CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, SEPTEMBER 22, 2020

REMOTE MEETING ON ZOOM

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:
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OR TELEPHONE:
DIAL(FOR HIGHER QUALITY, DIAL A NUMBER BASED ON YOUR CURRENT LOCATION):
US: +1 346 248 7799 OR +1 646 558 8656 OR +1 669 900 9128 OR +1 253 215 8782 OR +1 301 715 8592
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WEBINAR ID: 937 3650 8865
INTERNATIONAL NUMBERS AVAILABLE: HTTPS://BAINBRIDGEWA.ZOOM.US/U/AEY3LUYVRX

AGENDA

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

2. **APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE - 6:05 PM**

3. **PUBLIC COMMENT**

   3.A **(6:10 PM) Instructions for Providing Public Comment - City Clerk,** 15 Minutes
   Instructions for Providing Public Comment at Remote Meetings.docx

4. **MAYOR'S REPORT - 6:25 PM**

5. **CITY MANAGER'S REPORT - 6:30 PM**

6. **FUTURE COUNCIL AGENDAS**

   6.A **(6:35 PM) Future Council Agendas,** 10 Minutes
   October 6 City Council Study Session.pdf
   October 13 City Council Regular Business Meeting.pdf
   October 20 City Council Study Session.pdf
   October 27 City Council Regular Business Meeting.pdf

7. BUDGET DELIBERATIONS

7.A **(6:45 PM) 2021-22 Proposed Budget Presentation - Finance,** 30 Minutes

8. PRESENTATION(S)

8.A **(7:15 PM) Proclamation Declaring October 7, 2020 as "Energy Efficiency Day," - Mayor Schneider,** 5 Minutes
Energy Efficiency Day Proclamation.docx

9. PUBLIC HEARING(S)

9.A **(7:20 PM) Ordinance No. 2020-17 Adopting the Shoreline Master Program Amendment to Integrate the Critical Areas Ordinance and Make Changes to the Nonconforming Sections- Planning,**
10 Minutes
September 22, 2020 Staff Memorandum to Council
Ordinance No. 2020-17 Adopting the Shoreline Master Program Amendment
Exhibit A to Ordinance No. 2020-17 Shoreline Master Program Amendment
Exhibit B Table of Changes to Draft SMP Amendment
Determination of Initial Concurrence from the WA Department of Ecology
Ecology Recommendations to Resolve Issues Identified as Required and Recommended
FOR BACKGROUND June 23, 2020 Staff memo, summarizing Ecology's comments
FOR BACKGROUND Resolution No. 2019-05, directing staff to submit the draft SMP Amendment to Ecology for initial review

9.B **(7:30 PM) Public Hearing on Ordinance No. 2020-24, Related to Extending the Moratorium on Certain Development Activities - Planning,** 10 Minutes
Ordinance No. 2020-24 Extending the Development Moratorium - Public Hearing Draft (Updated).docx
Exhibit A to Ord 2020-24 - Work Plan
Exhibit B to Ord 2020-24 - Winslow Master Plan Study Area Map
Moratorium Summary - Handout.pdf
Moratorium Work Plan Status Report.pdf
[For Background] Ordinance No. 2020-09 Extending the Development Moratorium.pdf

10. UNFINISHED BUSINESS

10.A **(7:40 PM) Monthly Update on 2020 Revenue and Expenses Forecasts - Executive,** 10 Minutes
Financial Presentation August Update for CC 09222020.pptx

10.B **(7:50 PM) Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant Amendment Acceptance - Finance,** 5 Minutes
Amendment A_20-6541C-110 with correction.pdf

11. NEW BUSINESS

11.A **(7:55 PM) Update on AT&T Discussions related to Cellular Coverage and Service Gaps - Executive,** 15 Minutes

11.B **(8:10 PM) Arts and Humanities Bainbridge/Public Art Funding Proposal - Executive,** 15 Minutes
PAC Presentation 9.14.20 - for CC 09222020.pdf

11.C **(8:25 PM) Consider Revising BIMC 12.40.060 to Include Blakely Harbor - Police,** 15 Minutes
Speed and Wake in Blakely CC 9-22-20.pdf

11.D **(8:40 PM) John T. Nelson Park at Strawberry Cannery Cove Monitoring Well License Agreement - Public Works,**
5 Minutes
Revocable License Agreement.pdf
Construction Easement.pdf
Tosco Site NW3070 Opinion Letter 8-4-2020 Final.pdf

11.E **(8:45 PM) Ordinance No. 2020-27, Adjusting the Number of Positions on the Salary Commission - Executive,** 5 Minutes
Ordinance No. 2020-27, Adjusting the Number of Positions on the Salary Commission

11.F **(8:50 PM) Appointments to the Salary Commission - Mayor Schneider,** 5 Minutes
Haugan - Salary Commission - Redacted.pdf
Hermanson - Salary Commission - Redacted.pdf
Lakich - Salary Commission - Redacted.pdf
Neal - Salary Commission - Redacted.pdf
O'Rourke - Salary Commission - Redacted.pdf
Whittlesey - Salary Commission - Redacted.pdf

11.G **(8:55 PM) Wyatt Way Reconstruction Project Budget Amendment for Supervisory Control & Data Acquisition System (SCADA) Upgrades** 5 Minutes

12. COUNCIL DISCUSSION

12.A **(9:00 PM) Expectations for City Council Liaisons,** 15 Minutes
Councilmember Liaison Job Description_Approved 031020

12.B **(9:15 PM) City Council Support for Race Equity Task Force Workplan Items,** 10 Minutes
AdHocCommittee_Template
Sept Update on 2020 RETF Workplan.pdf

13. CONSENT AGENDA

13.A **(9:25 PM) Agenda Bill for Consent Agenda,** 5 Minutes

13.B **Accounts Payable and Payroll**
AP Report to Council of Cash Disbursements 09-23-20.pdf

Payroll.pdf

13.C **City Council Study Session Minutes, September 1, 2020**
City Council Study Session Minutes, September 1, 2020.docx

13.D **City Council Regular Business Meeting Minutes, September 8, 2020**
City Council Regular Business Meeting Minutes, September 8, 2020.pdf

13.E **Appointments to the Climate Change Advisory Committee, Environmental Technical Advisory Committee, and Utility Advisory Committee - Mayor Schneider,** 5 Minutes
Climate Change Advisory Committee Applications (Redacted).pdf
Environmental Technical Advisory Committee Applications (Redacted).pdf
Utility Advisory Committee Applications (Redacted).pdf

14. COMMITTEE REPORTS - 9:30 PM

15. FOR THE GOOD OF THE ORDER - 9:35 PM

16. ADJOURNMENT - 9:45 PM

GUIDING PRINCIPLES

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

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CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 15 Minutes

AGENDA ITEM: (6:10 PM) Instructions for Providing Public Comment - City Clerk,

SUMMARY: The attached instructions explain how to provide public comment in a remote Zoom meeting.

AGENDA CATEGORY: Discussion **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

SEPTEMBER, 2020

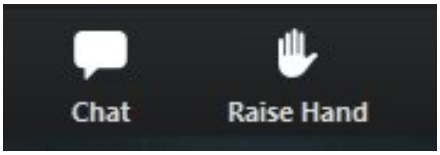
Members of the public are encouraged to submit written public comment to the City Council at any time by emailing Council at council@bainbridgewa.gov or the City Clerk at cityclerk@bainbridgewa.gov. Members of the public who wish to provide public comment during the remote meeting should follow the instructions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

INSTRUCTIONS FOR PROVIDING PUBLIC COMMENT IN REMOTE MEETINGS

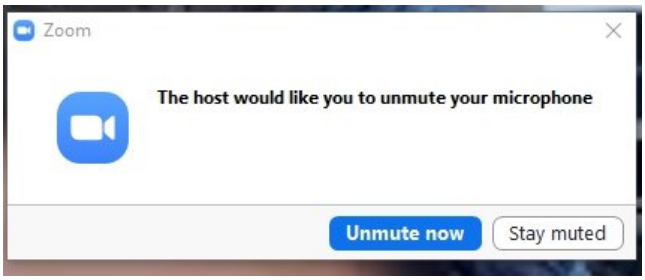
1. Attendees who wish to provide public comment sign in to Zoom with their name.

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

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



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



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

IMPORTANT NOTE: If you do not have the latest version of Zoom, the Clerk will promote you to panelist. You will then appear with video enabled. Look for the video icon in the bottom left-hand corner of the screen to turn off your video.

6. Attendee provides their comment.

7. A timer on the screen will track your time.

8. Stop speaking when the timer reaches the 3-minute mark.

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

10. 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: September 22, 2020 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (6:35 PM) Future Council Agendas,

SUMMARY: Council will review future Council agendas.

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

RECOMMENDED MOTION: Discussion.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

October 6 City Council Study Session.pdf

October 13 City Council Regular Business Meeting.pdf

October 20 City Council Study Session.pdf

October 27 City Council Regular Business Meeting.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL STUDY SESSION
TUESDAY, OCTOBER 06, 2020

REMOTE MEETING ON ZOOM

AGENDA

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

2. **EXECUTIVE SESSION**

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

4. **MAYOR'S REPORT**

5. **FUTURE COUNCIL AGENDAS**

   5.A **Future Council Agendas,** 10 Minutes

6. **BUDGET DELIBERATIONS**

   6.A **Budget Discussion #2, Key assumptions, Police, Planning and Community Development, Public Works, including major maintenance** 60 Minutes

7. **PRESENTATIONS**

   7.A **Presentation of Climate Action Plan for the City of Bainbridge Island, Climate Change Advisory Committee** 60 Minutes

8. **UNFINISHED BUSINESS**

   8.A **Ordinance No. 2020-23, Creating a Standing Race Equity Advisory Committee** 20 Minutes

   8.B **Sustainable Transportation Plan Update - Public Works,** 10 Minutes

8.C **(x PM) Update on the Development Moratorium - Planning,** 10 Minutes
20200828 Abbreviated moratorium work program status report.docx
Ordinance No. 2020-09 Extending the Development Moratorium Approved 032420.pdf
Moratorium Summary

9. NEW BUSINESS

9.A **(x PM) Legislative Review of Land Use Regulations (Code Amendment), related to Eliminating a 500' Setback that Applies to Waste Transfer Facilities and Increasing Lot Coverage for Two Properties Commonly referred to as the "Triangle Property" - Planning,**
30 Minutes
Staff Memorandum_Aveterra Legislative Review of Land Use Regulations
Attachment A_Planning Commission Review Summary
Attachment B_Planning Commission Recorded Motion

10. CITY COUNCIL DISCUSSION

11. FOR THE GOOD OF THE ORDER

12. ADJOURNMENT

GUIDING PRINCIPLES

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CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, OCTOBER 13, 2020

REMOTE MEETING ON ZOOM

AGENDA

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

2. **EXECUTIVE SESSION**

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

4. **PUBLIC COMMENT**

5. **MAYOR'S REPORT**

6. **CITY MANAGER'S REPORT**

7. **FUTURE COUNCIL AGENDAS**

   7.A **Future Council Agendas,** 10 Minutes

8. **BUDGET DELIBERATIONS**

   8.A **Budget Discussions #3, Capital Improvement Plan (CIP), Internal services departments, Community services, Finance** 60 Minutes

   8.B **(x PM) Discussion of the 2021-2026 Update of the City's Capital Improvement Plan - Public Works,** 15 Minutes
   Presentation - 2021-26 CIP Discussion September 8
   Ordinance No. 2020-25, Adopting the 2021-2026 Update of the City's Capital Improvement Plan
   2021_2026 CIP Combined.pdf

   8.C **Set the Public Hearing for Ordinance No. 2020-xx Relating to Property Tax Levy for Collection in 2021 - Finance,** 5 Minutes

   8.D **Resolution No. 2020-xx, Declaration of Substantial Need to Increase the Regular Property Tax Levy Rate in Excess of the Implicit Price Deflator for Collection in 2021** 10 Minutes

8.E **Set the Public Hearing for Ordinance No. 2020-xx Relating to the 2021-22 Biennial Budget, Finance** 5 Minutes

9. PRESENTATION(S)

10. PUBLIC HEARING(S)

11. UNFINISHED BUSINESS

11.A **Set Public Hearing on Ordinance No. 2020-22, Extending Small Wireless Facilities Design Standards Interim Official Control - Exec** 5 Minutes

12. NEW BUSINESS

12.A **Amendment No. 3 to Contract for Indigent Defense Services** 5 Minutes

12.B **Contract Amendment to the Legal Services Agreement with Kitsap County Prosecuting Attorney's Office** 5 Minutes

12.C **Agreement with Kitsap Humane Society for Animal Control Services for 2021-23** 10 Minutes

12.D **Agreement with West Sound Wildlife Shelter for Wild Animal Control for 2021-23** 10 Minutes

12.E **Resolution to Adopt the Kitsap County Multi-Hazard Mitigation Plan - Executive,** 5 Minutes
Resolution to Adopt Kitsap Co MHMP.docx

12.F **Registered Sex Offender Address and Residency Verification Memorandum of Understanding with the Kitsap County Sheriff's Office - Police,** 5 Minutes
2020-21 WASPC KCSO Registered Sex Offender Grant MOU Bainbridge Island PD.pdf

12.G **Resolution No. 2020-18 Relating to Net Pens - Councilmember Carr** 10 Minutes

13. CONSENT AGENDA

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

13.B **Accounts Payable and Payroll**

13.C **City Council Regular Business Meeting Minutes, September 15, 2020**

14. COMMITTEE REPORTS

15. FOR THE GOOD OF THE ORDER

16. ADJOURNMENT

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CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL STUDY SESSION
TUESDAY, OCTOBER 20, 2020

REMOTE MEETING ON ZOOM

AGENDA

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

2. **EXECUTIVE SESSION**

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

4. **MAYOR'S REPORT**

5. **FUTURE COUNCIL AGENDAS**

6. **BUDGET DELIBERATIONS**

   6.A **Budget Discussion #4,** 60 Minutes

7. **PRESENTATIONS**

8. **UNFINISHED BUSINESS**

   8.A **Sustainable Transportation Plan Update - Public Works,** 20 Minutes

   8.B **Transportation Level of Service Discussion** 90 Minutes

   8.C **(x PM) Consider Amendments to Bonus Floor Area Ratio (FAR) Options, BIMC 18.12.030.E. - Planning,** 30 Minutes
   Ordinance_No._2020-16_Revising_Bonus_FAR_program.docx
   MUTC and HS Rd Map.pdf
   20200910_PC_Staff_Memo.pdf
   Excerpt BIMC_Table_18.12.020-3.pdf
   WMP Goals & Policies Related to FAR.pdf
   June 11 2020 Planning Commission Meeting Minutes.pdf
   July 9 2020 Planning Commission Meeting.pdf

9. **NEW BUSINESS**

9.A **Farm Housing Proposal at Morales Property - Friends of the Farms,** 15 Minutes

10. CITY COUNCIL DISCUSSION

11. FOR THE GOOD OF THE ORDER

12. ADJOURNMENT

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CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, OCTOBER 27, 2020

REMOTE MEETING ON ZOOM

AGENDA

1. **CALL TO ORDER/ROLL CALL - 6:00 PM**
2. **EXECUTIVE SESSION**
3. **APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
4. **PUBLIC COMMENT**
5. **MAYOR'S REPORT**
6. **CITY MANAGER'S REPORT**
7. **FUTURE COUNCIL AGENDAS**
8. **BUDGET DELIBERATIONS**

8.A **Budget Discussions #5** 60 Minutes

8.B **Resolution No. 2020-xx, Declaration of Substantial Need to Increase the Regular Property Tax Levy Rate in Excess of the Implicit Price Deflator for Collection in 2021** 10 Minutes

9. **PRESENTATION(S)**
10. **PUBLIC HEARING(S)**

10.A **Public Hearing on Ordinance No. 2020-xx, Relating to Declaration of Substantial Need to Increase the Property Tax Levy in excess of the implicit price deflator for Collection in 2021** 10 Minutes

10.B **Public Hearing on Ordinance No. 2020-xx Relating to Property Tax Levy for Collection in 2021 - Finance,** 10 Minutes

10.C **Public Hearing for Ordinance No. 2020-xx Relating to the 2021-22 Biennial Budget, Finance** 15 Minutes

10.D **Public Hearing on Ordinance No. 2020-22, Extending Small Wireless Facilities Design Standards Interim Official Control** 10 Minutes

11. UNFINISHED BUSINESS

11.A **Agreement with Kitsap County Regarding Jury Panels for Municipal Court** 5 Minutes
Kitsap County Clerk's Office (Agreement Regarding Jury Panels for Municipal Court).pdf

11.B **Sustainable Transportation Plan Decision Framework Discussion - Public Works,** 15 Minutes

11.C **Transportation Levels of Service - Next Steps - Public Works,** 10 Minutes

12. NEW BUSINESS

12.A **Resolution No. 2020-17, Old Mill Road Speed Limit Change** 10 Minutes

13. CONSENT AGENDA

14. COMMITTEE REPORTS

15. FOR THE GOOD OF THE ORDER

16. ADJOURNMENT

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CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 30 Minutes

AGENDA ITEM: (6:45 PM) 2021-22 Proposed Budget Presentation - Finance,

SUMMARY: Presentation of the 2021-22 Proposed Biennial Budget.

AGENDA CATEGORY: Presentation **PROPOSED BY:** Finance & Administrative Services

RECOMMENDED MOTION: Discussion only.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND: Staff will present the 2021-22 Proposed Budget for the City of Bainbridge Island. The budget is the financial plan for the upcoming two years and expresses the City's identified priorities and planned service delivery to the community. The Proposed Budget supports key community goals, including a significant capital program, and dedicated resources to implement priorities identified the Council identified goals for the upcoming biennium.

The budget proposal follows many months of work by staff and the City Council, including review and approval of the City's financial policies, review and approval of the Cost Allocation methodology and manual, and the proposed capital improvement plan.

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (7:15 PM) Proclamation Declaring October 7, 2020 as "Energy Efficiency Day," - Mayor Schneider,

SUMMARY: The attached proclamation declares October 7, 2020 as "Energy Efficiency Day."

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

RECOMMENDED MOTION: I move to approve the proclamation declaring October 7, 2020 as "Energy Efficiency Day."

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

Energy Efficiency Day Proclamation.docx

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

PROCLAMATION

A PROCLAMATION by the City Council of the City of Bainbridge Island, Washington, declaring October 7, 2020, as Energy Efficiency Day.

WHEREAS, energy efficiency continues to be the cheapest, quickest, and cleanest way to meet our energy needs and reduce utility bills for residential, business, and industrial customers; and

WHEREAS, energy efficiency can also make our homes and workspaces healthier, safer, and more comfortable; and

WHEREAS, smarter energy use reduces the amount of electricity we need to power our lives, which helps avoid power plant emissions that can harm our health, pollute our air, and warm our climate; and

WHEREAS, cutting energy waste saves U.S. consumers billions of dollars on their utility bills every year, up to $500 per household from appliance efficiency standards alone; and

WHEREAS, implementing energy efficiency and other clean energy policies and programs can help boost economic opportunities and job creation while continuing to move toward a sustainable future; and

WHEREAS, more than 2.4 million Americans were working in the energy efficiency sector prior to the pandemic in local, good-paying, clean energy jobs that couldn't be outsourced and increasing America's recovery efforts by ramping up our efficiency efforts will sustain and create more of them; and

WHEREAS, improved energy codes for homes and commercial buildings also can significantly reduce utility costs and create new jobs, and the City of Bainbridge Island supports increasing the minimum levels of efficiency for new buildings through adoption of a stricter code or the model 2021 International Energy Conservation Code (IECC); and

WHEREAS, for cities and states tackling harmful pollution, energy efficiency can get them about halfway toward their climate goals; and

WHEREAS, a nationwide network of energy efficiency groups and partners has designated the first Wednesday in October as the fifth national annual Energy Efficiency Day; and

WHEREAS, together the residents of the City of Bainbridge Island can continue to contribute to our sustainability efforts by learning more about energy efficiency and practicing smarter energy use in their daily lives;

NOW, THEREFORE, I, Leslie Schneider, Mayor of the City of Bainbridge Island, on behalf of the City Council, do hereby proclaim October 7, 2020, as

"ENERGY EFFICIENCY DAY"

in the City of Bainbridge Island, and urge citizens to join us in supporting our clean energy goals and moving toward more energy efficiency now and in the future.

DATED this 22nd day of September, 2020.

_____

Leslie Schneider, Mayor

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (7:20 PM) Ordinance No. 2020-17 Adopting the Shoreline Master Program Amendment to Integrate the Critical Areas Ordinance and Make Changes to the Nonconforming Sections- Planning,

SUMMARY: At the June 23, 2020 business meeting, the City Council directed staff to prepare an ordinance for the City's SMP Amendment related to integrating the Critical Areas Ordinance and making changes related to nonconforming uses, structures, and lots, incorporating Ecology's required and recommended changes, as well as including edits recommended by staff to correct internal references and ensure consistency between the amended policies and regulations. Staff revised the draft SMP Amendment based on this input and prepared the amendment ordinance (Ordinance No. 2020-17).

Most recently, the Council considered the ordinance at its September 8, 2020 meeting, and at that meeting the Council also set the public hearing on the ordinance for September 22. Tonight's public hearing is on the public hearing draft of Ordinance No. 2020-17, the SMP Amendment, to allow the Council to consider public comment and testimony on the amendment and to consider adoption of the ordinance.

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

RECOMMENDED MOTION: Conduct public hearing.

Suggested motion: I move to approve Ordinance No. 2020-17, adopting the Shoreline Master Program amendment.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

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

BACKGROUND: See attached staff memo.

ATTACHMENTS:

September 22, 2020 Staff Memorandum to Council

Ordinance No. 2020-17 Adopting the Shoreline Master Program Amendment

Exhibit A to Ordinance No. 2020-17 Shoreline Master Program Amendment

Exhibit B Table of Changes to Draft SMP Amendment

Determination of Initial Concurrence from the WA Department of Ecology

Ecology Recommendations to Resolve Issues Identified as Required and Recommended

FOR BACKGROUND June 23, 2020 Staff memo, summarizing Ecology's comments

FOR BACKGROUND Resolution No. 2019-05, directing staff to submit the draft SMP Amendment to Ecology for initial review

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND

Department of Planning and Community Development

Memorandum

Date: September 22, 2020

To: City Council

From: Annie Hillier
Associate Planner

Subject: Shoreline Master Program Amendment

I. Introduction – Where we Left Off

At the June 23, 2020 business meeting, the City Council directed staff to prepare an ordinance for the City's Shoreline Master Program ("SMP") Amendment, incorporating the Washington State Department of Ecology's ("Ecology's") required and recommended changes, as well as edits recommended by staff to correct internal references and ensure consistency between the amended policies and regulations. Staff revised the draft SMP Amendment based on this input, described in Section II, below.

Most recently, at the September 8, 2020 business meeting, the City Council set the public hearing on Ordinance No. 2020-17, which is the SMP amendment ordinance above described. That public hearing will be conducted on September 22, 2020 to allow the Council to receive and consider public comment and testimony related to Ordinance No. 2020-17, and to consider possible approval of the ordinance.

II. Revisions for Council Review

In addition to the changes identified by Ecology (2 required, 5 recommended), staff made revisions to the draft SMP Amendment based on the Council's input; a table summarizing each change is provided in Exhibit B. The majority of the edits fall into two categories: (1) corrections to internal references; and (2) clarifications to the language in the nonconforming provisions, explained in greater detail below.

The draft SMP Amendment previously approved by the Council (Resolution No. 2019-05) and reviewed by Ecology allows some nonconforming structures to be replaced (e.g., single-family residences), but not all (e.g., single-family residential accessory structures). The table below summarizes these differences.

Nonconforming Structure Type	Replacement Allowed?
Single-family residential primary structures, in the shoreline buffer	Yes
Single-family residential accessory	No
Single-family residential accessory, essential	Yes
Residential & commercial overwater, piers, docks, floats, buoys	Yes

Residential & commercial overwater, other than piers, docks, floats, buoys	Yes, if "normal repair"
Multifamily primary	No, unless destroyed by catastrophic event
Commercial & industrial, primary and accessory	No, unless wholly water-oriented commercial
Public facilities & transportation	Yes, if for essential public access and no alternative

The structure types above each have their own specific provisions within SMP Section 4.2, Nonconforming Uses, Nonconforming Structures, and Nonconforming Lots. Other structures not specifically listed would be reviewed according to the general provisions, which allow for replacement.

Given that some nonconforming structures are allowed to be replaced and others are not, staff made the following edits to the goals, policies, and general provisions for nonconforming structures. These edits are also presented in Exhibit B.

SMP Provision	Changes to draft SMP Amendment
SMP 4.2.1.3 Goal	It is the purpose of this section to recognize legally established uses, lots, and structures, and to allow them to be maintained, repaired, and remodeled, ~~replaced,~~ and, in some cases replaced or 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.
SMP 4.2.1.4 Policies	1. Nonconforming structures may be ~~replaced,~~ repaired, maintained, or remodeled and, in some cases, nonconforming structures may be replaced or expanded provided the change meets the current regulations and standards of this Program. Decreases in nonconformity should be encouraged.
SMP 4.2.1.7.1 General Provisions – Nonconforming Structures	1. All nonconforming structures may be maintained, repaired, renovated, remodeled, or rebuilt, except where stated otherwise in the specific provisions of this program. In some cases, nonconforming structures may be expanded subject to the specific provisions of this Program.

The edits made by staff to the draft SMP Amendment, presented here and in Exhibit B, are based on the direction provided by the Council to ensure consistency between the amended policies and regulations. The edits do not include substantive policy changes, but rather eliminate vagueness surrounding implementation of the amended sections.

III. Agenda for September 22, 2020 Council Meeting

As above described, on September 22, 2020 the Council will conduct a public hearing on the SMP Amendment. After considering public comment and testimony as part of the public hearing, the Council may approve Ordinance No. 2020-17, amending the City's SMP.

Several documents are provided for tonight's agenda item, including:

- *Ordinance No. 2020-17* (Public Hearing Draft), approving the draft SMP Amendment relating to critical areas regulations and nonconforming structures, uses, and lots.
- *Exhibit A to Ordinance No. 2020-17 Shoreline Master Program Amendment* (400+ pages), including proposed amendments shown in red ~~strikethrough~~/underline text.
- *Exhibit B Table of Changes to Draft SMP Amendment,* summarizing changes made to the draft amendment based on Council input at the June 23, 2020 Council meeting.
- *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

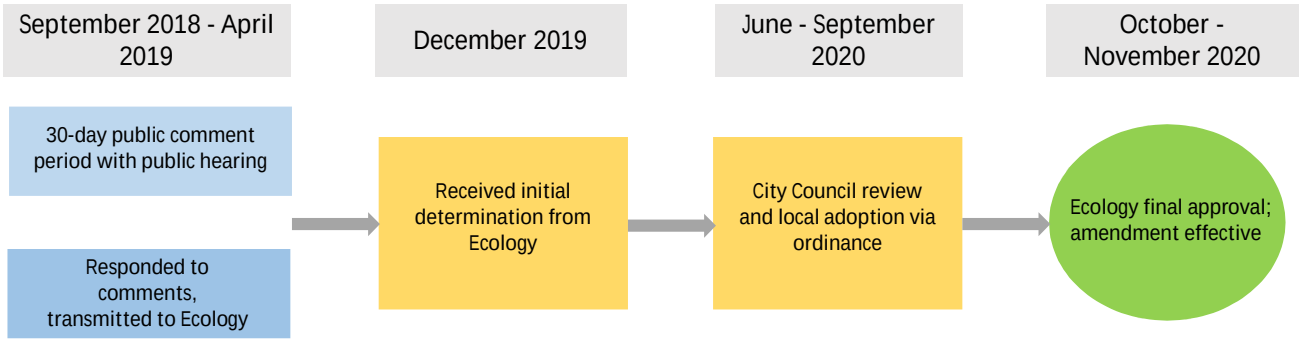
amended section, and the amendment history and review process, and identifying issues for City consideration prior to final adoption.

- *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,* directing staff to submit the draft amendment to Ecology for initial review.

Note, too, that additional information and background is provided on this topic that was provided to the Council for the June 23, 2020 Council meeting. That memo was included as background with the agenda materials for the September 8, 2020 meeting, as well as for this September 22 meeting.

IV. NEXT STEPS

Following tonight's public hearing and local adoption of Ordinance No. 2020-17 by the City Council, Staff will transmit the SMP Amendment to Ecology in accordance with WAC 173-26-110 and the State Environmental Policy Act (SEPA). Ecology will then review the SMP Amendment in accordance with SMP 173-26-120, which provides a 30-day review period following a determination of completeness. The SMP Amendment becomes effective 14 days after final approval by Ecology.



Public Hearing Draft

ORDINANCE NO. 2020-17

AN ORDINANCE of the City of Bainbridge Island, Washington, amending the City's Shoreline Master Program related to critical areas regulations and nonconforming structures, uses, and lots; and amending several sections of Chapter 16.12 of the Bainbridge Island Municipal Code accordingly, as specifically identified in Exhibit A to this ordinance.

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

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

WHEREAS, the City adopted an update to its Critical Areas Ordinance (Ordinance No. 2018-01) on February 27, 2018; and

WHEREAS, RCW 36.70A.480(4) requires that SMPs 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, the City desires to integrate the updated critical areas regulations into its Shoreline Master Program which requires a SMP amendment pursuant to WAC 173-26-090(1); and

WHEREAS, the City chose to use the optional joint review process for amending the SMP pursuant to WAC 173-26-104; and

WHEREAS, on October 12, 2017, November 16, 2017, April 26, 2018, and August 30, 2018, the Planning Commission reviewed amendments to the SMP related to critical areas; and

WHEREAS, on January 11, 2018, February 8, 2018, March 8, 2018, March 29, 2018, April 12, 2018, April 19, 2018, and August 30, 2018, the Planning Commission reviewed amendments to the SMP related to nonconforming structures, uses, and lots; and

WHEREAS, from May 8, 2018 to June 9, 2018, following timely public notification, the City and Ecology held a 30-day public comment period on the amendment related to critical areas regulations; and

WHEREAS, on May 24, 2018 and June 7, 2018, following timely public notification, the Planning Commission and Ecology held a joint public hearing on the amendment related to critical areas regulations; and

WHEREAS, on June 7, 2018, the Planning Commission recommended combining the nonconforming structures, uses, and lots revisions and the critical areas revisions into one amendment; and

WHEREAS, on July 24, 2018, the City Council directed staff to combine the nonconforming structures, uses, and lots revisions and the critical areas revisions into one amendment and to schedule a public hearing on the amendment on September 11, 2018; and

WHEREAS, from September 10, 2018 to October 10, 2018, following timely public notification, the Planning Commission and Ecology held a 30-day public comment period on the amendment related to critical areas and nonconforming structures, uses, and lots; and

WHEREAS, on September 11, 2018, following timely public notification, the Planning Commission and Ecology held a joint public hearing on the amendment related to critical areas and nonconforming structures, uses, and lots; and

WHEREAS, on October 2, 2018, October 9, 2018, October 16, 2018, November 27, 2018, December 11, 2018, and January 8, 2019, the City Council considered the proposed amendment, the recommendations of the Planning Commission, the public testimony provided, and the record; and

WHEREAS, on October 12, 2018, the City issued a Determination of Non-Significance on the amendment consistent with the State Environmental Policy Act (Chapter 43.21C RCW) and Chapter 16.04 BIMC, and no person filed an appeal; and

WHEREAS, on October 26, 2018, the City transmitted a Notice of Intent to the Washington State Department of Commerce in accordance with WAC 173-26-104 and RCW 36.70A.106; and

WHEREAS, on January 8, 2019, the City Council adopted Resolution No. 2019-05 approving the proposed SMP amendment relating to critical areas regulations and nonconforming structures, uses, and lots and directing staff to submit the draft to Ecology for initial state review pursuant to WAC 173-26-104; and

WHEREAS, on April 19, 2019, the City submitted the draft SMP amendment to Ecology for an initial determination of concurrence in accordance with the submittal requirements in WAC 173-26-110; and

WHEREAS, on December 9, 2019, Ecology determined that the City's draft SMP amendment, subject to and including Ecology's required and recommended changes, was 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); and

WHEREAS, on June 23, 2020, the City Council considered Ecology's required and recommended changes as well as those identified by City staff, and directed staff to draft an ordinance incorporating Ecology's changes and staff's edits; and

WHEREAS, on September 8, 2020, the City Council set the public hearing for this Ordinance No. 2020-17 for September 22, 2020; and

WHEREAS, on September 22, 2020, following timely public notification, the City Council held a public hearing on all components of the SMP amendment specified in Exhibit A to this ordinance and enacted the ordinance, thereby approving all of the changes related to this SMP amendment; and

WHEREAS, the SMP amendment will result in "no net loss" of shoreline ecological functions relative to the established baseline and may ultimately produce an improvement in shoreline ecological functions through incentive-based restoration; the SMP amendment is consistent with and meets the SMP Guidelines established under Chapter 173-26 WAC; the SMP amendment is consistent with and implements the SMA (Chapter 90.58 RCW) and the Growth Management Act (Chapter 36.70A RCW); the SMP amendment is consistent with the Bainbridge Island Comprehensive Plan; and the SMP amendment is internally consistent.

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

Section 1. Purpose. The purpose of this ordinance is to integrate the regulations updated as a part of the City's Critical Areas Ordinance (Chapter 16.20 BIMC) and to clarify allowed actions for all nonconforming structures, uses, and lots, as well as specific allowances for nonconforming single-family residential primary structures. The majority of the amendments are located in Section 4.1.5, Critical Areas; Section 4.2.1 Nonconforming Uses, Nonconforming Structures, and Nonconforming Lots; and Section 8.0, Definitions. Other minor changes are located throughout the Shoreline Master Program as shown on the attached Exhibit A to create consistency with the changes made to the sections above. The City's "WAC 173-26-110 Submittal Package," which includes a summary of proposed amendments to policy and regulatory language with explanatory text and other materials which document the necessity for the proposed changes to the City's Shoreline Master Program, is incorporated by this reference as findings of fact.

Section 2. Findings. The recitals set forth above are hereby adopted as the City Council's findings in support of this ordinance.

Section 3. Amendment to the Shoreline Master Program.

A. The City of Bainbridge Island Shoreline Master Program, adopted by Ordinance No. 2014-04 on July 14, 2014, is amended as shown in Exhibit A and incorporated herein by this reference.

B. Chapter 16.12 of the Bainbridge Island Municipal Code is hereby amended as shown in Exhibit A and incorporated herein by this reference.

Section 4. Codification. The City Council hereby adopts the amendments set forth in this ordinance to the Shoreline Master Program. As is the case currently, the Shoreline Master Program is part of the City's development regulations and the amendments adopted herein constitute amendments to those development regulations, including Chapter 16.12 of the Bainbridge Island Municipal Code. The Director of Planning and Community Development shall work with the codifier of the Bainbridge Island Municipal Code in order to ensure that the regulations in the Shoreline Master Program and as otherwise adopted by this ordinance are appropriately codified.

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

Section 6. Scrivener's Error. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener and clerical errors, references, ordinance numbering, section and subsection numbers, and any references thereto.

Section 7. Effective Date. This ordinance shall take effect upon the date of a letter to the City of Bainbridge Island from the Washington State Department of Ecology approving the Shoreline Master Program Amendment adopted by this ordinance.

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:	September 4, 2020
PASSED BY THE CITY COUNCIL:	
PUBLISHED:	
EFFECTIVE DATE:	This ordinance shall take effect upon the date of a letter to the City of Bainbridge Island from the Washington State Department of Ecology approving the Shoreline Master Program Amendment adopted by this ordinance.
ORDINANCE NUMBER:	2020-17
EXHIBIT	Exhibit A

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.

Shoreline New and Existing Development Work Group

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Andy Mueller*	Charles Schmid*	Ken Sethney*
Al Solonsky		

Shoreline Setback and Vegetation Conservation Work Group

Kathleen Dwyer	Jeanne Huber	Lisa Macchio*
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Elise Wright		

Shoreline Modification Work Group

John Barutt*	John Bomben*	Wayne Daley*
Stephen Ekholm	Marcia Lagerloef	David McCaughey
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*Also Served on the Task Force

Planning Commission

Michael Lewars, Chair	Martin Minkoff, Vice-Chair	Martha Droge
Don Fisher	Maradel K. Gale	J. Mack Pearl
Michael Wangen		

City Council

Ann Blair	Sarah Blossom	Steve Bonkowski
Wayne Roth	Val Tollefson	Roger Townsend
David Ward		

Questions regarding this Master Program should be directed to:

City of Bainbridge Island
280 Madison Avenue North, Bainbridge Island, WA 98110
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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.

