Electrical)		$6,274.00
Application Software (RTU & MTU)		$7,060.00
System Integration (RTU)		$10,300.00
Field Instruments (Level Transmitter and 2 floats)		$1,336.00
ISR / Float backup Kit (located in MCP)		$3,050.00
WSST (System Integration)	9.0%	$1,321.74
Total		**$29,341.74**

Vendor # 617 Prj # 00821
Contract # 2190058
PO # Ret #
Org 7242543/7213438 641100
Vendor ( ) Vault ( ) PW

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT FOR PROFESSIONAL SERVICES ("Agreement") is entered into between the City of Bainbridge Island, a Washington State municipal corporation, ("City") and S & B, Inc., a Washington State corporation ("Consultant").

WHEREAS, the City needs professional services in connection with City desires to replace obsolete Programmable Logic Controllers (PLC) and tone telemetry technology with high reliability PLC technology, expand monitoring control abilities, enhance operator display and viewing options, and improve system reliability; and

WHEREAS, the Consultant has the expertise and experience to provide said services and is willing to do so in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, promises, and agreements set forth herein, it is agreed by and between the City and the Consultant as follows:

1. SERVICES BY CONSULTANT

The Consultant shall provide the professional services as defined in this Agreement and as necessary to accomplish the scope of services attached hereto as **Attachment A** and incorporated herein by this reference as if set forth in full. The Consultant shall furnish all services, labor, and related equipment to conduct and complete the work, except as specifically noted otherwise in this Agreement.

2. TERM AND TERMINATION OF AGREEMENT

A. This Agreement shall become effective upon execution by both parties and shall continue in full force and effect until January 31, 2021 unless sooner terminated by either party as provided below.

B. This Agreement may be terminated by either party without cause upon thirty (30) days' written notice to the other party. In the event of termination, all finished or unfinished documents, reports, or other material or work of the Consultant pursuant to this Agreement shall be submitted to the City, and the Consultant shall be entitled to just and equitable compensation at the rate set forth in Section 3 for any satisfactory work completed prior to the date of termination.

3. PAYMENT

A. The City shall pay the Consultant for such services: (check one)

[ ] Hourly, plus actual expenses, in accordance with **Attachment A**, but not more than a total of [write out the total payment for services] ($_____);
[X] A total fixed Sum, in accordance with **Attachment A**, of Two Hundred Ninety-Seven Thousand Three Hundred Forty-Six Dollars and Ninety Cents ($297,346.90);
[ ] Other: $_____, for all services performed and incurred under this Agreement, to be billed monthly in equal amounts.

B. The Consultant shall submit, in a format acceptable to the City, monthly invoices for services performed in a previous calendar month. Each project and each task within a project shall be the subject of a

separate invoice. The Consultant shall maintain time and expense records and provide them to the City upon request.

C. The City shall pay all invoices by mailing a City check within sixty (60) days of receipt of a proper invoice from the Consultant.

D. If the services rendered do not meet the requirements of this Agreement, the Consultant shall correct or modify the work to comply with this Agreement. The City may withhold payment for such work until it meets the requirements of this Agreement.

4. INSPECTION AND AUDIT

The Consultant shall maintain all books, records, documents, and other evidence pertaining to the costs and expenses allowable under this Agreement in accordance with generally accepted accounting practices. All such books and records required to be maintained by this Agreement shall be subject to inspection and audit by representatives of the City and/or the Washington State Auditor at all reasonable times, and the Consultant shall afford the proper facilities for such inspection and audit. Representatives of the City and/or the Washington State Auditor may copy such books, accounts, and records if necessary to conduct or document an audit. The Consultant shall preserve and make available all such books of account and records for a period of three (3) years after final payment under this Agreement. In the event that any audit or inspection identifies any discrepancy in such financial records, the Consultant shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

5. INDEPENDENT CONTRACTOR

A. The Consultant and the City understand and expressly agree that the Consultant is an independent contractor in the performance of each and every part of this Agreement. The Consultant expressly represents, warrants, and agrees that the Consultant's status as an independent contractor in the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195. The Consultant, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The Consultant shall make no claim of City employment nor shall the Consultant claim any related employment benefits, social security, and/or retirement benefits.

B. The Consultant shall be solely responsible for paying all taxes, deductions, and assessments, including but not limited to federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, the Consultant shall pay the same before it becomes due.

C. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

D. The Consultant shall obtain a business license and, if applicable, pay business and occupation taxes pursuant to Title 5 of the Bainbridge Island Municipal Code.

6. NONDISCRIMINATION AND COMPLIANCE WITH LAWS

A. The Consultant agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this Agreement because of race, creed, color, national origin, marital status, sex, sexual orientation, age, disability, or other circumstance prohibited by federal, state, or local law or ordinance, except for a bona fide occupational qualification.

B. The Consultant shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this Agreement.

C. Violation of this Section 6 shall be a material breach of this Agreement and grounds for cancellation, termination, or suspension by the City, in whole or in part, and may result in ineligibility for further work for the City.

7. OWNERSHIP OF WORK PRODUCT

All data, materials, reports, memoranda, and other documents developed under this Agreement, whether finished or not, shall become the property of the City and shall be forwarded to the City in hard copy and in digital format that is compatible with the City's computer software programs.

8. GENERAL ADMINISTRATION AND MANAGEMENT

The City Manager of the City, or designee, shall be the City's representative, and shall oversee and approve all services to be performed, coordinate all communications, and review and approve all invoices, under this Agreement.

9. HOLD HARMLESS AND INDEMNIFICATION

A. The Consultant shall defend, indemnify, and hold the City, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits including attorney fees, arising out of or resulting from the acts, errors, or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

B. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend hereunder, shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

C. The City's inspection or acceptance of any of the Consultant's work when completed shall not be grounds to void, nullify, and/or invalidate any of these covenants of indemnification.

D. Nothing contained in this Agreement shall be construed to create a liability or a right of indemnification in any third party.

10. INSURANCE

The Consultant shall maintain insurance as follows:

[X] Commercial General Liability as described in **Attachment B**.
[X] Professional Liability as described in **Attachment B**.
[X] Automobile Liability as described in **Attachment B**.
[X] Workers' Compensation as described in **Attachment B**.
[ ] None.

11. SUBLETTING OR ASSIGNING CONTRACT

This Agreement, or any interest herein or claim hereunder, shall not be assigned or transferred in whole or in part by the Consultant to any other person or entity without the prior written consent of the City. In the event that such prior written consent to an assignment is granted, then the assignee shall assume all duties, obligations, and liabilities of the Consultant as stated herein.

12. EXTENT OF AGREEMENT/MODIFICATION

This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified, or added to only by written instrument properly signed by both parties.

13. SEVERABILITY

A. If a court of competent jurisdiction holds any part, term, or provision of this Agreement to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

14. FAIR MEANING

The terms of this Agreement shall be given their fair meaning and shall not be construed in favor of or against either party hereto because of authorship. This Agreement shall be deemed to have been drafted by both of the parties.

15. NONWAIVER

A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay, or failure of either party to insist upon strict performance of any agreement, covenant, or condition of this Agreement, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition, or right.

16. NOTICES

Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties at their addresses as follows:

To the City:
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110
Attention: City Manager

To the Consultant:
S & B, INC.
13200 SE 30th Street
Bellevue, WA 98005
Attention: Randall Stead, President

or to such addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

17. SURVIVAL

Any provision of this Agreement which imposes an obligation after termination or expiration of this Agreement shall survive the term or expiration of this Agreement and shall be binding on the parties to this Agreement.

18. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

19. VENUE

The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Kitsap County, Washington.

20. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the later of the signature dates included below.

S & B, INC

Date: 7/26/19

By: _____

Name Randall T. Stead

Title President

Tax I.D. # 91-0995212

City Bus. Lic. # 12351

CITY OF BAINBRIDGE ISLAND

Date: 7/19/19

By: _____

Morgan Smith, City Manager

ATTACHMENT A
SCOPE OF SERVICES

Background Information

The existing SCADA system consists of a Master Telemetry Unit and computer system located at the Waste Water Treatment Plant (WWTP), and remote telemetry units placed at each water and sewer pumping and storage facility. In 2009, as part of the WWTP improvements, the automation system was upgraded with the addition of several programmable logic controllers (PLCs). The water distribution and sewer collection SCADA master PLC was moved to the WWTP and integrated into a single SCADA system serving water and wastewater needs. All automation system upgrades performed since this time are connected to the 2009 PLC unit and therefore have a significant lifespan remaining. The expected lifespan of full hardware support for this technology is considered fifteen to twenty years. Some parts of the master telemetry unit at the WWTP are from the original 1994 system and are more than twenty years old.

The tone telemetry and 505 series PLC components are obsolete and difficult to service; they must be upgraded at this time in order to retain a high level of reliability for the overall system. Similarly, RTUs that were commissioned between 1993 and 1999 are obsolete, with support only available by scavenging used equipment. These represent the highest risk of failure and reduced ability to support. On the second tier of replacement are first generation PLC based RTUs, typically commissioned between 1998 and 2004. These are also obsolete however the Consultant has a slightly better platform of spare and used parts to work from while maintaining equipment.

Within this scope of services, the Consultant identifies replacement RTUs and upgrades to the Master Telemetry Unit (MTU) that will be consistent with all recently installed units, featuring digital communication and the ability to use network connected motor starters and field sensors.

Key performance factors identified for this upgrade includes:

- Replacement of obsolete PLC and tone telemetry technology with high reliability PLC technology
- Expanded monitoring and control abilities
- Enhanced Operator Display for new RTUs
- Improved System Reliability

Tone Telemetry Site Upgrades

Tone telemetry based RTUs were designed for a twenty-year service life and support for this technology is very limited since the equipment is no longer produced. While the City has saved equipment from previously upgraded locations to accommodate service needs, these units should be upgraded as soon as possible, starting with the units that provide both monitoring and control and then moving to monitor-only sites. The Consultant recommends priority be given to replacing tone telemetry units since the core equipment is obsolete and only serviceable using refurbished modules or by chip level component repair.

Water stations at Taylor Ave Well, Erickson PRV, Cherry PRV, and Creosote Road Tank are included in the list of tone telemetry sites listed in order of upgrade. The new RTUs will replace the functions of the existing units and changeover of basic operation is rapid. The Consultant recommends a monitoring and control feature for each motor starter that will provide necessary data to generate efficiency and cost of operation values in the SCADA system; network connected motor starters have been employed for most of the City's pumping stations for the past ten years. For this scope of services, however, the focus is on replacement of obsolete RTU and MTU equipment and due to cost considerations, the upgrade to provide network connected motor controls is understood to be delayed until a later phase of upgrade as budgets allow. The new RTU architecture is modular and readily adapts to new technologies as they are connected, so a phased implementation is a reasonable solution.

For the sewer collection system, Lower Lovell, Island Terrace, Ferry Terminal, Klickitat, and Woodward complete the list of tone telemetry sites that must be upgraded. A replacement of the tone telemetry RTU with a PLC based RTU/controller will require modifications to the existing control panel at each of these stations in order to transfer pump control. These sites report pump running status and up to ten alarm conditions including high wet well, low wet well, compressor failure, generator run, generator fail, operator in trouble, station flood, intrusion, smoke and loss of power. Existing pump control logic at these sewer stations is separate from the telemetry and vary in design and quality. All of them are obsolete and some do not meet current electrical standards for intrinsically safe circuits. For each of these sites, this scope of services is based on the same RTU design used in the 2015/2016 upgrades for Wing Point, Village, and Lower Hawley.

The City currently has a 2016 RTU removed from the Village Lift Station that is suitable for use at Island Terrace Lift Station. This will require electrical installation at the station and software updates to the master SCADA unit at the WWTP. Field startup services and SCADA graphic / historian additions to the MTU. See pricing table summary, the assumption is the field instruments and RTU in the old Village station were successfully salvaged and ready for use in the Island Terrace station.

The sewer lift stations at Sunday Cove, Vineyard, Sakai Village, Rockaway, North Town Woods, and Lynnwood are first generation PLC based units that communicate with the old master TI545 PLC. The automation work proposed for these sites provide updates at the WWTP to connect these with the SCADA master PLC that was installed in 2008. Unloading the connections to the old master TI545 PLC is considered a high priority as the processor is obsolete and should be de-commissioned as soon as possible from a reliability standpoint. These RTUs vary in age and will need replacements in upcoming years as they reach expected lifespan. The Lynnwood station needs intrinsically safe barriers installed to comply with electrical code and North Town Woods needs the dual float system for redundancy. The update will provide consistent features for the wet well as found on the new stations.

The Old Treatment Plant lift station is scheduled for replacement the in 2019 with an electrical and control system package that will eliminate the obsolete equipment.

Additional instruments quoted with the new RTUs include a wet well level transmitter, two high level floats and smoke sensor, both required by the new design. Other sensors such as floats and limit switches are

available if existing units are proven defective. The prices for the equipment and instruments purchased by the City under this Agreement are included in the table below.