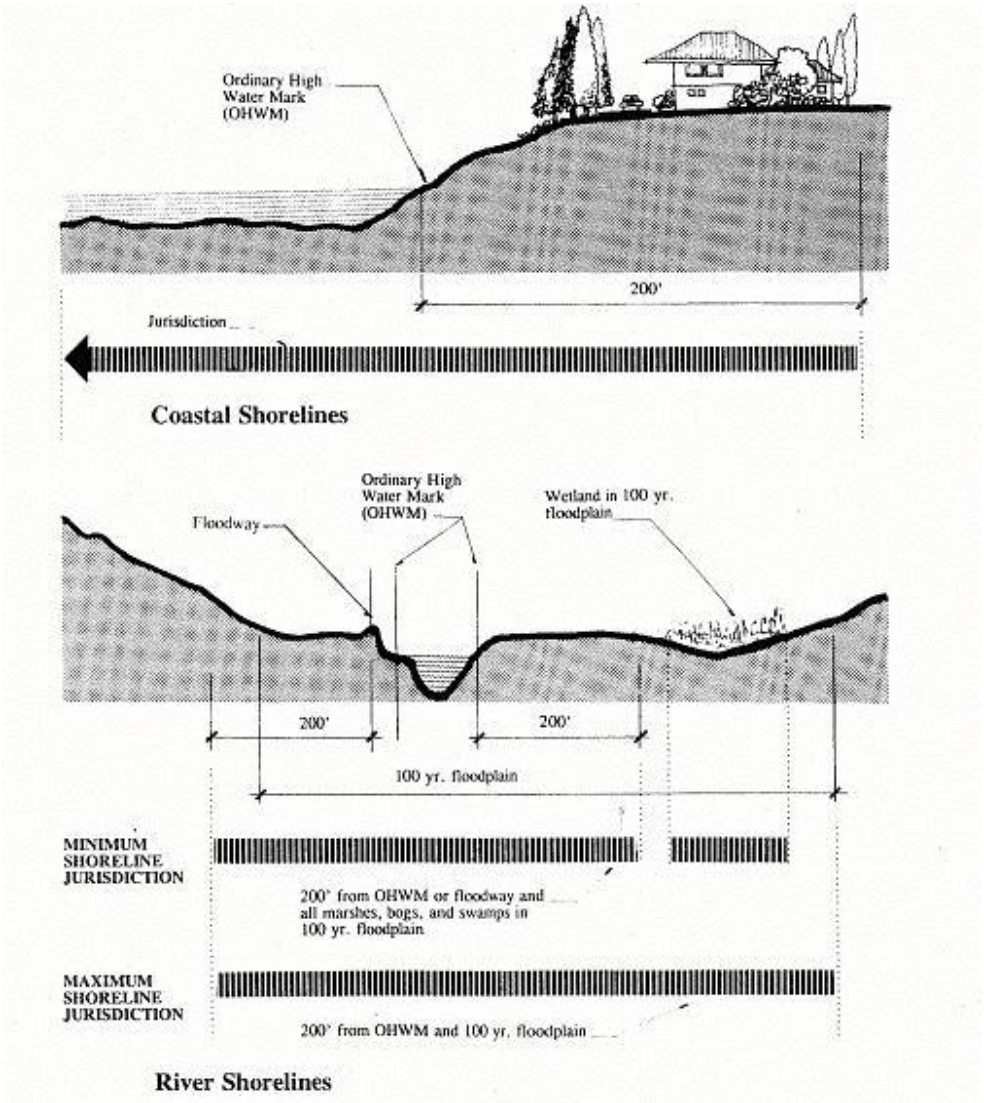

Figure 1-1 Shoreline Jurisdiction

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.

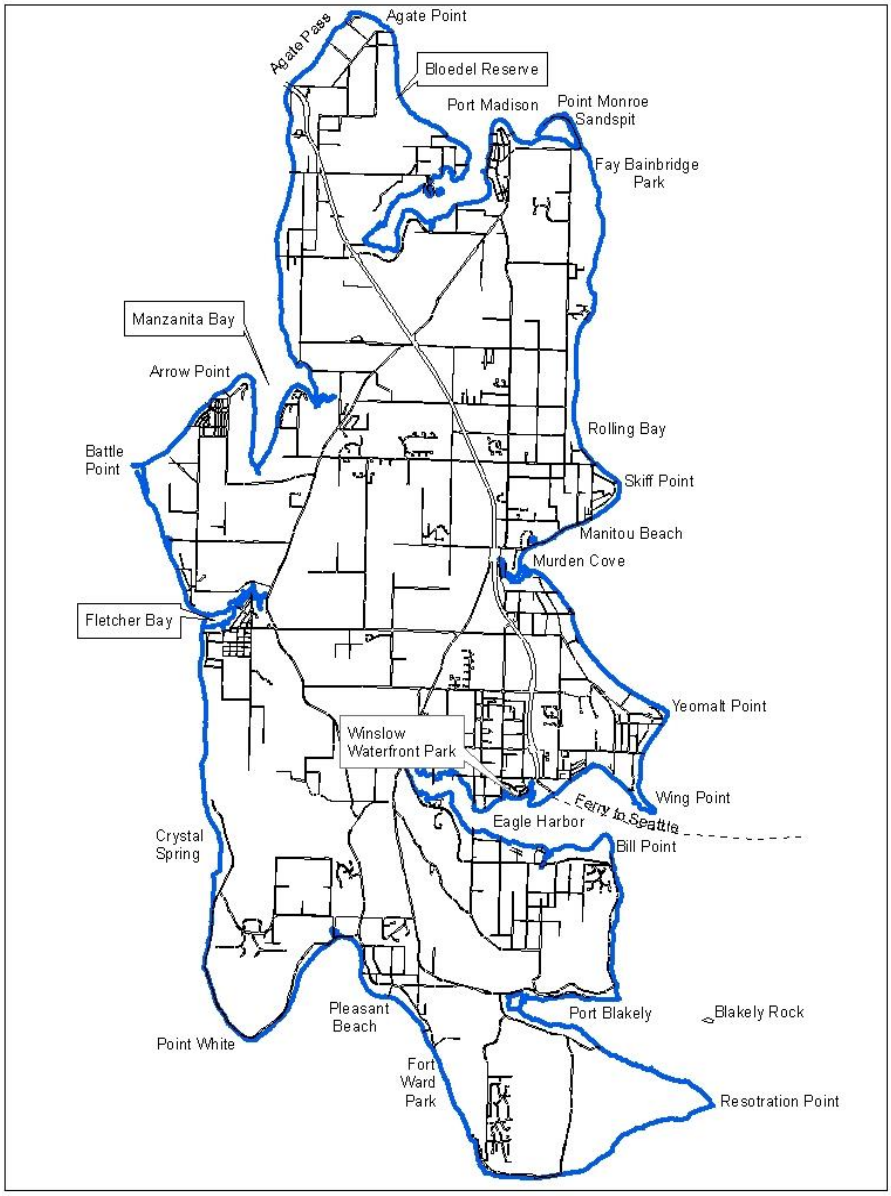

Figure 1-2 Map of Bainbridge Island

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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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	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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"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	
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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SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	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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SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	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	

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	
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									

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	
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	

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	
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	

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	Priority Aquatic 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, Non-Conforming Lots, and Existing Development~~, the following shall occur in Zone 1:

a. Retain existing native vegetation; and

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

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

    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 4.1.5.15, 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 4.1.5.11.4, 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 4.1.5.15 ~~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 4.1.5.11.4 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.

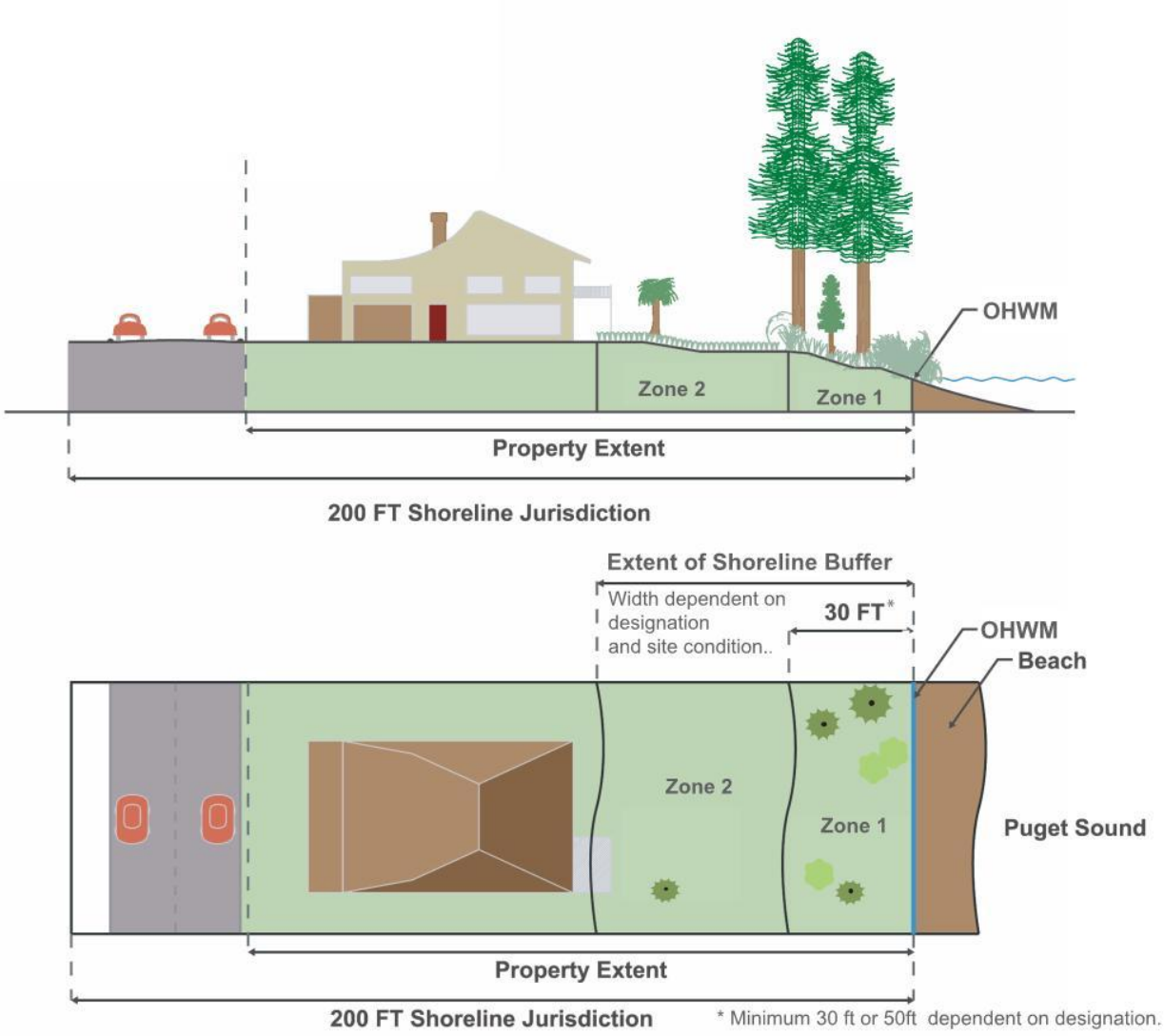


Figure 4-1 Dual Shoreline Buffer

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 4.1.5.11.4 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).

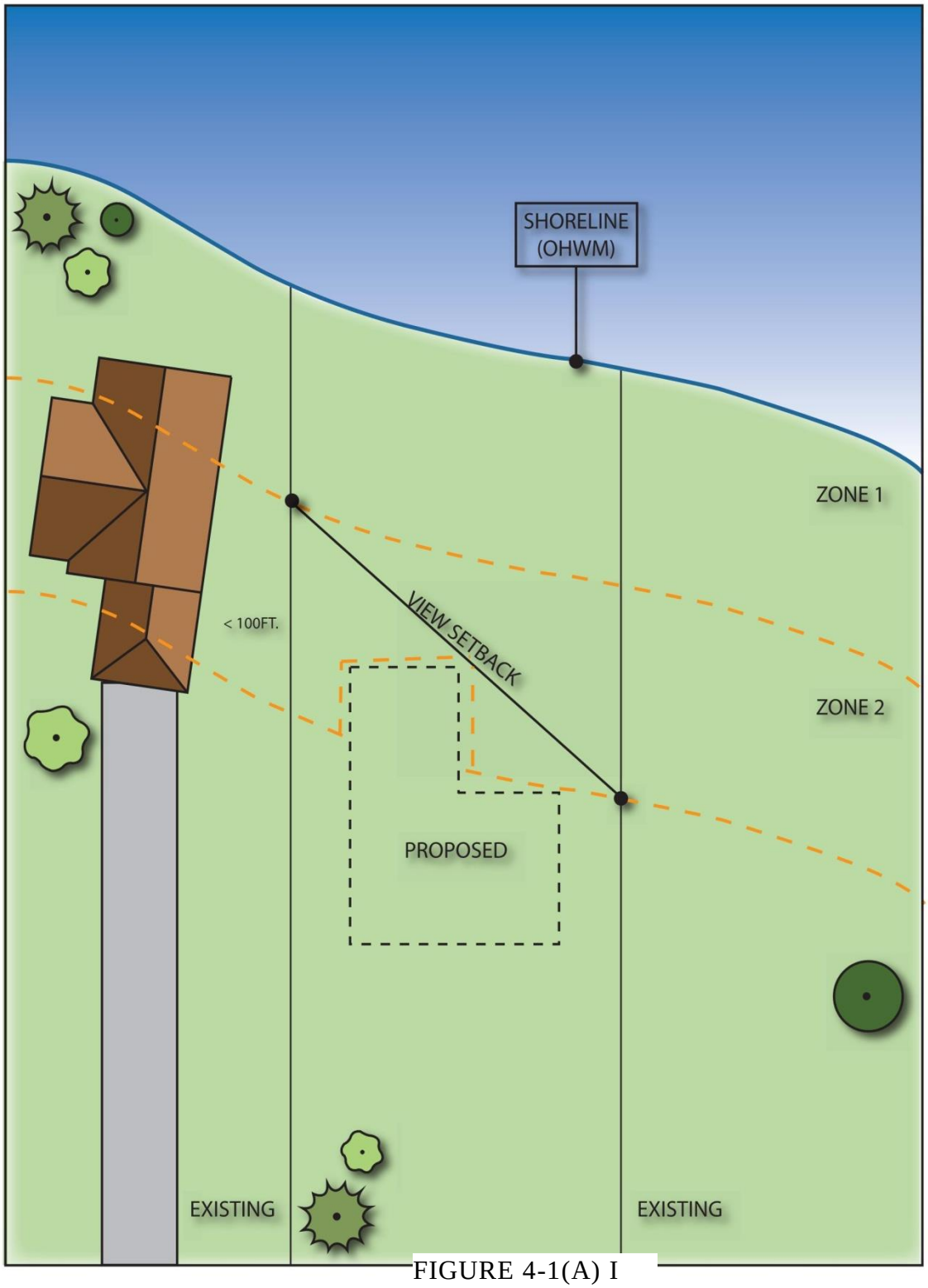

SHORELINE
(OHWM)
ZONE 1
ZONE 2
< 100FT.
VIEW SETBACK
PROPOSED
EXISTING
EXISTING

FIGURE 4-1(A) I

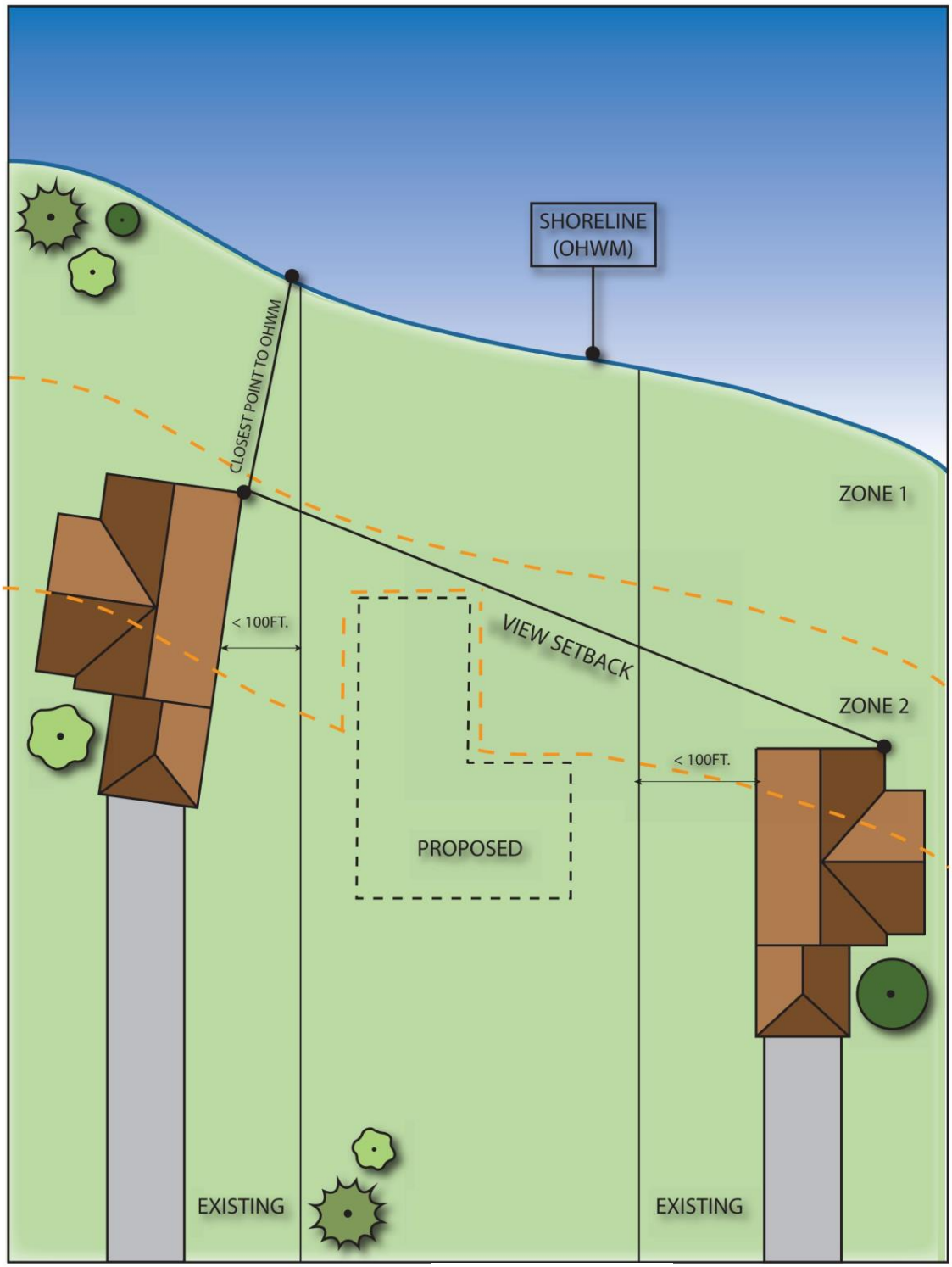

SHORELINE
(OHWM)
CLOSEST POINT TO OHWM
ZONE 1
< 100FT.
VIEW SETBACK
ZONE 2
< 100FT.
PROPOSED
EXISTING
EXISTING

FIGURE 4-1(B) I

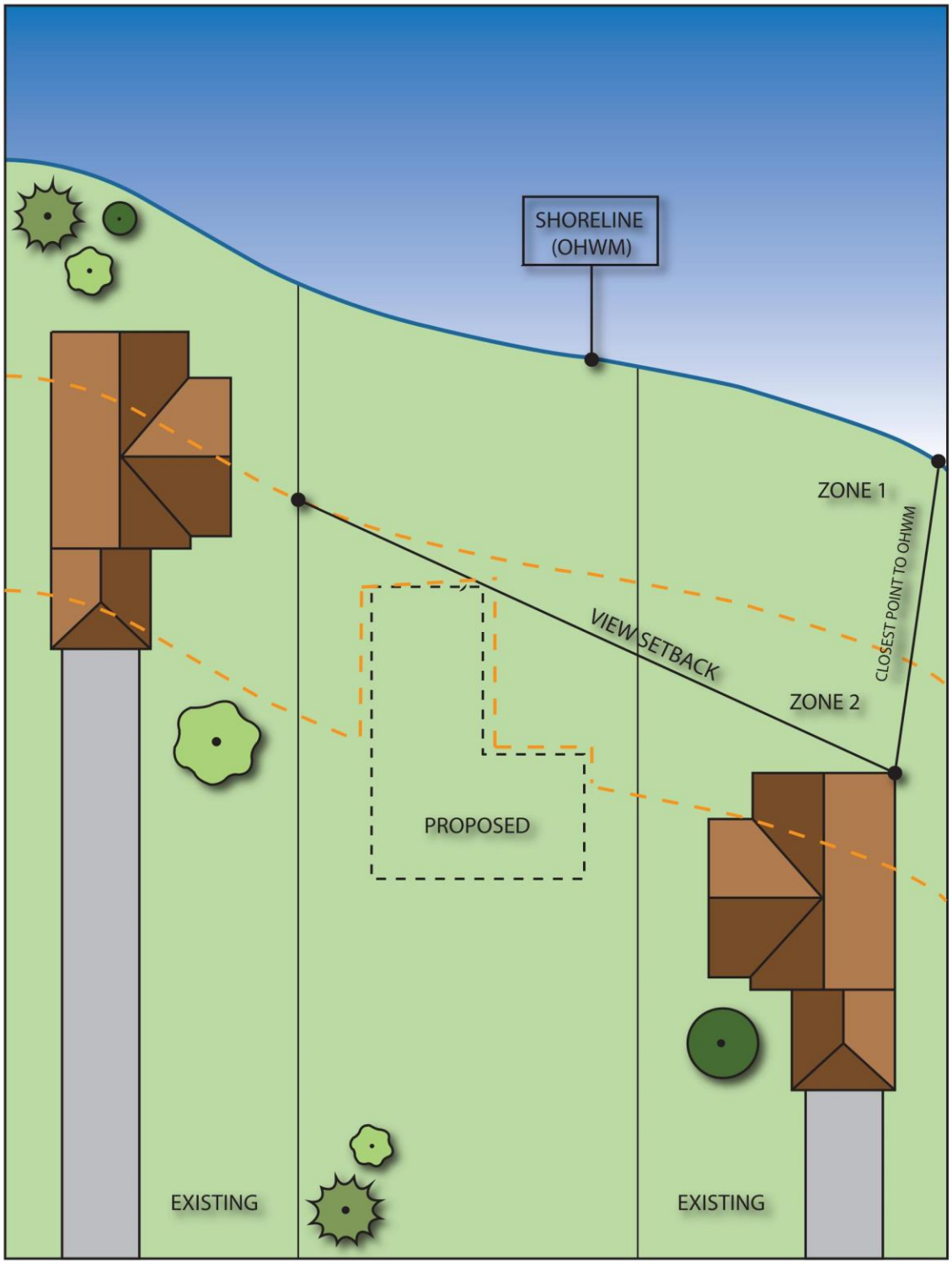


FIGURE 4-1(B) II

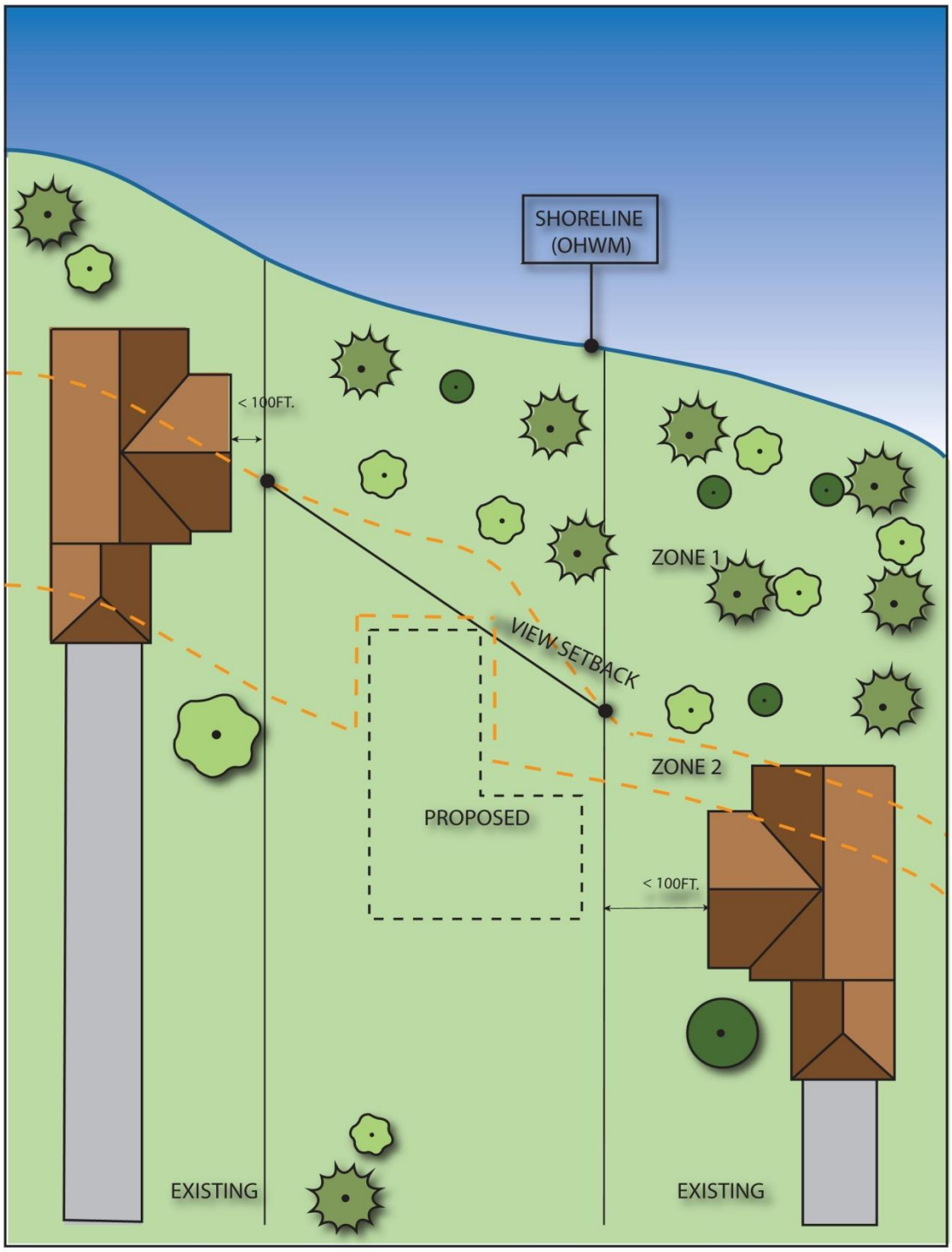


FIGURE 4-1(B) III

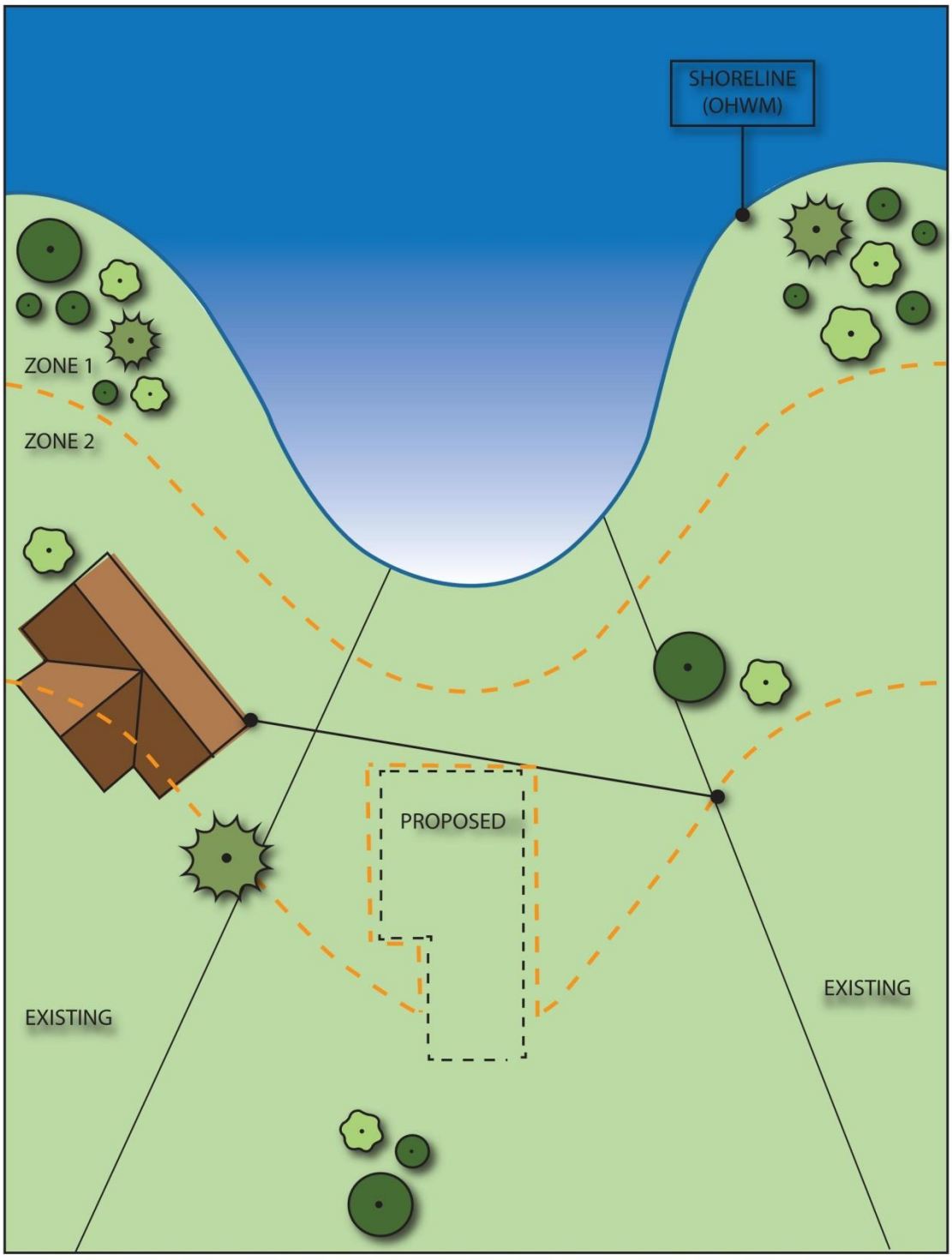


FIGURE 4-1(C) I

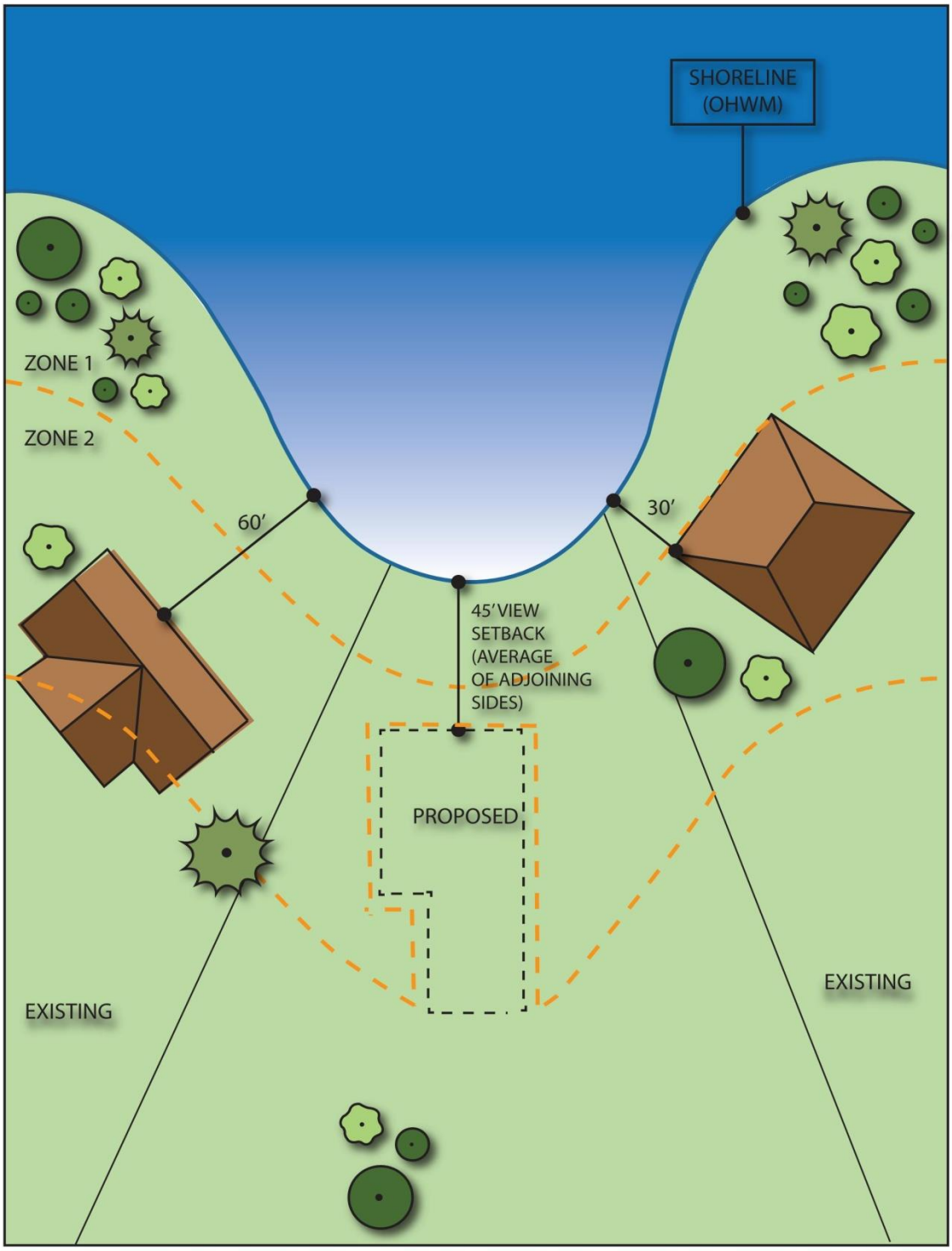


FIGURE 4-1(C) II

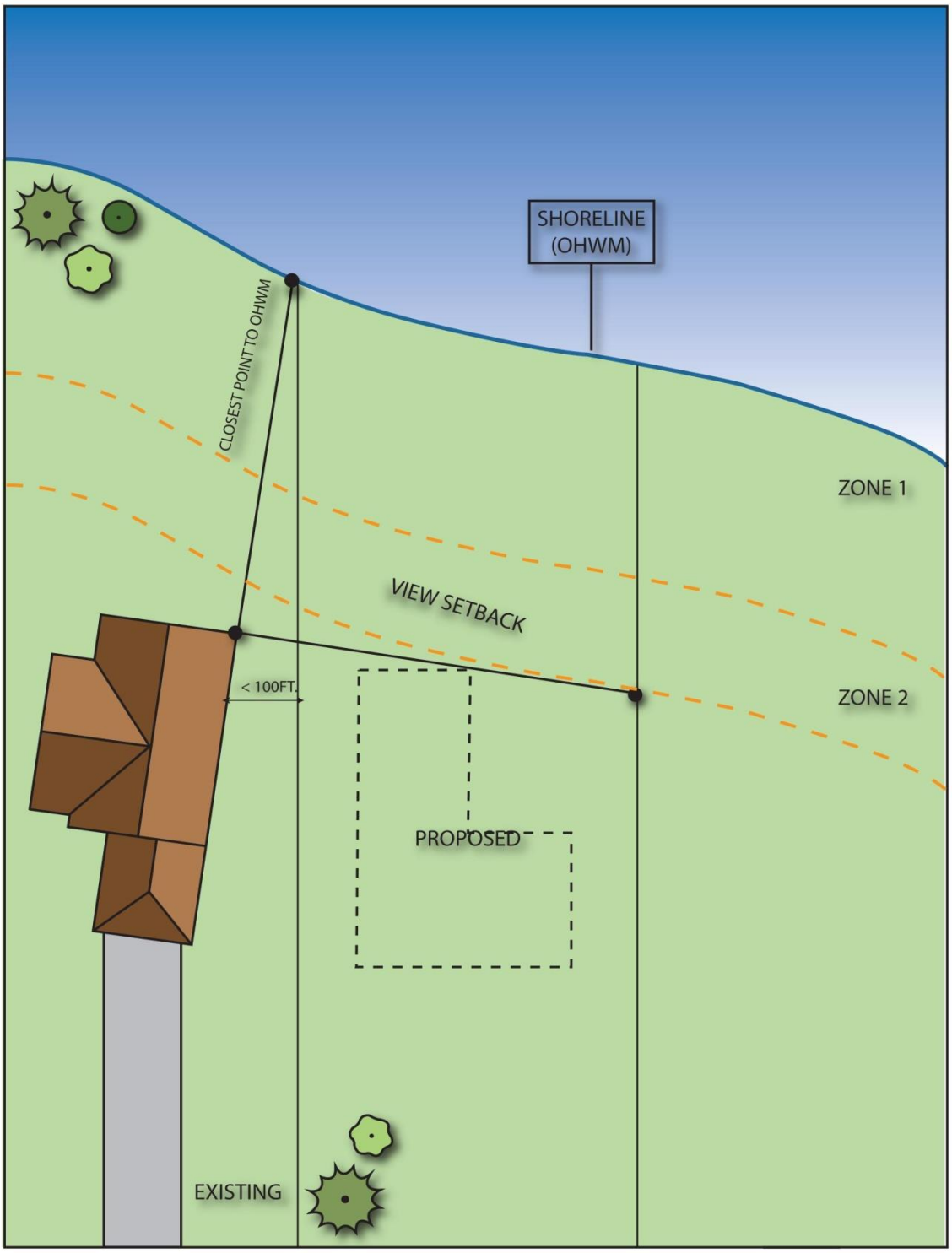

SHORELINE
(OHWM)
CLOSEST POINT TO OHWM
ZONE 1
VIEW SETBACK
< 100FT.
ZONE 2
PROPOSED
EXISTING

FIGURE 5-1(A)

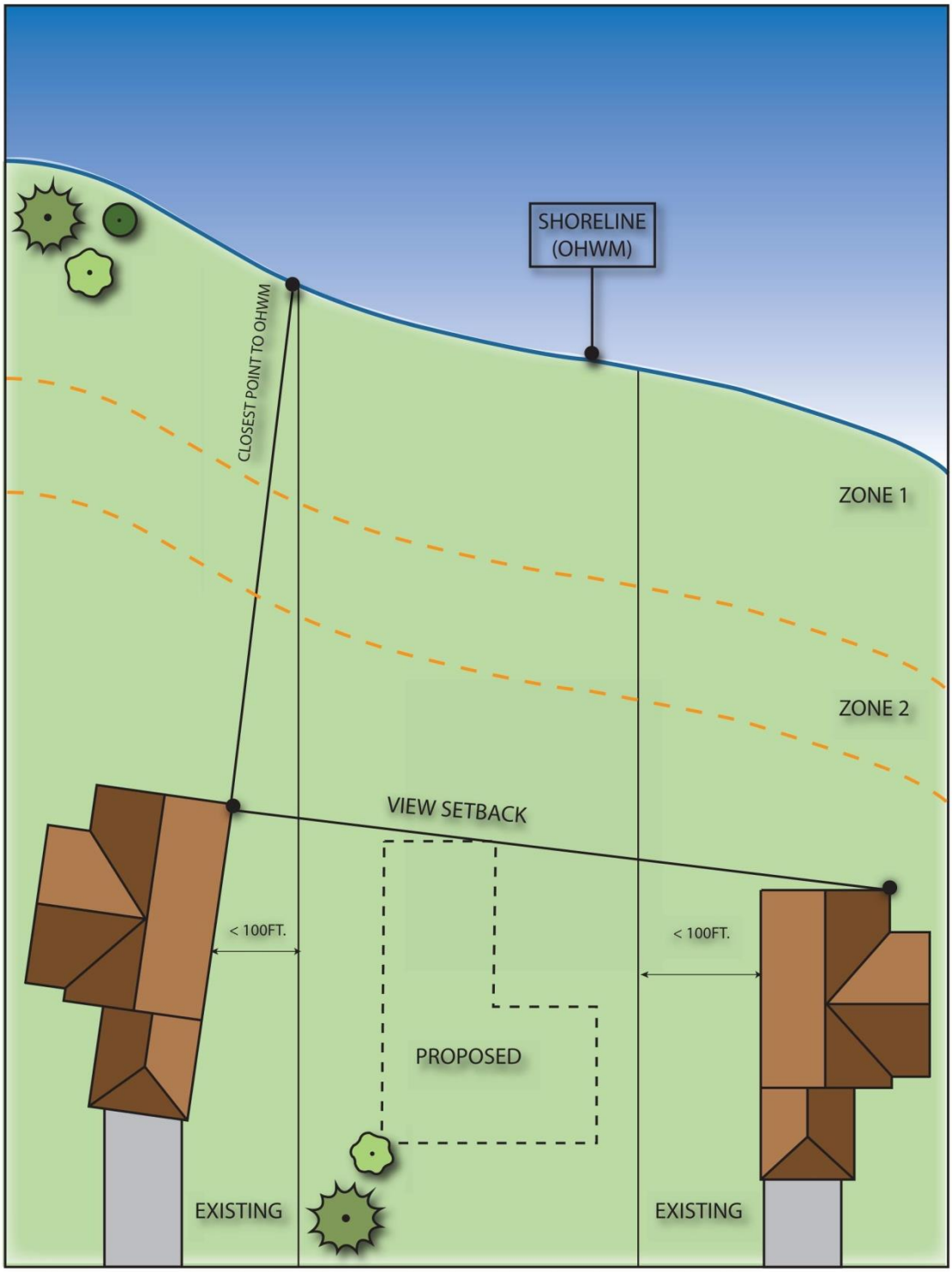

SHORELINE
(OHWM)
CLOSEST POINT TO OHWM
ZONE 1
ZONE 2
VIEW SETBACK
< 100FT.
< 100FT.
PROPOSED
EXISTING
EXISTING

FIGURE 5-1 B

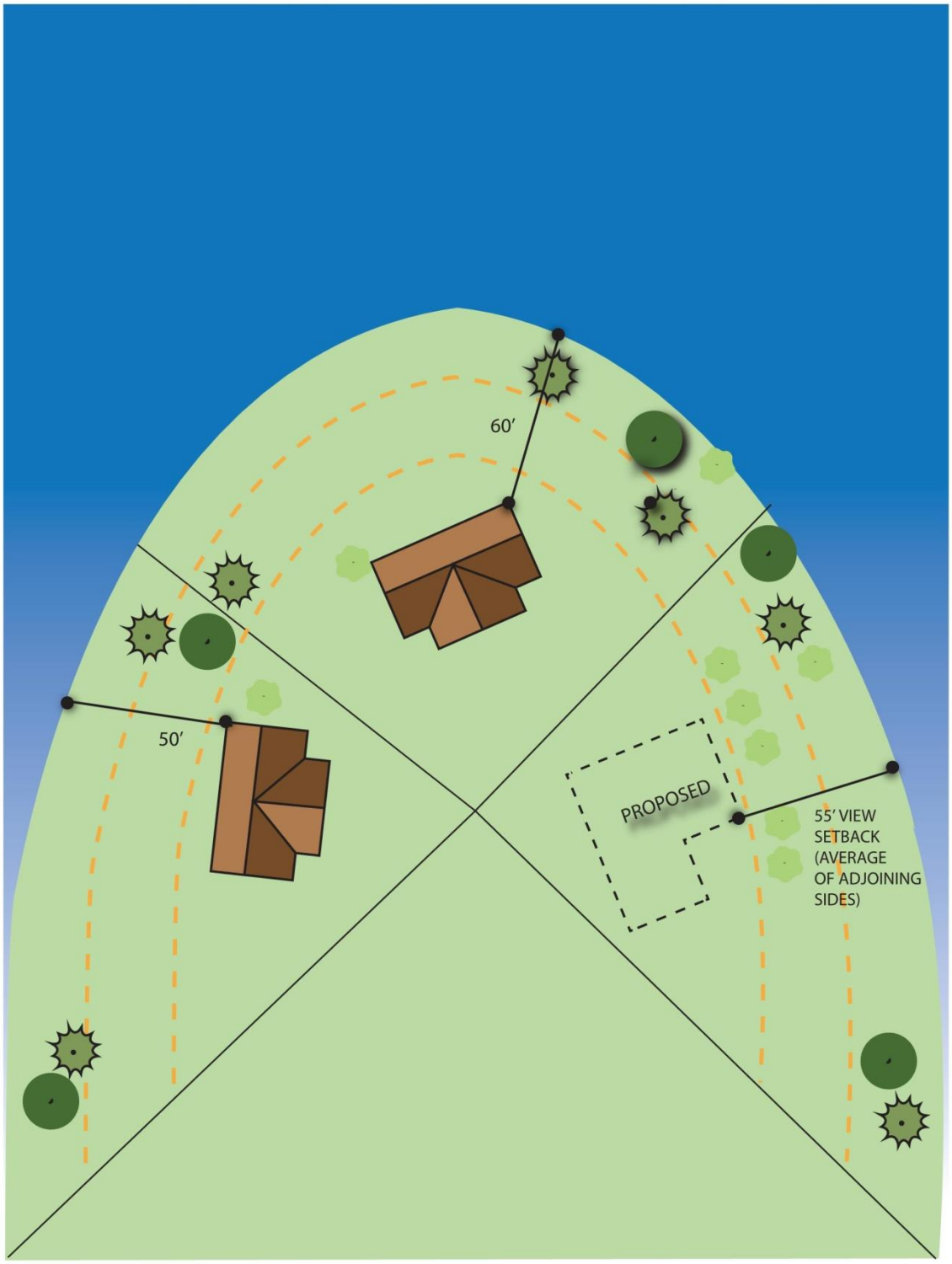


FIGURE 5-1 C

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 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.

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.
2. This section is intended to implement the goals, policies, guidelines, and requirements of the city comprehensive plan and the 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 results in the denial of reasonable use of a property, relief can be sought through the Shoreline Variance permit process.

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, and 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.

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

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

5~~6~~. 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 their 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.

   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 and their buffers, without a shoreline variance, after review and authorization by the city. 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 required shoreline review or permit. 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 Regulations – 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 Regulations – 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.

4. 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.

5. 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 4.1.5.11.2, below.

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	As determined by geological hazards assessment.	Height of slope up to 75 feet.

	hazards assessment.		
Other structure or use	As determined by geological hazards assessment.	As determined by geological hazards assessment.	Height of slope up to 75 feet.
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.~~10~~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	125 ft 190 ft	If forested wetland scores high for habitat, maintain connectivity to other natural areas.

Wetland Characteristics	Impact of Land Use	Buffer Width	Other Protection
	High	250 ft	
Estuarine	Low Moderate High	100 ft 150 ft 200 ft	N/A
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.	Parking lots, roads, manufacturing, residential areas, landscaping

	• Use Low Impact Development techniques consistent with BIMC 15.20.	
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 Regulations – 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, and remodeled, and, in some cases replaced or 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 repaired, maintained, or remodeled and, in some cases, nonconforming structures may be replaced or 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.

4.2.1.45 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, except where stated otherwise in the specific provisions of this program. 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 the proposal is consistent with all of the following:

   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 16.32 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 development 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 Cchapter 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 road~~s~~ corridors shall be adequately maintained with site-appropriate native vegetation where feasible to provide slope stability and to enhance shoreline function. Shoreline scenic drives and viewpoints may provide breaks periodically in the vegetative buffer to allow open views of the water.

4.2.6.5.2 Road Design

1. Transportation facilities shall employ low impact development techniques according to the provisions of Section 4.1.6, Water Quality and Stormwater Management.
2. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies; where doing so minimizes adverse impacts to the shoreline.

3. Roadway design shall include facilities for bicycle and pedestrian routes as prioritized in the Non-Motorized Transportation Plan.

4. Culverts, bridges and similar devices shall be designed to pass water, sediment, and debris loads anticipated under appropriate hydraulic analysis in compliance with the stormwater regulations of BIMC 15.20, Surface and Storm Water Management, and shall not impede the migration of anadromous fish.

5. The use of hard shoreline stabilization in transportation facility design shall be employed only when it is demonstrated to the Administrator that alternatives are impracticable or infeasible.

4.2.7 Utilities (Primary and Accessory)

4.2.7.1 Applicability

These provisions apply to services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. On-site utility features serving a principal use, such as water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the principal use. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; Section 6.0, Shoreline Modification Policies and Regulations; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.7.2 Policies – Primary Utility

1. Design and locate utility facilities to assure no net loss of shoreline ecological functions and ecosystem-wide processes, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.
2. Ensure utilities utilize existing transportation and utility sites, rights-of-way, and corridors whenever possible, rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.
3. Do not allow utility production and processing facilities, such as power plants, sewage treatment plants, and solid waste disposal activities and facilities, or parts of those facilities that are nonwater-oriented in shoreline areas unless it can be demonstrated that no other feasible option is available.
4. Do not allow new utilities where shoreline stabilization is required.
5. Ensure utilities and utility corridors locations do not obstruct or otherwise affect scenic views. Whenever feasible, such facilities should be placed underground or alongside or under bridges.
6. Locate transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, outside of the shoreline area where feasible, and when necessarily located within the shoreline area, assure such facilities demonstrate no net loss of shoreline ecological function. Communication towers shall be prohibited in the shoreline area.

7. Discourage development of pipelines and cables on tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance which disrupt shoreline ecological functions and ecosystem-wide processes, except where no other feasible alternative exists. When permitted, provisions shall assure that the facilities do not result in a net loss of shoreline ecological functions and ecosystem-wide processes or significant impacts to other shoreline resources and values.

4.2.7.3 Policies – Accessory Utilities

1. On-site utilities and rights of way should be:
    a. Located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.
    b. Designed and located in a manner which preserves the shoreline ecology, water quality and the natural landscape to avoid and minimize adverse affects to shoreline ecological functions and ecosystem-wide processes, and minimizes conflicts with existing or planned land uses.

4.2.7.4 Regulations - Prohibited

1. The following uses associated with utilities shall be prohibited within shoreline jurisdiction:
    a. New solid waste disposal sites and facilities;
    b. Primary radio, cellular phone and microwave towers;
    c. Utilities requiring withdrawal of water from streams, and
    d. Primary power-generating facilities including solar power and wind generation that are not considered accessory structures in BIMC 18.09, except public facilities necessary to serve a public system, such as sewer lift stations or similar facilities which must be located within the shoreline area due to the system design of the existing public facility.
    e. Land filling in shoreline jurisdiction for utility or utility line development purposes is prohibited.

4.2.7.5 Regulations - General

1. Primary utilities may be allowed as a conditional use in the Shoreline Residential Conservancy, Shoreline Residential, Urban, and Aquatic designations. They are prohibited in Natural, Island Conservancy and Priority Aquatic designations.
2. Utility development shall comply with required setbacks. (See Section 3.0, Shoreline Designation Policies and Regulations and Table 4-2.) Primary Utilities shall provide screening of facilities from water bodies and adjacent properties. Type of screening required shall be determined by the City on a case-by-case basis.
3. All utilities shall meet the height and setback standards in Table 4-2.

4. Utilities shall be located and designed so as to avoid the use of any shoreline stabilization or flood protection works.
5. Where utilities own rights-of-way in fee title, utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way, provided such uses will not unduly interfere with utility operations, endanger public health and safety, or create a significant and disproportionate liability for the owner. Such uses include shoreline access points, trail systems, and other forms of recreation and transportation.
6. Utility lines, such as transmission and distribution, shall:
    a. Utilize existing rights-of-way, corridor and/or bridge crossings whenever possible and shall avoid duplication and construction of new parallel corridors in all shoreline areas. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes.
    b. Be completely buried under the stream bed in all in-stream crossings except for appropriate water or sewage treatment plant intake pipes or outfalls.
    c. Cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
    d. Be designed to minimize impacts to scenic shoreline views and located where major facilities must be placed in a shoreline area.
7. Permitted crossings shall utilize pier or open pile techniques.
8. Clearing of native vegetation for the installation or maintenance of utilities shall be kept to a minimum. Upon project completion, disturbed vegetation areas shall be replanted according to the provisions of Section 4.1.3, Vegetation Management. Other disturbed areas shall be replanted with native or other approved species. Replanted areas shall be regularly maintained until established.

4.2.7.6 Regulations – Primary Utility Location and Design

4.2.7.6.1 Water Systems

1. Components of water systems which are not water-dependent shall be located outside shoreline jurisdiction, except waterlines serving shoreline uses or unless alternative locations, including alternative technology, are demonstrated to be infeasible to the Administrator and the facilities do not result in a net loss of shoreline ecological functions and processes or significant adverse impacts to other shoreline resources and values such as parks and recreation facilities, public access or archaeological, historic and cultural resources, or aesthetic resources.
2. Private and public intake facilities, and wells in the shoreline jurisdiction should be located where there will be no net loss in ecological functions and processes or adverse impacts upon shoreline resources, values, natural features, or other uses.

Construction and maintenance activities shall follow best management practices and meet provisions of Section 4.1.6, Water Quality and Stormwater Management.

3. Desalinization facilities shall be located consistent with critical area regulations and buffers in 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**~~ 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 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.

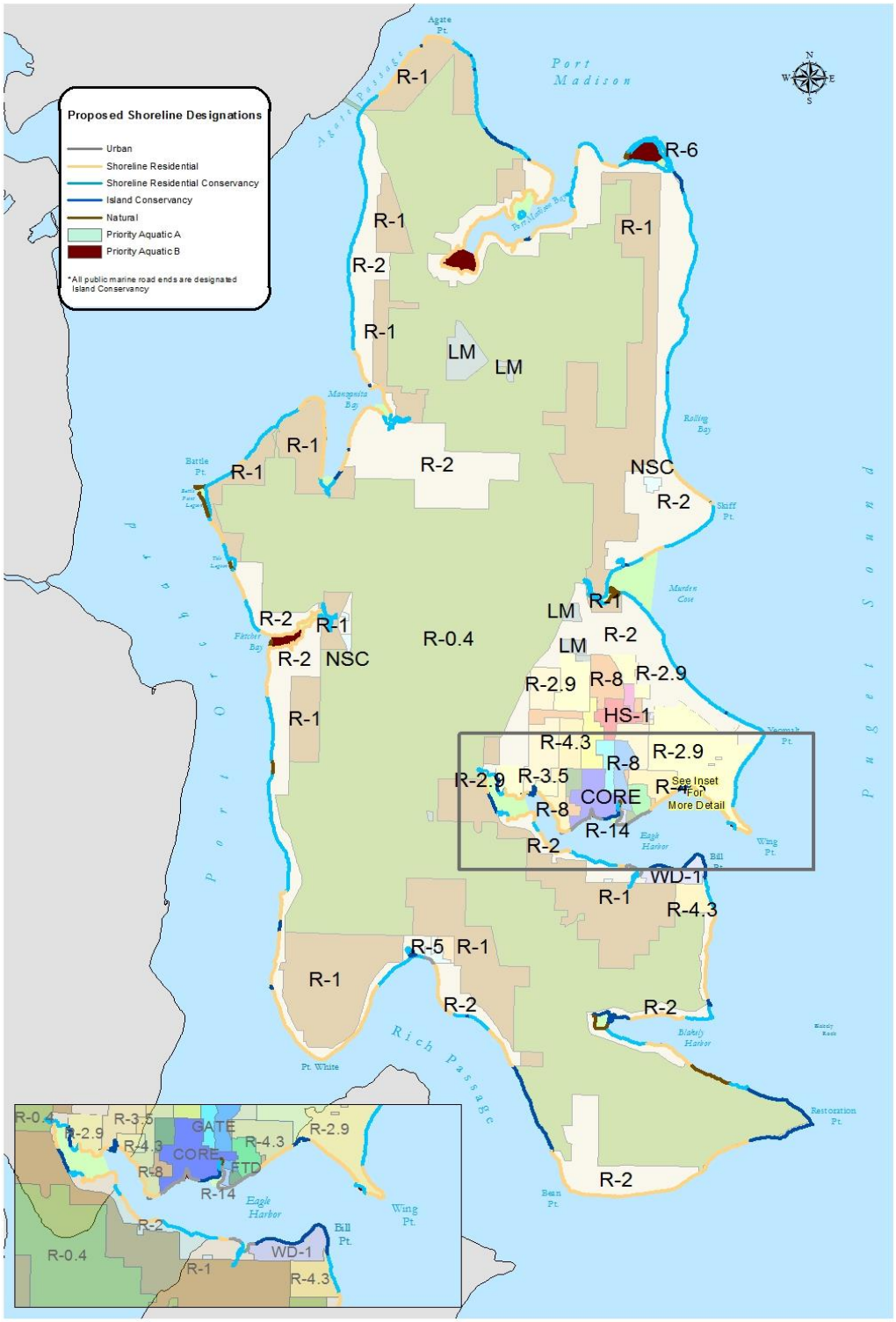
Wildlife habitat – A seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These include areas of relative density or species richness, breeding habitat, 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 B) New Facilities	S X	S X	S S	S S	S S	S S	P S	P S
18. Signs (Interpretation, Hazard, Critical Area Boundary, Survey Markers)	P	P	P	P	P	P	P	P
19. Site Investigation (non-mechanized)	A	A	A	A	A	A	A	A
Site Investigation (mechanized)	P	P	P	P	P	P	P	P
20. Trails and Trail Related Facilities	P	P	P	P	P	P	P	P
21. Utility Facility	X	X	S	S	S	S	S	S
22. Utility On-Site Sewage Facility	X	X	X	S	X	S	X	S
23. Utility Line-Overhead	S	S	S	S	S	S	P	P

	Category I		Category II		Category III		Category IV	
	W	B	W	B	W	B	W	B
24. Utility Line-Underground	X	S	S	S	S	S	S	S

Key: A = Allowed Outright P = Permitted Subject to Development Standards and Underlying Permit S = Special Use Review Required X = Prohibited

F. Additional development standards for regulated uses. In addition to meeting the Development Standards in section D, above, those regulated uses identified below shall also comply with the standards of this section and other applicable state, federal and local ordinances.

1. Forest Practice, Class IV General, and Conversion Option Harvest Plans (COHPs). All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of this chapter, including the maintenance of buffers around regulated wetlands.

a. Density Calculation.

i. The actual density that will allowed to be built upon a parcel containing a wetland shall ultimately be determined during the site specific review of the parcel's planned development.

ii. In determining the actual density of a parcel based on a specific site plan, the site plan shall locate all buildings outside of the wetland buffers;

iii. The number of development rights allowed for any residentially-zoned parcel shall be its size in square feet divided by the number of square feet per home that is required by its zoning;

iv. If the land can be subdivided such that all setbacks, buffers, and other zoning requirements can be observed, and no variances are requested, the density from the wetland can be transferred within the property;

v. To the extent that the number of allowable development rights cannot be used on-site, they may be sold, traded, or transferred by the property owner through the transfer of development rights program pursuant to Chapter 18.37 BIMC;

vi. Property owners may voluntarily extinguish development rights that are provided by the underlying zoning, but the City shall not extinguish any of these rights outside the aforementioned transactions.

b. Land division approvals shall be conditioned to require that regulated wetlands and regulated wetland buffers be designated as an easement or covenant encumbering the wetland and wetland buffer. Such easement or covenant shall be recorded together with the land division and represented on the final plat or binding site plan, and title.

c. In order to implement the goals and policies of this chapter, to accommodate innovation, creativity, and design flexibility, and to achieve a level of environmental protection that would not be possible by typical lot-by-lot development, the use of the clustered development or similar innovative site planning is strongly encouraged for projects with regulated wetlands on the site.

2. Surface Water Management. The following stormwater management activities may be allowed within wetland or buffer areas only if they meet the following requirements, in

addition to the development standards in this section and in conformance with the Stormwater Management Ordinance, Chapter 15.20 BIMC:

a. Surface water discharges from stormwater facilities or structures; provided, that the new surface water discharges to regulated wetlands from retention/detention facilities;

b. Pre-settlement ponds or other surface water management structures; provided, that the discharge does not significantly increase or decrease the rate of flow and/or hydro-period, nor decrease the water quality of the wetland. Water quality treatment best management practices will be required prior to discharge. Pre-treatment of surface water discharge through biofiltration or other means shall be required.

3. Trails and Trail-Related Facilities: Construction of public and private trails and trail-related facilities, such as benches and viewing platforms, may be allowed in wetlands or wetland buffers pursuant to the following guidelines:

a. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas which do not provide ecological functions.

b. Trails and related facilities shall be planned to minimize removal of trees, soil disturbance, and existing hydrological characteristics, shrubs, snags, and important wildlife habitat.

c. Viewing platforms and benches, and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected wetland.

d. Trails and related facilities shall generally be located outside required buffers. Where trails are permitted within buffers they shall be located in the outer portion of the buffer and a minimum of 25 feet from the wetland edge, except where wetland crossings or viewing areas have been approved by the Director. Trail locations close to the wetland may be allowed if the primary purpose of the trail is wetland viewing or enjoyment. Elevated trails which protect or enchance ecological functions shall be used to the maximum extent feasible.

e. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike or horse trails, have been specifically allowed and mitigation has been provided. Trail width shall not exceed five feet unless there is a demonstrated need, subject to review and approval by the Director. Trails shall be constructed with pervious materials unless otherwise approved by the Director.

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

5. Educational or scientific activities. These activities shall only be permitted if they are directly related to the affected wetland and related buffers, and may include the viewing and sampling of natural systems. They may also include the installation of physical structures, including pervious trails, benches, permanent wildlife watching blinds, boardwalks, viewing platforms, or similar structures, or minor modifications to wetlands and their buffers. Any physical structures or minor modifications are subject to City

approval to minimize the impacts of human intrusion on the functions and values of critical areas and their buffers according to the following criteria:

a. Minimize the footprint of structures and the number of access points to any particular critical area;

b. Minimize the amount of clearing and grading;

c. Elevate structures where possible;

d. Avoid impacting the flow of water;

e. Use appropriate building materials; and

f. Minimize the impacts of construction.

G. Special Use Review. Development identified as a Special Use Review in Table 8 of this section may be approved, with conditions, or denied according to the procedures and criteria outlined in this subsection. Special Use Review is an administrative process unless the underlying permit requires a public hearing.

1. The Director is authorized to take action on permits as required by this chapter.

2. The Director may approve a permit after review of the application and a Wetland Mitigation Plan submitted in accordance with this chapter. The Director shall determine whether the use or activity cannot be avoided because no reasonable or practicable alternative exists, the proposed use is consistent with the spirit and intent of this chapter and it will not cause adverse impacts to the wetland or the wetland buffer which cannot be mitigated. In taking action to approve a Special Use Review, the Director may attach reasonable conditions as necessary to minimize impacts, rectify impacts or compensate for impacts to the wetland or wetland buffer.

3. The Director shall deny a Special Use Review request if the proposed use or activity is inconsistent with this chapter and/or will cause adverse impacts to the wetland or wetland buffer, which cannot be adequately mitigated and/or avoided.

4. Special use review requests for agricultural conversions shall include a farm plan developed by the Kitsap Conservation District. The plan shall identify the best management practices for the proposed agricultural activity.

5. Special Use Review determinations are appealable to the hearings examiner pursuant to BIMC 2.16.020(P).

H. Wetlands and Streams Restoration, Creation, Mitigation, or Enhancement.

1. Any person who alters regulated wetlands or streams or their standard buffers as required by this chapter shall restore, create or enhance equivalent areas or greater areas than those altered in order to compensate for losses. In the alternative, conservation easements or mitigation banking may be considered as appropriate mitigation provided that areas equivalent to those altered are achieved.

2. Where feasible, restored or created wetlands and streams shall be a higher category than the altered wetland or stream.

3. Compensation areas shall be determined according to function, acreage, type, location, time factors, ability to be self-sustaining and projected success. Multiple compensation projects may be proposed for one project in order to best achieve the goal of no net loss.

4. Given the need for expertise and monitoring, voluntary restoration, creation or enhancement projects or compensatory projects may be permitted only when the Director finds that the proposed project is associated with an activity or development otherwise permitted. Additionally, the applicant shall:

a. Demonstrate sufficient scientific expertise, supervisory capability, and financial resources to carry out the project;

b. Demonstrate the capability for monitoring the site and to make corrections during this period if the project fails to meet projected goals and plans; and

c. Provide for the long-term protection and management of the compensation area to avoid further development or degradation.

5. Acreage Replacement Ratio. Any applicant proposing to alter wetlands may propose to reestablish, create, rehabititate, or enhance wetlands in order to compensate for the wetland losses.

a. Replacement Ratios for Wetlands. Table 9 provides the required replacement ratios for the reestablishment or creation, rehabilitation, or enhancement of a wetland. The first number specifies the replacement acreage of wetlands and the second specifies the acreage of wetlands altered.

Table 9: Replacement Ratios for Wetlands

Category and Type	Re-establishment or Creation	Rehabilitation	1:1 Re-establishment or Creation (R/C) or Enhancement (E)	Enhancement Only
I - Forested	6:1	12:1	1:1 R/C 10:1 E	24:1
I – Highly functioning	4:1	8:1	1:1 R/C 6:1 E	16:1
I - Bog	Not possible	6:1 of a Bog	Case by Case	Case by Case
I - Estuarine	Case by Case	6:1 - Estuarine	Case by Case	Case by Case
II - Estuarine	Case by Case	4:1 - Estuarine	Case by Case	Case by Case
II - Others	3:1	8:1	1:1 R/C 4:1 E	12:1
III	2:1	4:1	1:1 R/C 2:1 E	8:1
IV	1.5:1	3:1	1:1 R/C 2:1 E	6:1

b. Replacement ratios for buffers shall be 1:1.

c. Increased Replacement Ratio. The Director may increase the ratios under the following circumstances:

i. Uncertainty as to the probable success of the proposed rehabitiation or creation;

ii. Significant period of time between destruction and replication of wetland functions; or

iii. Projected losses in functional value.

d. Decreased Replacement Ratio. The Director may decrease these ratios when there are findings of special studies coordinated with agencies with expertise which demonstrate that no net loss of wetland function or value is attained under the decreased ratio.

e. In all cases, a minimum acreage replacement ratio of 1:1 shall be required.

6. Wetland Type. In-kind compensation shall be provided except where the applicant can demonstrate that:

a. The wetland system is already significantly degraded and out-of-kind replacement will result in a wetland with greater functions and values;

b. Scientific problems such as invasive/exotic vegetation and changes in watershed hydrology make implementation of in-kind compensation impossible;

c. Out-of-kind replacement will best meet identified regional goals (e.g., replacement of historically diminished wetland types); and

d. Where out-of-kind replacement is accepted, greater acreage replacement ratios may be required to compensate for lost functions and values.

7. Location. On-site compensation shall be provided except where the applicant can demonstrate that:

a. The hydrology and ecosystem of the original wetland and those who benefit from the hydrology and ecosystem will not be substantially damaged by the on-site loss;

b. On-site compensation is not scientifically feasible due to problems with hydrology, soils, or other factors;

c. Compensation is not practical due to potentially adverse impacts from surrounding land uses;

d. Existing functions and values at the site of the proposed restoration are significantly greater than lost wetland functional values;

e. That established regional goals for flood storage, flood conveyance, habitat or other wetland functions have been established and strongly justify location of compensatory measures at another site;

f. There is no feasible location for on-site mitigation;

g. Off-site compensation shall occur within the same watershed, if feasible, as the wetland loss occurred; provided, that Category IV wetlands may be replaced outside of the watershed when there is no reasonable alternative; and

h. In selecting compensation sites, an applicant shall pursue siting in the following order of preference:

i. Upland sites which were formerly wetlands;

ii. Idled upland sites generally having bare ground or vegetative cover consisting primarily of invasive introduced species, weeds, or emergent vegetation; or

iii. Other disturbed upland.

8. Timing. Wherever feasible, compensatory projects shall be completed prior to activities that will disturb wetlands, and immediately after activities that will temporarily disturb wetlands. In all other cases, except for Category I wetlands, compensatory projects should be completed prior to use or occupancy of the activity or development which was conditioned upon such compensation. Construction of compensation projects shall be timed to reduce impacts to existing wildlife and flora.

9. Cooperative Restoration, Creation or Enhancement Projects. The Director may encourage, facilitate, and approve cooperative projects wherein a single applicant or other organization with demonstrated capability may undertake a compensation project with funding from other applicants under the following circumstances:

a. Restoration, creation or enhancement at a particular site may be scientifically difficult or impossible; or

b. Creation of one or several larger wetlands may be preferable to many small wetlands;
c. Persons proposing cooperative compensation projects shall:
i. Submit a joint permit application;
ii. Demonstrate compliance with all standards;
iii. Demonstrate the organizational and fiscal capability to act cooperatively; and
iv. Demonstrate that long-term management can and will be provided.
10. Mitigation Banking.
a. The City may consider and approve replacement or enhancement of wetlands to address unavoidable adverse impacts caused by development activities through an approved wetland mitigation bank. Compensatory mitigation in advance of authorized impacts must be provided through an approved mitigation bank if a bank is used.
b. When off-site mitigation is authorized, the Director shall give priority to locations within the same drainage basin as the development proposal site that meet the following:
i. Mitigation banking sites and resource mitigation reserves as authorized by this chapter;
ii. Private mitigation sites that are established in compliance with the requirements of this chapter and approved by the Director; and
iii. Public mitigation sites that have been ranked in a process that has been supported by ecological assessments.
c. The Director may require documentation that the mitigation site has been permanently preserved from future development or alteration that would be inconsistent with the functions of the mitigation. The documentation may include, but need not be limited to, a conservation easement, transfer of clearing credits or other agreement between the applicant and owner of the mitigation site. The City may enter into agreements or become a party to any easement or other agreement necessary to ensure that the site continues to exist in its mitigated condition.
d. The Director shall maintain a list of sites available for use for off-site mitigation projects.
e. The Director may develop a program to allow the payment of a fee in lieu of providing mitigation on a development site. The program should address:
i. When the payment of a fee is allowed, considering the availability of a site in geographic proximity with comparable hydrologic and biological functions and potential for future habitat fragmentation and degradation; and
ii. The use of the fees for mitigation on public or private sites that have been ranked according to ecological criteria through one or more programs that have included a public process.

B-11. Frequently Flooded Areas

A. Classification. Classification for frequently flooded areas shall be consistent with the 100-year floodplain designation of the Federal Emergency Management Agency and the National Flood Insurance Program. In addition, the following criteria shall be considered when designating and classifying these areas:

1. Flooding impact to human health, safety, and welfare and to public facilities and services;

2. Available documentation including federal, state, and local laws, regulations and programs, local maps, and federally subsidized flood insurance programs;

3. The future floodplain defined as a channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow at build-out without any measurable increase in flood heights; and

4. The effect of high tides with strong winds, and greater surface runoff caused by increasing impervious surfaces.

B. Standards.

1. Development shall not reduce the effective base flood storage volume. Effective storage capacity shall be maintained.

2. Grading or other regulated activities which would reduce the flood water storage volume shall be mitigated by creating compensatory storage on- or off-site. Applicants must provide mitigation plans pursuant to this chapter.

3. Base flood data and flood hazard notes shall be on the face of any recorded plat or site plan including, but not limited to, base flood elevations, flood protection elevation, boundary of floodplain, and zero rise floodway.

4. Applicants for development in low lying shoreline areas and other areas where flood elevation is controlled by tide level shall be provided with information on sea level rise. (Ord. 2005-03 § 2, 2005)

B-12 The Winslow Ravine – Special Rules in Mixed Use Town Center.

A stream commonly known as the "Winslow Ravine Stream" is located in a ravine commonly known as, and identified on department maps as, the "Winslow Ravine". Both the stream and the ravine are partially located in the Mixed Use Town Center (MUTC). In order to accommodate more dense development within the MUTC, and recognizing the significant distance from the top of the ravine to the stream and its adjacent wetlands, in lieu of the buffer and setback rules provided for Fish and Wildlife Conservation Areas (Section B-8) and Wetlands (Section B-10), the applicant may select the prescriptive option or the mitigated option with respect to the Winslow Ravine Stream and the Winslow Ravine within the MUTC as described below:

A. "Option A" - Prescriptive Standards.

CATEGORIES	BUFFER WIDTH STANDARD	MINIMUM BUILDING SETBACK	OTHER DEVELOPMENT STANDARDS
Streams, Wetlands and Wildlife Conservation Areas associated with the Winslow Ravine or	50 feet beyond the top of the Winslow Ravine.	15 feet beyond the buffer.	

Winslow Ravine Stream within the MUTC.			

B. "Option B" - Mitigated Standards. The applicant shall demonstrate by submittal of necessary studies and proposed mitigation, that measures can and will be taken to ensure that the functions and values provided by the buffers prescribed under "Option A" are retained or improved.

CATEGORIES	BUFFER WIDTH STANDARD	MINIMUM BUILDING SETBACK	OTHER DEVELOPMENT STANDARDS
Streams, Wetlands and Wildlife Conservation Areas associated with the Winslow Ravine or Winslow Ravine Stream within the MUTC.	25 feet beyond the top of the Winslow Ravine.	10 feet beyond the buffer.	The buffer area shall be landscaped to facilitate filtration and infiltration of storm water. If such landscaping is installed, the buffer area may be used for recreational purposes. Fences, sitting areas and walking paths are allowed within the buffer area. There is no requirement that the buffer be dedicated as permanent open space tracts or otherwise.

Table I – Shoreline Study Requirements

Use	Analyses Required
All Activities below Mean Higher High Water	Dive Survey and/or Biological Evaluation or Biological Assessment[1]
Pier and Docks	Dive Survey and/or Biological Evaluation or Biological Assessment[1]
Shoreline Armoring (bulkhead and revetments)	Sediment analyses Biological Evaluation or Biological Assessment[1]
Development Activities Disturbing Native Vegetation Zone (Single Family Residences or Commercial)	Re-vegetation Plan

Footnotes:

[1]Only as required by Washington Department of Fish and Wildlife, US Army Corp of Engineers, NOAA Fisheries or US Fish and Wildlife.

~~Additional Studies may be required by the Director as necessary to determine whether the application meets the decision criteria for Shoreline Substantial Development Permit, Shoreline Substantial Development Exemption, Shoreline Conditional Use Permit or Shoreline Variance.~~

Appendix C

Buffer Recommendation Memorandums

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.

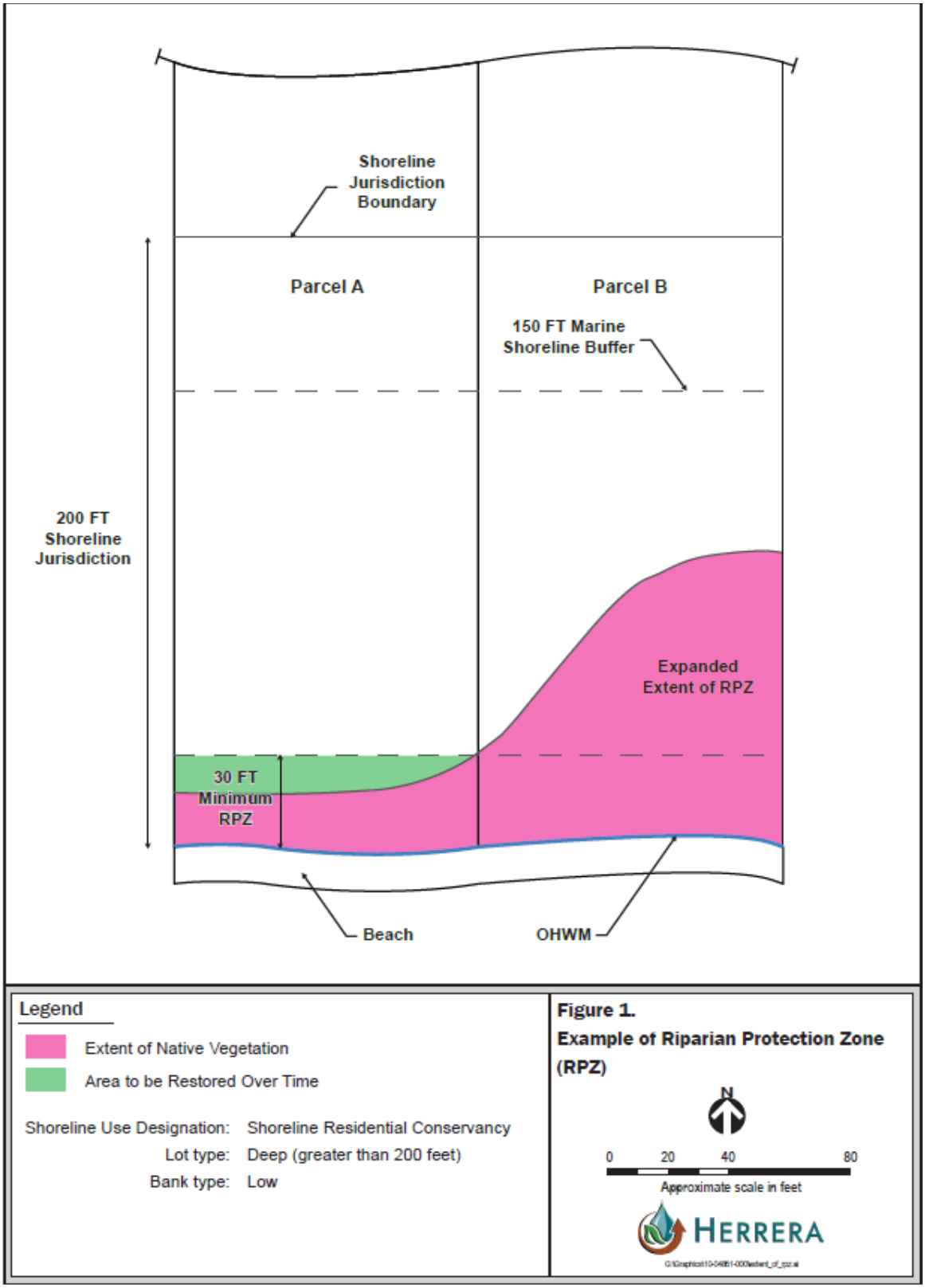


Figure 1.
Example of Riparian Protection Zone (RPZ)

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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Appendix D

Single Family Residence Mitigation Manual

Single Family Residence Shoreline Mitigation Manual

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July 20

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Introduction

This manual provides guidance for City of Bainbridge Island (City) homeowners as well as City staff and consultants on requirements and mitigation opportunities for specific types of single-family residential (SFR) development within the shoreline jurisdiction of the City.