RTU Upgrades

With each upgrade of the remote system, corresponding changes are required to the master telemetry unit to exchange data and process alarm conditions. Costs associated with the MTU changes are included in the RTU pricing. The proposed RTUs are configurable to work on existing leased lines, DSL/Cable, radio and cellular communication channels. The basis of estimate for the lift station RTU upgrades are based on DSL implementation. The RTU is UL listed and meets local, state and federal standards for construction and safety. Startup services are provided following installation by the Consultant's electrical sub-contractor, modification of the MTU to accommodate the new system and decommissioning of the old tone telemetry equipment.

S&B Control Panel Ordering Form

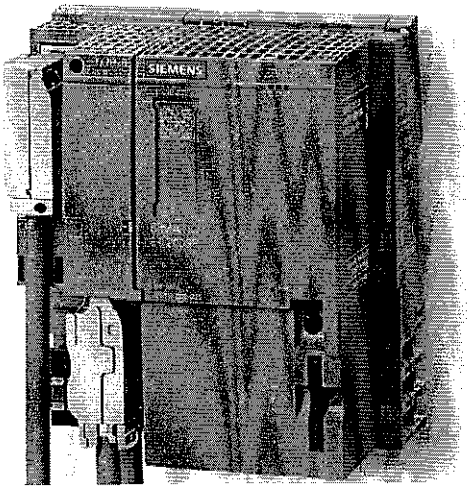
Model:	B	-	XXX	-	TP7	-	C	-	1	-	SC
											OPTIONS
											ISR ISR Box Included
											SC Seismically Certified
									1		Nema 1/12
									3		NEMA 3R
									4		NEMA 4X
							C				Cellular
							I				Internet
							L				Lease Line
							F				Fiber
					TP7		7" Touch Panel				
					TP9		9" Touch Panel				
					TP12		12" Touch Panel				
			XXXX		IO Count						
wall mount-	A		24x20 RTU								
wall mount-	B		30x24 RTU								
wall mount-	C		36x30 RTU								
wall mount-	D		42x36 RTU								
Free Standing -	E		60x24 RTU								
Free Standing -	F		72x24 RTU								
Free Standing -	G		90x24 RTU								
	X		CUSTOM								

S&B Inc 4th Generation RTU

The RTUs for this project are utilizing standard products, see RTU product order number matrix. All RTU's will come with TP700 and ready for either DSL or Cellular connectivity.

PLC

A Siemens 1500 series processor and ET200-SP series form factor is selected as the replacement for the City's existing series 440 processor. The 1500 series processor is the Consultant's most common PLC deployment today.



The Siemens 1500 series Programmable Logic Controller (PLC) is very powerful and fast – handling multiple requests from many locations simultaneously. The new PLC will accommodate the computing needs of the reservoir stations and have sufficient capacity to significantly expand in scope as new control features or devices are added in the future. It comes with built-in security where users must authenticate through established credentials to view the PLC and make any adjustments to the program. This is an added layer of protection to stop any unauthorized access. The 1500 series processor will accommodate a wide variety of communication options including telephone, fiber optics, cellular, and/or cable/DSL communication. For this application, the District has selected cellular.

A key change in the technology between the existing system and the proposed new PLC is with the machine code. The new 1500 series PLC uses object-oriented code which allows for CPU efficient execution of functional block, statement list and structured control languages using the industry standard IEC 61131

guidelines for programmable logic controllers. This conversion is a major step in building open system platforms that are less dependent on specific manufacturer features.

Touch Panel Controls

New RTUs include a 7" color touch panel display for improved local control capabilities to the operator for setpoint entry and alarm display.

SCADA Master Telemetry Unit Upgrades

As part of the WWTP upgrade, the new remote stations connect with the SCADA master PLC. The overall WWTP uses a distributed design approach with eight PLC units, one for each process area. The old TI545 PLC unit along with tone telemetry and other communication modules were moved from their previous location to the WWTP and integrated into the plant SCADA systems in 2008. These devices have served the City well for more than 24 years, but must be de-commissioned in the near term to maintain a high level of reliability for the overall system. As part of this scope of services, all remote station connections to the old TI545 PLC and all tone telemetry modules are replaced with new technology equipment.

The WWTP industrial control panel is built to UL508 standards and located in the lab building. This enclosure includes a 24Vdc power system, fiber networking, PLC equipment, networking appliances and leased line modems. There is sufficient space in the MCP2000 PLC within this control panel to host all of the existing water and wastewater sites that currently reside in the original (1994) TI545 PLC unit. This PLC should be eliminated as the last tone telemetry remote station is upgraded. Note that upgrade work at the MTU related to tone telemetry sites requires a corresponding upgrade of the RTU since the old technology is incompatible with newer systems.

Communication options

The City Operations Group specifically asked to use leased line modems in place of VPN encrypted TCP communication over DSL or cable for the 2016 projects but returned to DSL for the recent Village and Cave Ave projects. The Consultant continued with this DSL approach for the RTUs shown in this scope of services. The RTUs quoted in this scope of services can quickly and inexpensively convert to TCP and UDP communications consistent with high speed DSL, cable, and cellular systems. From a cost and performance perspective, The Consultant recommends cellular communication where available, and DSL/cable as a second option. Monthly reoccurring fees for cellular will range between $7.50 and $25 depending on carrier. Leased line fees are typically $42 plus mileage fees and DSL/cable will range from $75 to $99.

A replacement SCADA security appliance is recommended for the WWTP site. These devices create virtual private network (VPN) connections with each remote facility and are critical for overall cyber security of the SCADA network. The existing unit is obsolete, and further security/firmware updates are no longer available. The replacement unit proposed is a Fortinet FG60E that includes a unified threat management (UTM) firmware support and hardware replacement. The first three years of support is included in the price and the annual renewal is approximately $500/yr thereafter. These types of devices should be replaced every five to seven years due to changes in technology. As the City moves towards more network connected RTUs, this unit will easily accommodate growth.

SCADA Server and workstation

The existing SCADA computer system consists of one graphic server machine, one process historian server, one client machine and numerous thin client computers connecting from within the WWTP and from the City's operation center. The Graphics Server provides data simultaneously to the client computers and thin client computers. The Process Historian stores historical data and provides interactive access to the graphic server for trend retrieval. The Graphics and Historian servers were supplied in 2016 and the Windows Servers use the Server 2012r2 operating system. The Graphical User Interface (GUI) SCADA software is Siemens WinCC version 7.3.10. After thirty months of reviewing operation, the Consultant recommends adding 16Gb of additional RAM to the SCADA host to improve reliability. The SCADA server provides a function called Remote Desktop Services and the multi-user environment appears to need this memory to reduce overheads.

Field Instruments

Each RTU is connected to field sensors that provide indication of the process conditions into the PLC system. Typical analog sensors used in the City's system include pressure, level, flow, temperature and analytical – each of which that provides a signal that is a percentage of the maximum allowed/measureable. Discrete signals are also measured including door ajar, smoke, flood, and other float type indications. These sensors exist in the City's system and most are nearing their anticipated life. The Consultant includes a data column in the pricing sheet for replacement of these older field instruments to provide a worse case replacement price, however the City may elect to stock a couple sensors of each type and replace as necessary.

Professionals Engineering Services for Installation by Contractor:

The work quoted includes Professional engineering services to provide the City with design documents for inclusion into the City's specifications for contractor bid package. Installation is not part of this scope of work.

Summary of sites that required contractor installation:

Creosote Tank
Taylor Well
Erickson PRV
Ferncliff PRV
Lower Lovell Pump Station
Island Terrace Pump Station
Woodward Pump Station
Ferry Terminal
Klickitat Pump Station
North Town Woods Pump Station
Lynnwood Pump Station

The Consultant recommends that the contractor performs a site visit to each station prior to providing a bid. Below is a brief description of requirements by site.

CREOSOTE TANK SITE

Replace tone telemetry RTU with S&B model A-16I8Q4AI-TP7-I-1. New unit is Nema type 12 sized 24x20x10, slightly larger in size than existing unit. Price includes removal of existing and installation of new model, connection of existing and new sensors, full test and validating operation. Price is based on change from leased line to DSL service with VPN supplied in RTU for secure communication. S&B will provide instructions to CenturyLink for change in phone line services. Field instruments include new submersible level transmitter and high water float, hatch limit switch and door entry switch.

TAYLOR WELL SITE

Replace tone telemetry RTU with S&B model B-16I8Q4AI-TP7-I-1. New unit is identical size to existing at 24x24x10 with Nema type 12 enclosure. Price includes removal of existing and installation of new model, connection of existing sensors, full test and validating operation. Price is based on change from leased line to DSL service with VPN supplied in RTU for secure communication. S&B will provide instructions to CenturyLink for change in phone line services. Field instruments are existing and no new units are included in this scope.

EXISTING PRV SITES AT ERICKSON AND CHERRY {CHERRY PRV IS MOVED TO A FUTURE CIP PROJECT}

Replace tone telemetry RTU with S&B model A-16I8Q8AI-TP7-I-4. New unit is housed in a Nema type 4 sized 24x20x10 enclosure, slightly larger in size than existing unit. Price includes removal of existing and installation of new model, connection of existing sensors. In addition two pressure transmitters are included to monitor upstream and downstream pressure in the distribution zones. City forces shall provide pressure connections to each transmitter. Following installation the system will receive a full test. This is a monitor only option for the existing PRV station, with equipment located in the vault below grade. Price is based on change from leased line to DSL service with VPN supplied in RTU for secure communication. S&B will provide instructions to CenturyLink for change in phone line services. Field instruments include two pressure transmitters, a high water float and hatch entry switch.

NEW PRV SITE AT FERNCLIFF AND GROW & WYATT {GROW & WYATT PRV IS MOVED TO A FUTURE CIP PROJECT}

New telemetry RTU with S&B model E-16I8Q8AI-TP7-I-4. New unit is housed in a Nema type 4 sized 60x24x18 enclosure free standing unit. Price includes installation of new model RTU, installation and connection of new sensors. City forces shall provide pressure connections to each transmitter. Following installation the system will receive a full test. This is a monitor only option for the existing PRV station, with equipment located in the vault below grade. Price is based on DSL service with VPN supplied in RTU for secure communication. City will order new DSL service, with assistance from S&B Inc. Field instruments include two pressure transmitters, a high water float and hatch entry switch.

SEWER SITES AT LOWER LOVELL, KLICKITAT, WOODWARD AND FERRY TERMINAL

Replace tone telemetry RTU at Lower Lovell, Klickitat, and Woodward with S&B model A-16I8Q8AI-TP7-I-4-ISR. New unit is Nema type 12 sized 24x20x10 with 10x10x8 adjunct enclosure for

intrinsically safe circuit terminations. The unit is larger in size than existing unit and will have the same space limitations as the City's site at Wing Point.

Replace tone telemetry RTU at Ferry Terminal with S&B model A-16I8Q8AI-TP7-I-4X-ISR. New unit is Nema type 4X (304 Stainless Steel) sized 24x20x10 with 10x10x8 adjunct enclosure for intrinsically safe circuit terminations. The unit is larger in size than existing unit, since the RTU is located on an equipment rack above grade, space limitations are minimized. Price includes removal of existing and installation of new model, review and correction of existing motor controller logic wiring, connection of existing and new sensors, full test and validating operation. Price is based on change from leased line to DSL service with VPN supplied in RTU for secure communication. S&B will provide instructions to CenturyLink for change in phone line services. Field instruments include one submersible level transmitter and two floats.

OPTIONAL POWER MEASUREMENT (THIS WORK IS MOVED TO A FUTURE PROJECT)

The Consultant offers three methods of measuring pump power consumption at a lift station: using a smart overload, using a network connected soft-starter and using a station power meter. The first two methods are the best for determining pump operation and efficiency as the data is provided with detail on a motor by motor basis. The power meter provides an overall energy consumption and is useful for reconciling utility metering invoices. The power meter information can be used in conjunction with additional PLC logic to determine individual pump data, but is not as accurate since assumptions must be made regarding ancillary power consumption while the pump is running.

Power Measurement	**Price**	**Pros**	**Cons**
Smart Overload (3UF7)	$ 4,000 for two pumps including installation and tax	The highest level of motor overload protection and energy data.	Installation time
Smart Soft-Starter	$ 6,570 for two pumps. Price is dependent on motor size. Price shown for 42Amp load. (15hp @ 230V, 25hp @ 460V)	Less mechanical stress on pump, lower electrical inrush, overload protection and energy data.	Installation time and space requirements-units typically too deep for old motor control panels.
Power Meter	$1,750 per station	For measuring overall station power, can be panel mounted to save space.	Determining component loads requires advanced programming.

With the very limited space available in the dry well, the Smart Overload and the Power Meter are the only feasible options. This option is presented in response to feedback from Operations in 2018 asking for power measurement to diagnose pumping problems. This option was considered in 2016 and not included due to price.

INTRINSICALLY SAFE RELAY ENCLOSURES WITH FLOAT BACKUP

North Town Woods and Lynnwood lift stations will receive upgrades to provide the float redundancy features used throughout the sewer system for additional spill protection. These include intrinsically safe relays logic and installation to retrofit the motor controls.

The following items are performed by an S&B Field Engineer. No contractor installation is required:

MASTER SYSTEM MODIFICATIONS FOR LEGACY SYSTEMS {WORK PERFORMED BY S&B FIELD ENGINEER}

The master system modifications for Sunday Cove, Sakai Village, Rockaway, North Town Woods, Lynwood and Vineyard allow for the TI545 (operating since1994) to be retired. This work includes leased line communication coprocessors, cabling, and software work to facilitate the transfer.

SCADA SYSTEM UPGRADES {WORK PERFORMED BY S&B FIELD ENGINEER}

The existing firewall is replaced with a current model designed for operational technology environments, including the latest analysis to reduce the exposure of the SCADA system to cyber threats and to expand the maximum number of connected remote stations. This unit includes a three year threat management software subscription and hardware replacement warranty. The SCADA computer will receive 16Gb of additional RAM to improve performance. This work is performed by the Consultant's field engineer.

Startup and Commissioning:

The SCADA system requires testing with each item listed below following installation. This scope of services includes startup and commissioning for each RTU.

Training:

Training is provided concurrent with each station upgrade. The Consultant's field engineer will instruct the assigned operator(s) with the use of the new touch screen devices with specific focus on control features as part of the station commissioning. This provides the City with hands on training and self-sufficiency in maintaining the SCADA system. Equipment and software planned for these upgrades are consistent with the newer pump stations purchased by the City and Consultant does not anticipate operators having difficulty understanding the technology applied at each pump station.

O&M Manual:

S&B will provide a conformed O&M for the City for the SCADA Master System. Two copies will be proved to the City. The Binders include schematic drawings on 11x17 and a DVD with hardware manuals and operation description.

Warranty Support:

The system integration and software development required for this project is included with full support for a time period not less than one (1) year. During this time period, the Consultant will receive requests for assistance and respond using a high speed network connection to the control system via VPN within one

business day. The initial response will identify problem areas, determining if the system requires software modifications, hardware replacement or both in order to maintain automatic operation of the system. The technologies available to us for troubleshooting the new system allow the Consultant's engineers to remotely access the MTU system, assess current and historical conditions, and make assessments quickly.

The Consultant will support the City in the diagnosis and resolution of hardware failures to equipment provided under this scope of work during the warranty period without additional fees.

Scope of Work Estimates:

The Consultant's work summary is provided on the attached table and is broken into several columns to reflect selected options and anticipated services:

1. Professional Services / Application Software / Design
2. System integration / hardware / packaged software
3. Field Instruments and Sensors
4. Electrical Installation estimates provided with I&C and Electrical Design documents

Professional Services includes application specific software engineering, electrical and I&C design, CAE generated drawings application specific, application development for the Siemens S7 PLC, WinCC graphic computer software environments, and factory testing of RTU with software, startup, commissioning and training. System integration includes materials, panel integration, use SBI packaged software Library, Standard Product CAE drawings, and field devices. System integration work is performed at the Consultant's facility in Bellevue, tested, and then shipped to location for installation. The assembly of custom RTUs was determined by Washington State L&I in 2017 to require inside electrician prevailing wage rates; this scope of work provides all standard products with RTU model numbers. Please see the attached "Scope of Work Pricing and Details" section for a more detail breakout of Professional Services and System Integration.

Professional Engineering Services for design is provided by S&B, to provide the City with electrical and I&C specifications to include in the contractor installation bid documents. Professional Engineering Services deliverable may include but not limited to; electrical site plan, station One-Lines, conduit schedule, equipment and field device placement, block diagrams, network diagram, I&C and Electrical Specifications for inclusion into the City's Small works Roster bid document.

City to provide S&B civil site plan in AUTOCAD, transmitted electronically for the stations requiring installation by contractor.

Scheduling:

The Consultant's typical project cycle is 8 to 10 weeks for delivery. Scheduling will accommodate City needs. The Consultant's field work will impact operations for coordination with confined space entries. The Consultant will plan ahead, coordinate work and minimize disruption to the operation of your systems. In spite of this Consultant anticipates portions of the control system operation will require manual operation by the City for up to eight-hour durations while critical control changes are implemented.

Service Life:

For your lifecycle planning, it is important to consider equipment service life. During this time period the device should be repairable or replaceable with like kind. The SCADA system is composed of parts that are on the leading edge of technology and more susceptible to obsolescence than other equipment in the city's water and sewer systems such as pumps and valves. The Consultant recommends that their customers consider the following lifecycle estimates in the budget cycle for the purposes of budget planning.

DESCRIPTION	*SUPPORT LIFE*	*REPAIR FREQUENCY*
PLC central processing unit (RTU, MTU)	20 years	rare – never
PLC I/O modules	20 years	15 year
Communication (modems of all types)	7 years	5 year
Touch Screens for PLC	8 years	8 year
Power Supplies	20 years	7 year
Computer Systems	8 years	4 year
Pressure Transmitters	20 years	15 year
Submersible Level Transmitter	15 years	10 year
Network Connected motor controllers	20 years	20 years

Standard Inclusions:

- Control system design and software based on S&B standards.
- Equipment is factory tested and shipped FOB factory with freight allowed, common carrier, destination.
- Shop Drawings, instruction manuals and software documentation via electronic media.
- Submittal Documentation available at 4 weeks after receipt of order
- Field Engineering Services for technical support of installation questions, start-up, and acceptance testing of equipment supplied by this quotation. S&B is a designer and supplier of control system equipment, providing technical support and engineering services to review installation of our equipment, commission and attest to its compliance with the project specifications.

Standard Exclusions:

Unless specifically included as a line item in this quotation's scope of supply the following are excluded from our scope of deliverables:

- L&I filing fees, prevailing wage compliance.
- Electrical installation.
- Stamped seismic calculations for Seismic Zone compliance.
- Conduit, wire or cable external to the control system panels listed in this scope
- Mounting brackets, stanchions, supports, pads that are not integral to the control system panels or process instruments listed in this scope.
- Liquidated damages (available upon request and definition of scope)
- Credit Card payment (service available for additional fee)

- Cost of Utility service (cost provided by City of Bainbridge Island)

Breakout Summary

Professional Engineering & Software Dev	$161,086.00
System Integration	$125,010.00
WSST on System Integration	$11,250.90
2019 Upgrade Total	**$297,346.90**

Description	RTU Standard Part Number	RTU & MTU (Application Software)	Design (I&C and Electrical)	RTU & MTU (System Integration)	Field Instruments	ISR Enclosure / Float Backup system. UL listed for Class 1, Div 1	WSST (Excludes Application Software and Design)	Price
Upgrades for Water 2019							9.0%	
Creosote Road Tank	S&B Model A-16I8Q4AI-TP7-I-1	$7,300.00	$7,252.00	$10,600.00	$1,358.00		$1,076.22	$27,586.22
Erickson PRV	S&B Model A-16I8Q8AI-TP7-I-4	$8,390.00	$7,252.00	$9,900.00	$2,670.00		$1,131.30	$29,343.30
Cherry PRV	S&B Model A-16I8Q8AI-TP7-I-4	Complete in Future CIP						
Ferncliff	S&B Model E-16I8Q8AI-TP7-I-4	$8,820.00	$9,276.00	$13,030.00	$2,670.00		$1,413.00	$35,209.00
Grow and Wyatt	S&B Model E-16I8Q8AI-TP7-I-4	Complete in Future CIP						
Taylor Ave Well	S&B Model B-16I8Q4AI-TP7-I-1	$9,040.00	$7,252.00	$11,230.00			$1,010.70	$28,532.70
Upgrades for Sewer 2019								
Lower Lovell Pump Station	S&B Model A-16I8Q8AI-TP7-I-1-ISR	$7,110.00	$7,252.00	$10,890.00	$1,336.00	included	$1,100.34	$27,688.34
Island Terrace Pump Station	use RTU from old Village LS	$-	$7,252.00	$1,500.00	$1,336.00	included	$255.24	$10,343.24
Woodward Pump Station	S&B Model A-16I8Q8AI-TP7-I-1-ISR	$7,110.00	$7,252.00	$10,890.00	$1,336.00	included	$1,100.34	$27,688.34
Ferry Terminal Pump Station	S&B Model A-16I8Q8AI-TP7-I-4X-ISR	$7,110.00	$7,252.00	$11,520.00	$1,336.00	included	$1,157.04	$28,375.04
Klickitat Pump Station	S&B Model A-16I8Q8AI-TP7-I-1-ISR	$7,110.00	$7,252.00	$10,890.00		included	$980.10	$26,232.10
Move existing PLC RTUs from obsolete TI545PLC to S7 PLC								
Sunday Cove	S&B Model 6000-C7	$3,460.00	$-	$1,950.00		existing	$175.50	$5,585.50
Vineyard	S&B Model 6000-C7	$-	$-	$2,300.00		existing	$207.00	$2,507.00
Sakai Village	S&B Model 6000-P4	$3,460.00	$-	$1,950.00		existing	$175.50	$5,585.50
Rockaway	S&B Model 6000-C7	$3,460.00	$-	$1,950.00		existing	$175.50	$5,585.50
North Town Woods	S&B Model 6000-P4	$3,460.00	$7,252.00	$1,950.00		$2,800.00	$427.50	$15,889.50
Lynnwood	S&B Model 6000-P4	$3,460.00	$7,252.00	$1,950.00		$4,600.00	$589.50	$17,851.50
SCADA systems								
Fortigate FG60E VPN/firewall				$2,570.00			$231.30	$2,801.30
Dell 16Gb ECC server memory expansion				$498.00			$44.82	$542.82
2019 Upgrade Total:		**$79,290.00**	**$81,796.00**	**$105,568.00**	**$12,042.00**	**$7,400.00**	**$11,250.90**	**$297,346.90**

ATTACHMENT B
INSURANCE REQUIREMENTS

A. Insurance Term

The Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

B. No Limitation

The Consultant's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance

The Consultant shall obtain insurance of the types and coverage described below:

1. Automobile Liability insurance covering all owned, non-owned, hired, and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.

2. Commercial General Liability insurance shall be at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap liability, independent contractors, and personal injury and advertising injury. The City shall be named as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO CG 20 26.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Professional Liability insurance appropriate to the Consultant's profession.

D. Minimum Amounts of Insurance

The Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of $1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than $1,000,000 each occurrence, $2,000,000 general aggregate.

3. Professional Liability insurance shall be written with limits no less than $1,000,000 per claim and $1,000,000 policy aggregate limit, as applicable.

E. Other Insurance Provision

The Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain, that they shall be primary insurance as respect to the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

F. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

G. Verification of Coverage

Before commencing work and services, the Consultant shall provide to the person identified in Section 8 of the Agreement a Certificate of Insurance evidencing the required insurance. The Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work. The City reserves the right to request and receive a certified copy of all required insurance policies.

H. Notice of Cancellation

The Consultant shall provide the City with written notice of any policy cancellation within two business days of their receipt of such notice.

I. Failure to Maintain Insurance

Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five (5) business days' notice to the Consultant to correct the breach, immediately terminate this Agreement or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Consultant from the City.

J. City Full Availability of Consultant Limits

If the Consultant maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Consultant, irrespective of whether such limits maintained by the Consultant are greater than those required by this Agreement or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Consultant.

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: 2020 Asphalt Repair Project - Public Works,

SUMMARY: The 2020 Road Preservation project consists of asphalt surfacing repairs to streets island-wide. See attached location map.

AGENDA CATEGORY: Contract **PROPOSED BY:** Public Works

RECOMMENDED MOTION:
Approve with the Consent Agenda.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	$444,305.00
Ongoing Cost:	
One-Time Cost:	$444,305.00
Included in Current Budget?	Yes

BACKGROUND: The 2020 Asphalt Repair Project consists of Island-wide road repairs. See attached location map. The repair locations were prioritized using a pavement preservation analysis, as well as visual field inspections, to ensure a positive cost-benefit ratio as well as maintenance of the overall Island's pavement preservation score.

Bids were solicited through the area newspapers, Daily Journal of Commerce, City's bids & awards webpage and listserv. The bid opening was held on May 26, 2020 and three bids were received. See attached bid form.

Staff has reviewed the bid documentation and contractor's qualifications and recommends that the City Council award this contract to the apparent low bidder, Granite Construction Company, in the base bid amount of $403,155.00 plus Alternative #1 of $41,150.00 for a combined total of $444,305.00. Alternate #1 is for repairs to Phelps Road. The engineers estimate is $400,000 to $450,000.

ATTACHMENTS:

2020 Asphalt Repair Project Bid Form

2020 Asphalt Repair Project Contract

2020 Asphalt Repair Map (1).pdf

FISCAL DETAILS: There is $500,000 in Budget in the streets fund for this project leaving a balance of $55,695.