Under Washington State Shoreline Management Act Guidelines [WAC 173-26-186(8) & 201(2)(c)], all new development, activities and uses must meet the standard of no net loss of ecological functions and shoreline processes. To ensure the standard of no net loss is met, any adverse impacts from new, repaired, or replaced development must be mitigated in accordance with the Mitigation Sequence (see Page 2) described in WAC 173-26-201((2)(e). When there are permanent impacts not addressed in sequence number 2, 3, or 4 the applicant must provide mitigation for the remaining adverse impacts to meet the no net loss standard.

The City's Shoreline Management Program (SMP) regulations require an applicant submit a site-specific analysis to demonstrate that the no net loss standard has been met. A site-specific analysis is a technical report that identifies existing conditions and ecological functions, impacts from the project, and proposed mitigation.

To give homeowners a low cost alternative for meeting the no net loss standard, this manual was developed and provides mitigation for common types of SFR development as an alternative to submitting a site-specific analysis.

This manual provides City requirements for single family residences when mitigating construction, repair or replacement of SFR primary and accessory structures. Subdivisions, including short plats and other development, and uses or activities not associated with SFR development, are required to provide a site-specific analysis in accordance with the SMP Section 4.1.2 Environmental Impacts.

A homeowner can use this shoreline mitigation manual if:

- the SFR is not part of a new subdivision application; and
- the proposed project is located within a qualifying site (see below); and
- the proposed project is listed among the development and structure types and maximum size constraints covered by this guidance (shown in Table 1).

What sites qualify for this approach?

Sites which qualify for this manual are SFR shoreline parcels that are not adjacent to a marsh or a lagoon. Marshes and lagoons are a critical habitat feature for many protected species and therefore development proposals affecting these sites require a higher level of examination. Proposed development on SFR sites with an adjacent marsh or lagoon must complete a site-specific analysis that complies with the requirements of SMP Section 4.1.2, Environmental Impacts, and/or Appendix B, Critical Areas.

Washington State Shoreline Management Act Guidelines:

http://www.ecy.wa.gov/programs/sea/sma/guidelines/downloads/Draft_2002_SMP_Rule.pdf

What is mitigation?

Mitigation is the process of avoiding, limiting, reducing, or eliminating the adverse environmental impacts of a project over time, and ultimately compensating for impacts that remain. Mitigation for impacts follows a specific sequence described in WAC 173-26-201((2)(e) as follows:

1. **Avoid** the impact altogether by not taking a certain action or parts of an action;
2. **Minimize** impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
3. **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment;
4. **Reduce** or eliminate the impact over time by preservation and maintenance operations;
5. **Compensate** for the impact by replacing, enhancing, or providing substitute resources or environments; and
6. **Monitor** the impact and the mitigation activities and take appropriate corrective measures as needed.

The mitigation strategies identified in this manual are for environmental impacts that cannot reasonably be avoided (steps 2 through 6 of this sequence).

New in-water or overwater structures (such as shoreline stabilization construction or docks) are not covered by this guidance. Applications for new in-water or overwater development must submit a site-specific analysis in accordance with the City's SMP.

An applicant must also obtain a U.S. Army Corps of Engineers (USACE) and Washington Department of Fish and Wildlife (WDFW) Hydraulic Project Approval (HPA) for any new in-water or overwater structure as well as for a repair or replacement of an existing structure. Mitigation is typically required by those agencies as well, however the City may determine that mitigation and permit conditions required by federal and state agencies are sufficient to meet City requirements according to provisions in the SMP. Note that the SMP prohibits new overwater covered moorage in the marine environment .

Shoreline with native vegetation.

Mitigation activities prescribed for the qualifying types of construction in this document are selected to directly compensate for environmental impacts that are not prevented through careful site design, structure design or use of best practices. Examples of best practices are low impact development methods for managing stormwater, retractable docks or beach nourishment for shoreline stabilization. For example, permanent clearing of vegetation is mitigated by replanting vegetation, and any permitted fill placed below the ordinary high water mark (OHWM) is mitigated by removing fill already located below the OHWM.

Mitigation is first required to be conducted on the same parcel (on site) as the proposed construction unless impractical. In most cases, more mitigation is required when it will occur on a different parcel (off site).

These measures ensure that mitigation is clearly linked to the type and location of impact the development would have on the shoreline. This approach also supports the City's responsibility to ensure there is no net loss of shoreline functions.

In some cases, onsite mitigation may not be feasible or offsite mitigation may be preferred based on shoreline physical processes. In either case, check with City of Bainbridge Island Planning and Community Development Department for preferred locations recommended by the City's Shoreline Restoration Plan or for other guidance related to acceptable offsite mitigation. In limited cases, a reduction in mitigation requirements for offsite compensatory mitigation may be allowed if the Administrator determines a greater ecological benefit is achieved at the proposed location.

Bainbridge Island shoreline and dock.

Homes near this marsh would not quality for the mitigation approach in this manual.

What kinds of SFR development qualify for this guidance?

SFR development that qualify for this guidance includes: a new home, accessory structure (to existing SFR), and expansion, replacement, and repair of a SFR or accessory structure. Within these SFR development categories, structures that qualify must be within specific size constraints. The types of structures and size constraints for use of this manual are provided in Table 1. Examples include construction of a new home no larger than 4000 ft^2; an accessory structure to an existing home, such as a detached garage no larger than 580 ft^2, a patio no larger than 120 ft^2; stairs to the beach between 50 ft^2 and 300 ft^2 (mitigation is not required for stairs less than 50 ft^2) ; remodel of an existing structure; and replacement or repair of shoreline structures such as a bulkhead, stairs or a dock. Note that the listed size constraints are not the maximum permitted by City regulations, but are the maximum for which this manual can be used to determine appropriate mitigation without a site-specific study.

Development of each of these structures typically results in one or more of the following shoreline and nearshore disturbances that require mitigation: 1) vegetation is cleared, 2) new impervious surface is created, 3) fill is placed below the OHWM or 4) aquatic habitat is permanently disturbed. Table 1 identifies which of these disturbances may apply based on your proposed development.

To use Table 1:

1. Select the category of development (new, accessory etc.) that applies to your project from the first column.
2. Select the type of structure from the second column.
3. Check to make sure your proposed development is within the maximum size constraints for that structure. If they are not, you will need a site-specific analysis.
4. Review the impacts requiring mitigation and identify those that apply to your project.
5. For each impact requiring mitigation, go to the corresponding section under Mitigation Requirements for a description of what is required.

Table 1. Qualified Single Family Residential (SFR) developments and associated impacts requiring mitigation.

			Impacts Requiring Mitigation			
Development Category	**Structure Type**	**Maximum Size Constraints (based on footprint)**	**Vegetation is Cleared**	**New Impervious Surface is Created**	**Permitted Fill is Placed Below OHWM**	**Aquatic Habitat is Disturbed**
New[a]	SRF including any accessory development	4,000 ft^2	♦	♦		
	Driveway or parking area	No maximum	♦	♦		
Accessory Note: the footprint of existing SRF including all accessory developments with the exception of a guest house or accessory dwelling unit (ADU) cannot exceed 4000 ft^2	Detached garage or carport	580 ft^2	♦	♦		
	Guest house or ADU	800 ft^2	♦	♦		
	Boathouse (only in upland)	200 ft^2	♦	♦		
	Patio –with or without BBQ pit or deck	120 ft^2	♦	♦		
	Hot tub + deck/ patio	120 ft^2	♦	♦		
	Sport court	200 ft^2	♦	♦		
	Gazebo, utility shed, well house, greenhouse	200 ft^2	♦	♦		
	Retaining wall – new or replacement (upland)	3.5 ft. depth and 4 ft. height with no surcharge[b]	♦	♦		
	Deck (attached to house)	400 ft^2	♦	♦		
	Stairs to beach[c]	50 ft^2 to 300 ft^2	♦	♦[d]		

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

			Impacts Requiring Mitigation			
Development Category	**Structure Type**	**Maximum Size Constraints (based on footprint)**	**Vegetation is Cleared**	**New Impervious Surface is Created**	**Permitted Fill is Placed Below OHWM**	**Aquatic Habitat is Disturbed**
SFR (primary) Replacement or Expansion Note: the footprint of replaced or expanded SFR including all accessory developments cannot exceed 4000 ft²	Replace (demolished)	Same size as existing structure in same location	No Mitigation Requirement			
		Expand size	♦	♦		
	Expansion of or addition to SFR	4,000 ft² including existing structure	♦	♦		
Accessory replacement[e]	Bulkhead	Same as existing	♦	♦	♦	
	Boathouse	200 ft²	♦	♦	♦	♦[f]
	Stairs to beach[c]	50 ft² to 300 ft²	♦	♦[d]	♦	
	Dock	Same as existing	♦		♦	♦[f]
Accessory repair[e]	Bulkhead	3.5 ft. depth and 4 ft. height with no surcharge[b]			♦	
	Boathouse	200 ft²			♦	♦[f]
	Stairs to beach[c]	50 ft² to 300 ft²	♦	♦[d]	♦	
	Dock	Same as existing			♦	♦[d, f]

[a] New dock, or other new in-water or overwater structures are not covered by this manual. Covered moorage is prohibited by the City.

[b] Surcharge is the slope above and behind a retaining wall or bulkhead.

[c] No mitigation is required for beach stairs with a footprint smaller than 50 ft²..

[d] If stairs are grated and pass stormwater freely no mitigation for impervious area is required.

[e] This program does not cover mitigation required for use of barges. If you intend to use a barge for construction, you will need to submit a site-specific study.

[f] Repairs or replacements of this in-water and overwater structure are exempt from this mitigation requirement if the footprint and impact is reduced (such as by replacing wood decking with grating to increase light penetration and reducing the number of pilings). Specific requirements for footprint and impact reduction are explained in the section called ***Mitigation Exemption for Repair or Replacement of Overwater Structures***.

Mitigation Requirements

Review each section that follows as it pertains to your project's environmental impacts.

Vegetation is Cleared

Shoreline vegetation is considered important to supporting the ecological functions found in the nearshore. Vegetation along the shoreline at minimum infiltrates stormwater, and can provide large woody debris, bank stability, food sources such as detritus and insects for aquatic species, and temperature moderation of the beach and nearshore substrate. Multistoried vegetation can provide an overhanging, complex network of branches, trunks, stems and roots that also moderate nearshore wave energy.

Native vegetation is preferred for shorelines because native species are better adapted to local physical conditions such as soil, geology, and climate and therefore require less maintenance, are resistant to most pests and diseases, and require little or no irrigation or fertilizers, once established. Thus maintaining native plant species along the shoreline can also have consequent benefits on maintaining water quality. Native vegetation also provides more food sources for native wildlife.

Mitigation for vegetation cleared in the shoreline jurisdiction requires replacement with an equivalent or larger area of native multistoried vegetation (includes groundcovers, shrubs, and trees). Areas planted for mitigation are subject to final approval by the Administrator and must be recorded with the County Auditor on a Notice on Title, or other similar document, prior to approval of the project. Areas planted for mitigation are intended to be protected in perpetuity, although future alterations may be allowed with an approved mitigation plan.

What best describes the character of the vegetation in the area you will be clearing?

Is it predominantly:

- Mowed grass or lawn?
- Non-native landscaping?
- Native Vegetation?

Based on the dominant character of the vegetation that will be cleared and where you intend to plant, different ratios of native vegetation planted area to cleared area are required. These ratios are provided in *Mitigation Requirements for Vegetation Clearing*.

If you intend to plant native vegetation within 30 feet landward of the OHWM (called Zone 1 of the Shoreline Buffer—see Figure 1) the ratios for planting in Zone 1 are lower than if you plant outside of Zone 1. The lower ratio is intended to encourage homeowners to plant in Zone 1 where native vegetation has the greatest effect on nearshore habitat and processes. Ratios are also higher if you are clearing native vegetation, as compared with removing mowed grass or lawn, for the same reason.

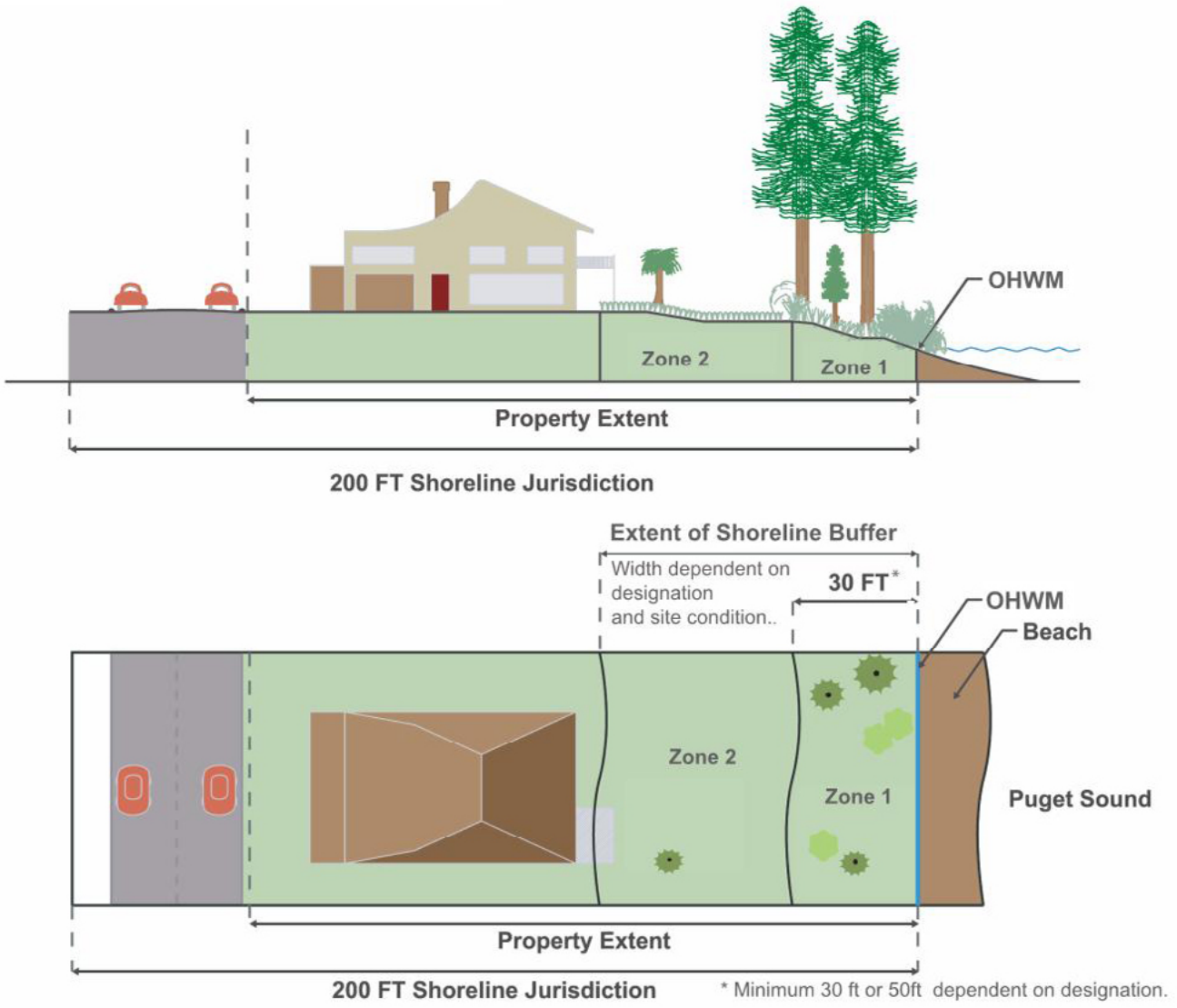


Figure 1. Zones related to the shoreline buffer area.

What is Native Vegetation?

Native vegetation is an assemblage of plants native to Bainbridge Island, which are species that occur or historically occurred on the island based upon the best available scientific and historical documentation. Native vegetation includes a selection of multistoried species (ground covers, shrubs and trees). Acceptable species are listed in Appendix A. Other species may be planted if it can be demonstrated they are native and appropriate to the site conditions.

When planting native vegetation for mitigation, you must provide a plan view of the project area showing where clearing will occur and where native vegetation will be planted for mitigation (including species, spacing and plant sizes). Species are to be planted with spacing designed to achieve a minimum 65 percent native vegetation coverage within 10 years within the replanted area. To assist you, a list of native species suitable for the City's shorelines is provided in Appendix A along with planting details showing typical tree, shrub and groundcover spacing and recommended plant sizes.

Note that your planting plan may be designed to protect views from your primary SFR.

Figure 2. Planting should incorporate trees, shrubs, and groundcovers to provide multiple layers of vegetation (multistoried).

Mitigation Requirements for Vegetation Clearing

Select character of vegetation being cleared	Will mitigation planting be located within Zone 1?	Mitigation Requirement
Area is comprised of mowed grass or lawn	YES	Plant ½ the equivalent area of mowed grass or lawn with multistoried, native vegetation
	NO	Plant the equivalent area of mowed grass or lawn with multistoried, native vegetation.
Area is comprised of non-native landscaping (including groundcovers, shrubs or trees).	YES	Plant the equivalent area of cleared non-native landscaping with multistoried, native vegetation.
	NO	Plant 2 times the area of cleared non-native landscaping with multistoried, native vegetation.
Area is comprised of native landscaping (including groundcovers, shrubs or trees).	YES	Plant 2 times the area of cleared native landscaping to multistoried native vegetation.
	NO	Plant 3 times the area of cleared native landscaping with multistoried, native vegetation

To mitigate for new impervious surface, you can:

- Remove existing impervious surface of equal area within your shoreline buffer and replant with native vegetation, or
- Install a rain garden that is sized to be at least 20 percent of the area of your new impervious surface.

The use of a rain garden for mitigating impervious surface is based on the understanding that rain gardens can help provide the water collection, retention, and infiltration capacity that are lost when vegetated areas are made impervious. The Rain Garden Handbook for Western Washington Homeowners describes how rain-gardens mimic a native forest by collecting, absorbing, and filtering stormwater runoff from rooftops, driveways, patios, and other areas that don't allow water to soak in.

To install a rain garden, follow the methods available at www.raingarden.wsu.edu/index.html. There you will find instructions for calculating your drainage area, and locating, designing (sizing), planting and maintaining your rain garden. Local landscape architects, Kitsap County WSU Extension office, Kitsap County Conservation District, and the City's Planning and Community Development Department are other resources available for assistance.

The Rain Garden Handbook for Western Washington Homeowners:

www.raingarden.wsu.edu/index.html

Rain Garden Installation Guidance:

www.raingarden.wsu.edu/index.html

Rain Gardens

- Can be shaped and sized to fit your yard
- Are constructed with soil mixes that allow water to soak in rapidly and support healthy plant growth
- Can be landscaped with a variety of plants that look beautiful and help manage stormwater

Caution:

Collecting and allowing water to soak into a landslide hazard area can cause instability and potentially endanger your structure. If you need to place your rain-garden on or near a landslide hazard area (any slope greater than 15 percent), a letter or report from a qualified licensed geologist or geotechnical engineer that evaluates the site and your rain garden design must be submitted with your application for review and approval by the Administrator.

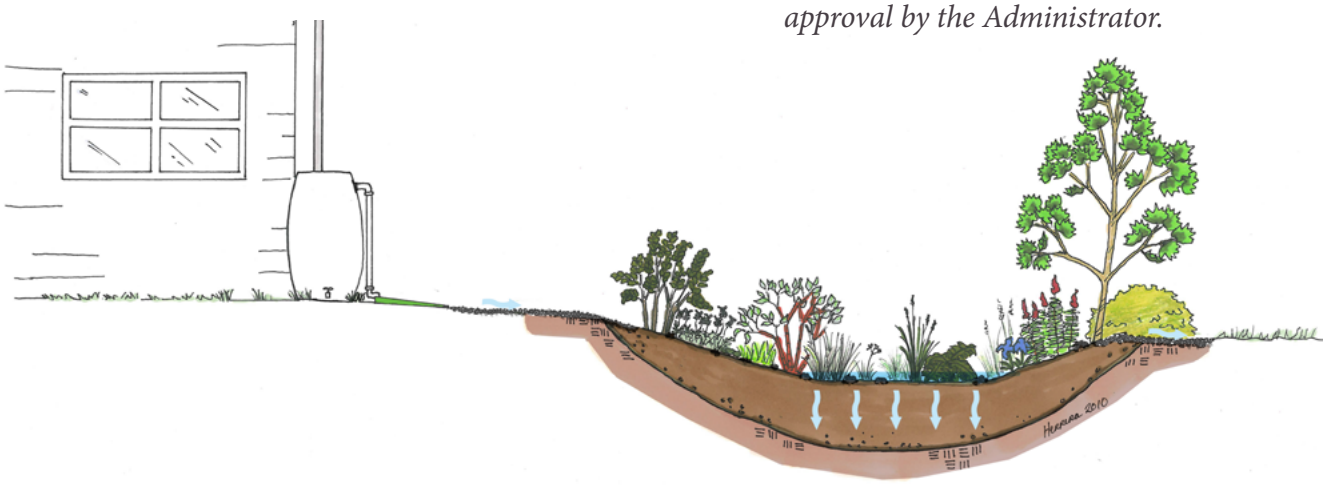


Figure 3. Rain gardens can help mitigate stormwater runoff from new impervious surfaces.

Permitted Fill Material is Placed below OHWM

Fill placed below the OHWM permanently eliminates aquatic habitat and can interrupt nearshore sediment flow. These factors both eliminate and reduce ecological functions within the area of fill and may adversely affect adjacent shorelines through reduced sediment supply and increased fragmentation of habitat.

All shoreline structures or modifications that include placing fill below the OHWM will require an equivalent volume of fill removal from below the OHWM elsewhere for mitigation (Table 2). Typical shoreline structures and modifications that include fill placed below the OHWM include stairs, boathouses, docks and bulkheads.

If mitigation for fill removal will occur within the same parcel, the volume removed must be at minimum equal to the volume of fill material placed. If the fill removal occurs on a different parcel, than the volume removed must be two times the volume of fill material placed. See Table 2. This is to encourage mitigation for fill placement at the same location as the environmental impact.

Examples of types of fill that may be removed for mitigation include construction debris such as concrete pieces, riprap, creosote logs, pilings, and failing bulkheads.

In addition to fill removal, bulkhead repair or replacement will require beach nourishment in addition to fill removal as part of mitigation (Table 2).

Beach nourishment differs from fill because it is mobile and permeable, unlike piers, concrete, riprap, or other immobile elements typically associated with nearshore structures. Beach nourishment provides spawning habitat for forage fish species, which are food sources for salmon and other fish species, birds, and marine mammals. While nearshore structures can provide a type of nearshore habitat (for example docks provide holdfasts for barnacles and mussels), these habitats do not improve impaired features of the nearshore ecosystem or support natural geomorphic processes in the way that mobile beach sand can.

Removing unused piers can provide shoreline mitigation.

Retractable Structures

In many instances structures can be constructed that can be retracted when not in use (for example retractable access stairs or docks). Retractable structures associated with a SFR are exempt from the City's requirement for mitigation for impacts occurring waterward of the OHWM.

In addition, if the footprint of fill below the OHWM is smaller than 10 square feet, the structure is exempt from providing mitigation as the area is considered too small to significantly impact aquatic resources.

Table 2. Mitigation requirements for fill material placed below the OHWM.

Development Type	Location of Fill Removal		Beach Nourishment Required?
	On Site	Off Site[a]	
• Stair construction, repair or replacement • Boathouse repair or replacement • Dock repair or replacement	Remove fill equivalent to volume placed below OHWM	Remove fill equivalent to 2 times volume placed below OHWM	No
• Bulkhead repair or replacement	Remove fill equivalent to volume placed below OHWM	Remove fill equivalent to 2 times volume placed below OHWM	Yes

[a] A reduced ratio for offsite fill removal may be used In limited instances when the Administrator determines that a greater ecological benefit is obtained at on offsite location than would occur on site.

What is beach nourishment?

Beach nourishment is where sediment (usually sand) is placed to protect an eroding beach. Beach sediment lost through alongshore drift or erosion is replaced from sources outside of the eroding beach (often an upland source). Nourishment creates "soft" (non-permanent) protection by creating a larger sand reservoir, pushing the shoreline seaward. Beach nourishment can protect beaches and your property, and avoid or minimize the negative effects of bulkheads.

A shoreline that has recently undergone beach nourishment.

How do I provide beach nourishment?

Generally, beach nourishment should be located onsite, waterward of the bulkhead; however nourishment may be located off site if the Administrator determines that a greater ecological benefit is obtained at an offsite location than would occur on site. For example, nourishment will be more effective if it is placed in the up-drift area of a drift cell. Its benefit will be longer lasting and spread over a greater portion of the drift cell. The City can help you determine the best location for beach nourishment.

Beach nourishment should cover an area, at minimum, equivalent to the length of the repaired or replaced bulkhead. It should be comprised of mobile sediments suitable for nearshore forage fish spawning habitat. Beach nourishment material should be comprised of 100 percent WDFW Fish Mix or other material approved by the Administrator.

The volume of nourishment should rise at least 1-foot above OHWM and have a foreshore slope no greater that 1 vertical unit per 5 horizontal units (1:5 slope).

The frequency of nourishment must follow WDFW recommendations or occur every five years over a 25-year period. The frequency of nourishment may be less if a sediment loss analysis completed by a qualified professional recommends otherwise. The required frequency of nourishment will be documented in an agreement between you and the City.

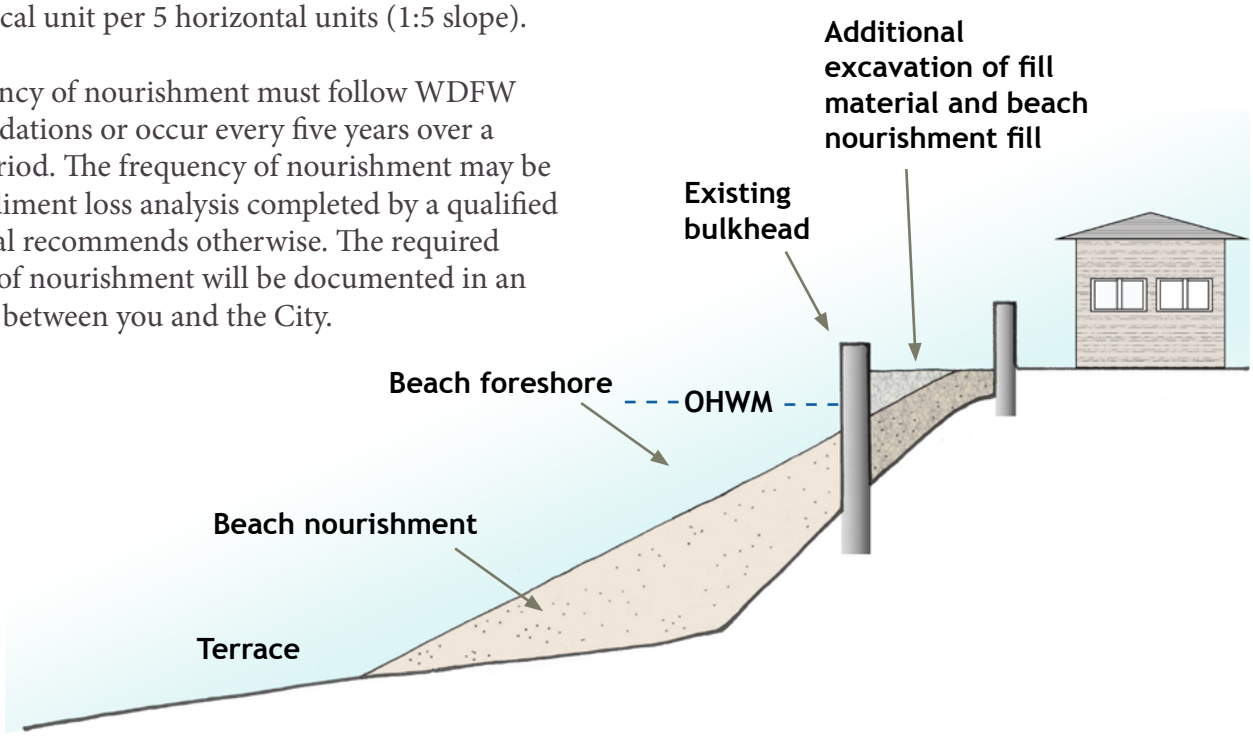


Figure 4. Beach nourishment illustration.

Aquatic Habitat is Disturbed

In-water or overwater structures have the potential to interrupt or negatively affect ecological functions and processes such as shading or eliminating aquatic habitat, increasing predator opportunities, and interrupting nearshore sediment flow and beach formation. Mitigation is required for repair or replacement because impacts continue to occur for the life of the structure. Construction activities related to repair or replacement may also temporarily affect fish and wildlife, water quality, or shoreline processes.

New in-water or overwater structures are not covered by this manual. Only repair or replacement of in-water or overwater structures are covered by this manual and they must fall within the size constraints identified in Table 1. Qualifying projects must satisfy the SMP requirements for a repair or replacement and must mitigate for the loss of ecological functions.

In-water and overwater repairs and replacements covered by this guidance include bulkheads, boathouses, stairs to the beach, and docks (the components of a dock include ramps, piers and floats, and requirements apply to all components). Note that in-water and overwater repairs and replacements of any structure may require permits from USACE and WDFW, as well as the City.

Upon project completion all areas of shoreline disturbed for the repair or replacement should be restored to as near pre-project configuration as possible and replanted with native vegetation appropriate to the site and approved by the City.

Exemption from mitigation is provided for repair or replacement of structures which meet certain structure impact reduction provisions (such as narrowing a dock or using grating to increase sunlight penetration). These are detailed in the section called *Mitigation Exemption for Repair or Replacement of Overwater Structures*. When there is no reduction of the structure, you are required to remove an equivalent or greater area of overwater structure elsewhere within the City; contact the Planning and Community Development Department for more details and appropriate locations.

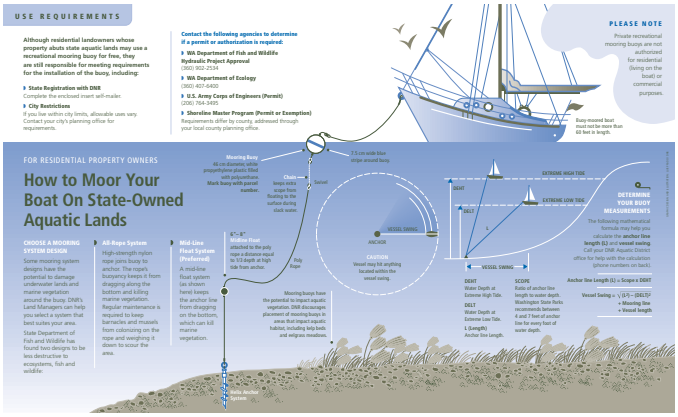
Mitigation Exemption for Repair or Replacement of Overwater Structures

Replacement of docks or stairs with retractable systems are exempt from City required mitigation for impacts to ecological functions and processes occurring waterward of OHWM. Repairs or replacements that reduce the shading footprint of an existing dock are also exempt.

To qualify, any two of the following measures may be used, in accordance with provisions in the SMP:

- Replace dock surface with grating or gridding
- Reduce dock width, to meet current SMP and USACE requirements
- Increase dock height, to meet current SMP, WDFW or USACE recommendations.

These alterations must conform to the most recent design guidance provided by the USACE found in its current *Regional General Permit for Residential Inland Marine Overwater Structures* (Permit Number CENWS-OD-RG-RGP-6) or meet City requirements, whichever standard provides a smaller footprint and greater light penetration. The Department of Planning and Community Development is available to assist with making this determination. Please contact the department if you have any questions.



Washington State Department of Natural Resources' *Recreational Mooring Buoys* brochure. Find the brochure at http://www.dnr.wa.gov/Publications/aqr_mooring_buoy_brochure.pdf.

Some considerations when planning to repair or replace your dock to avoid mitigation:

- Use a mooring buoy instead of repairing or replacing your dock.
- Replace your fixed dock with a dock that can be retracted when not in use to minimize disturbance to aquatic habitat.
- Share a neighbor's dock instead of repairing or replacing yours.

To avoid mitigation for repairs or replacements of both fixed or floating docks, the city requires that both of the following be met:

- The dock is no wider than 4 feet for a single use dock and 6 feet for a joint use dock.
- Grating or gridding and replacement floats must be installed that result in a total open area of a minimum of 30 percent. For example, this can be achieved by installing grating with 60 percent open area on at least 50 percent of the dock or by grating a larger percentage of the dock with openings of less than 60 percent. The following equation is used:

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

Example 0.6 (60%) * 0.5 (50%) = 0.3 (30%)

What is the Process for Obtaining Approval to Use this Guidance?

- Submit your project proposal, completed checklist, and site plan along with your list of required mitigation activities and their proposed design to Planning and Community Development for review and approval by the Administrator.
- Obtain all required shoreline permits as outlined in Table 4-1 of the SMP.
- Submit these applications along with your project proposal.
- A preapplication conference may be required.

A checklist is provided in this manual to assist you with submitting a complete proposal that fulfills the requirements of this manual. Please contact Planning and Community Development by phone at (206) 780-3750 or by email at pcd@bainbridgewa.gov if you have any questions.

Checklists for Mitigation Approval

For each item below, please attach additional information to this checklist as needed to describe fully your project and proposed mitigation.

General Checklist for All Sites

	ITEM	NOTES
☐	Project description	Include a brief description of your proposed structure, along with its footprint.
☐	List of impacts requiring mitigation	See Table 1.
☐	Proposed mitigation description	Will mitigation be onsite or offsite? For offsite mitigation, provide location and confirmation that the property owner has agreed to have mitigation on their property.
☐	Site plan	Show locations of existing and proposed structure(s) as well as location(s) for mitigation.

ITEM

☐ Vegetation Clearing

- ☐ Areas of Clearing and Replanting
- ☐ Species List
- ☐ Example Spacing for Planting Species
- ☐ Plant Sizes

☐ Creation of New Impervious Area

- ☐ Provide the location and area of impervious surface to be reomoved and replanted.

OR

- ☐ If constructing a RAIN GARDEN
  - ☐ Drainage area calculation
  - ☐ Location and size of rain garden using methods from *Rain Garden Handbook for Western Washington Homeowners* found at www.raingarden.wsu.edu/index.html

☐ Permitted Fill Below OHWM

- ☐ Provide calculation of fill volume and proposed location for removing required fill volume

☐ Beach Nourishment

- ☐ Provide location and volume to be deposited
- ☐ Provide frequency of nourishment

☐ USACE permit or WDFW HPA is obtained

- ☐ Brief description of mitigation requirements
- ☐ Provide copy of each permit and any associated conditions

Appendix A

Native Plant List and Suggested Plant Spacing

Native Plant List

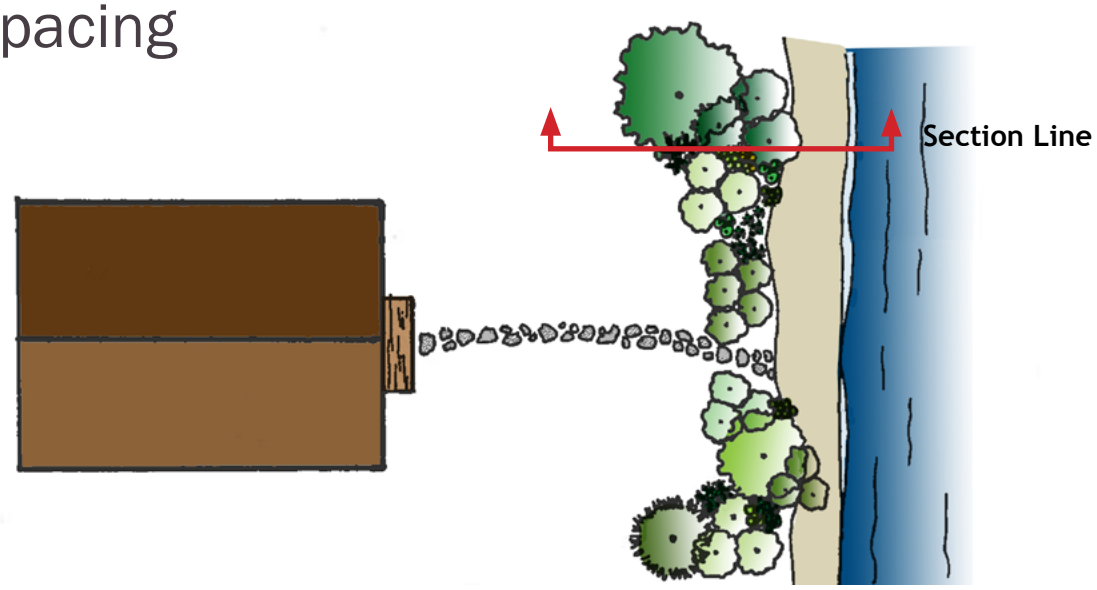
The following tables provide a list of native trees, shrubs, groundcovers, and seed mixes for different site conditions along with their recommended on-center spacing, maintenance notes, and aesthetic qualities.