Fund Name(s): Streets Fund

Coding:

City of Bainbridge Island
Public Works Department - Engineering

Project: 2020 – Asphalt Repair Project
Bid Opening Date: Monday, May 26, 2020
Bids Due 9:30 am, Open Bids @ 10:00 am

Note: Bids Are Opened in Order Received. Bids Solicited by: ☒ Advertisement ☐ Small Works Roster The Engineers Estimate is: $400,000 - $450,000	Lakeside Industries	Central Paving	Granite Construction Company	
Proposal – *Items of Work & Materials, Estimated Quantities, Units of Measurement.*	✔	✔	✔	
Signature Page	✔	✔	✔	
Non-Collusion Declaration	✔	✔	✔	
Proposal Bond (5%)	✔	✔	✔	
Addenda Acknowledged (1)	✔	✔	✔	
Statement of Bidders Qualifications	✔	✔	✔	
Statement of Proposed Subcontractors	✔	✔	✔	
TOTAL BASE BID AMOUNT	510,387.14	412,996.00	403,155.00	
ALT 1	558,240.14	458,731.00	444,305.00	
ALT 2	588,777.14	482,823.50	461,805.00	
ALT 3	642,497.14	548,261.00	515,855.00	
ALT 4	664,339.14	568,526.00	530,445.00	

A total of 3 bids were received for the 2020 Asphalt Repair Project. Project Manager, Emily Cady, has reviewed all bids and recommends that the City Council award the contract to the apparent low bidder, Granite Construction Company, for the base bid plus ALT 1 amount of $444,305.00.

Contract

CONTRACT FOR CONSTRUCTION

THIS CONSTRUCTION CONTRACT ("Contract"), made the __, day of _____, 2020, by and between the City of Bainbridge Island ("City" and/or "CONTRACTING AGENCY") and GRANITE CONSTRUCTION COMPANY ("CONTRACTOR").

WITNESSETH:

WHEREAS, the CONTRACTING AGENCY has caused the Project Manual, Specifications, Drawings, and other contract documents to be prepared for certain Work as described therein, known as the 2020 ASPHALT REPAIR PROJECT, and

WHEREAS, the CONTRACTOR has offered to perform the proposed Work in accordance with the terms of the Contract Documents including but not limited to this Contract, and

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties herein contained and to be performed, the CONTRACTOR hereby agrees that the foregoing recitals are true and correct and are incorporated into this Contract and to complete the Work at the price and on the terms and conditions herein contained. The CONTRACTING AGENCY agrees to pay the CONTRACTOR the contract price of Four Hundred Forty-Four Thousand, Three Hundred Five Dollars and no cents. ($444,305.00) ("Contract Price") for the fulfillment of the Work and the performance of the covenants set forth herein.

The further terms, conditions, and covenants of this Contract are set forth in the following documents, all of which are component parts of this Contract as if set out in full, and if not attached, as if hereto attached collectively referred to as the "Contract Documents":

1. This Contract, including the form "Proposal – Items of Work and Materials to be Provided, Estimated Quantities, Units of Measurement at the Unit Bid Prices"
2. The Standard Specifications for Road, Bridge, and Municipal Construction, 2020 edition, as issued by the Washington State Department of Transportation (WSDOT) and the American Public Works Association (APWA), Washington State Chapter (hereafter "Standard Specifications")
3. Amendments to the Standard Specifications
4. Special Provisions
5. Indemnity and Insurance Agreement
6. Special Indemnity and Insurance Agreement
7. Prevailing Wage Schedules and Regulations
8. Specifications, Drawings, Details, and all other Documents contained in and made applicable by this Contract and the Project Manual
9. Certification of Compliance with Wage Payment Statutes
10. All Plans, Drawings, Specifications, and Addenda issued prior to the Bid Opening Date.

The CONTRACTING AGENCY and the CONTRACTOR recognize that time is of the essence of this Contract and that the CONTRACTING AGENCY will suffer financial loss if the Work is not completed within the time specified in this Contract. Therefore, the parties agree that the liquidated damages provisions of the Standard Specifications as modified herein shall apply and that those provisions have been mutually negotiated.

CONTRACTOR's Initials: _____

The CONTRACTOR hereby warrants and represents it has reviewed, understands, and agrees to the terms and conditions of this Contract, all Addenda, and the Standard Specifications as modified by the Amendments and Special Provisions and all other Documents contained in the Project Manual and incorporated herein by reference. The person executing this Contract warrants and represents that they are fully authorized to execute this Contract.

All parties agree that the State of Washington is hereby named as an express third-party beneficiary of this Contract, with all rights as such.

THE CONTRACTOR AGREES TO RETURN THIS EXECUTED CONTRACT AND OTHER REQUIRED DOCUMENTS TO THE CONTRACTING AGENCY as required by the Standard Specifications as modified herein, and to return the DECLARATION OF OPTION OF MANAGEMENT OF STATUTORY RETAINED PERCENTAGE AT THE SAME TIME.

IN WITNESS WHEREOF, this Contract has been executed on the day and year above written.

GRANITE CONSTRUCTION COMPANY:

By:_____

Its:_____

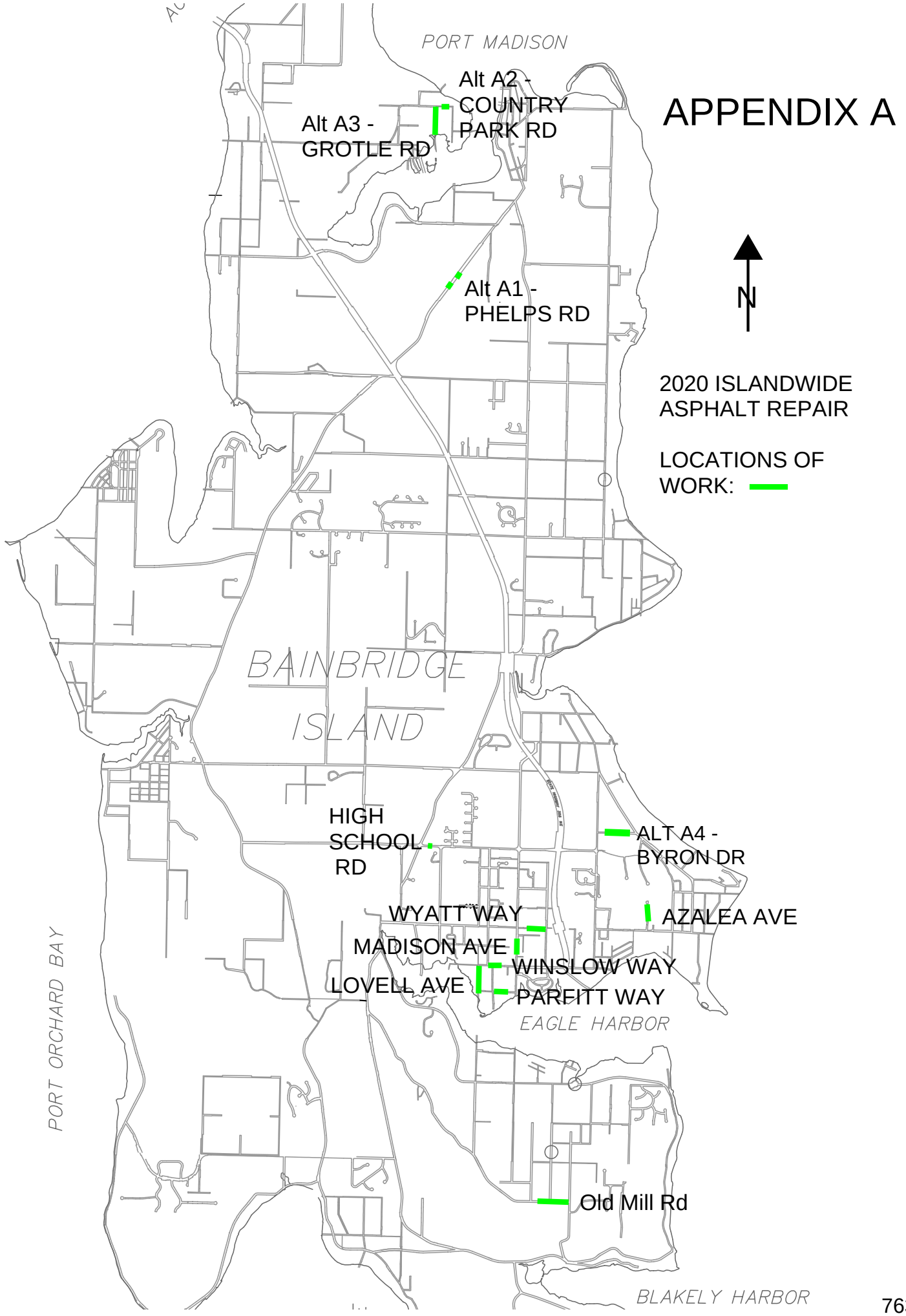
Date:_____

CITY OF BAINBRIDGE ISLAND:

By: _____

Morgan Smith, City Manager

Date:_____


PORT MADISON
Alt A2 - COUNTRY PARK RD
Alt A3 - GROTLE RD
Alt A1 - PHELPS RD
N
2020 ISLANDWIDE ASPHALT REPAIR
LOCATIONS OF WORK:
BAINBRIDGE ISLAND
HIGH SCHOOL RD
ALT A4 - BYRON DR
WYATT WAY
AZALEA AVE
MADISON AVE
WINSLOW WAY
LOVELL AVE
PARFITT WAY
EAGLE HARBOR
PORT ORCHARD BAY
Old Mill Rd
BLAKELY HARBOR

APPENDIX A

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: 2020 Kitsap Regional Coordinating Council (KRCC) ILA Amendment - Executive,

SUMMARY:
On February 4, the KRCC Board approved updates to the KRCC ILA, which requires ratification by the City Council as well as by the governing bodies of the other members to the ILA.

AGENDA CATEGORY: Interlocal Agreement **PROPOSED BY:** Executive

RECOMMENDED MOTION:
Approve with the Consent Agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND: KRCC facilitates dialogue among its member agencies in the areas of land use and growth planning, and transportation. KRCC's main responsibilities include:

>Developing the Kitsap Countywide Planning Policies required by the Washington State Growth Management Act;

>Allocating federal funding for transportation; and,

>Sharing information and collaborating on a wide range of regional issues.

The 2020 ILA Amendment proposes to add one representative of the Port of Kingston to the KRCC Executive Board. No other changes are proposed to the ILA.

ATTACHMENTS:

KRCC ILA - 2020 Proposed Amendment - Clean

KRCC ILA 2020 Amendment - Redline

FISCAL DETAILS:

Fund Name(s):

Coding:

Kitsap Regional Coordinating Council

KITSAP REGIONAL COORDINATING COUNCIL
INTERLOCAL AGREEMENT

THIS AGREEMENT is made and entered into by and between the undersigned parties pursuant to provisions of the Interlocal Cooperation Act of 1967, Chapter 39.34 RCW.

WHEREAS, the undersigned members recognize the need and desirability to participate in a forum for intergovernmental coordination, cooperation, and consultation among member agencies in order to bring about a continuous and comprehensive regional planning process and efficient service delivery; and

WHEREAS, the undersigned members desire jointly to undertake continuous, cooperative study and planning of regional and governmental issues of mutual interest, including but not limited to development, land use, housing, capital facilities, service, utilities, finances, public buildings, water supply, water distribution and drainage, air and water pollution, parks and recreation, transportation planning, and economic development; and

WHEREAS, it is the belief of the undersigned members that regional deliberations, planning, and review can best be achieved with the creation of a separate legal entity whose function and activities are subject to policy direction from the undersigned member agencies according to the provisions of this Agreement; and

WHEREAS, the State Growth Management Act (GMA) requires local jurisdictions to coordinate and ensure consistency when developing comprehensive land use plans and the undersigned members desire to establish the Kitsap Regional Coordinating Council as a separate legal entity to facilitate coordination and consistency of comprehensive land use plans as required by the GMA; and

WHEREAS, the undersigned members desire to use the Kitsap Regional Coordinating Council for developing County-wide Planning Policies (CPPs) under the GMA as a framework to guide Kitsap County and cities situated within the County in developing their comprehensive land use plans.

THEREFORE, in consideration of mutual promises and covenants herein it is hereby agreed:

I. NAME

This Agreement establishes the KITSAP REGIONAL COORDINATING COUNCIL ("Council"), a separate legal entity since 2001.

II. DURATION

The Agreement shall remain in force and effect perpetually or until terminated by vote of the member agencies.

III. DEFINITIONS

For the purpose of this Interlocal Agreement, the following terms have the meaning prescribed to them in this section unless the context of their use dictates otherwise:

A. "*Member agency*" means a voting and dues paying municipal or other government entity located within Kitsap County which is a party to this Agreement.

B. "*State*" means the State of Washington.

C. "*Region*" means the territory physically lying within the boundaries of Kitsap County.

D. "*Kitsap Regional Coordinating Council*" or "*Council*" means the separate legal entity established by this Agreement to represent member agencies to carry out those powers and managerial and administrative responsibilities delegated pursuant to the provisions of this Agreement.

E. "*Executive Board*" shall mean the representatives of member agencies of the Kitsap Regional Coordinating Council identified in Article IV.B. of this Agreement.

F. "*Cost Allocation*" means annual dues (the annual allocation among Member agencies of the cost of Council operations determined by the Executive Board for the purposes of calculating members' obligations to contribute to the funding of Council operations for the year, and for the purposes of calculating obligations and distributions in the event of withdrawal or termination).

G. "*Ex Officio Member*" means a non-voting, non-dues paying member of the Council that is not a party to this Agreement.

H. "*Associate Member*" means a non-voting, dues paying member of the Council that is not a party to this Agreement.

IV. MEMBERSHIP AND REPRESENTATION

A. Membership. Membership (except for Associate Members and Ex Officio Members) is established by execution of this Agreement and payment of any required cost allocation as established by the Executive Board. New Members may be added through an ILA Amendment.

B. Executive Board. The Executive Board is comprised of the following representatives of member agencies:

1. County Government: three (3) members of the Kitsap County Board of Commissioners;

2. City Governments:

a. The Mayor of each city having a population of 10,000 persons or less;

b. The Mayor and one (1) member of the City Council of each city having a population between 10,001 persons and 30,000 persons;

c. The Mayor and two (2) members of the City Council of each city having a population greater than 30,000 persons;

d. A city with a Council/Manager form of government may select one (1) member of the City Council instead of a Mayor. The number of additional City Council members representing the city shall be as described in 2(a-c) above.

e. Population will be determined by the most recent annual population estimate of cities and towns prepared by the Washington State Office of Financial Management.

3. Port of Bremerton: one (1) representative consisting of a Port Commissioner.

4. Port of Kingston: one (1) representative consisting of a Port Commissioner.

5. Kitsap Transit: one (1) representative consisting of a member selected by the Kitsap Transit Board of Commissioners.

6. City Council, Kitsap Transit, and Port representatives may be selected by whatever means established by each specific member agency.

D. New membership. A municipal or government entity or a federally recognized Indian Tribe that desires to become an Ex Officio Member or an Associate Member must obtain permission to do so by the Executive Board. Associate Members must also present a draft agreement for the Executive Board's consideration, establishing the proposed terms, duties, powers and privileges for Associate Member status.

V. POWER, AUTHORITY, AND PURPOSE

This Agreement does not confer additional substantive powers or authorities on member agencies. The powers and authorities conferred herein are limited to the powers that each member agency is authorized by law to perform. The Council has the following power, authority, and purpose:

A. Provide a regional forum for regional deliberations and cooperative decision-making by the region's elected officials in order to bring about a continuous and comprehensive planning process, and foster cooperation and mediate differences among governments throughout the region.

B. Consistent with the GMA, coordinate and ensure consistency when developing comprehensive land use plans.

C. Consistent with the GMA, develop CPPs to be used as a framework to guide the County and the Cities in developing their comprehensive land use plans;

D. Coordinate actions to provide for the distribution of state and federal grant funds, including but not limited to federal transportation funding, community development block grants, and low-income housing grants.

E. Undertake continuous, cooperative study and planning of regional and governmental problems of mutual interest, including but not limited to development, land use, housing, capital facilities, services, utilities, finances, public buildings, water supply, water distribution and drainage, air and water pollution, parks and recreation and transportation planning.

F. Coordinate actions to provide for a sustainable economy and environment for the region.

G. Carry out such other planning and coordinating activities authorized by the Council including participation in other forums and organizations.

H. Establish Bylaws, to be amended from time to time, that govern the procedures of the Council. The Bylaws, as may be amended, are incorporated into this Agreement by this reference as if fully set forth herein.

I. Contract for administrative services and enter into other agreements as deemed appropriate and/or necessary to implement this Agreement.

J. Purchase, receive, lease, take by gift, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, in the name of the Council.

K. Sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of its property and assets.

L. Sue and be sued, complain and defend, in all courts of competent jurisdiction in the Council's name.

M To engage in any other activity necessary to further the Council goals and purposes to the extent authorized by chapter 39.34 RCW.

N. Apply for such federal, state, or private funding of any nature as may become available to assist the organization in carrying out its purposes and functions.

O. Identify and examine issues such as governance, growth policies, development standards, service provision, revenue-cost sharing and municipal annexations in urban growth areas.

P. Strive to represent the consensus of views on growth management and planning issues among member agencies. The Council makes recommendations on behalf of those jurisdictions to multi-county regional agencies and State government on behalf of member agencies, on proposed changes to multi-county regional plans, state plans and laws.

Q. Represent the views or position of member agencies within the County on issues of consistency or the resolution of conflicts related to the multi-county regional growth strategy and transportation plan.

R. Make appointments to committees and boards of multi-county regional organizations (e.g. Puget Sound Regional Council, Peninsula Regional Transportation Planning Organization) where appointments are requested to represent more than one member agency of the Council. Members appointed to such committees and boards shall represent the consensus of the views of the Council. If consensus is not reached on a particular issue, the members appointed to such committees and boards shall represent the majority and minority views of the Council, in order to accurately portray the status of discussions on that issue.

S. Review this Interlocal Agreement no fewer than every 10 years with the assistance of legal counsel.

VI. FINANCING

A. Cost Allocation. All members shall pay the annual cost allocation as described in the Bylaws. If payment by a member is not paid timely after notice of the cost allocation is received, the member is subject to having its membership status revoked by the Executive Board.

B. Local Government Accounting. All services and transfers of property to the Kitsap Regional Coordinating Council shall be paid and accounted for in accordance with RCW 43.09.210.

VII. FISCAL YEAR AND BUDGET

A. The Fiscal Year. The fiscal year shall coincide with the calendar year.

B. Adoption of Budget. By September of each year the Executive Board shall adopt a draft annual work program, budget, and cost allocation for the ensuing fiscal year that identifies anticipated activities, goals, revenues, and expenditures for completing the work program. The final work program, budget, and cost allocation for the ensuing year shall be adopted by the Executive Board no later than November of each year. No increase or decrease to the final budget shall occur without the approval of the Executive Board.

C. Notice of Budget. On or before September 30, the Executive Board shall provide written notice of the ensuing year's draft budget, work plan, and cost allocation to the designated representative(s) of each member agency. On or before November 30, the Executive Board shall provide written notice of the final budget, work plan, and cost allocation adopted for the ensuing fiscal year to the designated representative(s) of each member agency.

D. Accounting, Budgeting, and Reporting. The Council shall be subject to the Budgeting Accounting & Reporting System (BARS) applicable to Category 1 local governments.

E. Fiscal Agent. The Council may retain a fiscal agent. The fiscal agent may be a member agency who shall serve and be subject to removal, pursuant to the terms and conditions as established by agreement between the fiscal agent and the Council.

F. Contracting. All contracts made by or on behalf of the Council shall be in accordance with state law, including, but not limited to: Chapter 39.04 RCW, and Chapter 42.23 RCW, and Chapter 42.24 RCW.

VIII. WITHDRAWAL FROM AGREEMENT

Any member agency has the right to withdraw from this Interlocal Agreement by giving the Executive Board six (6) months prior written notice. Unless otherwise provided by future agreement, any member agency that withdraws shall remain responsible for its financial and other obligations with regard to Council activities until the effective date of withdrawal and with regard to agreements to which the Council is a party and which exist at the time of such notice of withdrawal. Withdrawal by one member agency to this Interlocal Agreement shall not terminate the Agreement as to any other remaining member agencies. Except as provided in Article IX of this Agreement, any member agency that withdraws from this Agreement forfeits any rights it may have to the Council's assets; provided, however, such forfeiture shall not take effect if the Council dissolves within one (1) year of the date of the withdrawal notice.

IX. DISPOSAL OF ASSETS

Upon dissolution of the Council, any Council assets, after payment of all liabilities, costs, expenses, and charges validly incurred under this Agreement, shall be distributed to member agencies which are members of the Council on the date of dissolution. Distribution of assets shall be in proportion to the funding formula for cost allocation as described in the Bylaws, in accordance with Article VI.B. of the Agreement, and existing at the time of dissolution. The debts, liabilities, and obligations of the Council shall not constitute a debt, liability, or obligation of any member agency. If assets cannot reasonably be distributed in proportion to the funding formula, the Council shall declare the assets to be surplus, and shall offer the assets for sale according to the requirements of chapter 43.19 RCW, and shall distribute the proceeds from the sale in proportion to the funding formula established by the Executive Board in accordance with Article VI.B. of this Agreement.

X. LIABILITY AND INSURANCE

A. Any loss or liability to third parties resulting from negligent acts, errors, or omissions of the Council, Member agencies (excluding Associate Members), Ex Officio Members, and/or employees while acting within the scope of their authority under this Agreement shall be borne by the Council exclusively, and the Council shall defend such parties, at its cost, upon request by the member agency, ex officio agency, and/or employee.

B. The Executive Board shall obtain commercial general liability, and auto liability insurance coverage for the Council, Executive Board, and any staff employed by the Council, at

levels no less than $1 million single occurrence and $2 million aggregate for each type of liability that is insured. The policy shall name each member agency, and their respective elected officials, officers, agents, and employees as additional insured's. The Executive Board shall annually evaluate the adequacy of the Council's insurance coverage.

C. The Executive Board shall require that all contractors and subcontractors utilized by the Council obtain insurance coverage consistent with Article X.B.

XI. LEGAL REPRESENTATION

The Council may retain legal counsel. Legal counsel may be an employee of a member agency, an outside entity, or an individual. In the event of a conflict of interest, the Council may retain substitute or additional legal counsel. Additionally, Council may retain outside legal counsel concerning any matter the Council deems appropriate. Retained counsel shall serve, and be subject to removal, pursuant to the terms and conditions established by agreement between legal counsel and the Council. An adjustment in cost allocation to Members will be made if the Council retains outside legal counsel.

XII. ENTIRE AGREEMENT

This Agreement supersedes all previous Kitsap Regional Coordinating Council interlocal agreements and all prior discussions, representations, contracts, and/or agreements between the parties relating to the subject matter of this Agreement and constitutes the entire contract between the parties.

XIII. MODIFICATION

Except as provided by Article XIX, the terms of this Agreement shall not be altered or modified unless agreed to in writing by all member agencies and such writing shall be executed with the same formalities as are required for the execution of this document.

XIV. WAIVER

The failure of any party to insist upon strict performance of any of the terms and conditions of this Agreement shall not be construed to be a waiver or relinquishment of same, but the same shall be and remain in full force and effect.

XV. NOTICE

Except as provided in Article XVIII of this Agreement, any notice required by this Agreement shall be made in writing to the representative(s) identified in Article IV.B. of this Agreement. Notice is effective on the third day following deposit with the U.S. Postal Service, regular mail.

XVI. SEVERABILITY

If any of the provisions of this Agreement are held illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

XVII. CHOICE OF LAW AND VENUE

This Agreement shall be governed by the laws of the State of Washington, both as to its interpretation and performance. Any action at law, suit in equity, or other judicial proceeding arising in connection with this Agreement may be instituted and maintained only in a court of competent jurisdiction in Kitsap County, Washington.

XVIII. CLAIMS

A. Any claim for damages made under chapter 4.96 RCW shall be filed with the Chair of the Kitsap Regional Coordinating Council, c/o the Clerk of the Kitsap County Board of Commissioners, 614 Division Street, MS-4, Port Orchard, Washington, 98366.

B. Upon receipt of a claim for damages, or any other claim, a copy of the claim will be provided by the Clerk of the Board to each member of the Executive Board.

XIX. EXECUTION AND FILING

A. Counterparts. The parties agree that there shall be multiple original signature pages of this Agreement distributed for signature by the necessary officials of the parties. Upon execution, the executed original signature pages of this Agreement shall be returned to the Clerk of the Kitsap County Board of Commissioners, who shall file an executed original of this Agreement with the Kitsap County Auditor. The Clerk of the Board shall distribute duplicate conformed copies of the Agreement to each of the parties.

B. Later Approval and Filing. Later approval and filing of this Agreement by additional parties as set forth in Article IV, Section D, shall be deemed an authorized amendment to the Agreement already on file with the Kitsap County Auditor, without the need for reconsideration and approval by parties that have already approved and executed the Agreement.

XX. EFFECTIVE DATE

This Agreement shall go into effect among and between the parties upon its execution by all of the parties, as evidenced by the signatures and dates affixed below and upon its filing with the County Auditor as provided in Article XIX.

IN WITNESS WHEREOF, this Agreement has been executed by each party on the date set forth below:

Signatures on following pages

Executed this ___ day of _____, 2020.

CITY OF BAINBRIDGE ISLAND

Approved as to form

Bainbridge Island City Attorney

Kol Medina, Councilmember

Executed this ___ day of _____, 2002.

CITY OF BREMERTON

Approved as to form

Bremerton City Attorney

Greg Wheeler, Mayor

Executed this ___ day of _____, 2020.

CITY OF PORT ORCHARD

Approved as to form

Port Orchard City Attorney

Robert Putaansuu, Mayor

Executed this ___ day of _____, 2020.

CITY OF POULSBO

Approved as to form

Poulsbo City Attorney

Becky Erickson, Mayor

Executed this ___ day of _____, 2020.

PORT OF BREMERTON

Approved as to form

Port of Bremerton Attorney

Cary Bozeman, President

Executed this ___ day of _____, 2020.

PORT OF KINGSTON

Approved as to form

Port of Kingston Attorney

XXXX, President

Executed this ___ day of _____, 2020.

KITSAP TRANSIT

Approved as to form

Kitsap Transit Attorney

John Clauson, Executive Director

Executed this _____ day of _____, 2020.