Additional information on native plants appropriate for Bainbridge Island can be found at:

http://www.kitsapgov.com/dcd/lu_env/native_plants/native_plants.pdf

Examples of a plan view of a planting plan and a section view showing typical plant spacing are provided below.

Plant Spacing



Plan view of native multistoried plant clusters.

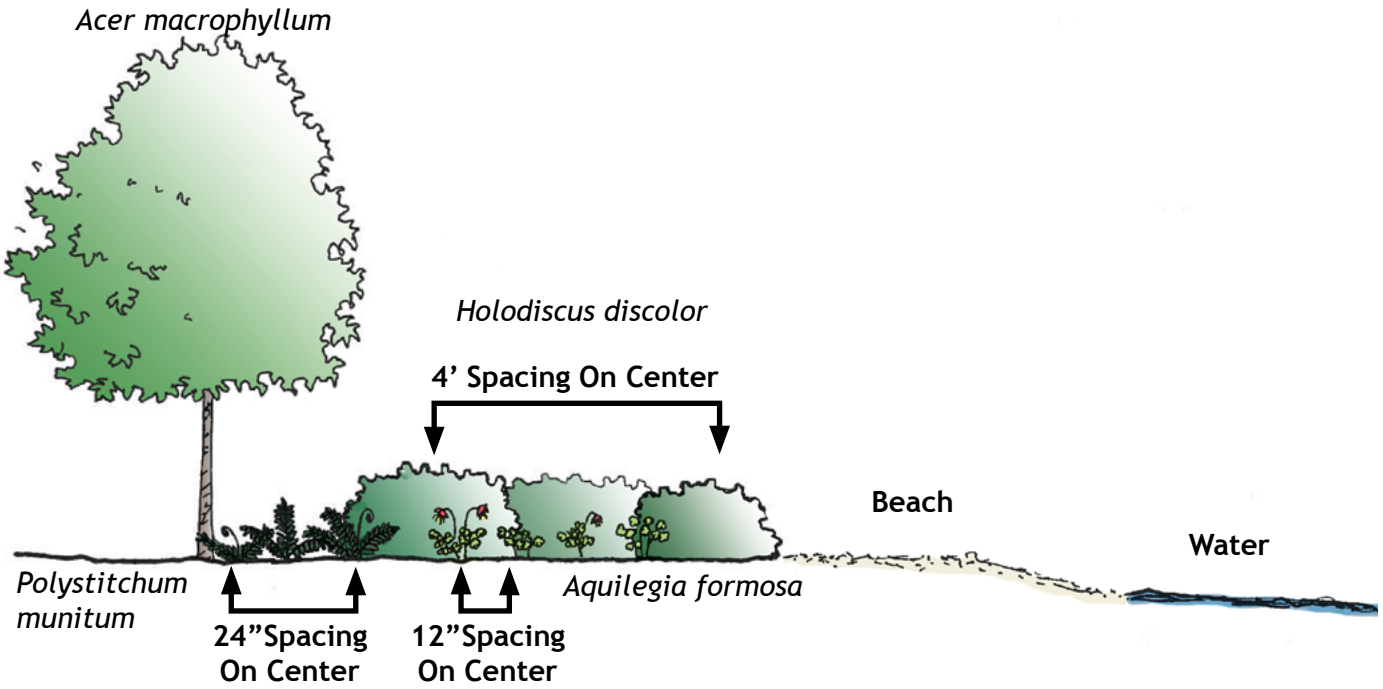


Illustration of on-center native plant spacing.

Bainbridge Island Mitigation Manual Plant List

Deciduous Trees				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	
Acer circinatum	Vine maple	Part shade. Moist soil.	10' to 15'	✓	✓	✓	10'	Provides vibrant fall color. Good for seasonally wet soils.	✓	✓				
Acer macrophyllum	Big-leaf maple	Part shade to full sun. Moist, well drained soils.	90'			✓	30'	Vigorous grower. Good for seasonally wet or seasonally dry soils. Plant away from pond inlets and outlets to avoid leaf litter debris clogging structures.	✓	✓				
Alnus rubra	Red alder	Full sun. Poor, moist soil.	100'			✓	15'	Short lived tree. Plan on harvesting and/or replacing in 50 year cycle. Important species for nitrogen fixation. They establish well on disturbed sites.		✓	✓			
Amelanchier alnifolia	Serviceberry	Full sun. Well drained soil. Very drought tolerant.	10'			✓	10'	Early spring bloomer. Use this tree for Spring interest. Good for seasonally dry soils.	✓	✓				✓
Arbutus menziesii	Pacific madrone	Full sun. Well drained, poor, dry rocky soil.	50'			✓	20'	Difficult species to transplant.	✓					✓
Corylus cornuta	Western hazelnut	Part shade to full sun. Well drained soil. Understory species.	20'			✓	15'	This small tree is sometime classified as a shrub. The spring flowers appear before the leaves in yellow catkins. The fall leaves are pale yellow.	✓					✓
Fraxinus latifolia	Oregon ash	Part shade to full sun. Moist to saturated soils.	75'	✓		✓	20'	Fast growing for first third of life span and long lived. Good for seasonally wet soils. This species is often found growing in dense stands.		✓				
Prunus emarginata	Bitter cherry	Part shade to full sun. Dry to moist sites.	30'	✓	✓	✓	15'	Short lived. Plan on harvesting and/or replacing within 40 to 50 years.	✓	✓				

Bainbridge Island Mitigation Manual Plant List

Deciduous Trees				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	**Common Name**	**Site Conditions**	**Mature Height**	**Wet Slopes (WS)**	**Dry Slopes (DS)**	**Top of Bank (TOB) or Upland (U)**	**Spacing On Center (O.C.)**	**Maintenance Notes and Aesthetic Qualities**	**Dry**	**Moist to Saturated**	**0 to 1 foot**	**1 to 2 feet**	**2 to 3 feet**	
Rhamnus purshiana	Cascara	Part shade. Moist, well drained soils.	30'			✓	15'	Usually an understory species, Cascara is a beautiful small tree that produces berries attractive to birds and small mammals.	✓	✓				
Salix hookeriana	Hooker's willow	Full sun. Moist, sand/gravelly soil. Flood tolerant.	20'	✓	✓			Native willow that will sprout multiple stems.		✓				✓
Salix lucida var. *lasiandra*	Pacific willow	Full sun. Moist, sand/gravelly soil. Flood tolerant.	40'	✓	✓	✓	6'	This fast growing species is one of the tallest native willows.		✓	✓	✓	✓	
Salix scouleriana	Scouler's willow	Full sun. Moist, sand/gravel soil.	30'	✓	✓	✓	6'	A native to moist woodland and meadow areas, Scouler's willow grows rapidly and can reseed after soil disturbance.		✓	✓	✓		
Sorbus sitchensis	Sitka mountain ash	Full sun. Moist, rich soil.	10'	✓		✓	6'	A small tree or shrub, this species is often multi-stemmed with a rounded crown. Flowers are creamy white and the fruits persist in winter, providing important winter forage for birds and wildlife.		✓	✓			

Conifers				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	**Common Name**	**Site Conditions**	**Mature Height**	**Wet Slopes (WS)**	**Dry Slopes (DS)**	**Top of Bank (TOB) or Upland (U)**	**Spacing On Center (O.C.)**	**Maintenance Notes and Aesthetic Qualities**	**Dry**	**Moist to Saturated**	**0 to 1 foot**	**1 to 2 feet**	**2 to 3 feet**	
Pinus contorta var. *contorta*	Shore pine	Full sun. Well drained soil.	50'			✓	30'	This slender evergreen has orange-brown twigs that darken with age. Cones are asymmetrical and 1" to 2" long. Good to plant along the upland border of a pond.	✓					✓
Picea sitchensis	Sitka spruce	Part shade to full sun. Moist or saturated soils.	250'	✓		✓	30'	Large evergreen with sage green or light green foliage.		✓	✓			

Bainbridge Island Mitigation Manual Plant List

Conifers				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	
Thuja plicata	Western red cedar	Full shade to full sun. Moist to swampy soil.	100'	✓	✓	✓	30'	Long-lived western native that can survive moist, mucky conditions.		✓	✓			
Tsuga heterophylla	Western hemlock	Full shade. Wet soil.	150'	✓	✓	✓	30'	Young trees have foliage with a feathery appearance. The 1" long cones are small and papery. Species can be shallow rooted and prone to blow down in some locations.		✓	✓			

Deciduous Shrubs				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	
Cornus sericea (stolonifera)	Red-osier dogwood	Shady stream banks. Moist, well drained soils.	15'	✓	✓	✓	4'	Plant minimum of 4' from all walkways, roads, and fences in order to avoid pruning. Prune 2-3 branches of a multi-stemmed specimen to the base every other year to stimulate new branch development. New branches have bright red color and will provide winter interest.		✓	✓			
Holodiscus discolor	Ocean spray	Part shade to full sun. Well drained, dry soil.	15'			✓	4'	Large, vase-shaped shrub with arching branches. The big foamy white clusters of flowers bloom throughout the summer months, making this an excellent pollinator species. Good for seasonally dry soil.	✓	✓				✓
Lonicera involucrata	Black twinberry	Part shade. Moist soils.	2' to 7'			✓	4'	This erect, thinly branches species has twin tubular yellow flowers. The shiny black fruits are cupped by two showy purplish-maroon bracts.	✓					

Deciduous Shrubs				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	
Myrica gale	Sweet gale	Part shade to full sun. Moist to wet soils.	5'	✓		✓	4'	Upright growth form. Can be used as a windbreak when planted in rows. Good nitrogen-fixing soil properties. Has a spicy scent on hot summer days. Can grow in relatively poor soils.		✓				

Deciduous Shrubs				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	
Myrica californica	California gale	Part shade to full sun. Moist to wet soils.	6'-18'	✓		✓	4'	A large shrub to small tree with an upright growth pattern. Great for border planting.		✓				
Oemleria cerasiformis	Indian plum	Part shade. Moist to dry, well-drained soil.	5'- 16'			✓	4'	An early bloomer, Indian plum is one of the first shrubs to flower in the spring. The drooping chains of white flowers appear just before the leaves. Birds love the small fruit that begin as yellow-gold and transform into a bluish-black color later in the summer. In the sun, this species can grow as a large, dense plant, but in the shade it will take on a more open and sprawling growth form.	✓	✓				
Philadelphus lewisii	Mock orange	Part shade to full sun. Well drained soil.	5' -10'			✓	4'	This species is an ornamental favorite. The white flowers that appear in late spring and early summer have a lovely sweet smell. This species is great for pollinators, along borders, and clustered in odd numbers.	✓	✓				
Physocarpus capitatus	Pacific ninebark	Full sun. Moist soil.	6' -12'	✓			3'	This multi-stemmed shrub has interesting bark that looks as if it is shedding layers. The flowers appear as white clusters in later spring and early summer.		✓				

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Deciduous Shrubs				Plant Placement					Seasonal Water Level Tolerance					
Latin Name	**Common Name**	**Site Conditions**	**Mature Height**	**Wet Slopes (WS)**	**Dry Slopes (DS)**	**Top of Bank (TOB) or Upland (U)**	**Spacing On Center (O.C.)**	**Maintenance Notes and Aesthetic Qualities**	**Dry**	**Moist to Saturated**	**0 to 1 foot**	**1 to 2 feet**	**2 to 3 feet**	**Marine Shoreline (Saltwater Tolerant)**
Ribes sanguineum	Red-flowering currant	Part shade to full sun. Moist to dry, well drained soil.	8' -10'		✓	✓	4'	The pink to deep red sprays of flowers on this shrub are a favorite early source of food for hummingbirds. Other birds eat the blue-black berries before the end of summer.	✓	✓				
Rosa nutkana	Nootka rose	Full sun. Moist soil.	3' 6'	✓	✓	✓	4'	Fast growing. Good for seasonally wet or seasonally dry soils. Bright pink flowers May through June. Rose hips are purplish-red in fall.		✓				
Rubus parviflora	Thimbleberry	Part shade to full sun. Moist to dry soil.	4' -6'		✓	✓	4'	Medium growth rate. Tolerates dry to seasonally wet soil. Spreads through rhizomes. Large leaves emerge in Spring. Flowers are large, papery, and white. Edible red berries look like raspberries.	✓					
Rubus spectabilis	Salmonberry	Full shade to full sun. Moist soil.	3'- 10'	✓	✓	✓	4'	Fast growing. Bright pink to magenta flowers appear single or in small groups from March through April. The yellow to reddish fruit provide wildlife forage.	✓	✓	✓			
Sambucus racemosa	Red elderberry	Part shade to full sun. Moist soil.	5' -8'			✓	10'	Fast growing. Good for seasonally wet or seasonally dry soils. This shrub can grow into the form of a small tree. Clusters of white flowers in May. Red berries appear June through July.		✓				
Spiraea douglasii	Douglas spirea	Full sun. Wetland or lake edge.	4' -7'	✓		✓	6'	Fast growing. Prefers moist to wet soils. Will tolerate dry soils once established, but will do best on moist or boggy sites. Needs regular water during establishment. Can form thickets in boggy areas. Large clusters of tiny pinkish red flowers. Flower plumes dry and remain on plant through winter.		✓	✓	✓	✓	

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Deciduous Shrubs				Plant Placement					Seasonal Water Level Tolerance					
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	Marine Shoreline (Saltwater Tolerant)
Symphoricarpus albus	Snowberry	Part shade to full sun. Moist to dry, well drained soil.	2' -6'	✓	✓	✓	3'	Good for seasonally wet or seasonally dry soils. If pruned to ground in early spring, plant will resprout vigorously with more fruit. White to pink bell-shaped flowers. White waxy, non-edible fruit.						✓
Symphoricarpus mollis	Creeping snowberry	Full shade to full sun. Moist to dry, well drained soil.	2'	✓	✓	✓	3'	This trailing species spreads by sending out new roots from along its stem. This low-growing shrub is an excellent groundcover in areas where visibility needs to be maintained.	✓	✓				

Evergreen Shrubs				Plant Placement					Seasonal Water Level Tolerance					
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	Marine Shoreline (Saltwater Tolerant)
Arctostaphyllos uva-ursi	Kinnikinnick	Full sun. Dry soil.	12"		✓	✓	2'	Low-growing evergreen shrub that is also commonly used as a groundcover.	✓					
Berberis aquifolium	Tall Oregon grape	Part shade. Well drained soil.	5' -8'			✓	4'	Tall shrub with bright yellow clusters of flowers and clusters of blue fruit in late summer and fall. Good for seasonally dry soil and open areas. Good bird forage species.	✓					
Berberis nervosa	Dull Oregon grape	Part shade. Moist, well drained soil.	2' -3'	✓	✓	✓	3'	Low-growing shrub that prefers shade, but will tolerate open areas. Flowers are bright yellow clusters and fruits are in blue berry-like clusters.	✓	✓				
Ceanothus velutinus	Snowbrush	Full sun. Moist to dry soil, well drained.	20'			✓		Large, pyramidal-shaped clusters of small white flowers. This shrub has a spicy scent. The new bark is reddish or purplish in color.	✓	✓				

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Evergreen Shrubs				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	**Common Name**	**Site Conditions**	**Mature Height**	**Wet Slopes (WS)**	**Dry Slopes (DS)**	**Top of Bank (TOB) or Upland (U)**	**Spacing On Center (O.C.)**	**Maintenance Notes and Aesthetic Qualities**	**Dry**	**Moist to Saturated**	**0 to 1 foot**	**1 to 2 feet**	**2 to 3 feet**	
Gaultheria shallon	Salal	Part shade to full sun. Well drained soil.	3' -6'		✓	✓	3'	Good for seasonally dry soil. The more sun, the less the plant will spread. Spreads by layering, suckering, and sprouting. Does best with some moisture and part shade. Deer, rabbit, and snail resistant.	✓					✓
Vaccinium ovatum	Evergreen huckleberry	Shade to full sun. Moist, well drained soil.	3' in full sun. 15' in deep shade.	✓		✓	4'	This shrub has shiny, leathery leaves and tiny pink bell-shaped flowers that bloom from April through July. In areas with full sun, this shrub will have a more open form		✓				

Groundcovers				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	**Common Name**	**Site Conditions**	**Mature Height**	**Wet Slopes (WS)**	**Dry Slopes (DS)**	**Top of Bank (TOB) or Upland (U)**	**Spacing On Center (O.C.)**	**Maintenance Notes and Aesthetic Qualities**	**Dry**	**Moist to Saturated**	**0 to 1 foot**	**1 to 2 feet**	**2 to 3 feet**	
Adiantum aleuticum	Maidenhair fern	Full shade. Moist to wet soil.	2'	✓		✓	24"	A black-stemmed fern with delicate palmately arranged leaves.	✓	✓				
Angelica lucida	Sea-watch	Part shade to full sun. Moist to wet soil.	5'	✓			3'	Single-stemmed plant with tight clusters of small white flowers. Blooms in late spring.		✓				✓
Aquilegia formosa	Western columbine	Part shade to full sun. Moist soil.	2'	✓	✓	✓	12"	The beautiful red and yellow flowers bloom in spring and summer. The delicate leaves die back in the winter months and resprout in the spring.	✓	✓				
Armeria maritima	Sea thrift	Full sun. Dry soils.	12"	✓	✓		12"	A popular garden flower with a slow-growing spreading habit. Good for cut flower arrangements.	✓	✓				✓

Bainbridge Island Mitigation Manual Plant List

Groundcovers				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	
Aruncus sylvester	Goat's beard	Part shade. Moist soil.	3'- 5'	✓		✓	4'	A deciduous wildflower with large masses of airy white flowers that turn brownish-red as the seasons progress. This plant has a great form throughout the winter and resprouts new arching stems each spring.		✓				
Aster subspicatus	Douglas' aster	Part shade to full sun. Moist to dry soils.	3'	✓	✓	✓	3'	A perennial herb with bluish-purple ray flowers. Blooms in late summer.	✓					✓
Athyrium filix-femina	Lady fern	Full shade. Moist to wet soil.	2'-5'	✓		✓	24"	This fern has delicate feathery fronds and red stems. It is a reliable groundcover.		✓	✓			
Blechnam spicant	Deer fern	Full shade. Moist soil.	2'	✓		✓	24"	A low-growing, hardy fern that does well under the shade of plants.		✓				
Camassia quamash	Common camas	Part shade to full sun. Moist to moderately dry soils.	18"-24"	✓	✓	✓	12"	This pale to deep blue, occasionally white, lily has spike with 5 to many flowers. This showy plant blooms over a short few weeks in late spring.	✓	✓				
Clarkia amoena	Dwarf godetia	Full sun. Moist to moderate soils.	8"- 14"	✓	✓	✓	18"	This pink to rose-purple flower blooms in mid-summer and continues to bloom for several weeks. A taprooted species, it is good for drier sites.	✓	✓				
Dicentra formosa	Pacific bleeding heart	Full shade. Moist soil.	18"	✓	✓	✓	24"	A delicate-leaved plant with little pink heart-shaped flowers, this plant spreads by rhizomes (underground root systems).	✓	✓				

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Groundcovers				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	
Epilobium angustifolium	Fireweed	Full sun. Moist to dry soil.	2'-6'		✓	✓	24"	Showy rose to purple flowers in tall spike-like clusters. This plant spreads by seed and rhizome and will continue to thrive as long as it gets sun.	✓	✓				
Fragaria chiloensis	Coastal strawberry	Part shade to full sun. Sandy soil.	6"	✓	✓	✓	12"- 18"	A hardy, small strawberry plant that will colonize open areas and create a dense groundcover.	✓	✓				✓
Heuchera micrantha	Alumroot	Full shade. Moist soil.	18"-24"	✓		✓	18"	A delicate native with a tall spike of small white flowers. Great for shady sites.	✓	✓				
Lupinus polyphyllus	Large-leaf lupine	Part shade. Moist soil.	12"-36"	✓	✓	✓	12"	Big, robust plant with bold, rich-green palmate leaves. The flowers are large spikes of deep-blue to purplish flowers. This plant blooms biennially and will spread from seed.	✓	✓				
Mimulus guttatus	Yellow monkey flower	Full sun. Moist to wet soil.	18"- 30"	✓		✓	24"	This perennial herb spread by rhizomes and has bright happy yellow flowers with crimson to reddish-brown spots.		✓	✓			
Oxalis oregana	Sorrel	Full shade. Moist soil.	12"	✓	✓	✓	14"	This clover-like species spreads by rhizomes and forms a nice groundcover. The small white flowers bloom in spring and summer.	✓	✓				

Bainbridge Island Mitigation Manual Plant List

Groundcovers				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	
Plectritis congesta	Sea blush	Full sun. Moist to wet soil.	6"-24"	✓		✓	12"	This small herb has an upright stem that supports a head of showy pink flowers.	✓	✓				
Polystitchum munitum	Sword fern	Moist to dry soil.	2'- 5'	✓	✓	✓	24"	One of the most adaptable, hardy ferns this species stays green year-round.	✓	✓				
Potentilla anserina var. pacifica	Silverweed	Part shade to full sun. Moist to wet soil.	18"	✓			24"	Small spreading plant with yellow flowers. Blooms late spring through mid-summer.		✓				✓
Sedum spathulifolium	Broad-leaved stonecrop	Full sun. Dry soils.	6"		✓	✓	12"	A native sedum with green and red succulent foliage. The yellow flowers bloom in June and July.	✓					✓
Sidalcea hendersonii	Henderson's checkermallow	Full sun. Moist to wet soil.	5'	✓			3'	A tall native herbaceous perennail with a stalk of pink to mauve flowers that bloom early to mid-summer.		✓				✓
Sisyrinchium idahoense	Blue eyed grass	Part shade to full sun. Moist soils.	24"	✓	✓	✓	12"	This perennial herb has grass-like leaves, but has a light blue to dark purple (sometimes white) flower.	✓	✓				
Tellima grandiflora	Fringecup	Part shade. Moist soil.	14"- 30"	✓		✓	18"	A perennial herb with a spike of fragrant, greenish-white flowers that turn pink or reddish as the flowers age.	✓	✓				
Tolmiea menziesii	Youth-on-age	Full shade. Moist soil.	6" -12"	✓		✓	12"	Small plant that forms a delicate groundcover. The tiny flowers are brownish-purple.	✓	✓				

Bainbridge Island Mitigation Manual Plant List

Grasses, Sedges, and Rushes				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	
Agrostis exarata	Spiked bentgrass	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	1'-3'	✓			12"	A perennial grass that grows in tufted form and has erect spikes, as its name suggests.		✓	✓			
Beckmannia syzigachne	American sloughgrass	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	1'-3'	✓			12"	A stout grass with somewhat spongy stems, this plant grows on its own or in groups. This species can be planted or seeded.		✓	✓			
Bromus sitchensis	Sitka brome	Full sun. Dry soils.	6"- 18"			✓	12"	A stout perennial grass with flowers in open, airy panicles.	✓					
Carex lyngbyei	Lyndgye's sedge	Part shade to full sun. Wet soils.	3'	✓			12"	A wetland sedge with lime to medium green foliage. Tops of leaf blades sometimes slightly arching. Brown flower stalks.		✓				✓
Carex obnupta	Slough sedge	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	1'-3'	✓			12"	A large tufted sedge with erect, then arching leaf blades and large brown arching flower heads.		✓	✓	✓		
Carex stipata	Saw beaked sedge	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	1'-3'	✓			12"	A tufted arching sedge, this plant has pyramidal flower clusters that turn from light green to golden as they mature. Flower stems are erect and leaves are bright spring green.		✓	✓			
Danthonia californica	California oat grass	Full sun. Dry to moist soil.	10"- 12"		✓	✓	12"	A delicate, native, clumping grass with purplish-red flowers.	✓	✓				
Deschampsia cespitosa	Tufted hairgrass	Full sun. Moist to wet soil.	18"- 4'	✓	✓	✓	12"	This large, clumping grass has big feathery flower heads with bronze arching flowers.	✓	✓	✓			✓
Eleocharis palustris	Common spikerush	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	1'-3'	✓			12"	A mat-forming perennial spikerush with erect slender stems.		✓	✓	✓	✓	
Elymus glaucus	Blue wildrye	Full shade to full sun. Dry to moist soil.	2'-4'	✓	✓	✓	12"	A tufted perennial grass that forms small clumps and has light blue-green green leaf blades.	✓	✓				✓

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Grasses, Sedges, and Rushes				Plant Placement					Seasonal Water Level Tolerance					Marine Shoreline (Saltwater Tolerant)
Latin Name	Common Name	Site Conditions	Mature Height	Wet Slopes (WS)	Dry Slopes (DS)	Top of Bank (TOB) or Upland (U)	Spacing On Center (O.C.)	Maintenance Notes and Aesthetic Qualities	Dry	Moist to Saturated	0 to 1 foot	1 to 2 feet	2 to 3 feet	
Elymus mollis	Dune grass	Full sun. Moist to wet soil.	3'	✓			24"	An industrial strength dune grass that forms large clumps and spreads via underground stems. A hearty weed competitor.		✓				✓
Festuca rubra	Red fescue	Full sun to full shade. Dry to moist soil.	2'	✓	✓	✓	12"	A versatile grass that spreads by rhizome. One of the few shade tolerant grasses.	✓	✓				
Glyceria occidentalis	Northwestern mannagrass	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	1'-5'	✓			12"	A tall perennial wetland grass.		✓	✓	✓	✓	
Hordeum brachyantherum	Meadow barley	Full sun. Dry to moist soil.	1'-3'	✓	✓	✓	12"	A hardy native tolerant of wet, dry, and saline sites. This species is used for erosion control and as a groundcover. Can sometimes compete with reed canary grass.	✓	✓				
Juncus ensifolius	Dagger-leaf rush	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	6" to 2.5'	✓			12"	A small rush with an erect form, this wetland species spreads by rhizome.		✓	✓	✓		
Juncus tenuis	Slender rush	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	6" to 2'	✓			12"	This rush is best planted, due to its low seed fertility rate. A clump forming perennial rush.		✓	✓	✓		
Schoenoplectus acutus	Hardstem bulrush	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	3' to 6'	✓			12"	A good wetland species to use for soil stabilization and water treatment. Birds eat the seeds, but this plant is not a preferred food of deer and elk.		✓	✓	✓	✓	
Schoenoplectus microcarpus	Soft stem bulrush	Full sun to part shade. Moist, saturated, or seasonally to permanently flooded conditions.	2' to 3'	✓			12"	A good soil stabilization and water quality species, this plant spreads readily by rhizome.		✓	✓	✓		

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Bainbridge Island Emergent Seed Mix			Seasonal Water Level Tolerance				
Latin Name	**Common Name**	**% Mix**	**Dry**	**Moist to Saturated**	**0 to 1 foot**	**1 to 2 feet**	**2 to 3 feet**
Beckmannia syzigachne	American sloughgrass	20		✓	✓	✓	
Carex obnupta	Slough sedge	10					
Eleocharis palustris	Common spikerush	10					
Elymus glaucus	Blue wildrye	20					
Glyceria occidentalis	Northwestern mannagrass	10					
Juncus ensifolius	Dagger-leaf rush	10					
Juncus tenuis	Slender rush	10					
Schoenoplectus acutus	Hardstem bulrush	5					
Schoenoplectus microcarpus	Soft stem bulrush	5					

Bainbridge Island Wetland Bottom Seed Mix			Seasonal Water Level Tolerance				
Latin Name	**Common Name**	**% Mix**	**Dry**	**Moist to Saturated**	**0 to 1 foot**	**1 to 2 feet**	**2 to 3 feet**
Agrostis exarata	Spiked bentgrass	20		✓	✓	✓	✓
Carex stipata	Saw beaked sedge	30					
Glyceria occidentalis	Northwestern mannagrass	20					
Schoenoplectus microcarpus	Soft stem bulrush	30					

Bainbridge Island Moist to Dry Slope Seed Mix			Seasonal Water Level Tolerance				
Latin Name	**Common Name**	**% Mix**	**Dry**	**Moist to Saturated**	**0 to 1 foot**	**1 to 2 feet**	**2 to 3 feet**
Deschampsia cespitosa	Tufted hairgrass	20	✓	✓			
Hordeum brachyantherum	Meadow barley	30					
Elymus glaucus	Blue wildrye	15					
Festuca rubra var *rubra*	Red fescue	20					
Bromus carinatus	California brome	15					

Bainbridge Island Mitigation Manual Plant List

Bainbridge Island Emergent Wildflower/Pollinator Seed Mix			Seasonal Water Level Tolerance				
Latin Name	**Common Name**	**% Mix**	**Dry**	**Moist to Saturated**	**0 to 1 foot**	**1 to 2 feet**	**2 to 3 feet**
Camassia quamash	Common camas	25	✓	✓			
Erigeron speciosus	Aspen daisy	25					
Lupinus polyphyllus	Large-leaf lupine	25					
Sisyrinchium idahoense	Blue eyed grass	25					

Bainbridge Island Upland Grass Seed Mix			Seasonal Water Level Tolerance				
Latin Name	**Common Name**	**% Mix**	**Dry**	**Moist to Saturated**	**0 to 1 foot**	**1 to 2 feet**	**2 to 3 feet**
Bromus carinatus	California brome	20	✓				
Festuca rubra var. rubra	Red fescue	30					
Hordeum brachyantherum	Meadow barley	50					

Bainbridge Island Upland Forb Seed Mix			Seasonal Water Level Tolerance				
Latin Name	**Common Name**	**% Mix**	**Dry**	**Moist to Saturated**	**0 to 1 foot**	**1 to 2 feet**	**2 to 3 feet**
Achillea millefolium	Yarrow	25	✓				
Clarkia amoena	Farewell-to-spring	25					
Lupinus bicolor	Bicolor lupine	25					
Solidago canadensis	Canada goldenrod	25					

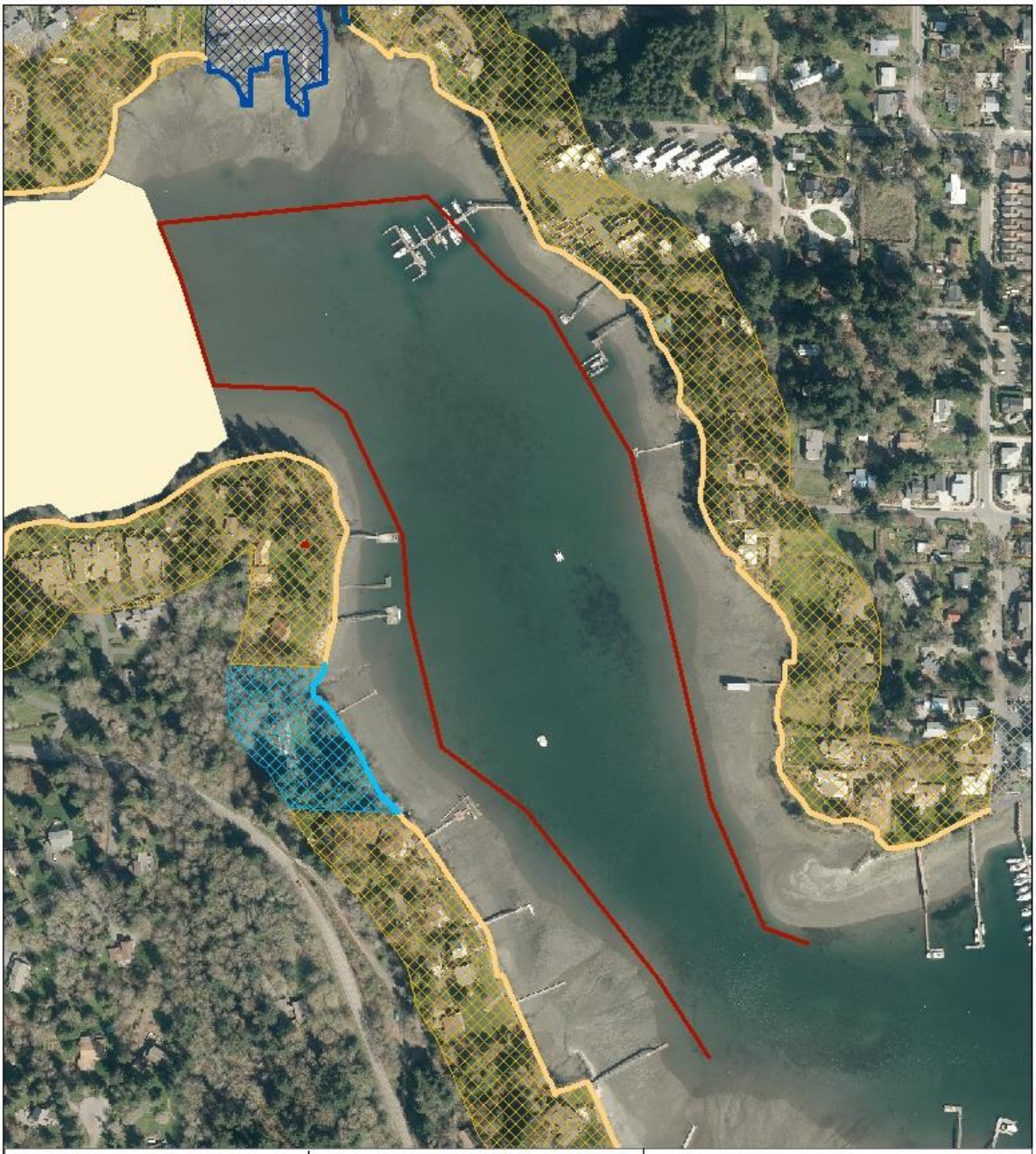
Appendix E

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

Exhibit B – Table of Changes Made to Draft SMP Amendment

NOTE: This table presents changes made by staff to the draft SMP Amendment previously approved by City Council (Resolution No. 2019-05) and reviewed by Ecology. To make the final edits easier to identify, changes made by staff are shown in red ~~strikethrough~~/underline text, whereas changes previously reviewed by City Council and Ecology are not.

	SMP Submittal Provision	CHANGES TO DRAFT SMP AMENDMENT (underline = additions; strikethrough = deletions)	RATIONALE
1	SMP 4.1.2.5.3	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~~, 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.	At the June 23, 2020 council meeting, the Council clarified that it was not the intent in amending Section 4.2.1 to trigger this particular provision, in response to staff's suggestion to include a cross-reference in the nonconforming section of the SMP. As such, reference to Section 4.2.1 has been struck from this replanting standard.
2	SMP 4.1.2.8 Regulations – Monitoring and Maintenance	3. Monitoring programs shall meet the requirements established in Section 4.1.5.~~14~~15, Critical Area Reports.	Corrected internal reference to Critical Areas Report Section (SMP 4.1.5.15).
3	SMP 4.1.3.4 Regulations – Exceptions	3.c.ii. When a hazard tree is located in a geologically hazardous area, the applicant shall submit documentation of compliance with development standards pursuant to Section 4.1.5.~~10~~11.4, Critical Areas. The hazard tree may be removed prior to the approval of the plan if it is necessary to protect life and property.	Corrected internal reference to development standards for geologically hazardous areas (SMP 4.1.5.11.4).
4	SMP 4.1.3.5	3.a.ii. The Habitat Management Plan shall be reviewed by the Administrator in accordance with provisions in Section 4.1.5.~~14~~15. 8.a.v. Documentation of compliance with the development standards in Section 4.1.5.~~10~~11.4 provided by a licensed geotechnical engineer for any vegetation alteration in a geologically hazardous area.	Corrected internal reference to Critical Areas Report Section (SMP 4.1.5.15). Corrected internal reference to development standards for geologically hazardous areas (SMP 4.1.5.11.4).
5	SMP 4.1.3.8 Vegetation Alteration Standards – Residential Development	4.a.iv. Documentation of compliance with the development standards in Section 4.1.5.~~10~~11.4 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	Corrected internal reference to development standards for geologically hazardous areas (SMP 4.1.5.11.4).

6	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.	Language added, as recommended by Ecology (Recommended change 1, Initial Determination of Consistency – Attachment 1).
7	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	Deleted reference to reasonable use allowances and corrected reference to GMA with SMA, as required by Ecology (Required change 1, Initial Determination of Consistency – Attachment 1).

		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 results in the denial of reasonable use of a property, relief can be sought through the Shoreline Variance permit process.	Added language as recommended by Ecology (Recommended change 2, Initial Determination of Consistency – Attachment 1).
8	SMP 4.1.5.5 Policies	1. Provide a level of protection to critical areas that protects, maintains, and restores these areas, and 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.	Deleted reference to reasonable use and retained language regarding no net loss, as required by Ecology (Required change 2, Initial Determination of Consistency – Attachment 1).
9	SMP 4.1.5.6 Allowed Activities within Critical Areas	1. The following activities are allowed within critical areas and their 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 required shoreline review or permit. Any activity not subject to critical areas regulations that constitutes development pursuant to Section 8, Definitions, is subject to applicable review under this Program.	Language added as recommended by Ecology (Recommended change 3, Initial Determination of Consistency – Attachment 1). Added “their” buffers to #1, to distinguish from shoreline buffers and to be consistent with Ecology’s recommended language on #2. Moved second sentence to the end of the paragraph, for improved readability.