KITSAP COUNTY BOARD OF COMMISSIONERS

CHARLOTTE GARRIDO, Chair

ROBERT GELDER, Commissioner

ATTEST:

Dana Daniels, Clerk of the Board

EDWARD E. WOLFE, Commissioner

Deputy Prosecuting Attorney

Kitsap Regional Coordinating Council

KITSAP REGIONAL COORDINATING COUNCIL
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WHEREAS, it is the belief of the undersigned members that regional deliberations, planning, and review can best be achieved with the creation of a separate legal entity whose function and activities are subject to policy direction from the undersigned member agencies according to the provisions of this Agreement; and

WHEREAS, the State Growth Management Act (GMA) requires local jurisdictions to coordinate and ensure consistency when developing comprehensive land use plans and the undersigned members desire to establish the Kitsap Regional Coordinating Council as a separate legal entity to facilitate coordination and consistency of comprehensive land use plans as required by the GMA; and

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b. The Mayor and one (1) member of the City Council of each city having a population between 10,001 persons and 30,000 persons;

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6~~5~~. City Council, Kitsap Transit, and Port ~~of Bremerton~~ representatives may be selected by whatever means established by each specific member agency.

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K. Sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of its property and assets.

L. Sue and be sued, complain and defend, in all courts of competent jurisdiction in the Council's name.

M To engage in any other activity necessary to further the Council goals and purposes to the extent authorized by chapter 39.34 RCW.

N. Apply for such federal, state, or private funding of any nature as may become available to assist the organization in carrying out its purposes and functions.

O. Identify and examine issues such as governance, growth policies, development standards, service provision, revenue-cost sharing and municipal annexations in urban growth areas.

P. Strive to represent the consensus of views on growth management and planning issues among member agencies. The Council makes recommendations on behalf of those jurisdictions to multi-county regional agencies and State government on behalf of member agencies, on proposed changes to multi-county regional plans, state plans and laws.

Q. Represent the views or position of member agencies within the County on issues of consistency or the resolution of conflicts related to the multi-county regional growth strategy and transportation plan.

R. Make appointments to committees and boards of multi-county regional organizations (e.g. Puget Sound Regional Council, Peninsula Regional Transportation Planning Organization) where appointments are requested to represent more than one member agency of the Council. Members appointed to such committees and boards shall represent the consensus of the views of the Council. If consensus is not reached on a particular issue, the members appointed to such committees and boards shall represent the majority and minority views of the Council, in order to accurately portray the status of discussions on that issue.

S. Review this Interlocal Agreement no fewer than every 10 years with the assistance of legal counsel.

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A. The Fiscal Year. The fiscal year shall coincide with the calendar year.

B. Adoption of Budget. By September of each year the Executive Board shall adopt a draft annual work program, budget, and cost allocation for the ensuing fiscal year that identifies anticipated activities, goals, revenues, and expenditures for completing the work program. The final work program, budget, and cost allocation for the ensuing year shall be adopted by the Executive Board no later than November of each year. No increase or decrease to the final budget shall occur without the approval of the Executive Board.

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F. Contracting. All contracts made by or on behalf of the Council shall be in accordance with state law, including, but not limited to: Chapter 39.04 RCW, and Chapter 42.23 RCW, and Chapter 42.24 RCW.

VIII. WITHDRAWAL FROM AGREEMENT

Any member agency has the right to withdraw from this Interlocal Agreement by giving the Executive Board six (6) months prior written notice. Unless otherwise provided by future agreement, any member agency that withdraws shall remain responsible for its financial and other obligations with regard to Council activities until the effective date of withdrawal and with regard to agreements to which the Council is a party and which exist at the time of such notice of withdrawal. Withdrawal by one member agency to this Interlocal Agreement shall not terminate the Agreement as to any other remaining member agencies. Except as provided in Article IX of this Agreement, any member agency that withdraws from this Agreement forfeits any rights it may have to the Council's assets; provided, however, such forfeiture shall not take effect if the Council dissolves within one (1) year of the date of the withdrawal notice.

IX. DISPOSAL OF ASSETS

Upon dissolution of the Council, any Council assets, after payment of all liabilities, costs, expenses, and charges validly incurred under this Agreement, shall be distributed to member agencies which are members of the Council on the date of dissolution. Distribution of assets shall be in proportion to the funding formula for cost allocation as described in the Bylaws, in accordance with Article VI.B. of the Agreement, and existing at the time of dissolution. The debts, liabilities, and obligations of the Council shall not constitute a debt, liability, or obligation of any member agency. If assets cannot reasonably be distributed in proportion to the funding formula, the Council shall declare the assets to be surplus, and shall offer the assets for sale according to the requirements of chapter 43.19 RCW, and shall distribute the proceeds from the sale in proportion to the funding formula established by the Executive Board in accordance with Article VI.B. of this Agreement.

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B. The Executive Board shall obtain commercial general liability, and auto liability insurance coverage for the Council, Executive Board, and any staff employed by the Council, at levels no less than $1 million single occurrence and $2 million aggregate for each type of liability that is insured. The policy shall name each member agency, and their respective elected officials, officers, agents, and employees as additional insured's. The Executive Board shall annually evaluate the adequacy of the Council's insurance coverage.

C. The Executive Board shall require that all contractors and subcontractors utilized by the Council obtain insurance coverage consistent with Article X.B.

XI. LEGAL REPRESENTATION

The Council may retain legal counsel. Legal counsel may be an employee of a member agency, an outside entity, or an individual. In the event of a conflict of interest, the Council may retain substitute or additional legal counsel. Additionally, Council may retain outside legal counsel concerning any matter the Council deems appropriate. Retained counsel shall serve, and be subject to removal, pursuant to the terms and conditions established by agreement between legal counsel and the Council. An adjustment in cost allocation to Members will be made if the Council retains outside legal counsel.

XII. ENTIRE AGREEMENT

This Agreement supersedes all previous Kitsap Regional Coordinating Council interlocal agreements and all prior discussions, representations, contracts, and/or agreements between the parties relating to the subject matter of this Agreement and constitutes the entire contract between the parties.

XIII. MODIFICATION

Except as provided by Article XIX, the terms of this Agreement shall not be altered or modified unless agreed to in writing by all member agencies and such writing shall be executed with the same formalities as are required for the execution of this document.

XIV. WAIVER

The failure of any party to insist upon strict performance of any of the terms and conditions of this Agreement shall not be construed to be a waiver or relinquishment of same, but the same shall be and remain in full force and effect.

XV. NOTICE

Except as provided in Article XVIII of this Agreement, any notice required by this Agreement shall be made in writing to the representative(s) identified in Article IV.B. of this Agreement. Notice is effective on the third day following deposit with the U.S. Postal Service, regular mail.

XVI. SEVERABILITY

If any of the provisions of this Agreement are held illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

#

XVII. CHOICE OF LAW AND VENUE

This Agreement shall be governed by the laws of the State of Washington, both as to its interpretation and performance. Any action at law, suit in equity, or other judicial proceeding arising in connection with this Agreement may be instituted and maintained only in a court of competent jurisdiction in Kitsap County, Washington.

XVIII. CLAIMS

A. Any claim for damages made under chapter 4.96 RCW shall be filed with the Chair of the Kitsap Regional Coordinating Council, c/o the Clerk of the Kitsap County Board of Commissioners, 614 Division Street, MS-4, Port Orchard, Washington, 98366.

B. Upon receipt of a claim for damages, or any other claim, a copy of the claim will be provided by the Clerk of the Board to each member of the Executive Board.

XIX. EXECUTION AND FILING

A. Counterparts. The parties agree that there shall be multiple original signature pages of this Agreement distributed for signature by the necessary officials of the parties. Upon execution, the executed original signature pages of this Agreement shall be returned to the Clerk of the Kitsap County Board of Commissioners, who shall file an executed original of this Agreement with the Kitsap County Auditor. The Clerk of the Board shall distribute duplicate conformed copies of the Agreement to each of the parties.

B. Later Approval and Filing. Later approval and filing of this Agreement by additional parties as set forth in Article IV, Section D, shall be deemed an authorized amendment to the Agreement already on file with the Kitsap County Auditor, without the need for reconsideration and approval by parties that have already approved and executed the Agreement.

XX. EFFECTIVE DATE

This Agreement shall go into effect among and between the parties upon its execution by all of the parties, as evidenced by the signatures and dates affixed below and upon its filing with the County Auditor as provided in Article XIX.

IN WITNESS WHEREOF, this Agreement has been executed by each party on the date set forth below:

Signatures on following pages

Executed this ___ day of _____, 202019.

CITY OF BAINBRIDGE ISLAND

Approved as to form

Bainbridge Island City Attorney

Kol Medina, Councilmember ~~Mayor~~

Executed this ___ day of _____, 200219.

CITY OF BREMERTON

Approved as to form

Bremerton City Attorney

Greg Wheeler, Mayor

Executed this ___ day of _____, 202019.

CITY OF PORT ORCHARD

Approved as to form

Port Orchard City Attorney

Robert Putaansuu, Mayor

Executed this ___ day of _____, 202019.

CITY OF POULSBO

Approved as to form

Poulsbo City Attorney

Becky Erickson, Mayor

Executed this ___ day of _____, 202019.

PORT OF BREMERTON

Approved as to form

Port of Bremerton Attorney

~~Larry Stokes~~Cary Bozeman, President

Executed this ___ day of _____, 2020.

PORT OF KINGSTON

Approved as to form

Port of Kingston Attorney

XXXX, President

Executed this ___ day of _____, 20202019.

KITSAP TRANSIT

Approved as to form

Kitsap Transit Attorney

John Clauson, Executive Director

Executed this _____ day of _____, 20202019.

KITSAP COUNTY BOARD OF COMMISSIONERS

CHARLOTTE GARRIDO~~EDWARD E. WOLFE~~, Chair

ATTEST:

ROBERT GELDER ~~CHARLOTTE GARRIDO~~, Commissioner

Dana Daniels, Clerk of the Board

EDWARD E. WOLFE ~~ROBERT GELDER~~, Commissioner

Deputy Prosecuting Attorney

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: Staffing Request for COVID-19 Response - Executive,

SUMMARY: As described in the memo attached with this agenda item, this item is to request approval for a part-time, term-limited staff position in the Executive Department to provide additional staffing for COVID-19 response. This position would be supervised by the emergency management coordinator with work responsibilities related to City service delivery, facility use, and public health best practices during the COVID-19 pandemic.

AGENDA CATEGORY: Discussion **PROPOSED BY:** Executive

RECOMMENDED MOTION: Approve with the Consent Agenda.

STRATEGIC PRIORITY: Safe City

FISCAL IMPACT:

Amount:	Total up to $140,000, of which $39,000 is estimated to be spent in 2020.
Ongoing Cost:	
One-Time Cost:	$140,000
Included in Current Budget?	No

BACKGROUND: Primary COVID-19 response activities have been coordinated by the emergency management coordinator, the City Manager, and personnel assigned to the EOC. As the City shifts to reopen facilities, bring back personnel, and return to limited in-person service delivery, it is critical that the resumption of this in-person service delivery in City facilities be done in a safe manner and in accordance with the Governor's phased reopening plan.

The proposed body of work for this new position begins with understanding the current public health guidance related to government service delivery. This work will continue for the next 12 – 18 months as governmental agencies continue to adjust to the COVID-related policies and understand new public health practices for employees and the public. Developing and maintaining policies will be an ongoing obligation for the City as an employer and service provider.

ATTACHMENTS:

Exec_Staffing_Request_for_Temporary_position_for_CC_06092020

FISCAL DETAILS: Funding for this position is not currently in the Executive Department budget. This position would be funded by increasing planned spending, with partial reimbursement later using a portion of the City's allocation of CARES Act funding. As detailed in the May 12 and May 19 presentations to the City Council, the City is expecting and is planning for significant increased expenses in some areas to respond to the COVID-19 pandemic. This position is one example of necessary City expenses to adjust to the new situation in which we find ourselves. Staff have estimated additional expenses at $250,000 for 2020, as included in the Financial Updates in May.

Fund Name(s): General Fund

Coding:

CITY OF
BAINBRIDGE ISLAND

Executive Department Memorandum

Date: May 27, 2020

To: Morgan Smith, City Manager
Kate Brown, Human Resources Manager

From: Anne LeSage, Emergency Management Coordinator

Subject: Staffing Request for COVID-19 Response

This memo requests approval for a part-time, term-limited staff position in the Executive Department to provide additional staffing for COVID-19 response. This position would be supervised by the emergency management coordinator with work responsibilities related to City service delivery, facility use and public health best practices during the COVID-19 pandemic. As a new position, it is not included in the City's 2020 budget, although it will likely be eligible for some federal reimbursement. This is an example of the additional costs we anticipate, included in the May financial presentations as a $250,000 initial forecast.

Staff estimate that the additional expense for the proposed COVID position in 2020 will be roughly $39,000. This estimate is based on three months of full-time work in 2020 and an ongoing half-time position. The cost per month for a full-time position is estimated at $9,700 and a half-time position is $4,900, including salary and benefits.

Staffing Request Detail

Response to the COVID-19 pandemic has been the highest City-wide priority since mid-March. As the primary emergency response organization, the City has coordinated local taxing districts, served as a conduit for community requests and responses, and supported business continuity for public and private organizations on Bainbridge Island. The Emergency Operations Center (EOC) was activated on March 16, 2020 and has been staffed since that time to coordinate the overall Island response. We estimate that City staff have spent 2,500 hours in the EOC, hours leveraged by an additional 1,500 hours of volunteer support. As the City's Emergency Management Coordinator, I have spent roughly 90% of my working hours in the EOC working on COVID-19 response.

The COVID-19 pandemic has had a significant impact to many aspects of City operations. While some services such as public safety and public works are delivering many of the same services, most staff must develop new approaches to their work. In other cases, City functions have shifted from in-person service delivery to online and virtual service delivery. Under Governor Inslee's "Stay Home, Stay Healthy" order, City facilities have been closed to the public and many staff have been telecommuting.

Nearly every staff person has adopted new approaches to their work. The swift changes have been supported by internal services such as human resources, information technology and legal staff.

Primary COVID-19 response activities have been coordinated by the Emergency Management Coordinator, the City Manager, and personnel assigned to the EOC. As the City shifts to re-open facilities, bring back personnel, and return to limited in-person service delivery, it is critical that the resumption of this in-person service delivery in City facilities be done in a safe manner and in accordance with the Governor's phased re-opening plan. The proposed body of work for this new position begins with understanding the current public health guidance related to government service delivery. This work will continue for the next 12 – 18 months as governmental agencies continue to adjust to the COVID-related policies and understand new public health practices for employees and the public. Developing and maintaining policies will be an ongoing obligation for the City as an employer and service provider.

The responsibility for coordinating the resumption of in-facility work by City employees and preparing for in-person service delivery should be assigned to an employee with public policy and/or public health experience.

With my background in public health and emergency response, it is possible for me to coordinate the ongoing COVID-19 response. Making this choice would require that I completely shift away from and defer other emergency preparedness activities. With this additional resource, I would be able to continue to support COVID-19 response work, as well as make progress on other preparedness work including:

- Map Your Neighborhood outreach
- Individual preparedness training
- Wildfire preparedness outreach
- Cascadia Rising earthquake exercise planning
- Shelter development
- Training for EOC staff and City employees
- Volunteer credentialing
- Grant management, and
- Continued training and exercises for current emergency management volunteers.

Alternatively, the ongoing COVID response could be assigned to another City position. The most appropriate training would be public health, which is not a set of responsibilities found in other City positions. Other relevant skill sets could be planning or policy development. Both departments which provide these services, Planning and Finance, have current vacancies, so dedicating a position to a new responsibility would be a significant detriment to their ongoing core work.

Having considered existing City staff and having determined that the challenges outweigh the benefits of re-directing current work, I recommend the addition of a part-time, term-limited position dedicated to COVID-19 response to assist with the City's ongoing COVID-19 response. The establishment of the COVID-19 Safety Officer position will allow the City to efficiently and effectively coordinate the re-

opening of City facilities, assist with employee and visitor safety, and research and implement best practices for municipal response to the pandemic.

Position Responsibilities

This position will report to the Emergency Management Coordinator, with work exclusively dedicated to COVID-19 response as directed by the Emergency Management Coordinator and the City Manager. Duties will include:

- Developing protocol for facility use, space management, and meeting requirements for phased reopening of City facilities.
- Developing facilities cleaning protocols.
- Developing processes for screening, tracking, and tracing of City staff and visitors to City facilities.
- Developing Personal Protective Equipment (PPE) guidelines, training handouts, videos, and train-the-trainer opportunities.
- Developing a plan to order, distribute, and track necessary Personal Protective Equipment (PPE) for City staff.
- Monitoring state and federal guidelines and adjust protocols and policies, as necessary.
- Developing contingency plans for potential re-shutdown.
- Coordinating with Human Resources on the development of flexible telework policies.
- Creating regular communication updates for City staff.
- Coordinating with the Communications Coordinator on community updates, including the City website and social media.
- Coordinating with or serving as a resource to other local government agencies.

The intention is for the position to work on a variable part-time basis, likely to be scheduled for more hours at the start of the term. The estimated cost, based on an hourly rate of $40/hour which is roughly the middle of Range 16, will vary depending on the length of the term and the number of hours per week. As a frame of reference, 18 months of a person working 40 hours per week for the first three months and 30 hours per week for the remaining fifteen months would be estimated at $140,000. More detailed cost estimates will be available when a position description has been developed and a scope of work and schedule are decided.

Funding for this position is not currently in the Executive Department budget. This position would be funded using a portion of the City's allocation of CARES Act funding and by increasing planned spending. As detailed in the May 12 and May 19 presentations to the City Council, the City is expecting and is planning for increased expenses in some areas to respond to the COVID-19 pandemic. This position is one example of necessary City expenses to adjust to the new situation in which we find ourselves.

Thank you for your consideration of this request. I welcome any questions or feedback.

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: Affirm Council Priorities from March 6, 2020 Retreat - Mayor Schneider,

SUMMARY:
At the annual retreat on March 6, 2020, the City Council discussed Council priorities for the current year and for the next biennial budget.

The Council reviewed the priorities adopted in January, 2020 and proposed some changes. The proposed revisions are presented in the attached draft document, "2020 City Council Priorities - March Revision." The changes include the addition of a new item, "Land Use Code Revisions," and the addition of a new item under Affordable Housing, "Affordable Housing Strategy."

The Council identified priorities for the 2021-2022 Biennial Budget through the use of a ranking process. After identifying a list of potential priority projects, each Councilmember was allotted 8 votes to assign to their top priorities for the 2021-2022 Biennial Budget. The results of that ranking process are presented in the attached matrix, "2021-2022 Council Budget Priorities."

Scheduling this item for final approval at a business meeting will allow for the opportunity for public comment before the Council takes final action.

AGENDA CATEGORY: Discussion **PROPOSED BY:** Executive

RECOMMENDED MOTION:
Approve with Consent Agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

2020_City_Council_Priorities_June Revision.docx

2021-2022_Council_Budget_Priorities - DRAFT.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

City Council's Top Priorities for 2020

Climate Change

- Climate Action Plan
- Sustainable Transportation Plan
- Green Building Policies

Affordable Housing

- Affordable Housing Strategy
- Other Initiatives

Land Use Code Revisions

Groundwater Management Plan

2021-2022 Budget and Capital Plans

2021-2022 COUNCIL BUDGET PRIORITIES

Council Priority	# of Votes	# of Councilmembers
Implement Climate Action Plan	7	5
Land Use Code Revisions	6	3
Implement Sustainable Transportation Plan	5	4
Ombudsman/Concierge	5	4
Implement Green Building Code	4	3
Affordable Housing Strategy	4	3
Sustainable Green Economic Development	3	3
Plastics Ordinance	4	4
Race Equity Initiative Implementation	3	2
Permanent Hydrogeologist/Staffing Water Resources Division	2	2
Support Agriculture - economic viability/Public Farmland FTE	2	2
Permanent Natural Resource Specialist (SEPA Specialist)	2	2
Implement Island-Wide Stormwater Study	1	1
Volunteer Coordination	0	0
Surface and Groundwater Management Integration	0	0

DRAFT

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: June 23, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: Appointments to the Planning Commission - Mayor Schneider,

SUMMARY: A call for participation was issued for volunteers to serve on the Planning Commission. This agenda item includes completed applications and resumes where provided by the applicant. A series of interviews were conducted. Mayor Schneider recommends the appointments identified in the attached spreadsheet and that those appointments be forwarded to the June 23 business meeting for Council confirmation.

AGENDA CATEGORY: Discussion **PROPOSED BY:** Executive

RECOMMENDED MOTION: Approve with Consent Agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

Planning Commission (Recommended Appointments).pdf

Blossom - Planning Commission (Redacted).pdf

Dykeman - Planning Commission (Redacted).pdf

Gardiner - Planning Commission (Redacted).pdf

Marshall - Planning Commission (Redacted).pdf

McCormick Osmond - Planning Commission (Redacted).pdf

Weise - Planning Commission (Redacted).pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

Planning Commission

Interview Team	Recommended Appointments	Applications Received Alphabetically
Mayor Leslie Schneider **Council Liaison** Kirsten Hytopoulos **Chair** Bill Chester	**Planning Commission** (7) **Position 1 –** Kimberly McCormick Osmond (June 2023) - Reappointment **Position 2 –** Sarah Blossom (June 2023)	Sarah Blossom Erik Dykeman Michele Gardiner Megan Marshall Kimberly McCormick Osmond Lori Weise

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Friday, April 24, 2020 11:26:51 AM

City Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Sarah Blossom
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	Self
Current Position	Attorney
I am interested in serving on one of the following City advisory groups (select all that apply):	Planning Commission

Experience & Qualifications

Have you served on any City advisory groups in the past?	No
If so, please indicate which groups:	*Field not completed.*
Please share your qualifications for this appointment (skills,	I am a licensed attorney and just finished serving two terms on the City Council. I know our Comprehensive Plan and Municipal Code well. As a Councilmember I served as the liaison to the

activities, training, education) if any:	Planning Commission, Island Center Subarea Steering Committee, Affordable Housing Task Force, Comprehensive Plan Update Steering Committee, Historic Preservation Commission, and Utility Advisory Committee. I also served as the Council's representative on the Kitsap Public Health District for several years. A lot of the work that the Planning Commission will be taking up in the next couple of years began with the City Council while I was a member so I understand the rationale and intention behind the various initiatives. As a member of the Comprehensive Plan Update Steering Committee I was deeply involved in that effort and am probably the only Councilmember or Planning Commissioner that attended every public "listening session" or workshop that was held. Since my term on City Council ended I have continued to follow both the City Council and Planning Commission.
Please share your community interests (groups, committees, organizations) if any:	*Field not completed.*
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2020
How did you hear about the volunteer opportunity?	Other
Other	*Field not completed.*

Email not displaying correctly? View it in your browser.

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Friday, May 1, 2020 3:53:24 PM

City Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Erik Dykeman
Email	
Phone	
Address	
City	Bainbridge Island
State	Washington
Zip	98110
Current Employer	Build Group
Current Position	Senior Project Manager
I am interested in serving on one of the following City advisory groups (select all that apply):	Planning Commission

Experience & Qualifications

Have you served on any City advisory groups in the past?	No
If so, please indicate which groups:	*Field not completed.*
Please share your qualifications for this appointment (skills,	Elected to Sandown, NH planning board in 2015. Served as Vice Chair of that board in 2017. I work in the construction industry, and have extensive knowledge of zoning regulations, laws

activities, training, education) if any:	concerning construction, and watershed preservation projects. I attended multiple conferences from the EPA in regards to river cleanup acts, protection programs, and environmental impact studies when it comes to pollutants from roadways, construction, and natural or man made structures.
Please share your community interests (groups, committees, organizations) if any:	Love planning, zoning, and urban development. I am involved with the local AGC for Seattle.
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2020
How did you hear about the volunteer opportunity?	Bainbridge Review Newspaper
Other	*Field not completed.*

Email not displaying correctly? View it in your browser.

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Saturday, May 2, 2020 2:39:32 PM

City Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Michele Gardiner
Email	
Phone	
Address	
City	Bainbridge Isand
State	WA
Zip	98110
Current Employer	self employed SG Creative at Pleasant Beach Village
Current Position	Professionsl Artist,Senior designer of interior & exterior living spaces. Park City historical society, Municipal advisor
I am interested in serving on one of the following City advisory groups (select all that apply):	Climate Change Advisory Committee, Design Review Board , Environmental Technical Advisory Committee, Historic Preservation Commission , Planning Commission

Experience & Qualifications

Have you served on any City advisory groups in the past?	Yes
If so, please indicate which groups:	Historic Main Street Park City Utah advisor to Park City Main Street & municipal design recomendations
Please share your qualifications for this	I am a 65 year senior interior and exterior designer having designed & managed several high end residential and

appointment (skills, activities, training, education) if any:	commercial projects for 30 years in my home town of Park City, UT. I owned a large design/retail store at the top of the famous Main Street PC, UT and am proud to have contributed many design concepts, event planning & municipal improvements. I contrubuted several inovative concepts changing chaotic eyesores into peaceful green outdoor creative spaces. I am also an artist and have loved creating and selling my art to my Bainbridge Island customer and friends. I am happy to assist in that capacity as well.
Please share your community interests (groups, committees, organizations) if any:	Above and beyond design, I am passionate about climate control. I believe there is one way to build & that is conciously: Unifying builders, owners, neighbors with natural habitats & generous green spaces . I travel often for one month at a time to many of the world's most beautiful places who were designed by Artisans. These locations are surrounded by expansive parks and stunning botanicals at every opportunity. Those locations were/are also protected by moratorium's. If we have learned nothing else from the pandemic; could it be humanity will take a step back & accept responsibility to protect mother nature and balance human development within her needs. The quicker we are able to do that & come together unilaterally they quicker humanity will heal.
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2020
How did you hear about the volunteer opportunity?	City Website
Other	*Field not completed.*

Email not displaying correctly? View it in your browser.