10	SMP 4.1.5.9 Regulations – Aquifer Recharge Areas		Added "Regulations" for consistency with other sections.
11	SMP 4.1.5.10 Regulations – Fish and Wildlife Conservation Areas		Added "Regulations" for consistency with other sections. The numbering within this section was also corrected.
12	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.	Language corrected, as recommended by Ecology (Recommended change 4, Initial Determination of Consistency – Attachment 1).
13	SMP 4.1.5.14 Regulations – The Winslow Ravine – Special Rules in Mixed Use Town Center		Added "Regulations" for consistency with other sections.
14	SMP 4.2.1 Nonconforming Uses, Nonconforming Structures, and Nonconforming Lots	Nonconforming Uses, Nonconforming Structures, and Nonconforming Lots	Retain "uses" in section title; had been inadvertently struck.
15	SMP 4.2.1.3 Goal	It is the purpose of this section to recognize legally established uses, lots, and structures, and to allow them to be maintained, repaired, and remodeled, ~~replaced,~~ and, in some cases replaced or 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.	Based on Council input at the June 23, 2020 Council meeting, staff checked policy language within the nonconforming section of the SMP for consistency with the amended regulations. This section has been revised to reflect the decision by City Council to allow some, but not all (e.g. nonconforming single-family residential accessory structures), nonconforming structures to be replaced. The original language reviewed by Ecology did not reflect this decision.
16	SMP 4.2.1.4 Policies	1. Nonconforming structures may be ~~replaced,~~ repaired, maintained, or remodeled and, in some cases, nonconforming structures may be replaced or expanded provided the change meets the current regulations and standards of this Program. Decreases in nonconformity should be encouraged.	Revised, for the same reason stated above (#15).
17	SMP 4.2.1.7.1 General Provisions – Nonconforming Structures	1. All nonconforming structures may be maintained, repaired, renovated, remodeled, or rebuilt, except where stated otherwise in the specific provisions of this program. In some cases, nonconforming structures may be expanded subject to the specific provisions of this Program.	Revised, for the same reason stated (#15). As revised, this provision is consistent with the specific provisions for nonconforming structures.
18	SMP 4.2.1.7.2 Nonconforming 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:	Language added, as recommended by Ecology (Recommended change 5, Initial Determination of Consistency – Attachment 1).

20	SMP 4.1.2.8 Regulations – Encumbered and Nonconforming Lots	1.a. If a lot contains a ~~building~~ development 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.	The amendment replaces "building area" with "development area", but one reference to "building" was inadvertently missed.
21	SMP 6.2.2 Applicability	…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 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; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.	The amended SMP 4.2.1.1, Applicability (Nonconforming Uses, Nonconforming Structures, and Nonconforming Lots), states "This section does not apply to shoreline modification or shoreline stabilization." Therefore, reference to the nonconforming section has been struck from shoreline stabilization applicability statement.

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.

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.

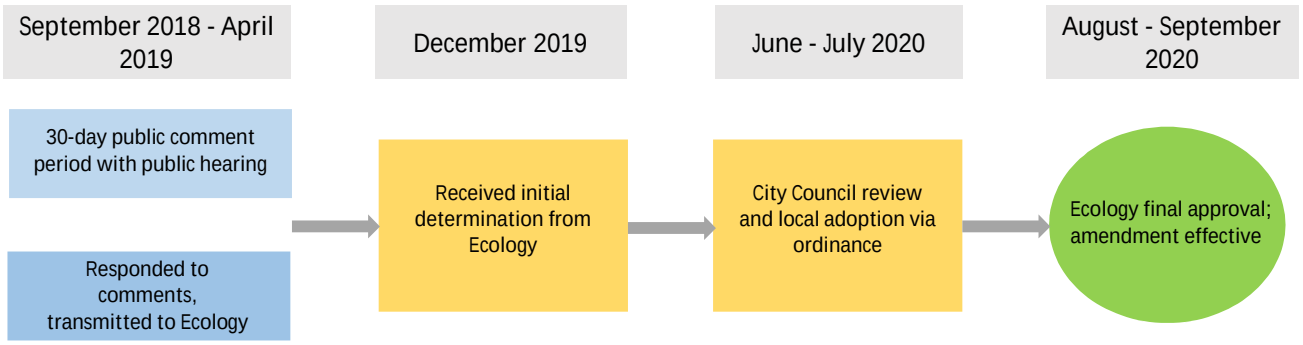
[1] Essential Single-Family Residential Accessory Structure – An accessory structure that contains a use or is intended for a use that is essential to a single-family residential principal use. The following structures shall be considered an essential residential structure: a garage or carport, one septic 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.



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

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (7:30 PM) Public Hearing on Ordinance No. 2020-24, Related to Extending the Moratorium on Certain Development Activities - Planning,

SUMMARY: The development moratorium that was initially enacted via Ordinance No. 2018-02 is scheduled to expire on October 3, 2020 unless the City Council takes further action before such date. The Council considered the moratorium on September 1 and 8, 2020, and directed City staff to prepare an ordinance for the Council's consideration to allow the Council to extend the moratorium beyond the current October 3 expiration date in its current form.

That ordinance is attached and a public hearing will be conducted to consider the ordinance and the possible extension of the moratorium to April 3, 2021. The ordinance recognizes that the Council may terminate the moratorium prior to April 3, 2021, depending on when the City completes the remaining moratorium work plan item (i.e., Critical Area Ordinance integration into the Shoreline Master Program).

Note that the attached moratorium handout will be updated if the moratorium is extended to reflect the new extension date. Note also that the ordinance includes, in yellow highlighted text, an additional "Whereas" clause that has been added to the public hearing draft of the ordinance to update it based on the Council's consideration of the ordinance on September 8, 2020.

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

RECOMMENDED MOTION: Conduct public hearing.

Suggested motion: I move to approve Ordinance No. 2020-24.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

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

BACKGROUND: The Whereas clauses in the attached ordinance, Ordinance No. 2020-24, provide significant detail regarding the basis for the moratorium and the City Council actions that have occurred related to the

moratorium. The ordinance also describes the basis to possibly extend the moratorium in its current form for an additional six months to April 3, 2021, which would allow the City time to complete the remaining task on the moratorium work plan, which is integration of the Critical Areas Ordinance into the Shoreline Master Program. That integration will not occur until the Washington State Department of Ecology ("Ecology") approves the amendment that the City will be transmitting to Ecology.

On September 22, the Council will conduct a public hearing related to Ordinance No. 2020-24 and consider public comment and testimony on the ordinance. Following the hearing, if the Council so chooses, it can enact the ordinance and extend the moratorium as described in the ordinance.

The ordinance includes an updated work plan schedule. Also attached is a map of the area of the City to which the moratorium applies, as well as a summary of the types of activities to which the moratorium applies.

Additionally, the ordinance that describes the moratorium in its current form, Ordinance No. 2020-09, is attached. As proposed, the new ordinance, Ordinance No. 2020-24, would amend Ordinance No. 2020-09 and extend the existing moratorium in its current form until April 3, 2021, unless terminated sooner by the Council when the work plan is complete.

As noted above in the Summary section, the public hearing draft of the ordinance has been updated with one additional Whereas clause (shown in yellow highlighted text in the ordinance) that updates the ordinance based the Council's consideration of this topic on September 8, 2020.

ATTACHMENTS:

Ordinance No. 2020-24 Extending the Development Moratorium - Public Hearing Draft (Updated).docx

Exhibit A to Ord 2020-24 - Work Plan

Exhibit B to Ord 2020-24 - Winslow Master Plan Study Area Map

Moratorium Summary - Handout.pdf

Moratorium Work Plan Status Report.pdf

[For Background] Ordinance No. 2020-09 Extending the Development Moratorium.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

Public Hearing Draft

ORDINANCE NO. 2020-24

AN ORDINANCE of the City of Bainbridge Island, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; amending Ordinance No. 2020-09; providing for severability; leaving the effective date of the moratorium unchanged; and extending the moratorium for six months to April 3, 2021.

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the City Council approved Ordinance No. 2018-14 on April 24, 2018, amending the development moratorium in order to have the provisions of Section 3.B. only apply within the City's shoreline jurisdiction areas (Chapter 16.12 BIMC); and

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

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

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

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

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

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

WHEREAS, on April 2 and 23, May 7 and 21, June 4 and 18, August 6, 13, and 20, September 4 and 17, and October 15, 2018, the City's Design Review Board discussed alternatives for revisions to the City's land use review procedures and/or subdivision design guidelines; and

WHEREAS, on March 22, May 10, June 7, 14, and 21, July 12 and 26, August 9, 23, and 30, September 13 and 27, October 25, November 8 and 29, and December 13, 2018, as well as on January 10, and February 13 and 28, 2019, the City's Planning Commission discussed

alternatives for revisions to the City's land use review procedures, subdivision design guidelines, and/or subdivision standards; and

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

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

WHEREAS, in addition to updating standards, guidelines, and land use procedures, another moratorium work plan item was to update the decision criteria for Site Plan and Design Review and Conditional Use Permits to ensure that future development is appropriately and thoroughly analyzed; and

WHEREAS, together with the land use review procedural changes approved by Ordinance No. 2018-20, amending the Site Plan and Design Review and Conditional Use Permits decision criteria implements Land Use Element Policies LU 6.5 and LU 6.8; and

WHEREAS, the Planning Commission discussed Ordinance No. 2019-24 modifying the decision criteria for Site Plan and Design Review during five meetings in 2019, including on March 14, August 8 and 22 (public hearing), September 5 and 26, and October 10, 2019, and recommended approval to the City Council; and

WHEREAS, the City Council discussed Ordinance No. 2019-24 on November 26, 2019 and again on December 10, 2019 and approved the ordinance on December 10, 2019; and

WHEREAS, as part of the Planning Commission's review and consideration of the City's subdivision review procedures, design guidelines, and standards, the Commission reviewed the proposed ordinance related to such regulations, Ordinance No. 2019-03; and

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

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

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

WHEREAS, the City Council considered the Planning Commission's recommendations related to proposed updates to the City's subdivision regulations as included in Ordinance No. 2019-03, including at Council meetings on March 19, April 2 and 16, May 28, and July 23, 2019;

WHEREAS, the City Council held a public hearing on Ordinance No. 2019-03 on August 27, 2019 and September 24, 2019; and

WHEREAS, the City Council approved Ordinance No. 2019-03 on September 24, 2019 related to updates to the City's subdivision regulations, and the ordinance went into effect on October 24, 2019; and

WHEREAS, City staff worked with the Design Review Board and a consultant team related to updating the City's Design Guidelines (BIMC 18.18.030) more generally (i.e., the design guidelines that aren't included in the separate effort described above related to design guidelines for subdivisions), and that work was completed in August 2019; and

WHEREAS, on January 30 and May 22, 2019, the City hosted public meetings on the design review regulations update; and

WHEREAS, on March 18, April 1, May 6, June 17, and July 15, 2019, the City's Design Review Board discussed the design review regulations update; and

WHEREAS, at the February 5 and June 4, 2019 City Council study sessions, the City's consultant, Framework, provided briefings on the design review regulations update; and

WHEREAS, the Planning Commission held a public hearing on Ordinance No. 2019-25 (related to design review regulations) on September 5, 2019; and

WHEREAS, City staff provided the Planning Commission's September 5, 2019 recommendations related to the design review regulations update to the City Council for consideration at the Council's September 17, 2019 study session; and

WHEREAS, the City Council held a public hearing on Ordinance No. 2019-25 and subsequently approved the ordinance on September 24, 2019, after considering the input it received related to Ordinance No. 2019-25 prior to adopting the ordinance; and

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

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

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

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

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

WHEREAS, the City Council had policy discussions on September 17, 2019 and February 4, 2020 regarding inclusionary zoning or multifamily property tax exemption programs; and

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

WHEREAS, on April 10, May 22, June 5, June 19, July 17, August 21, September 4 and 18, October 2 and 16, November 6 and 20, and December 4, 2018, as well as on January 15, February 5 and 19, March 5 and 19, April 2 and 16, May 7 and 21, June 4 and 18, July 2 and 16, August 6 and 20, September 3 and 17, November 5, and December 3, 2019, and January 7, February 4, March 3, April 7, May 5, June 2, July 7, August 4, and September 1, 2020, the City Council was provided further moratorium work program status report updates; and

WHEREAS, on June 26, 2018, the City Council held a public hearing and approved Ordinance No. 2018-23, extending the development moratorium for another 90 days until October 9, 2018; and

WHEREAS, on September 25, 2018, the City Council held a public hearing and approved Ordinance No. 2018-41, and thereby extended the development moratorium for another six (6) months, and in so doing narrowed the moratorium to remove two-lot short subdivisions in which there is an existing single-family residence from the moratorium; and

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

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

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

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

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

WHEREAS, the City Council discussed requiring common ownership for new ADUs at its meetings on June 18, July 23, September 10, and October 22, 2019, and directed staff to begin legislative review with the Planning Commission to adopt such regulations via draft Ordinance No. 2019-09; and

WHEREAS, the Planning Commission discussed Ordinance No. 2019-09 on December 12, 2019 and then held a public hearing on Ordinance No. 2020-02 (formerly Ordinance No. 2019-09) on January 9, 2020; and

WHEREAS, on January 9, 2020, the Planning Commission created a temporary subcommittee to further discuss these topics and other ADU regulations, and that subcommittee submitted recommended changes related to Ordinance No. 2020-02 to the Planning Commission at its February 13, 2020 meeting; and

WHEREAS, the Planning Commission endorsed the subcommittee recommendations on February 13, 2020, and reviewed amended Ordinance No. 2020-02 on February 27, 2020; and

WHEREAS, the Planning Commission held another public hearing on Ordinance No. 2020-02 on March 12, 2020, and after closing the public hearing, recommended approval of Ordinance No. 2020-02 to the City Council; and

WHEREAS, on November 13, 2018, the City Council approved Ordinance No. 2018-43, and thereby narrowed the moratorium as requested by the Council and described above related to

entirely removing Section 3.B. (which, in effect, applied the Aquifer Recharge Protection Area regulations in the City's shoreline jurisdiction areas) from the moratorium, and broadening an exclusion related to certain Major Site Plan and Design Review and Major Conditional Use Permit proposals to include in that exclusion such proposals for properties located in the Business/Industrial District; and

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

WHEREAS, on September 3 and 10, 2019, the City Council discussed the moratorium, including the option of extending it for two additional months (to December 3, 2019) to allow time for public outreach to educate the public about the new subdivision standards and design review regulations and to possibly extend a more narrow form of the moratorium beyond December 3, 2019, in order to adopt affordable housing requirements; and

WHEREAS, it was anticipated that an extended moratorium would be narrowed to apply only to certain types of development in the Winslow Master Plan Study Area, with some exceptions; and

WHEREAS, on September 24, 2019, the City Council enacted Ordinance No. 2019-26, which extended the moratorium in its then-current form until December 3, 2019, and in a more narrow form from December 4, 2019, until April 3, 2020; and

WHEREAS, the City Council had a policy discussion on February 4, 2020 regarding inclusionary zoning and multifamily property tax exemption programs, and on June 22, 2020 tasked a joint City Council/Planning Commission Ad Hoc Subcommittee to assist in prioritizing land use code changes, including related to affordable housing and accessory dwelling units; and

WHEREAS, on March 24, 2020, the City Council enacted Ordinance No. 2020-09, which extended the moratorium in its current form from April 3, 2020 to October 3, 2020; and

WHEREAS, the City submitted a draft ordinance integrating the updated Critical Areas Ordinance ("CAO") regulations into the Shoreline Master Program ("SMP") to the Washington State Department of Ecology ("Ecology") and received Ecology's response on December 9, 2019; and

WHEREAS, due to the COVID-19 public health emergency and pandemic, tens of thousands of persons in Washington State have contracted the virus and more than a thousand persons in the state have died due to the virus thus far and during the time period that this moratorium has been in effect, and the public health emergency is ongoing and is expected to continue for many months, and likely much longer; and

WHEREAS, due to the COVID-19 public health emergency and pandemic, the City has been engaged in essential work on a highest-priority basis related to the public health emergency, and as a result City staff and the City Council have had to significantly adjust work priorities

accordingly to address the public health crisis, including related to work that the Council has been able to consider at modified Council meetings during this time period; and

WHEREAS, as a result of the public health emergency, the final review and public hearing in response to Ecology's comments were delayed from March 2020 to June 23, 2020; and

WHEREAS, on June 23, 2020, the City Council directed staff to move forward with the preparation of an ordinance that incorporates Ecology's required and recommended changes, and staff's own recommended changes, and to schedule a public hearing for that ordinance at a future meeting; and

WHEREAS, on September 1, 2020, as part of the moratorium update, the City Council directed staff that due to the passage of time that has occurred regarding the variety of topics on the moratorium work plan related to affordable housing, and in that such work on affordable housing at this point is expected to continue in various ways, the Council's expectation is that such work can continue outside of this moratorium and, as such, the Council directed staff to update the moratorium work plan to remove the affordable housing topic from the work plan; and

WHEREAS, on September 8, 2020, the City Council considered this Ordinance No. 2020-24, which is the ordinance that City staff prepared as directed by the Council at its September 1, 2020 meeting, including related to the revised work plan, and the Council set the public hearing on the ordinance for September 22, 2020; and

WHEREAS, regarding the remaining item on the moratorium work plan, on September 22, 2020, the City Council is scheduled to hold a public hearing on an ordinance related to integrating the CAO into the SMP; and

WHEREAS, the CAO/SMP integration ordinance must be approved by Ecology before it becomes effective, and if the City Council approves the CAO/SMP integration ordinance on September 22, 2020, it is expected, based on information provided by Ecology to the City, that the earliest the ordinance could be in effect would be in November 2020; and

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

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

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

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as additional and supplemental findings of fact to the City Council's initial findings of fact in support of the moratorium, as established by Ordinance Nos. 2018-02, 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, 2018-43, 2019-10, 2019-26, and 2020-09.

Section 2. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council conducted a public hearing on this extension of the moratorium at its meeting on September 22, 2020, and took public testimony and considered further findings of fact.

Section 3. Moratorium Amended. The moratorium is hereby amended, as also stated in Section 7 below, to extend the moratorium in its current form as described in Ordinance No. 2020-09 for six months until April 3, 2021, recognizing that the City Council may terminate the moratorium prior to that date depending on when the City completes the moratorium work plan.

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

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

Section 6. No Change to Basis for Declaration of Emergency or Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage and publication as required by law. Provided, that this ordinance is not intended to change the basis of the emergency declarations stated in the moratorium ordinances which preceded this ordinance, Ordinance Nos. 2018-02, 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, 2018-43, 2019-10, 2019-26, and 2020-09, except as described in the "Whereas" clauses of this ordinance. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support the emergency declarations adopted as part of the enactment of this moratorium were included in the "Whereas" clauses of Ordinance No. 2018-02 and Ordinance No. 2018-03, and were restated and supplemented in Ordinance No. 2018-05 and Ordinance No. 2018-09, and Ordinance Nos. 2018-14, 2018-23, 2018-41, 2018-43, 2019-10, 2019-26, and 2020-09, as well as in this ordinance, and those "Whereas" clauses are adopted as findings of fact.

Section 7. Change to Duration to April 3, 2021. This ordinance amends Ordinance No. 2020-09 and hereby extends the current moratorium, and this ordinance shall cause the moratorium to remain effective in its current form until April 3, 2021, unless terminated earlier by the City Council. This ordinance does not change the effective date of the moratorium, which is January 9, 2018. The Council may, at its sole discretion, renew the moratorium for one or more six (6) month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

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

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

_____
Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

_____
Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK	September 4, 2020
PASSED BY THE CITY COUNCIL	
PUBLISHED:	
EFFECTIVE DATE:	
ORDINANCE NO:	2020-24

Attached:

Exhibit A (Updated Work Plan)

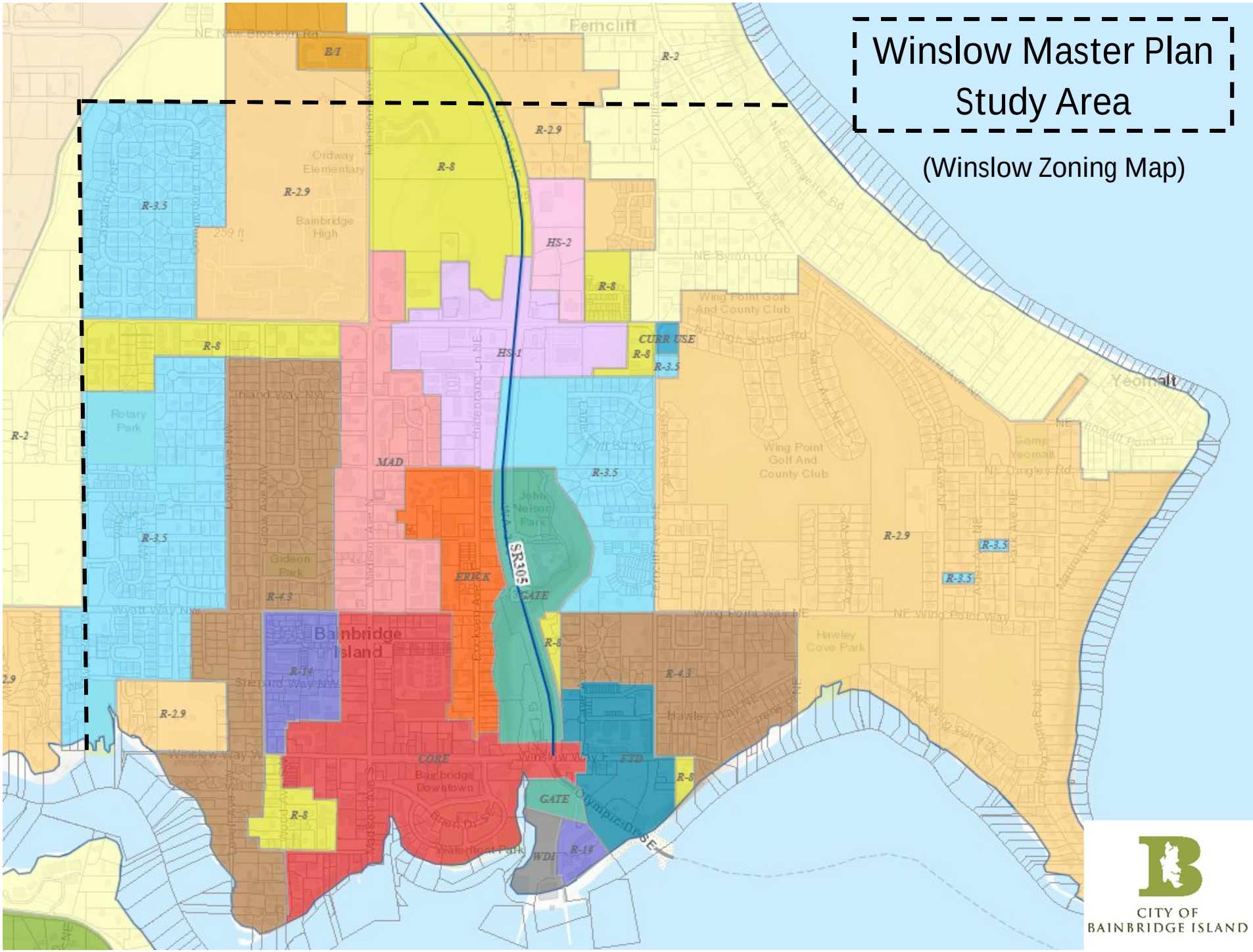
Exhibit B (Winslow Master Plan Study Area)

Exhibit A

Moratorium on Certain Development Work Plan Schedule
Ordinance No. 2020-24
(October 2020 – April 2021)

Work Program Item	Description
Critical Areas Ordinance	Adopt the new critical areas ordinance (CAO) into the Shoreline Master Program (SMP). The City sent a draft ordinance to the Dept. of Ecology (Ecology) and received their response on December 9, 2019. Ecology determined that the amendment is largely consistent but has identified elements that appear inconsistent with applicable laws and rules. Due to COVID-19, City staff held a rescheduled March 2020 Council discussion about Ecology's response during the June 23, 2020 City Council meeting. At that meeting, the Council authorized staff to move forward with the preparation of an ordinance that incorporates Ecology's required changes, staff's recommended changes based on Ecology's recommended changes, and staff's own recommended changes, as well as to schedule a public hearing for that ordinance at a future meeting. City staff plans to hold the public hearing on September 22, 2020. 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 and it will become effective 14 days after final approval by Ecology. With that timeline, the effective date could be early to mid-November.

EXHIBIT B



CITY OF BAINBRIDGE ISLAND

CITY OF BAINBRIDGE ISLAND

April 1, 2020

DEVELOPMENT MORATORIUM SUMMARY: Effective beginning January 9, 2018. A narrowed development moratorium will be in effect beginning December 4, 2019 until October 3, 2020

On September 24, 2019 the City Council approved Ordinance 2019-26, which extended the development moratorium through December 3, 2019. On December 4, 2019 the development moratorium was narrowed, but in effect until April 3, 2020. On March 24, 2020, the City Council extended the development moratorium **AS IS** again by approving Ordinance 2020-09. The development moratorium after December 3, 2019 is described below.

Development Activity PROHIBITED During Current Development Moratorium (December 4, 2019-October 3, 2020)

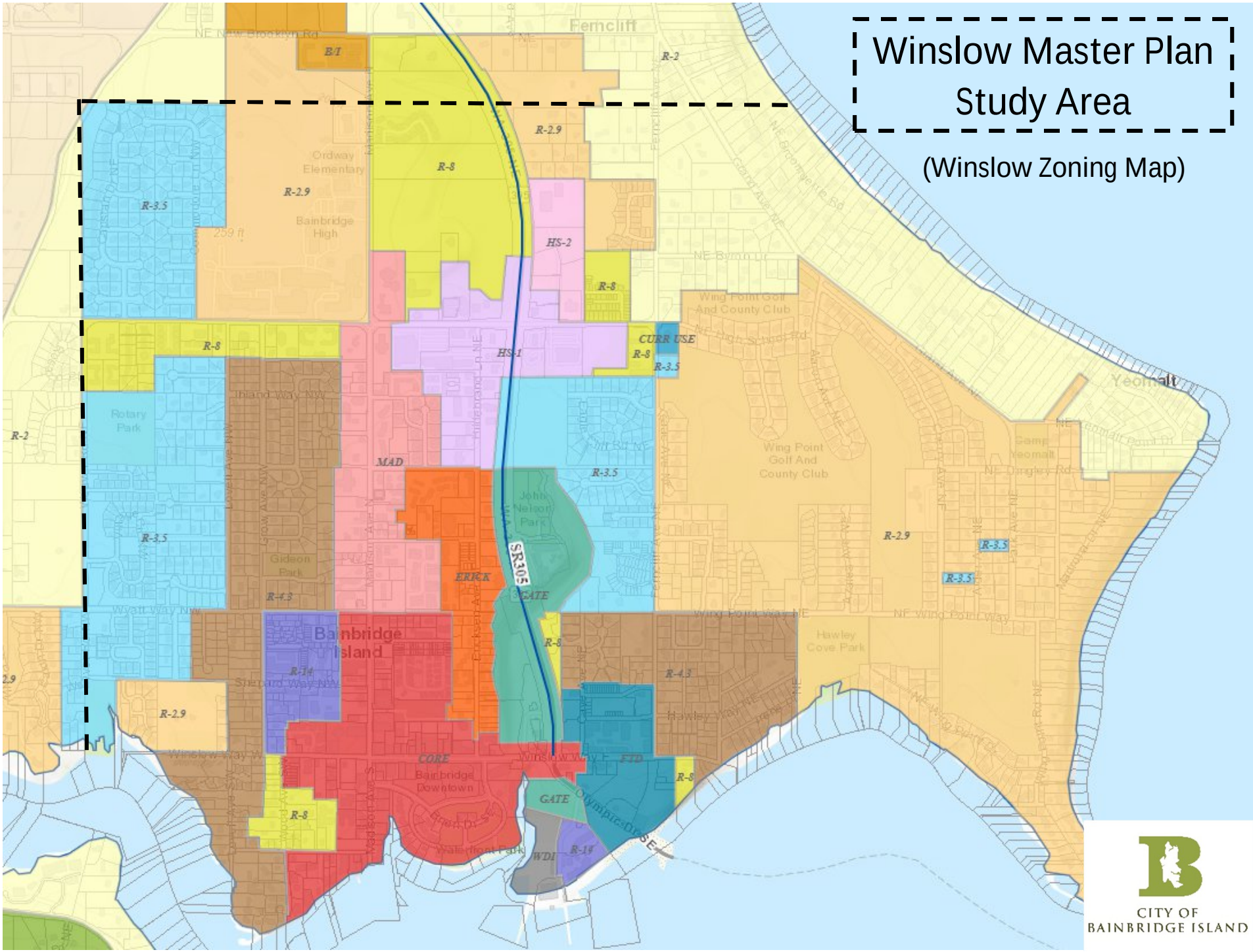
Subject to the exclusions below, the moratorium shall apply to Major Site Plan and Design Review and Major Conditional Use Permit proposals that are for development within the Winslow Master Plan Study Area (see map on next page) and did not, before the effective date of the moratorium, have a pre-application conference on the Planning Department's calendar.

EXCEPTIONS to the Above Development Activities Prohibited During the Narrowed Moratorium:

Exclusions.

1. The moratorium shall not apply in the Mixed-Use Town Center/Central Core Overlay District.
2. The moratorium shall not apply to development proposals that include 10% or more of total residential units designated as affordable housing. "Affordable housing" means affordable housing as governed by Chapters 18.21 and 18.12 of the Bainbridge Island Municipal Code ("BIMC"), as well as BIMC 18.36.030.
3. The moratorium shall not apply to subdivisions.
4. The moratorium shall not apply to permits and approvals for affordable housing projects that qualify as Housing Design Demonstration Project (HDDP) Tier 3 projects pursuant to BIMC 2.16.020.S. and Table 2.16.020.S-1.
5. The moratorium shall not apply to permits and approvals for government facilities and structures; educational facilities and preschools; wireless communication facilities; and emergency medical and disaster relief facilities.

EXHIBIT B


Winslow Master Plan Study Area
(Winslow Zoning Map)
Ferncliff
NE New Brooklyn Rd
B/I
R-2
R-2.9
R-8
R-3.5
Ordway Elementary
Bainbridge High
HS-2
HS-1
CURR USE
Wing Point Golf And County Club
Rotary Park
Island Way NW
MAD
John Nelson Park
SR305
ERICK
GATE
Gideon Park
R-4.3
Bainbridge Island
R-14
Sportsman Club
Hawley Cove Park
CORE
Bainbridge Downtown
Waterfront Park
WDI
FTD
Olympic Drive SE
Winslow Way W
Wyatt Way NW
Lovell Ave NW
Madison Ave N
Ericksen Ave NE
Wing Point Way NE
NE Hawley Rd
Camp Yeomalt
Yeomalt Point Dr
NE Bjorgen Dr
NE Bjorgen Loop
NE Bjorgen Pl
NE High School Rd
Aaron Ave NE
Broadway Ave E
Madrona Dr
Rose Ave NE
Bjorgen Ln NE
Ferncliff Ave NE
Grow Ave NW
Ericksen Ave
Madison Ave
Broadway Ave
Bjorgen Ln
Rose Ave
Madrona Dr
Aaron Ave
Ferncliff Ave
Grow Ave
Lovell Ave
Wyatt Way
Sportsman Club Rd
Waterfront Pl
Bjorgen Loop
Bjorgen Pl
259 ft
CITY OF BAINBRIDGE ISLAND

Moratorium Topic	Status	Timeline
Critical Areas Ordinance (CAO)	Incomplete.	Adopt the new critical areas ordinance (CAO) into the Shoreline Master Program (SMP). The City sent a draft ordinance to the Dept. of Ecology (Ecology) and received their response on December 9, 2019. Ecology determined that the amendment is largely consistent but has identified elements that appear inconsistent with applicable laws and rules. Due to COVID-19, City staff held a rescheduled March 2020 Council discussion about Ecology's response during the June 23, 2020 City Council meeting. At that meeting, the Council authorized staff to move forward with the preparation of an ordinance that incorporates Ecology's required changes, staff's recommended changes based on Ecology's recommended changes, and staff's own recommended changes, as well as to schedule a public hearing for that ordinance at a future meeting.
Status on August 28, 2020:	Incomplete: City staff plans to request to set the public hearing on September 8, 2020 and to hold the public hearing on September 22, 2020. 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 and it will become effective 14 days after final approval by Ecology. With that timeline, the effective date could be as early as the week beginning Monday, October 5, 2020. The development moratorium is currently slated to expire on Saturday, October 3, 2020.	

Moratorium Topic	Status	Timeline
Affordable Housing	Incomplete.	Develop an affordable housing work program in response to an Inclusionary Zoning Feasibility Analysis and Affordable Housing Task Force reports. Affordable housing tools that are being considered for adoption include inclusionary zoning and the multifamily property tax exemption (MFTE). The City Council had a policy discussion on February 4, 2020 regarding inclusionary zoning and MFTE programs. The Council also requested that the consultant leading the discussion return with information and analysis regarding transfer of development rights (TDR's). It was anticipated that the Council would continue this policy discussion in the

		Spring of 2020. Further discussion was originally postponed due to COVID. The City Council and Planning Commission held a joint meeting on June 22, 2020 to discuss ongoing affordable housing and related land use initiatives, including inclusionary zoning and MFTE. The outcome of this joint meeting was the creation of an ad hoc subcommittee of three Council members and three Planning Commissioners to assist in prioritizing affordable housing efforts and other overlapping initiatives. On July 14, 2020 (postponed from April 2020 due to COVID), the Council held a discussion on Ordinance No. 2020-02 related to requiring common ownership and limiting short-term rental use for accessory dwelling units ("ADUs"). On July 28, 2020, the Council referred the ADU topic to the City Council/Planning Commission subcommittee mentioned above for further review. The Council had requested that the Planning Commission provide policy recommendations on alternative affordable housing types including tiny homes, recreational vehicles as residences, and tiny home villages. The Planning Commission elected to further discuss tiny homes in a separate, future ordinance. It is anticipated that consideration of this topic is deferred to 2021, according to the Planning Department's adjusted 2020 Work Plan.
Status on August 28, 2020:	The Council discussed Ordinance No. 2020-02 related to requiring common ownership for ADUs on July 14, 2020 and on July 28, 2020 referred the topic to the Council/Planning Commission subcommittee. The Council/Commission subcommittee members have been selected, and their first meeting occurred on July 27, 2020. The subcommittee consists of Councilmembers Christy Carr, Kirsten Hytopoulos, and Michael Pollock and Commissioners Bill Chester, Kimberly McCormick Osmond, and Lisa Macchio. The Planning Commission also has an affordable housing subcommittee, which consists of Commissioners Jon Quitslund, Joe Paar, and Sarah Blossom.	

ORDINANCE NO. 2020-09

AN ORDINANCE of the City of Bainbridge Island, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; amending Ordinance No. 2019-26; providing for severability; leaving the effective date of the moratorium unchanged; and extending the moratorium for six months to October 3, 2020.