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Thursday, May 7, 2020 9:18:27 AM

City Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Megan Marshall
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	Olson Kundig
Current Position	Architect
I am interested in serving on one of the following City advisory groups (select all that apply):	Design Review Board , Planning Commission

Experience & Qualifications

Have you served on any City advisory groups in the past?	No
If so, please indicate which groups:	N/A
Please share your qualifications for this appointment (skills,	I am an architect currently employed at Olson Kundig, a Seattle-based architecture firm. Prior to Olson Kundig, I worked at Perkins+Will in their Seattle office. I have over nine years of

activities, training, education) if any:	professional experience with a wide range of project types spanning single-family residential, multi-family residential, hospitality, science and technology, healthcare, and campus planning. I have had the opportunity to work on projects sited all over the globe, which has provided me with a unique perspective on how different justicitions address the building review process (design, sustainability, accessibility, etc.). I am passionate about identifying and implementing innovative ways of improving the built environment and its connection with the surrounding community, not only through project work, but also through participation in various committees. I served as co-director of Perkins+Will Seattle's Material Health Lab and was one of the first members of the Perkins+Will Seattle Resiliency Lab. At Olson Kundig I have been involved in creating new standards of design for multi-family and hospitality projects. My involvement in these groups has afforded me unique educational experiences, both as a learner and teacher, while also broadening my skill sets in specialized areas of project work. I am a licensed architect in the state of Washington and a U.S. Green Building Council Leadership in Energy and Environmental Design, Building Design, and Construction accredited professional (LEED AP BD+C). I hold a Master of Architecture degree from the University of Southern California and a Bachelor of Science degree in architecture from Washington State University. I grew up on Bainbridge Island and graduated from Bainbridge High School (2004). This community is dear to me, and I would be honored to offer my experience and expertise to help shape the future of the island. I hope to have the opportunity to discuss this opening further with you.
Please share your community interests (groups, committees, organizations) if any:	As I noted in the previous question, this community is dear to me, and I would be honored to offer my experience and expertise to help shape the future of the island. I have worked on a number of professional boards and have volunteered service for youth architecture education programs, but this would be my first time serving on a community-based board. (Please see attached resume.)
Feel free to attach your resume (optional):	
Type the Year	2020
How did you hear about the volunteer opportunity?	City Website



MEGAN MARSHALL
AIA, LEED AP BD+C

Licensed Architect, WA

University of Southern California
Los Angeles, CA / 2008 - 2010
Master of Architecture

Washington State University
Pullman, WA / 2004 - 2008
Bachelor of Science, Architecture
Minor in Sociology

AIA Member
USGBC Member

OLSON KUNDIG / SEATTLE, WA / ARCHITECT / 2017-present

As a generalist architect I have experience working on projects large and small. My role is often to serve as the design lead, but I also enjoy jumping deeper into a project to assist in addressing more technical design issues. At Olson Kundig I have worked primarily on multi-family, residential, and hospitality project types.

PROJECT HIGHLIGHTS:

. Project architect on a multi-family project consisting of 8 unique buildings situated on top of an existing garage in West Hollywood, CA. Responsibilities include working with the design principal, developer, and consultants from schematic design thru construction administration.

. Project architect on a large multi-building resort in rural China. Experience working on an international team and with the local architect on a large project on an extremely complex site. Project scope includes schematic design thru construction documents.

. Design and technical support on multiple high-end residential projects located in Seattle, San Francisco, Costa Rica, and Mexico.

. Assisted in the design documentation for multiple commercial buildings and market hall in Walla Walla, WA.

PERKINS + WILL / SEATTLE, WA / ARCHITECT / 2010-2017

I began my career and seven-year tenure at Perkins+will as an intern architect, became a licensed architect in 2015, and then associate in 2016. During this time, I worked primarily on higher-education and science and technology projects.

PROJECT HIGHLIGHTS

. Experience detailing exterior and interior conditions for complex building types including the UW Medicine Phase 3.1 Building in South Lake Union, a multi-building campus for Illumina in San Diego, and the UCSD Center for Novel Therapeutics building in San Diego.

. Assisted in numerous spatial planning studies for science and technology as well as office workspaces

. Creation and coordination of design and documentation for a master plan, as well as coordination of predesign report documents

. Sustainability lead on a LEED-Platinum shell-and-core building and LEED-Silver laboratory building.

MAGRAW ZECHA / POULSBO, WA / GRAPHIC DESIGN / 2010-present

My role at Magraw Zecha began in 2010. I was responsible for creating a new marketing and graphic identity for Magraw Zecha which included a new logo, website, business cards, and marketing materials. I continue to maintain the website and advise on graphic and marketing materials as needed.

The owner of the Magraw Zecha, Scott Magraw, is my father.

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Wednesday, April 15, 2020 12:03:45 PM

City Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Kimberly McCormick Osmond
Email	
Phone	
Address	
City	Bainbridge Island
State	Washington
Zip	98110
Current Employer	Law Office of Kim McCormick, PLLC
Current Position	Attorney
I am interested in serving on one of the following City advisory groups (select all that apply):	Planning Commission

Experience & Qualifications

Have you served on any City advisory groups in the past?	Yes
If so, please indicate which groups:	Planning Commission - 2003-2008 and currently, beginning June 2017
Please share your qualifications for this appointment (skills,	As a practicing land use lawyer for the last 30 years, I have both knowledge and experience in crafting and applying land use policies, principles and codes. As a former (2003-2008) and

activities, training, education) if any:	current Planning Commissioner, I have firsthand experience in how the City's development codes are applied and the projects they produce. I have worked with federal, state and local planning bodies and have represented project applicants in front of those bodies, giving me the opportunity to see both sides of the development picture and to understand how development can be proposed and managed in a manner that benefits the community and also protects the environment. I am very interested in continuing my participation on the Planning Commission and look forward to continuing to work on three important priorities: (1) revising specific sections of the Municipal Code that are producing development that is inconsistent with the Comprehensive Plan; (2) placing more emphasis in the Code on sustainable building practices and transportation options that address climate change, renewable energy and climate impact mitigation; and 3) drafting a comprehensive affordable housing ordinance that takes into account the work of the affordable housing task force and ongoing discussions for the Suzuki parcel.
Please share your community interests (groups, committees, organizations) if any:	As a Planning Commissioner from 2003-2008, I had had the opportunity to be involved with the first Island Center Subarea Plan, the Winslow Tomorrow initiative and the Shoreline Master Plan. During my time on the Planning Commission beginning in 2017, we proposed revisions to Code subdivision regulations that were adopted by the City Council and have been actively working on recommendations for revisions to the Code that would produce development regulations that are consistent with the Comprehensive Plan and area master plans. In my view, that work is crucial because the Comprehensive Plan is what makes Bainbridge Island a unique and wonderful place to live and directs development on the island in a manner supported by the community. When Code provisions are inconsistent with the Comprehensive Plan, everyone suffers - project applicants, our planners, the Design Review Board, the Planning Commission and our decisionmakers. We have spent considerable time on this effort during the last 3 years and I would like to contribute to and finish that effort during a second term on the Planning Commission.
Feel free to attach your resume (optional):	
Type the Year	2020
How did you hear about the volunteer opportunity?	City Website
Other	*Field not completed.*



Kimberly McCormick Osmond

Land Use Attorney

Areas of Practice:

Land Use
Environmental
Energy
Endangered Species
Waters and wetlands

Bar Admissions

California 1989, Washington 1997
U.S. Court of Appeal, Ninth Circuit
U.S. Court of Appeal, District of Columbia Circuit
U.S. District Court, Western District of Washington
U.S. District Court, Southern District of California
U.S. District Court, Central District of California
U.S. District Court, Northern District of California

Areas of Expertise

I have been practicing law for 30 years in the areas of land use, environmental law, federal and state environmental permitting, regulatory compliance and litigation. I have handled local land use permitting for residential and commercial projects and have represented clients in a variety of matters, including the siting and permitting of residential development communities; renewable energy projects (solar, wind and geothermal); a desalination project; mining projects; golf courses; a public transportation light-rail system; and an automotive test track. My practice includes compliance counseling involving the Washington State Environmental Protection Act, the Washington Shoreline Management Act, the Washington Growth Management Act, the California Environmental Quality Act, and other Washington and California environmental laws and regulations regarding critical and natural resource areas and protected species.

I also counsel clients on matters involving the federal Endangered Species Act, Clean Air Act, Clean Water Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection

Act and Federal Land Policy Management Act, and have assisted in the development of a General Conservation Plan for stakeholders in California and in Natural Community Conservation Plans in several California communities.

Experience

Law Office of Kim McCormick, PLLC - 2006 to the present – Sole Partner and Owner
Latham & Watkins, 1989-2005
Associate and Of Counsel in the Environmental, Land Use and Natural Resources Department and co-chair of the firm's Endangered Species Working Group

Education

Law clerk, 1989, the Honorable David R. Thompson, U.S. Court of Appeal for the Ninth Circuit
University of Texas at Austin, 1988
Doctor of Jurisprudence, High Honors
Order of the Coif
Associate Editor, Texas Law Review
University of Texas at Austin, 1977
Bachelor of Journalism
Bachelor of Arts in English

Community Involvement

I moved to Bainbridge Island in 1997 with my husband and daughter, and currently am serving as Vice Chair of the Bainbridge Island Planning Commission. I previously was a Planning Commissioner from 2003 – 2008 and served as Chair in 2006. Major land use matters in which the Planning Commission was involved during my first tenure included Winslow Tomorrow and the first planning initiative for the Island Center Neighborhood Service Center. I am a member and supporter of the Bainbridge Island Land Trust and the Bainbridge Island Museum of Art.

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Thursday, May 7, 2020 9:28:52 PM

City Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Lori Weise
Email	
Phone	
Address	
City	Bainbridge Island
State	Washington
Zip	98110
Current Employer	Self Employed
Current Position	Health Care Planning Consultant
I am interested in serving on one of the following City advisory groups (select all that apply):	Planning Commission

Experience & Qualifications

Have you served on any City advisory groups in the past?	Yes
If so, please indicate which groups:	HIstoric Preservation Commission
Please share your qualifications for this appointment (skills,	I have a masters in Urban Planning from UCLA. I have over 38 years experience as a health and hospital planner executive including campus master planning experience, facility planning,

activities, training, education) if any:	strategic and business planning
Please share your community interests (groups, committees, organizations) if any:	I serve on the board of directors for Congregation Kol Shalom; Also serving on the Finance Committee of the Bainbridge Island Land Trust.
Feel free to attach your resume (optional):	
Type the Year	2020
How did you hear about the volunteer opportunity?	Other
Other	City Planning Department

Email not displaying correctly? View it in your browser.

Lori Weise

Principal at Weise Healthcare Consulting
Bainbridge Island, Washington

Top Skills

Demand and financial forecasting for business plan development

Master facility and space planning and programming

Contract negotiations for legal and business relationships

Summary

Accomplished leader in healthcare strategy and planning leading high impact projects that have driven appropriate growth for organizations.

I have over 35 years experience leading and facilitating strategic planning and business development processes that provide direction to senior management, boards of directors, faculty and group physician practices, research institutes and other related entities. I lead processes to identify and develop market, demand and financial models, advance program and service line development, facilitate physician practice network expansion, and evaluate potential acquisitions.

Experience

Weise Healthcare Consulting
Principal
January 2019 - Present (1 year 5 months)
Greater Seattle Area

Provides healthcare strategic and business planning to healthcare systems and medical groups

Cedars Sinai Health System
Vice President, Strategic Planning and Business Development
November 1998 - December 2018 (20 years 2 months)
Greater Los Angeles Area

Cedars-Sinai is one of the largest non-profit academic medical centers in the US providing high quality clinical and research based programs ranging from primary care to specialized treatments for complex and advanced illnesses.

I developed strategic and business plans providing direction to senior management and the board of directors for the Medical Center, Medical Delivery Network (physician practices), the Davis Research Institute and other Cedars-Sinai related entities. I used a collaborative and data driven proces

to drive alignment and consensus among different constituencies including physician and administrative leaders. Our plans helped Cedars-Sinai grow substantially in market and financial strength resulting in net assets increasing 12% over ten years to $4.2 billion.

The plans we developed have been informed by Cedars-Sinai's vision to continue as a recognized national leader in providing high value healthcare that delivers excellent clinical quality, patient safety and service.

Citrus Valley Health Partners
Director of Planning
January 1993 - December 1998 (6 years)
West Covina, California

Led business and facility planning efforts for a two-hospital community health system located in the San Gabriel Valley

San Antonio Community Hospital
Manager, Planning and Marketing
January 1989 - December 1993 (5 years)
Upland, California

Developed and implemented planning and marketing efforts for a 300 bed community hospital and related ambulatory services in Upland and Rancho Cucamonga, California

American Medical International
Project Manager, Corporate Market Planning Division
January 1985 - December 1991 (7 years)
Greater Los Angeles Area

Developed market and business plans for AMI's numerous community hospitals across the USA

Ernst & Whinney
Senior Analyst
June 1982 - December 1985 (3 years 7 months)
Greater Los Angeles Area

Created market and business plans, financial feasibility studies, certificates of need and client proposals for E & W healthcare consulting clients.

Education

University of California, Los Angeles

Master of Arts - MA, Bachelors of Arts-BA, MA in Urban Planning, specialty Health Planning · (1975 - 1982)