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the City Council approved Ordinance No. 2018-14 on April 24, 2018, amending the development moratorium in order to have the provisions of Section 3.B. only apply within the City's shoreline jurisdiction areas (Chapter 16.12 BIMC); and

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

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

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

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

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

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

WHEREAS, on April 2 and 23, May 7 and 21, June 4 and 18, August 6, 13, and 20, September 4 and 17, and October 15, 2018, the City's Design Review Board discussed alternatives for revisions to the City's land use review procedures and/or subdivision design guidelines; and

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

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

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

WHEREAS, in addition to updating standards, guidelines, and land use procedures, another moratorium work plan item was to update the decision criteria for Site Plan and Design Review and Conditional Use Permits to ensure that future development is appropriately and thoroughly analyzed; and

WHEREAS, together with the land use review procedural changes approved by Ordinance No. 2018-20, amending the Site Plan and Design Review and Conditional Use Permits decision criteria implements Land Use Element Policies LU 6.5 and LU 6.8; and

WHEREAS, the Planning Commission discussed Ordinance No. 2019-24 modifying the decision criteria for Site Plan and Design Review during five meetings in 2019, including on March 14, August 8 and 22 (public hearing), September 5 and 26, and October 10, 2019, and recommended approval to the City Council; and

WHEREAS, the City Council discussed Ordinance No. 2019-24 on November 26, 2019 and again on December 10, 2019 and approved the ordinance on December 10, 2019; and

WHEREAS, as part of the Planning Commission's review and consideration of the City's subdivision review procedures, design guidelines, and standards, the Commission reviewed the proposed ordinance related to such regulations, Ordinance No. 2019-03; and

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

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

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

WHEREAS, the City Council considered the Planning Commission's recommendations related to proposed updates to the City's subdivision regulations as included in Ordinance No. 2019-03, including at Council meetings on March 19, April 2 and 16, May 28, and July 23, 2019;

WHEREAS, the City Council held a public hearing on Ordinance No. 2019-03 on August 27, 2019 and September 24, 2019; and

WHEREAS, the City Council approved Ordinance No. 2019-03 on September 24, 2019 related to updates to the City's subdivision regulations, and the ordinance went into effect on October 24, 2019; and

WHEREAS, City staff worked with the Design Review Board and a consultant team related to updating the City's Design Guidelines (BIMC 18.18.030) more generally (i.e., the design guidelines that aren't included in the separate effort described above related to design guidelines for subdivisions), and that work was completed in August 2019; and

WHEREAS, on January 30 and May 22, 2019, the City hosted public meetings on the design review regulations update; and

WHEREAS, on March 18, April 1, May 6, June 17, and July 15, 2019, the City's Design Review Board discussed the design review regulations update; and

WHEREAS, at the February 5 and June 4, 2019 City Council study sessions, the City's consultant, Framework, provided briefings on the design review regulations update; and

WHEREAS, the Planning Commission held a public hearing on Ordinance No. 2019-25 (related to design review regulations) on September 5, 2019; and

WHEREAS, City staff provided the Planning Commission's September 5, 2019 recommendations related to the design review regulations update to the City Council for consideration at the Council's September 17, 2019 study session; and

WHEREAS, the City Council held a public hearing on Ordinance No. 2019-25 and subsequently approved the ordinance on September 24, 2019, after considering the input it received related to Ordinance No. 2019-25 prior to adopting the ordinance; and

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

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

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

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

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

WHEREAS, the City Council had policy discussions on September 17, 2019 and February 4, 2020 regarding inclusionary zoning or multifamily property tax exemption programs; and

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

WHEREAS, on April 10, May 22, June 5, June 19, July 17, August 21, September 4 and 18, October 2 and 16, November 6 and 20, and December 4, 2018, as well as on January 15, February 5 and 19, March 5 and 19, April 2 and 16, May 7 and 21, June 4 and 18, July 2 and 16, August 6 and 20, September 3 and 17, November 5, and December 3, 2019, and January 7, February 4, and March 3, 2020, the City Council was provided further moratorium work program status report updates; and

WHEREAS, on June 26, 2018, the City Council held a public hearing and approved Ordinance No. 2018-23, extending the development moratorium for another 90 days until October 9, 2018; and

WHEREAS, on September 25, 2018, the City Council held a public hearing and approved Ordinance No. 2018-41, and thereby extended the development moratorium for another six (6) months, and in so doing narrowed the moratorium to remove two-lot short subdivisions in which there is an existing single-family residence from the moratorium; and

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

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

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

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

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

WHEREAS, the City Council discussed requiring common ownership for new ADUs at its meetings on June 18, July 23, September 10, and October 22, 2019, and directed staff to begin legislative review with the Planning Commission to adopt such regulations via draft Ordinance No. 2019-09; and

WHEREAS, the Planning Commission discussed Ordinance No. 2019-09 on December 12, 2019 and then held a public hearing on Ordinance No. 2020-02 (formerly Ordinance No. 2019-09) on January 9, 2020; and

WHEREAS, on January 9, 2020, the Planning Commission created a temporary subcommittee to further discuss these topics and other ADU regulations, and that subcommittee submitted recommended changes related to Ordinance No. 2020-02 to the Planning Commission at its February 13, 2020 meeting; and

WHEREAS, the Planning Commission endorsed the subcommittee recommendations on February 13, 2020, and reviewed amended Ordinance No. 2020-02 on February 27, 2020; and

WHEREAS, the Planning Commission held another public hearing on Ordinance No. 2020-02 on March 12, 2020, and after closing the public hearing, recommended approval of Ordinance No. 2020-02 to the City Council; and

WHEREAS, on November 13, 2018, the City Council approved Ordinance No. 2018-43, and thereby narrowed the moratorium as requested by the Council and described above related to entirely removing Section 3.B. (which, in effect, applied the Aquifer Recharge Protection Area regulations in the City's shoreline jurisdiction areas) from the moratorium, and broadening an exclusion related to certain Major Site Plan and Design Review and Major Conditional Use Permit proposals to include in that exclusion such proposals for properties located in the Business/Industrial District; and

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

WHEREAS, on September 3 and 10, 2019, the City Council discussed the moratorium, including the option of extending it for two additional months (to December 3, 2019) to allow time for public outreach to educate the public about the new subdivision standards and design review regulations and to possibly extend a more narrow form of the moratorium beyond December 3, 2019, in order to adopt affordable housing requirements; and

WHEREAS, it was anticipated that an extended moratorium would be narrowed to apply only to certain types of development in the Winslow Master Plan Study Area, with some exceptions; and

WHEREAS, on September 24, 2019, the City Council enacted Ordinance No. 2019-26, which extended the moratorium in its then-current form until December 3, 2019, and in a more narrow form from December 4, 2019, until April 3, 2020; and

WHEREAS, the City Council had a policy discussions on February 4, 2020 regarding inclusionary zoning and multifamily property tax exemption programs, and it is expected that the Council will continue this policy discussion in the Spring of 2020; and

WHEREAS, the City Council is currently scheduled to discuss and consider Ordinance No. 2020-02 (related to requiring common ownership for ADUs) in April 2020 or thereafter; and

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

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

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

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as additional and supplemental findings of fact to the City Council's initial findings of fact in support of the moratorium, as established by Ordinance Nos. 2018-02, 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, 2018-43, 2019-10, and 2019-26.

Section 2. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council conducted a public hearing on this extension of the moratorium at its meeting on March 24, 2020, and took public testimony and considered further findings of fact.

Section 3. Moratorium Amended. The moratorium is hereby amended, as also stated in Section 7 below, to extend the moratorium in its current form as described in Ordinance No. 2019-26 for six months until October 3, 2020.

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

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

Section 6. No Change to Basis for Declaration of Emergency or Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage and publication as required by law. Provided, that this ordinance is not intended to change the basis of the emergency declarations stated in the moratorium ordinances which preceded this ordinance, Ordinance Nos. 2018-02, 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, 2018-43, 2019-10, and 2019-26, except as described in the "Whereas" clauses of this ordinance. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support the emergency declarations adopted as part of the enactment of this moratorium were included in the "Whereas" clauses of Ordinance No. 2018-02 and Ordinance No. 2018-03, and were restated and supplemented in Ordinance No. 2018-05 and Ordinance No. 2018-09, and Ordinance Nos. 2018-14, 2018-23, 2018-41, 2018-43, 2019-10, and 2019-26, as well as in this ordinance, and those "Whereas" clauses are adopted as findings of fact.

Section 7. Change to Duration to October 3, 2020. This ordinance amends Ordinance No. 2019-26 and hereby extends the current moratorium, and this ordinance shall cause the moratorium to remain effective in its current form until October 3, 2020, unless terminated earlier by the City Council. This ordinance does not change the effective date of the moratorium, which is January 9, 2018. The Council may, at its sole discretion, renew the moratorium for one or more six (6) month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

PASSED by the City Council this 24th day of March, 2020.

APPROVED by the Mayor this 24th day of March, 2020.

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

DEPUTY CITY CLERK

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK	March 20, 2020
PASSED BY THE CITY COUNCIL	March 24, 2020
PUBLISHED:	March 27, 2020
EFFECTIVE DATE:	April 1, 2020
ORDINANCE NO:	2020-09

Attached:

Exhibit A (Updated Work Plan)

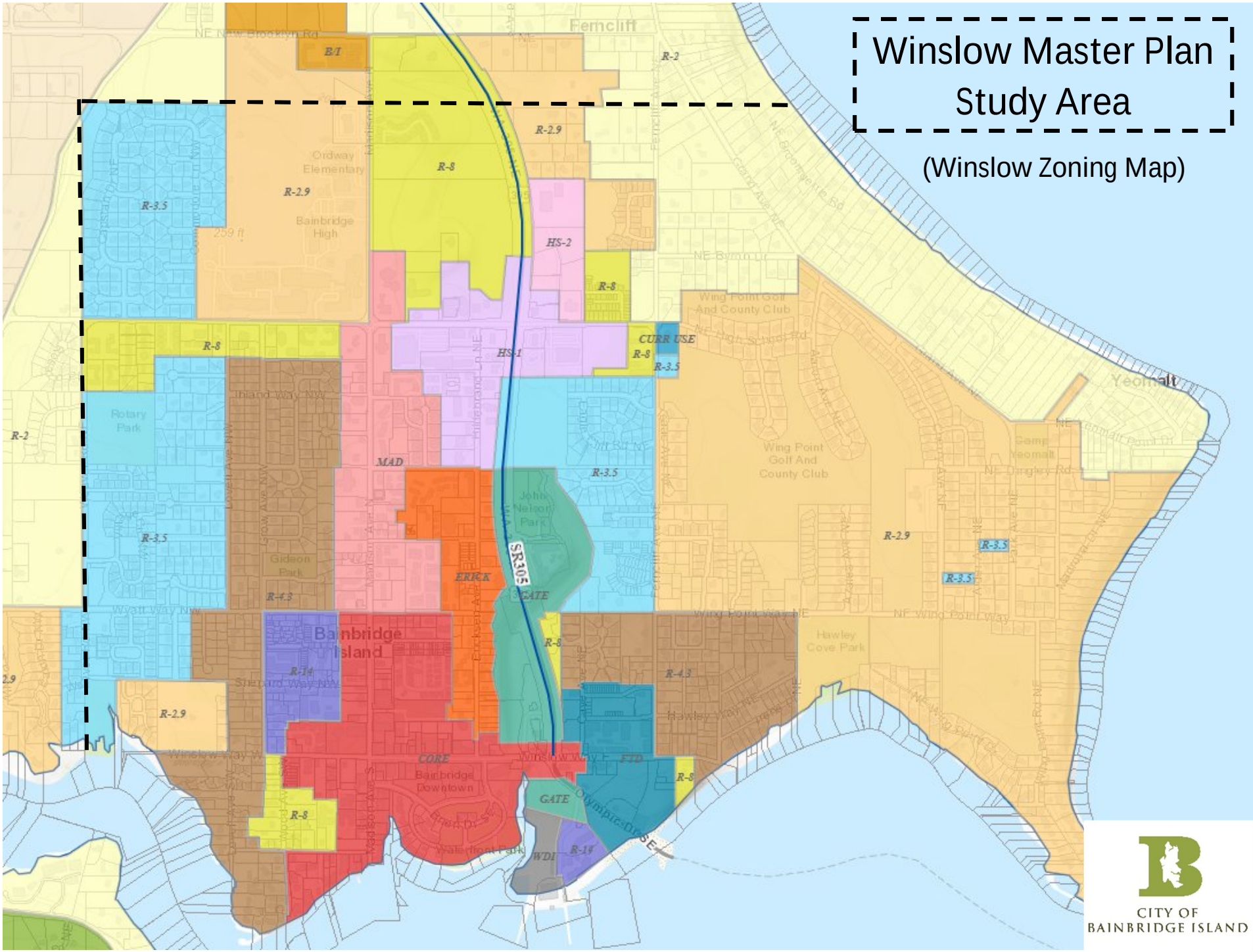
Exhibit B (Winslow Master Plan Study Area)

Exhibit A

Moratorium on Certain Development – Updated Work Plan Schedule
Ordinance No. 2020-09
(April 2020 – October 2020)

Work Program Item	Description
Critical Areas Ordinance	Adopt the new critical areas ordinance (CAO) into the Shoreline Master Plan (SMP). The City sent a draft ordinance to the Dept. of Ecology (Ecology) and received their response on December 9, 2019. Ecology determined that the amendment is largely consistent but have identified elements that appear inconsistent with applicable laws and rules. It is anticipated that City staff will return to the Council in Spring 2020 to discuss Ecology's inconsistent elements before beginning the legislative process to update the SMP to integrate the CAO.
Affordable Housing	Develop an affordable housing work program in response to an Inclusionary Zoning Feasibility Analysis and Affordable Housing Task Force reports. Affordable housing tools that are being considered for adoption include inclusionary zoning and the multifamily property tax exemption. The City Council had a policy discussions on February 4, 2020 regarding inclusionary zoning and multifamily property tax exemption programs, and it is anticipated that the Council will continue this policy discussion in the Spring of 2020. The Council is scheduled to discuss and consider Ordinance 2020-02 (related to requiring common ownership for ADUs) in April 2020 or thereafter. The Council has requested that the Planning Commission provide policy recommendations on alternative affordable housing types including tiny homes, recreational vehicles as residences, and tiny home villages. The Planning Commission began discussing tiny homes as a permitted use along with the ADU ordinance, Ordinance No. 2020-02, and elected to further discuss tiny homes in a separate, future ordinance. It is anticipated that consideration of this topic will continue with the Planning Commission in the Spring 2020.

EXHIBIT B



CITY OF BAINBRIDGE ISLAND

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (7:40 PM) Monthly Update on 2020 Revenue and Expenses Forecasts - Executive,

SUMMARY: This briefing will provide a monthly update to the forecasted impacts of COVID-19 restrictions and closures on City revenue sources, compared to 2020 budget plans.

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

RECOMMENDED MOTION: Information only.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND: In May 2020, staff provided a comprehensive update on the revenue forecast and suggested expenditure reductions for 2020. Monthly updates have followed. Please see the May 12, May 19, June 30, July 28, and August 25 meetings for previous presentation materials.

ATTACHMENTS:

Financial Presentation August Update for CC 09222020.pptx

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

2020 Fiscal Update: Revenue and Expense Forecasts

September 22, 2020

Overview

- Introduction/Summary
- Updated revenue forecast with data through the end of August
- Implementation of expenditure recommendations

Summary

- May 12 Financial Presentation promised monthly updates; tonight is the final update as now we move to budget discussions.
- Tonight's presentation will focus on the "tax-supported," non-utility funds.
- Utility revenues largely unchanged.

Summary

- Q1 actuals were close to plan, Q2 and Q3 revenues have been ahead of May forecast
- Expenditure reductions and holds implemented and remain in place
- Revenue information reflected in Proposed Budget assumptions

Summary as presented in May

- Forecast 2020 revenue loss of $4.5 million
- Cost savings through vacancies of $1.3 million
- Cost savings through other spending decisions of $1.4 million
- Remaining gap = $1.8 million

Summary based on data through August 31

- Current forecast revenue loss reduced from $4.5 million to $2.5 million
- Revenue outlook improved, but still represents decline of 10%
- Cost savings via vacancies remain at $1.3 million
- Cost savings through other spending decisions remain at $1.4 million

Revenue Forecast

	2020 budget	2020 forecast (as presented in May)	2020 change	% change
Property tax	7,698,000	7,700,000	2,000	0%
Sales tax	5,308,000	3,800,000	(1,508,000)	-28%
REET	3,000,000	2,100,000	(900,000)	-30%
Utility taxes	3,454,150	3,079,000	(375,150)	-11%
Sale of Suzuki Property	800,000	0	(800,000)	-100%
Streets Fund	1,411,000	1,054,955	(356,045)	-25%
B&DS Fund	1,663,000	810,000	(853,000)	-51%
Subtotal	*22,534,150*	*18,543,955*	*(3,990,195)*	*-18%*
Total Tax-Supported Revenues	25,602,450	21,145,313	(4,457,137)	-17%

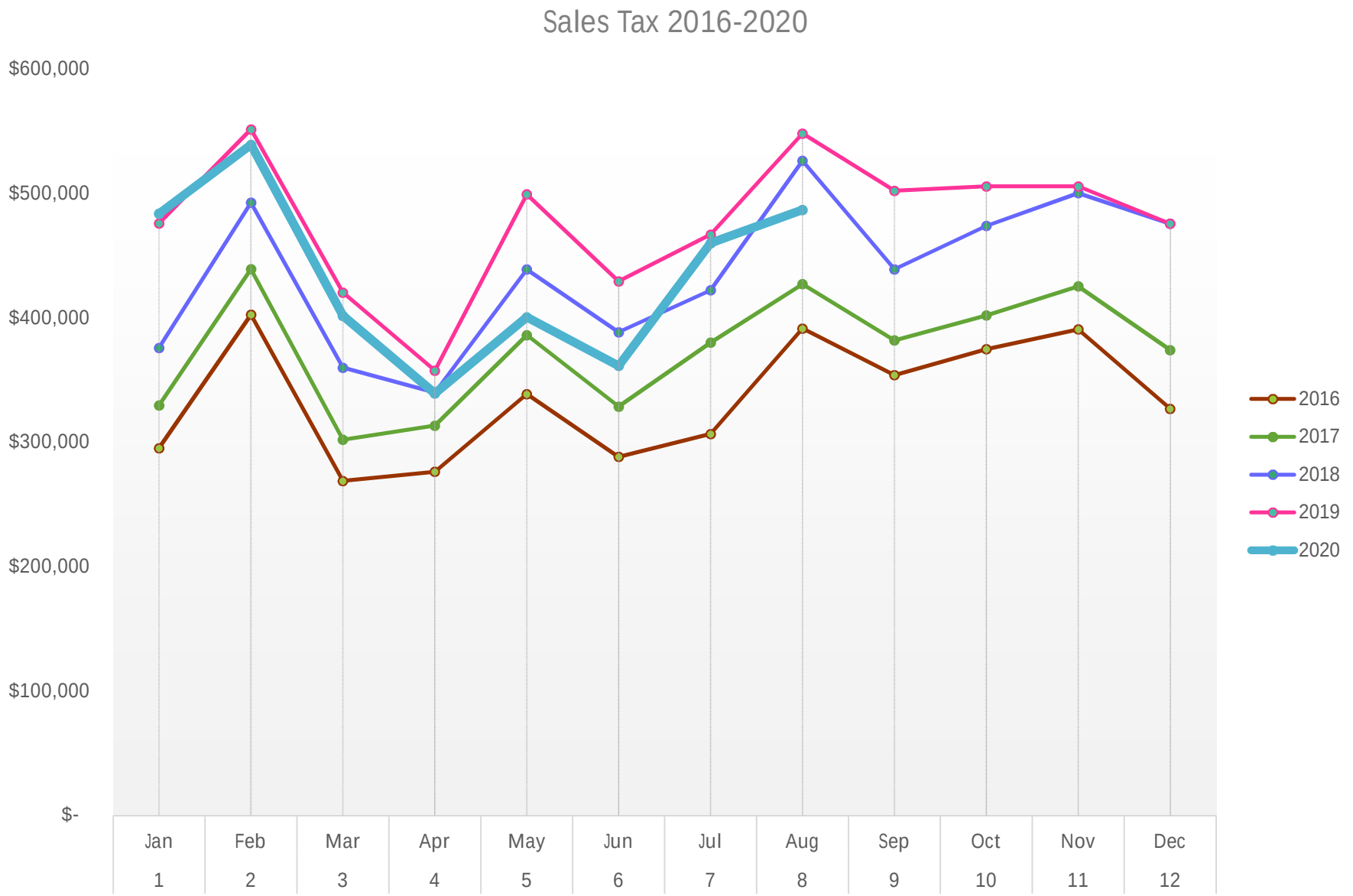
Year-end forecast as presented in May

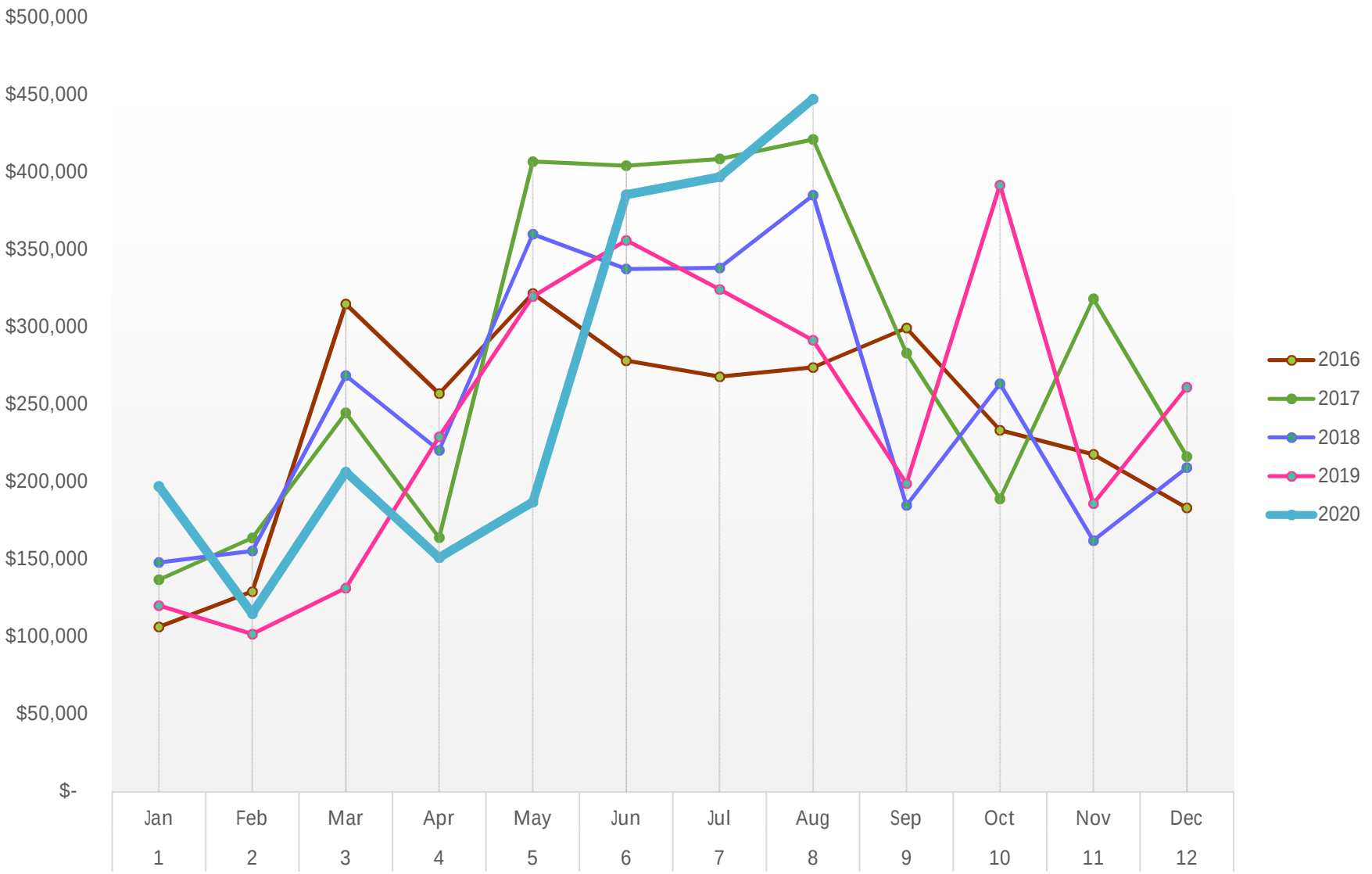
	2020 forecast (as presented in May)	2020 forecast (update as of August 31)	Change from May forecast ($)	Change from May forecast (%)
Property tax	7,700,000	7,772,000	72,000	1%
Sales tax	3,800,000	4,873,000	1,073,000	28%
REET	2,100,000	2,907,000	807,000	38%
Utility taxes	3,079,000	2,947,000	(132,000)	-4%
Sale of Suzuki Property	0	0	0	0%
Streets Fund	1,054,955	1,047,000	(7,955)	-1%
B&DS Fund	810,000	942,000	132,000	16%
Subtotal	*18,543,955*	*20,488,000*	*1,944,045*	*10%*
Total Tax-Supported Revenues	21,145,313	23,144,000	1,998,687	9%

Current year-end forecast compared to May forecast

	2020 budget	2020 forecast (updated based on August)	2020 change	% change
Property tax	7,698,000	7,772,000	74,000	1%
Sales tax	5,308,000	4,873,000	(435,000)	-8%
REET	3,000,000	2,907,000	(93,000)	-3%
Utility taxes	3,454,150	2,947,000	(507,150)	-15%
Sale of Suzuki Property	800,000	0	(800,000)	-100%
Streets Fund	1,411,000	1,047,000	(364,000)	-26%
B&DS Fund	1,663,000	942,000	(721,000)	-43%
Subtotal	*22,534,150*	*20,488,000*	*(2,046,150)*	*-9%*
Total Tax-Supported Revenues	25,602,450	23,144,000	(2,458,450)	-10%

Year-end forecast compared to 2020 budget


Sales Tax 2016-2020
$600,000
$500,000
$400,000
$300,000
$200,000
$100,000
$-
Jan 1
Feb 2
Mar 3
Apr 4
May 5
Jun 6
Jul 7
Aug 8
Sep 9
Oct 10
Nov 11
Dec 12
2016
2017
2018
2019
2020


Real Estate Excise Tax 2016-2020
$500,000
$450,000
$400,000
$350,000
$300,000
$250,000
$200,000
$150,000
$100,000
$50,000
$-
Jan 1
Feb 2
Mar 3
Apr 4
May 5
Jun 6
Jul 7
Aug 8
Sep 9
Oct 10
Nov 11
Dec 12
2016
2017
2018
2019
2020

Property Tax 2016-2020
$3,000,000
$2,500,000
$2,000,000
$1,500,000
$1,000,000
$500,000
$-
Jan 1
Feb 2
Mar 3
Apr 4
May 5
Jun 6
Jul 7
Aug 8
Sep 9
Oct 10
Nov 11
Dec 12
13 13
2016
2017
2018
2019
2020

Next steps for Financial Review

September 22nd –

- 2021-2022 Proposed Budget initial presentation
- 2020 Revenue Update (January through August)

Coronavirus Relief Fund in Washington State

- Round One of Funding
  - Each city awarded $30 per capita
  - City of Bainbridge Island awarded $735,600
- Round Two of Funding
  - Each city awarded an additional $15 per capita
  - City of Bainbridge Island awarded $367,800
- Total CARES Funding = $1,103,400

Criteria

Eligible Cost Test Criteria

1. The expense is “necessary”
2. The expense is not filling a shortfall in government revenues
3. The expense is not funded through another budget line item, allotment or allocation as of March 27, 2020
4. The expense is connected to the COVID-19 emergency
5. The expense wouldn’t exist without COVID-19 OR would be for a “substantially different” purpose

Timing

All expenses must be incurred and billable by November 30.

CARES-Eligible Expenses

TOTAL ELIGIBLE CITY COSTS				
Description	Round 1 Funding Analysis (June)		Round 2 Funding Analysis (Aug)	
City unbudgeted eligible costs	$	486,000	$	606,000
City budgeted eligible costs	$	268,000	$	348,000
Local community partner share				
Helpline House	*$*	*60,000*	*$*	*60,000*
Bainbridge Island Parks District	*$*	*91,000*	*$*	*91,000*
BIDA	*$*	*5,000*	*$*	*5,000*
Grand Total	$	910,000	$	1,110,000
CARES GRANT AMOUNT	$	735,600	$	1,103,400

City-Spending Summary

TOTAL CITY COSTS		
Description	Round 2 Funding Analysis (Aug)	
City unbudgeted eligible costs		
Equipment (computers, phones, network, other)	*$*	*319,000*
Custodial services	*$*	*74,000*
Acquisition of PPE & cleaning supplies	*$*	*65,000*
Facility improvements	*$*	*82,000*
Personnel costs (COVID Safety Officer, PW)	$	56,000
Training	$	10,000
City budgeted eligible costs		
EOC-related personnel costs	$	200,000
Public Works COVID-related personnel costs	$	148,000
Total	$	954,000

Next steps for CARES funding

September 22

- Briefing on second round of allocation

October/November

- Staff will submit for reimbursement of eligible expenses

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (7:50 PM) Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant Amendment Acceptance - Finance,

SUMMARY: In June of 2020, the City of Bainbridge Island was awarded $735,600 from the Washington State Department of Commerce as part of the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act that was passed by Congress and signed into law on March 27, 2020. This grant award was approved by the City Council on June 23, 2020. The grant period was set to end on October 31, 2020.

In September, the State of Washington notified the City to increase the contract amount by $367,800 with an extended end date of November 30, 2020. The new contract amount total is $1,103,400.

AGENDA CATEGORY: Discussion **PROPOSED BY:** Finance & Administrative Services

RECOMMENDED MOTION: I move to accept and ratify the Federal Coronavirus Aid, Relief, and Economic Security Act grant (CARES) amendment from the Washington State Department of Commerce in the amount of $367,800 with an amended end date of November 30, 2020 for an amended contract total amount of $1,103,400.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	$367,800
Ongoing Cost:	
One-Time Cost:	$367,800
Included in Current Budget?	No

BACKGROUND:

ATTACHMENTS:

Amendment A 20-6541C-110 with correction.pdf

FISCAL DETAILS: $1,103,400 one-time Federal Grant under the Coronavirus Aid, Relief and Economic Security (CARES) Act. The grant period is from March 1, 2020 to November 30, 2020.

Fund Name(s): General Fund

Coding:

Contract Number: 20-6541C-110
Amendment Number: A

Washington State Department of Commerce
Local Government Division
Community Capital Facilities Unit
Coronavirus Relief Fund for Local Governments

1. Contractor City of Bainbridge Island 280 Madison Ave N BAINBRIDGE ISLAND, Washington 98110-1812	**2. Contractor Doing Business As (optional)**
3. Contractor Representative (only if updated) DeWayne Pitts Finance Director (206) 471-2836 dpitts@bainbridgewa.gov	**4. COMMERCE Representative (only if updated)** Angie Hong Project Manager (360) 506-1706 Fax 360-586-5880 angie.hong@commerce.wa.gov PO Box 42525 1011 Plum St SE Olympia, WA 98504-2525

5. Original Contract Amount (and any previous amendments)	**6. Amendment Amount**	**7. New Contract Amount**
$735,600.00	$367,800.00	$1,103,400.00

8. Amendment Funding Source	**9. Amendment Start Date**	**10. Amendment End Date**
Federal: X **State:** **Other:** **N/A:**	Date of Execution	November 30, 2020

11. Federal Funds (as applicable):	**Federal Agency:**	**CFDA Number:**
$1,103,400.00	US Dept. of the Treasury	21.019

12. Amendment Purpose:
To provide additional funding for costs incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) during the period of March 1, 2020 thru November 30, 2020. Final invoices must be received by December 15, 2020.

COMMERCE, defined as the Department of Commerce, and the Contractor, as defined above, acknowledge and accept the terms of this Contract As Amended and attachments and have executed this Contract Amendment on the date below to start as of the date and year referenced above. The rights and obligations of both parties to this Contract As Amended are governed by this Contract Amendment and the following other documents incorporated by reference: Contractor Terms and Conditions including Attachment "A" – Scope of Work, Attachment "B" – Budget & Invoicing, Attachment "C" – A-19 Certification, Attachment "D" – A-19 Activity Report. A copy of this Contract Amendment shall be attached to and made a part of the original Contract between COMMERCE and the Contractor. Any reference in the original Contract to the "Contract" shall mean the "Contract as Amended".

FOR CONTRACTOR	**FOR COMMERCE**
Morgan Smith, City Manager	Mark K. Barkley, Assistant Director, Local Government Div
Date	Date
	APPROVED AS TO FORM ONLY Sandra Adix Assistant Attorney General 3/20/2014 Date

Amendment

This Contract is **amended** as follows:

Contract amount has been increased by $367,800.00.

Contract end date has been extended from October 31, 2020 to November 30, 2020.

Final reimbursement request must be received by December 15, 2020.

ALL OTHER TERMS AND CONDITIONS OF THIS CONTRACT REMAIN IN FULL FORCE AND EFFECT.

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 15 Minutes

AGENDA ITEM: (7:55 PM) Update on AT&T Discussions related to Cellular Coverage and Service Gaps - Executive,

SUMMARY: The Council requested an update from the City Manager on the status of planned AT&T projects that may improve cellular service conditions on the south end of Bainbridge Island.

The Clty, Bainbridge Island Fire Department (BIFD) and Kitsap 9-11 have held discussions with AT&T and FIrstNet for roughly two years to identify options to improve coverage and emergency response communications. BIFD Chief Hank Teran will be available to share information as part of this discussion.

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

RECOMMENDED MOTION: Discussion

STRATEGIC PRIORITY: Safe City

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: September 22, 2020 **ESTIMATED TIME:** 15 Minutes

AGENDA ITEM: (8:10 PM) Arts and Humanities Bainbridge/Public Art Funding Proposal - Executive,

SUMMARY: Consider ongoing funding for administrative support to Arts and Humanities Bainbridge for their work to facilitate the Public Art Committee and clarify that future project budgets will include a 15% overhead management fee.

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

RECOMMENDED MOTION: I move to forward for approval with the October 13, 2020 consent agenda City Council authorization for the City Manager to prepare and execute a five-year professional services agreement with Arts and Humanities Bainbridge to include a $12,000 annual payment, and a 15% project management fee for future public art projects including the annual Something New project.

STRATEGIC PRIORITY: Healthy and Attractive Community

FISCAL IMPACT:

Amount:	$12,000 annually for AHB. Project funding approval completed separately.
Ongoing Cost:	$12,000
One-Time Cost:	
Included in Current Budget?	Yes

BACKGROUND: Arts and Humanities Bainbridge (AHB) provides support to the City's Public Art Program, including administrative support to the Public Art Committee, a group of community representatives who provide advice on public art programming and acquisition. The City and AHB have had recent conversations about establishing an ongoing agreement to provide certainty to both organizations related to funding and services.

The proposed approach includes:

1. Development and execution of a professional services agreement covering the next five years (2021-2025) for an annual payment of $12,000 to AHB.

2. Establishment of a 15% management fee for future public art projects, including each cycle of Something New.

3. Agreement that PAC and AHB will bring additional information in coming months regarding potential new projects.

ATTACHMENTS:

PAC Presentation 9.14.20 - for CC 09222020.pdf

FISCAL DETAILS:

Fund Name(s): General Fund

Coding:

Public Art Program

Public Art Committee &
Arts & Humanities Bainbridge
September 22, 2020

arts & humanities bainbridge
public art

Mission of the Public Art Committee

Enhancing the vibrant culture and natural beauty of Bainbridge Island and inspiring communal conversation and individual contemplation through art in public spaces is the mission of AHB's Public Art Committee (PAC)

Funding Request For 2021

$12,000 annually

As the organization responsible for administration of the Public Art Program, Arts & Humanities Bainbridge requests continues funding for 2021 in the amount of $12,000. This funding supports the following activities::

AHB conducts monthly PAC meetings, including preparing agendas, compiling minutes and other documents.

AHB acts as liaison with local artists to manage the Something New program, now in its third year
(Activities include: communications to artists, hosting the area wide calls for art, writing press releases and marketing and promotion of the program.

AHB coordinates activities to showcase the public art collection, works with island artists and COBI staff to ensure they are properly promoted and acknowledged

AHB collaborates with public artists re: maintenance and decommissioning activities as needed

AHB assists PAC members to conceive and present new projects and activities to COBI Staff and City Council which are in alignment with the public art committee mission

Something New Program

Updates & Next Steps

The **Something New program** debuted in downtown Winslow in 2018. The project brought a collection of sculptures to outdoor sites around Winslow for a yearlong exhibition. New pieces are selected and rotated into these permanent locations annually, bringing “something new” to Bainbridge Island year after year.

Something New I - brought “Hand in Hand” sculpture by Will Robinson to Waterfront Park

Something New II - People’s Choice award presented to Karsten Boysen - no in person celebration this year. Included $1,000 honorarium.

Something New III - Applications were received through 8/31 with 12 submissions accepted for consideration. Jury to meet by 9/15 and artists notified. Installations in October to include three new sculptures - along Winslow Way, in Madison Plaza and at City Hall Entrance. Artists will be interviewed and recorded for promotions. See budget appendix.

Something New IV - Two new locations to be added in Waterfront Park (previously approved).

New Public Art Projects: Developing Ideas

The public art committee is proposing the following new projects:

a. **Open Call for Art** (by end of this year) This is a proposed call to the local cultural community to enlist suggestions for new types of public art projects and possible locations on Bainbridge Island..

b. **Art Wall -** Conceptually this would be an art wall / structure, with juried artwork that represents local, island artists. And their work during the COVID 19 pandemic. PAC will be working with COBI Public Works to identify the best location, timeline and details.

c. **Ferry Terminal Tunnel** Update hanging panels with new local Art hanging panels. PAC will explore the potential of replacing the hanging panels with public art history, liaise with the Bainbridge History Museum and a collaborative project and work with the Washington State Ferry staff to determine feasibility and timeline.

All future projects will be submitted for approval and will include 15% administrative cost recovery for expenses incurred by AHB.

Thank you for your continued support and assistance.

public art

Something New III Draft Budget

Program Budget	2020-21 Approved Budget
Bases (1 modification at City Hall)	$0.00
Honoraria (3 artists, jury)	$3,400.00
Subtotal COBI Program Expenses	$3,400.00
Call for Art (CaFe, web sites)	$600.00
People's Choice Honorarium	$1,000.00
Promotion & Publicity	$5,000.00
Opening Reception	$2,000.00
Artwork Plaques	$500.00
Art Rotation	$600.00
AHB Project Management (15%)	$1,673.00
Subtotal AHB Expenses	$11,373.00
TOTAL SOMETHING NEW III	$14,773.557

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 15 Minutes

AGENDA ITEM: (8:25 PM) Consider Revising BIMC 12.40.060 to Include Blakely Harbor - Police,

SUMMARY: Consider revising BIMC 12.40.060 Restricted Areas to include Blakely Harbor (the code currently pertains to Port Madison, Manzanita, and Eagle Harbors only).

AGENDA CATEGORY: Discussion **PROPOSED BY:** Police

RECOMMENDED MOTION: I move to direct the City Manager to prepare a proposal for future Council consideration adding Blakely Harbor to the restricted areas outlined in BIMC 12.40.060 based on tonight's Council discussion.

or

Not pursue an ordinance at this time.

STRATEGIC PRIORITY: Healthy and Attractive Community

FISCAL IMPACT:

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

BACKGROUND: BIMC 12.40.060 Restricted Areas currently pertains to Port Madison, Manzanita, and Eagle Harbors only. Blakely Harbor is unique in that it is a 'courtesy' no-wake zone, but is not enforceable. In response to increased concerns regarding boat speed, wakes, and water safety, harbor stewards propose including Blakely Harbor to those restricted areas in BIMC 12.40.060. On Tuesday August 25, 2020 the Council requested time at a future business meeting to receive some general information on this topic and provide an opportunity for public comment.

ATTACHMENTS:

Speed and Wake in Blakely CC 9-22-20.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

Bainbridge Island Police Department
Joseph N. Clark, Jr., Chief of Police

Memorandum

DATE: September 16, 2020

TO: Morgan Smith, City Manager

FROM: Joseph Clark, Chief of Police

RE: Proposed speed and wake restrictions in Blakely Harbor

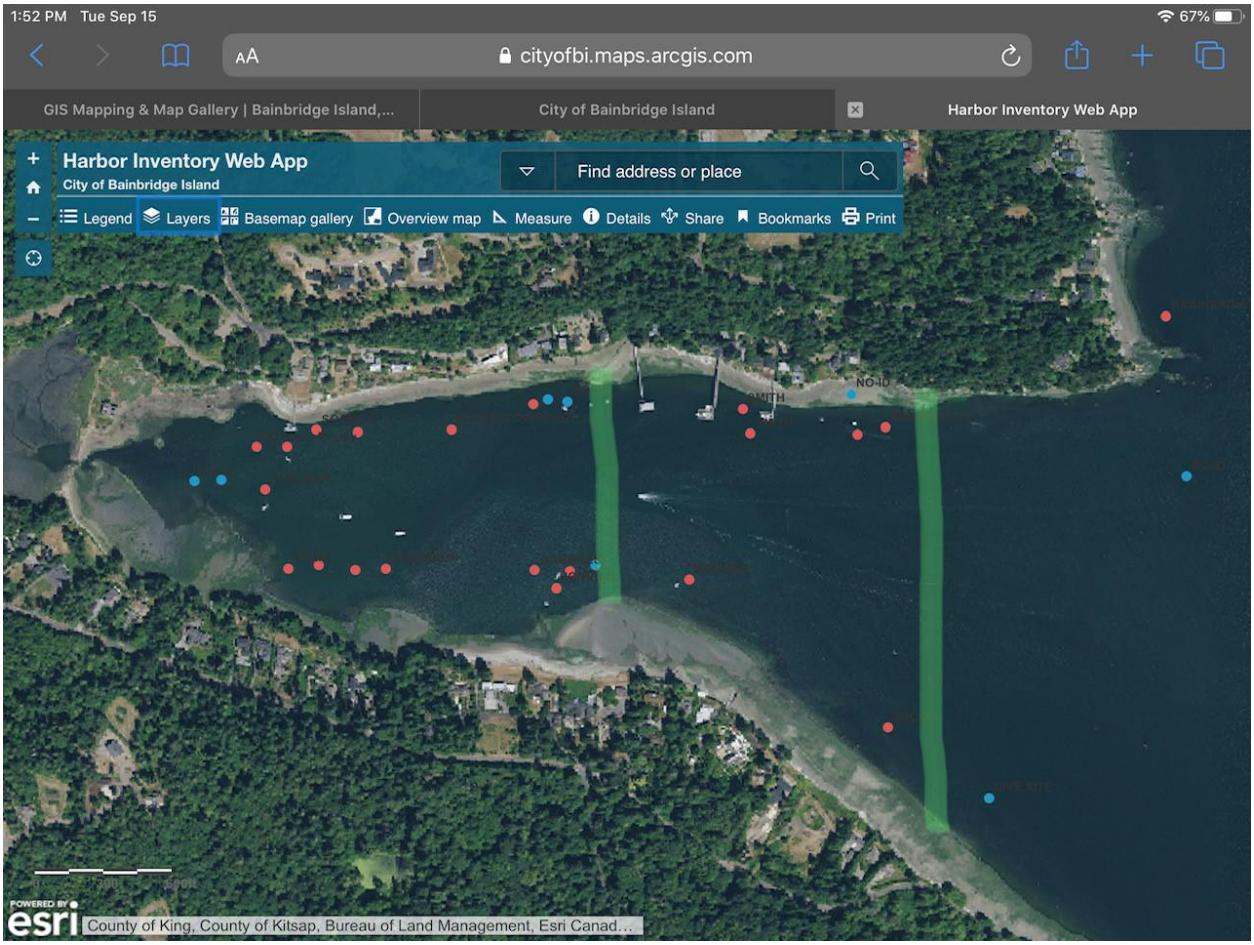
Residents along Blakely Harbor have expressed concerns regarding boating traffic speed and wakes within the harbor and their impact on the safety of other users of the waterway. Uses within the harbor include swimmers, non-motorized boaters, anchored vessels, water skiing, and other motorized activities. Residents have proposed adding Blakely Harbor to the Bainbridge Island Municipal Code section 12.40.060 *Uniform speed limit - Restricted Areas – Exceptions – Water skiing - Penalties*. Specific restrictions under this code section currently exist for Eagle Harbor, Port Madison Bay, and Manzanita Bay. These restrictions require boaters to operate at the lesser of five nautical miles per hour or a speed that does not create a wake within the designated boundaries.

Current restrictions in Blakely Harbor are consistent with the island-wide limit of five nautical miles per hour within 150 feet of any shoreline, dock, breakwater, or nonmotorized boating class, group, or event. The attached map shows two potential boundaries for creating a larger restricted area. The eastern line represents the boundary proposed by residents. This area encompasses much of the waterway, would preclude activities such as waterskiing, and increase travel time leaving the harbor. The western boundary represents an alternative along a natural narrowing point within the harbor. Such an alternative provides the no wake protection in the area most frequently used for anchorage and non-motorized activity while allowing for other motorized activities within the harbor.

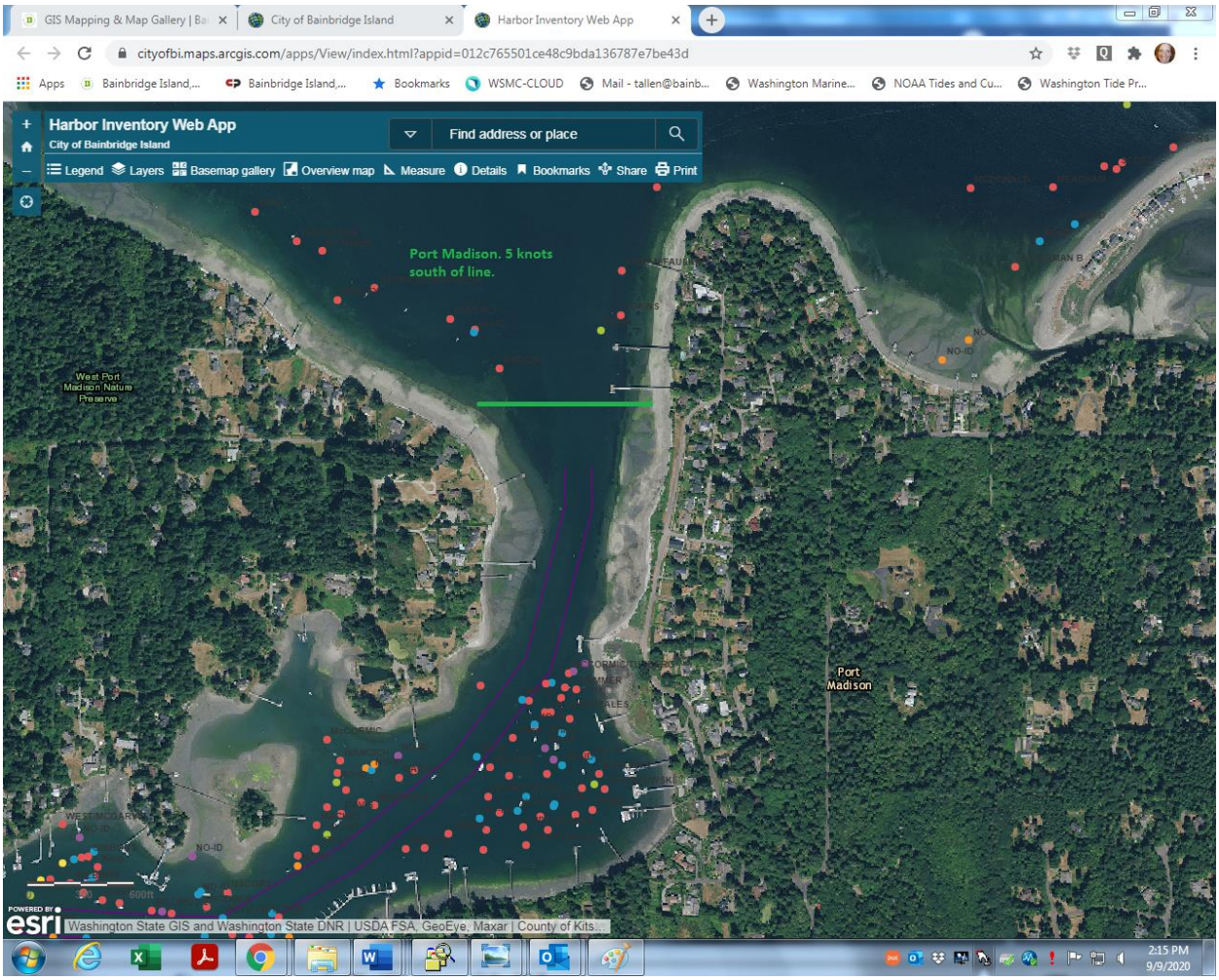
The necessary markings include a regulatory buoy with orange reflective markings indicating the boundary of the restricted area. The Harbormaster estimates that four buoys would be used to adequately mark the proposed eastern boundary or a single buoy for the western option. The estimated expenses for the installation include:

- Permits $1,359
- Materials and installation $5,000 (per buoy)
- Annual maintenance $500 (per buoy)

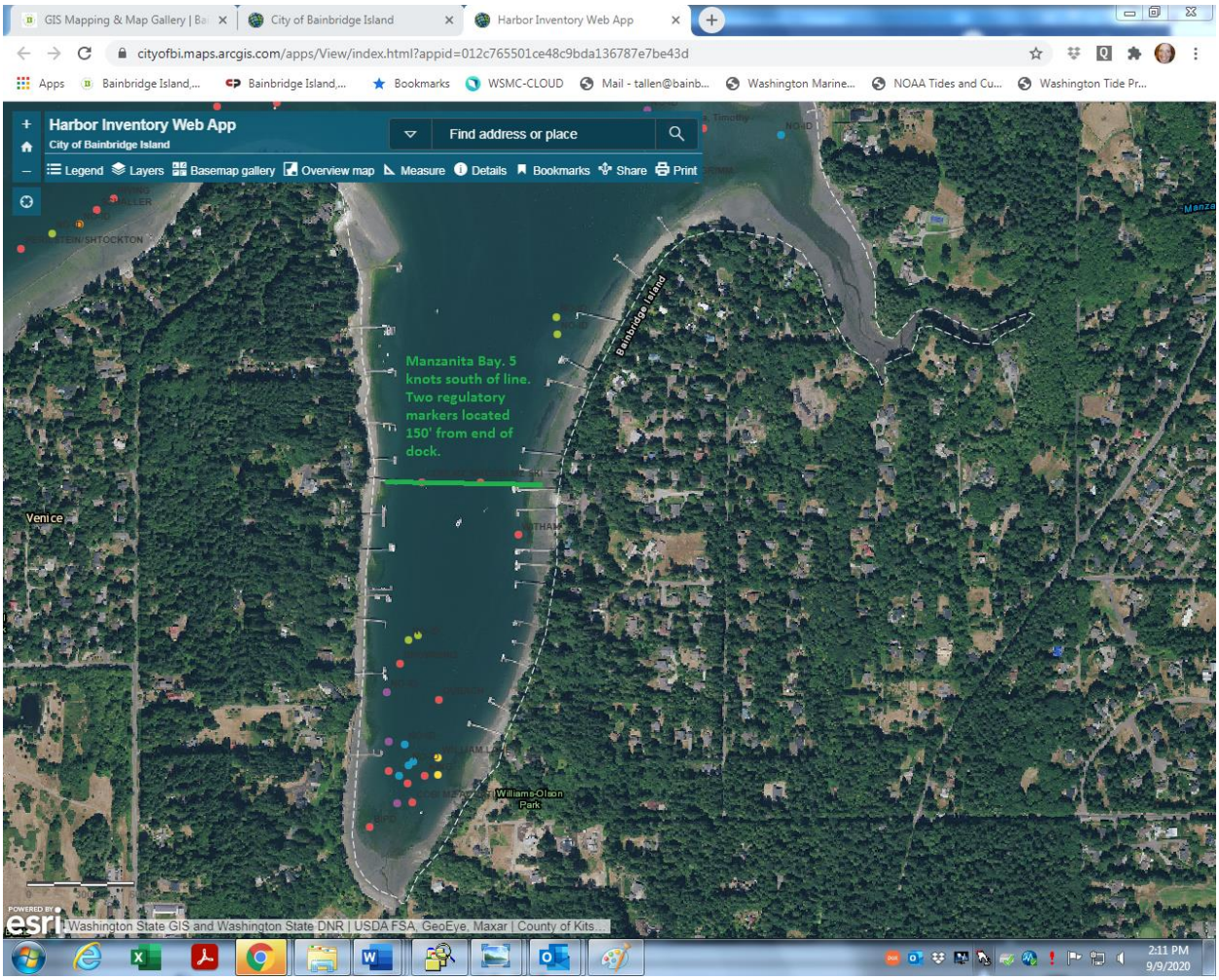
The Eagle Harbor signage is placed on US Coast Guard pilings at the entrance to the harbor. Regulatory buoys for speed and wake exist in Port Madison Bay and Manzanita Bay. Maps of these areas are included for reference.



Above: Blakely Harbor. The eastern green line (2,000 linear feet) represents the proposal by residents. The western green line (900 linear feet). Colored dots represent mooring buoys.



Above: Port Madison. The green line (800 linear feet) has one regulatory buoy.



Above: Manzanita Bay. The green line (645 linear feet) has two regulatory buoys.

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (8:40 PM) John T. Nelson Park at Strawberry Cannery Cove Monitoring Well License Agreement - Public Works,

SUMMARY: This License Agreement between the City and PNEC Corporation allows PNEC to place a groundwater monitoring well on City property located at the intersection of Weaver Road NW and Shepard Way NW.

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

RECOMMENDED MOTION: I move to forward the John T. Nelson Park at Strawberry Cannery Cove Monitoring Well License Agreement for approval with the October 13, 2020 Consent Agenda.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

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

BACKGROUND: This License Agreement is between the City and PNEC Corporation. The Licensee plans to construct a groundwater monitoring well that will encroach upon the City's Real Property located at the intersection of SE corner of Weaver Road NW & Shepard Way NW.

As a requirement of the ongoing cleanup plan for the former Tosco Bulk Plant 1784 project, the contamination from which is located on a parcel just to the east of the City's park parcel (see attached figures), the Licensee needs to install an additional monitoring well on the west edge of the contaminated soil to locate any possible current contamination. The City has determined that at this time that the easement and monitoring well pose no current or foreseen conflicts with the City's parcel; however, if this changes in the future, the City may terminate the license agreement with a 60-day written notice. The Agreement will take effect upon execution by both parties.

The City will benefit from allowing this use through the Licensee's correction of any possible past contamination by removing pollutants from the shallow aquifer and ensuring nearby shorelines remain clear of residual contaminants. See the attached Tosco site opinion letter prepared by the Department of Ecology for recent information about the status of the contamination and the cleanup.

Public Works staff has reviewed this License Agreement and recommends that the City Council move to forward it to the October 13, 2020 consent agenda for approval.

ATTACHMENTS:

Revocable License Agreement.pdf

Construction Easement.pdf

Tosco Site NW3070 Opinion Letter 8-4-2020 Final.pdf

FISCAL DETAILS: N/A

Fund Name(s):

Coding:

AFTER RECORDING, PLEASE RETURN TO:

Kelly Jahraus
Deputy City Clerk
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110

REVOCABLE LICENSE AGREEMENT

Reference Number(s) of Documents Assigned or Released:	N/A
Grantor(s):	City of Bainbridge Island, a Washington State municipal corporation
Grantee:	PNEC Corporation d.b.a. SC Fuels
Short Legal Description:	Ptn. W ½, SW ¼, NW ¼, SE ¼, Sec. 27, T.25N., R.2E., W.M., City of Bainbridge Island, Kitsap County, Washington, (Complete legal description on **Exhibit A**)
Assessor's Property Tax Parcel/Account Number(s):	272502-4-006-2000

THIS REVOCABLE LICENSE AGREEMENT ("Agreement") is made and entered into by and between the City of Bainbridge Island, a Washington State municipal corporation, ("City") and PNEC Corporation d.b.a. SC Fuels, a Washington State corporation, ("Licensee").

RECITALS

A. The City owns certain real property in the City of Bainbridge Island, located at the SE Corner of Weaver Road NW & Shepard Way NW, Bainbridge Island, Washington, with Tax Parcel No. 272502-4-006-2000, which real property is legally described on **Exhibit A** ("City's Real Property").

B. The Licensee plans to soon construct improvements that will encroach upon the City's Real Property. Specifically, these improvements consist of a 2-inch diameter groundwater monitoring well ("Licensee's Improvements"). The location of the Licensee's Improvements on the City's Real Property is legally described on **Exhibit B** and depicted on **Exhibit C** ("License Area").

C. As a requirement of the ongoing cleanup plan for Former Tosco Bulk Plant 1784 Project the Licensee needs to install an additional monitoring well on the west edge of the contaminated soil to locate the current extent of contamination.

D. The City has determined that the portion of the City-owned real property constituting the License Area, as legally described on **Exhibit B** and depicted on **Exhibit C**, is not currently needed for any City purpose but, in the future, may be needed for some City purpose.

E. The City will benefit from allowing this use of the City's Real Property by the Licensee because the actions taken by the Licensee are meant to correct past contamination by removing pollutants from the shallow aquifer and ensure nearby shorelines remain clear of residual contaminants.

F. In consideration of the terms, conditions, and covenants below, the City and the Licensee desire to enter into this Agreement to govern ingress to and egress from Licensee's Improvements as well as the construction, maintenance, operation, and removal of Licensee's Improvements in the License Area.

NOW, THEREFORE, it is agreed as follows:

1. Revocable License.

1.1 The City grants Licensee, together with its successors and assigns, permission, revocable and terminable as provided herein, to enter onto and use the License Area only for the following purposes: ingress to and egress from Licensee's Improvements; and the construction, maintenance, operation, and removal of Licensee's Improvements. The area of said

License Area is limited to that area legally described on **Exhibit B** and depicted on **Exhibit C** and shall not be expanded in any way. Additionally, Licensee shall comply with all applicable federal, state, and local laws and regulations when entering onto and using the City's Real Property under this Agreement. Upon termination of this Agreement, the license granted to the Licensee shall be considered to have been fully revoked.

1.2 The Licensee's Improvements may remain in the License Area until this Agreement is terminated. To the extent that Licensee's Improvements are located on the City's Real Property, the Licensee's Improvements may not be expanded in any way. Licensee shall comply with all applicable federal, state, and local laws and regulations, including but not limited to obtaining all required permits, with regard to the construction, maintenance, operation, or removal of the Licensee's Improvements.

1.3 In consideration of the limited rights and privileges granted to Licensee in this Agreement, Licensee acknowledges the City's interest in, rights to, and authority over the City's Real Property, and that except as expressly stated herein, this Agreement does not create or convey to Licensee any interest or rights in the City's Real Property. Licensee shall make no use of the City's Real Property that is not specifically authorized in this Agreement. The City shall have the right to remove any other encroachment on the City's Real Property without notice to Licensee.

1.4 Licensee's use of the License Area shall not restrict, inhibit, or interfere with public pedestrian access to the City's Real Property. Licensee shall endeavor to minimize the impacts of its use of the License Area. The City and Licensee specifically acknowledge that the Licensee's Improvements, as proposed to be constructed on the effective date of this Agreement, do not interfere with pedestrian access.

1.5 Licensee shall be solely responsible for any and all costs associated with its use of the License Area under this Agreement. Licensee shall not permit any mechanic's, materialmen's, or similar liens to or claims to stand against the City's Real Property for labor or material furnished in connection with any work performed on or in the License Area. Any taxes imposed as a result of this Agreement or Licensee's use of the License Area shall be the responsibility of and shall be paid by Licensee.

1.6 Within ten (10) business days following the effective date of this Agreement, Licensee shall record an executed copy of this Agreement with the Kitsap County Auditor's Office. Licensee shall be solely responsible for all fees associated with the recording of this Agreement and all other fees that may be incurred in executing this Agreement and granting this revocable license. Licensee shall return a recorded copy of this Agreement to the City within five (5) business days following recording.

2. Allocation of Risk and Indemnification.

2.1 Licensee covenants and warrants that Licensee has fully inspected the License Area and that the same is reasonably safe and suitable for Licensee's intended use as permitted under this Agreement. Licensee accepts the same "as-is", without warranty of any kind, whether express or implied.

2.2 Licensee assumes the risk of any and all damage or loss to Licensee's Improvements or personal property located within the License Area.

2.3 Licensee agrees to indemnify, defend, and hold harmless the City, its employees, officers, volunteers, agents, successors, and assigns from and against any and all damages, injuries, claims, or other liability of whatsoever kind or nature (including, but not limited to, reasonable attorneys' fees) incurred by Licensee, Licensee's invitees, guests, or other third parties, relating to, resulting from, directly or indirectly arising from, or associated with Licensee's use of the License Area under this Agreement. This indemnification shall survive the expiration or termination of this Agreement.

3. Term and Termination.

3.1 This Agreement shall become effective when executed and shall continue in full force and effect until terminated, as described below.

3.2 If the City determines, in its sole discretion, that the License Area is needed for any City purpose whatsoever, then the City may terminate this Agreement upon sixty (60) days' written notice to the Licensee; Provided, that if the Licensee breaches this Agreement, then the City may immediately terminate this Agreement without notice to the Licensee.

3.3 Upon termination of this Agreement, Licensee shall, at Licensee's sole expense, surrender and vacate the License Area, remove all of the Licensee's Improvements and personal property from the License Area, and restore the License Area to a condition that is as good or better than the condition of the License Area at the time of the execution of this Agreement. If Licensee fails to comply with this subsection, the City shall have the right to remove Licensee's Improvements and personal property from the License Area and restore the License Area at Licensee's expense, which Licensee shall pay to the City on demand.

4. General Provisions.

4.1 All notices and other material to be delivered under this Agreement shall be in writing and shall be hand delivered or mailed to the following addresses:

The City:
Attn: City Manager
280 Madison Avenue North
Bainbridge Island, Washington 98110
(206) 842-2545

Licensee:
PNEC Corporation d.b.a. SC Fuels
1800 W. Katella Avenue, Ste. 400
Orange, California 92867
(714) 516-7273

Attn: Robert W. Bollar, General Counsel

Notice that are hand delivered shall be deemed to be received upon delivery. Notices that are mailed shall be deemed to be received three (3) days after the date of mailing. The parties reserve the right to change their respective addresses by giving written notice thereof to the other party.

4.2 Waiver by the City of any breach of any term or provision of this Agreement shall not be deemed a waiver of any subsequent breach of the same or any other provision.

4.3 In the event either party brings an action or proceeding arising out of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs.

4.4 Venue for any legal actions prosecuted or instituted by either party under this Agreement shall be brought in the Superior Court of the State of Washington at Kitsap County, Washington.

4.5 This Agreement is not an easement or lease, but is instead a revocable license to Licensee for the express and limited purpose outlined herein.

4.6 Upon termination of this Agreement, the revocable license granted under this Agreement shall no longer burden the City's Real Property.

4.7 This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

4.8 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.

4.9 This Agreement, together with **Exhibits A, B, and C**, 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 the City and Licensee. Licensee shall be solely responsible for all fees associated with the recording of any amendment to this Agreement as well as for all other fees that may be incurred in executing or effectuating any amendment to this Agreement.

4.10 Each of the provisions of this Agreement has been reviewed and negotiated and represents the combined work product of all parties hereto. No presumption or other rules of construction which would interpret the provisions of this Agreement in favor of or against the party preparing the same shall be applicable in connection with the construction or interpretation of any of the provisions of this Agreement.

4.11 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 contract.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the later of the signature dates included below.

CITY OF BAINBRIDGE ISLAND:

Date:_____

By:_____

Morgan Smith, City Manager

LICENSEE:

Date: 8/20/2020

By: Edward A. Wondergem

Edward A. Wondergem, CFO

STATE OF WASHINGTON)
) ss
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Morgan Smith is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument, and acknowledged it as the City Manager of the CITY OF BAINBRIDGE ISLAND, WASHINGTON, 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: _____

STATE OF WASHINGTON)
) ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that ~~Robert W. Bollar~~ Edward D. Vandergem is the person who appeared before me, and said person acknowledged that it as the ~~General Counsel~~ CFO of the PNEC Corporation d.b.a. SC Fuels he signed this instrument and acknowledged it as his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated _____

See attached Acknowledgment

NAME: _____
(Print Name)
Notary Public in and for the State of Washington
Commission Expires: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange)

On August 20, 2020 before me, Xuan Huong Nguyen Morales, Notary Public
(insert name and title of the officer)

personally appeared Edward A. Wondergem,
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/she~~/they~~ executed the same in his/her~~/their~~ authorized capacity(ies), and that by his/her~~/their~~ signature(s) on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

XUAN HUONG NGUYEN MORALES
Notary Public - California
Orange County
Commission # 2202581
My Comm. Expires Jul 20, 2021

Signature _____ **(Seal)**

EXHIBIT A

LEGAL DESCRIPTION OF THE CITY'S REAL PROPERTY

The West half of the Southwest quarter of the Northwest quarter of the Southeast quarter, Section 27, Township 25 North, Range 2 East, W.M., in Kitsap County, Washington.
EXCEPT ROADS;
AND EXCEPT the east 60 feet thereof;

TOGETHER with Tidelands of the Second Class suitable for the cultivation of oysters, described as follows:
That portion of the tract of Oyster Lands conveyed by the State of Washington to J.A. Rea and J.M. Sparkman, by deed dated July 10, 1903, described as follows by metes and bounds:
Beginning at the most westerly point of said Oyster Land and running thence along the Government Meander Line South 84*53' East 1250.70 feet;
Thence North 53*17' East 530 feet, more or less, to a point where the West line of the Northwest quarter of the Southeast quarter of Section 27, Township 25 North, Range 2 East, W.M., in Kitsap County, Washington, if produced South, would intersect said Meander Line, said point being the True Point of Beginning;
Thence along said Meander Line North 53*17' East 205.00 feet;
Thence South 51*18' East 150 feet, more or less, to the most westerly point of Tract 4, Gidner's Tracts, according to plat recorded in Volume 3 of Plats, page 36, in Kitsap County, Washington;
Thence leaving Meander Line South 14* West 360 feet, more or less, to center of channel in Eagle Harbor;
Thence westerly along said centerline 140 feet;
Thence northerly 350 feet, more or less, to the Point Of Beginning;
EXCEPT such portion, if any, as falls within the uplands of the Northwest quarter of the Southeast quarter of said Section 27;
AND EXCEPT the East 60 feet thereof.

EXHIBIT B

LEGAL DESCRIPTION
OF LICENSE AREA

A portion of the West half of the Southwest quarter of the Northwest quarter of the Southeast quarter, Section 27, Township 25 North, Range 2 East, W.M., in Kitsap County, Washington. Except the east 60 feet thereof; Being a circular area with a radius of 2.50 feet centered on a monitoring well the location of which is described as follows:
Commencing at the northeast corner of the above described tract, being the northeast corner of the subject City-owned real property;
Thence southerly along the east line of said property 135 feet, more or less;
Thence westerly and perpendicular to said east property line 10.00 feet, more or less to the center of said monitoring well;

EXHIBIT C

SKETCH OF LICENSE AREA
(attached)

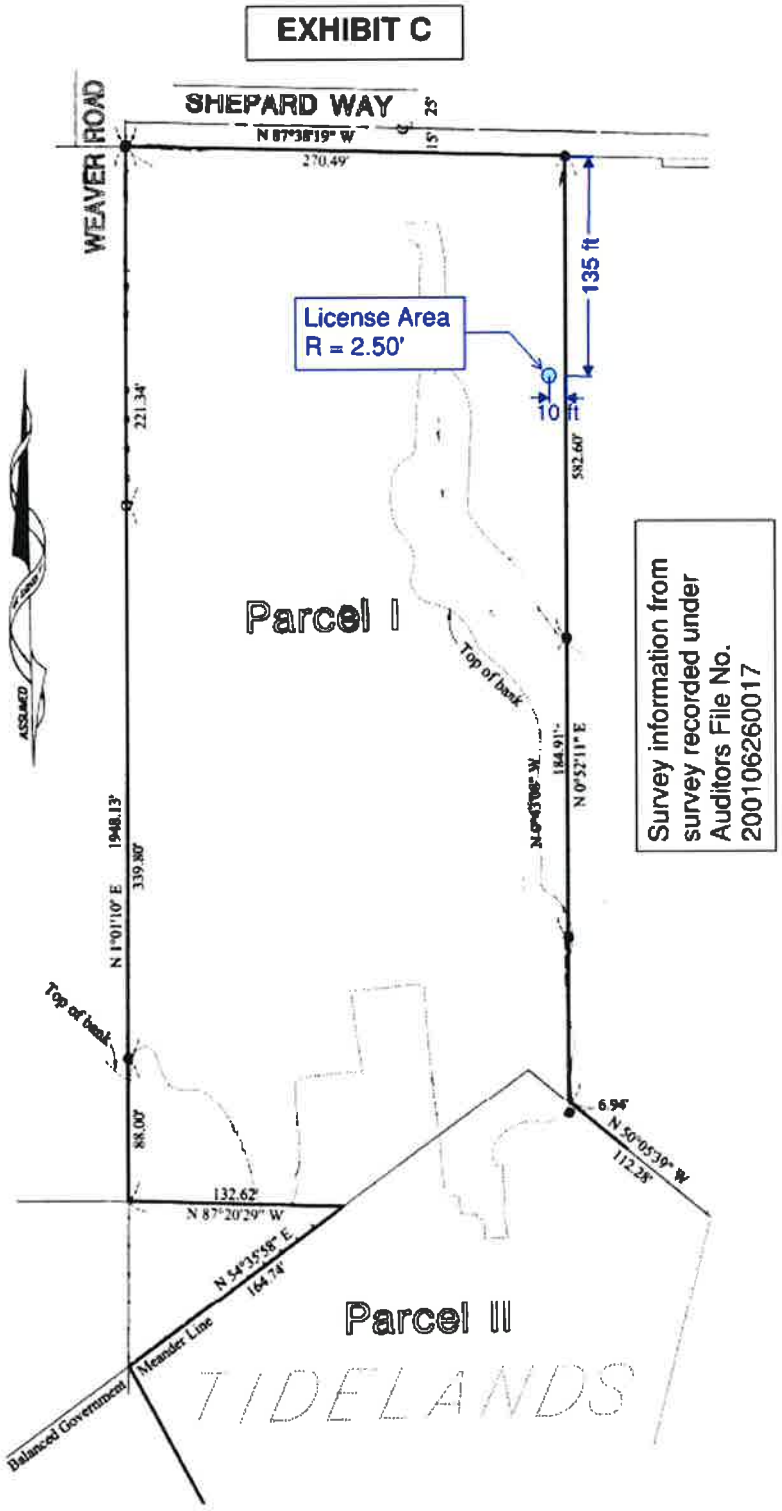


EXHIBIT C
SHEPARD WAY
WEAVER ROAD
N 87°38'19" W
270.49'
25'
15'
135 ft
License Area
R = 2.50'
10
221.34'
582.60'
Parcel I
Top of bank
N 0°52'11" E
184.91'
N 1°01'10" E
1948.13'
339.80'
Survey information from survey recorded under Auditors File No. 200106260017
Top of bank
88.00'
6.94'
N 50°05'39" W
112.28'
132.62'
N 87°20'29" W
N 54°35'58" E
164.74'
Meander Line
Parcel II
TIDELANDS
Balanced Government

RETURN TO:

Kelly Jahraus
Deputy City Clerk
City of Bainbridge Island
280 Madison Avenue N.
Bainbridge Island, WA 98110

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

Reference Number(s) of Documents Assigned or Released:	N/A
Grantee:	PNEC Corporation d.b.a. SC Fuels
Grantor:	City of Bainbridge Island, a Washington State municipal corporation
Short Legal Description:	Ptn. W ½, SW ¼, NW ¼, SE ¼, Sec. 27, T.25N., R.2E., W.M., City of Bainbridge Island, Kitsap County, Washington, (Complete legal description on **Exhibit A**)
Assessor's Property Tax Parcel/Account Number(s):	272502-4-006-2000

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

IN THE MATTER OF:

FORMER TOSCO BULK PLANT 1784 PROJECT

THIS TEMPORARY CONSTRUCTION EASEMENT AGREEMENT ("Agreement") is made by and between the City of Bainbridge Island, a Washington State municipal corporation, ("Grantor") and PNEC Corporation d.b.a. SC Fuels, a Washington State corporation, ("Grantee"). The Grantor and the Grantee (the "Parties") agree as follows:

1. Grantor's Real Property. The Grantor is the fee owner of the real property legally described on **Exhibit A**, attached hereto and incorporated herein by this reference ("Grantor's Real Property").

2. Grant of Temporary Construction Easement. The Grantor, for valuable consideration, the receipt of which is hereby acknowledged, grants to the Grantee a nonexclusive temporary easement ("Temporary Construction Easement") to use, modify, and/or occupy the portion of Grantor's Real Property legally described on **Exhibit B** and depicted on **Exhibit C**, both of which are attached hereto and incorporated herein ("Temporary Construction Easement Area").

3. Purpose. The Temporary Construction Easement is granted to Grantee to allow the installation of one (1) 2-inch diameter groundwater monitoring well to complete the Former Tosco Bulk Plant 1784 Project, as requested by the Department of Ecology, which consists of, but is not limited to, the following work:

a. Install one (1) 2-inch diameter groundwater monitoring well using a direct-push rig;
b. Develop and survey the well; and
c. Collect groundwater samples from the well on a regular basis to satisfy the data requirements of the Department of Ecology.

4. Duration. This Agreement shall take effect upon execution by both Parties. The Temporary Construction Easement granted under this Agreement shall remain in full force and effect until completion of the Former Tosco Bulk Plant 1784 Project, at which point the Temporary Construction Easement shall expire and no longer be in force or effect. For the purposes of this Agreement, completion of the Former Tosco Bulk Plant 1784 Project shall occur on the date of Department of Ecology's final acceptance of the work performed by the Grantee.

5. Indemnity. By executing this Agreement, the Grantee agrees to indemnify and hold harmless the Grantor from any and all claims for injuries or damages suffered by any person or property which may be caused by the Grantee's exercise of the rights granted herein; provided, that the Grantee shall not be responsible to the Grantor for any injuries or damages suffered by any person or property caused by the acts or omissions of the Grantor or their agents.

6. Restoration. If the surface of the Temporary Construction Easement Area is disturbed by the Grantee in completing the Former Tosco Bulk Plant 1784 Project, then the Grantee shall restore the surface of the same as nearly as possible to the condition in which it existed at the commencement of the Grantee's work.

7. Access. The Grantee shall have the right, without prior institution of any suit or proceeding at law, to enter upon the Temporary Construction Easement Area as necessary to complete the Former Tosco Bulk Plant 1784 Project.

8. Reservation of Rights. All rights, title, and interest, which may be used and enjoyed without interfering with the Temporary Construction Easement are reserved to the Grantor.

9. Good Title. The Grantor warrants that they have good title to the Grantor's Real Property and warrants the Grantee title to, and quiet enjoyment of, the Temporary Construction Easement for the duration of this Agreement.

10. Authority. Each party signing this Agreement, if on behalf of an entity, represents that they have full authority to sign this Agreement on behalf of such entity.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the later of the signature dates below.

Date: 8/20/2020

Edward A. Wondolowski CFO

GRANTEE

Date: _____

By _____

Morgan Smith, City Manager
City of Bainbridge Island

STATE OF WASHINGTON)
) ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that ~~Robert W. Bollar~~ Edward A. Wondergem is the person who appeared before me, and said person acknowledged that it as the ~~General Counsel~~ CFO of the PNEC Corporation d.b.a. SC Fuels he signed this instrument and acknowledged it as his free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: See Attached Acknowledgment.

NAME: _____
(Print Name)
Notary Public in and for the State of Washington.
Commission Expires: _____

STATE OF WASHINGTON)
) ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Morgan Smith is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument, and acknowledged it as the City Manager of the City of Bainbridge Island 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: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange)

On August 20, 2020 before me, Xuan Huong Nguyen Morales, Notary Public
(insert name and title of the officer)

personally appeared Edward A. Wondergem,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

XUAN HUONG NGUYEN MORALES
Notary Public – California
Orange County
Commission # 2202581
My Comm. Expires Jul 20, 2021

Signature _____ **(Seal)**

EXHIBIT A
LEGAL DESCRIPTION OF GRANTOR'S REAL PROPERTY

The West half of the Southwest quarter of the Northwest quarter of the Southeast quarter, Section 27, Township 25 North, Range 2 East, W.M., in Kitsap County, Washington.
EXCEPT ROADS;
AND EXCEPT the east 60 feet thereof;

TOGETHER with Tidelands of the Second Class suitable for the cultivation of oysters, described as follows:
That portion of the tract of Oyster Lands conveyed by the State of Washington to J.A. Rea and J.M. Sparkman, by deed dated July 10, 1903, described as follows by metes and bounds:
Beginning at the most westerly point of said Oyster Land and running thence along the Government Meander Line South 84*53' East 1250.70 feet;
Thence North 53*17' East 530 feet, more or less, to a point where the West line of the Northwest quarter of the Southeast quarter of Section 27, Township 25 North, Range 2 East, W.M., in Kitsap County, Washington, if produced South, would intersect said Meander Line, said point being the True Point of Beginning;
Thence along said Meander Line North 53*17' East 205.00 feet;
Thence South 51*18' East 150 feet, more or less, to the most westerly point of Tract 4, Gidner's Tracts, according to plat recorded in Volume 3 of Plats, page 36, in Kitsap County, Washington;
Thence leaving Meander Line South 14* West 360 feet, more or less, to center of channel in Eagle Harbor;
Thence westerly along said centerline 140 feet;
Thence northerly 350 feet, more or less, to the Point Of Beginning;
EXCEPT such portion, if any, as falls within the uplands of the Northwest quarter of the Southeast quarter of said Section 27;
AND EXCEPT the East 60 feet thereof.

EXHIBIT B

LEGAL DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT AREA

A portion of the West half of the Southwest quarter of the Northwest quarter of the Southeast quarter, Section 27, Township 25 North, Range 2 East, W.M., in Kitsap County, Washington.
Except the east 60 feet thereof;
Described as follows: Commencing at the northeast corner of the above described tract, being the northeast corner of the subject City-owned real property;
Thence southerly along the east line of said property 127.5 feet to the True Point of Beginning;
Thence westerly and perpendicular to said east property line 20.0 feet;
Thence southerly and parallel to said east property line 15.0 feet;
Thence easterly on a line perpendicular to said east property line 20.0 feet to said east property line;
Thence northerly along said east property line 15.0 feet to the True Point of Beginning.

EXHIBIT C

SKETCH OF TEMPORARY CONSTRUCTION EASMENT AREA
(attached)

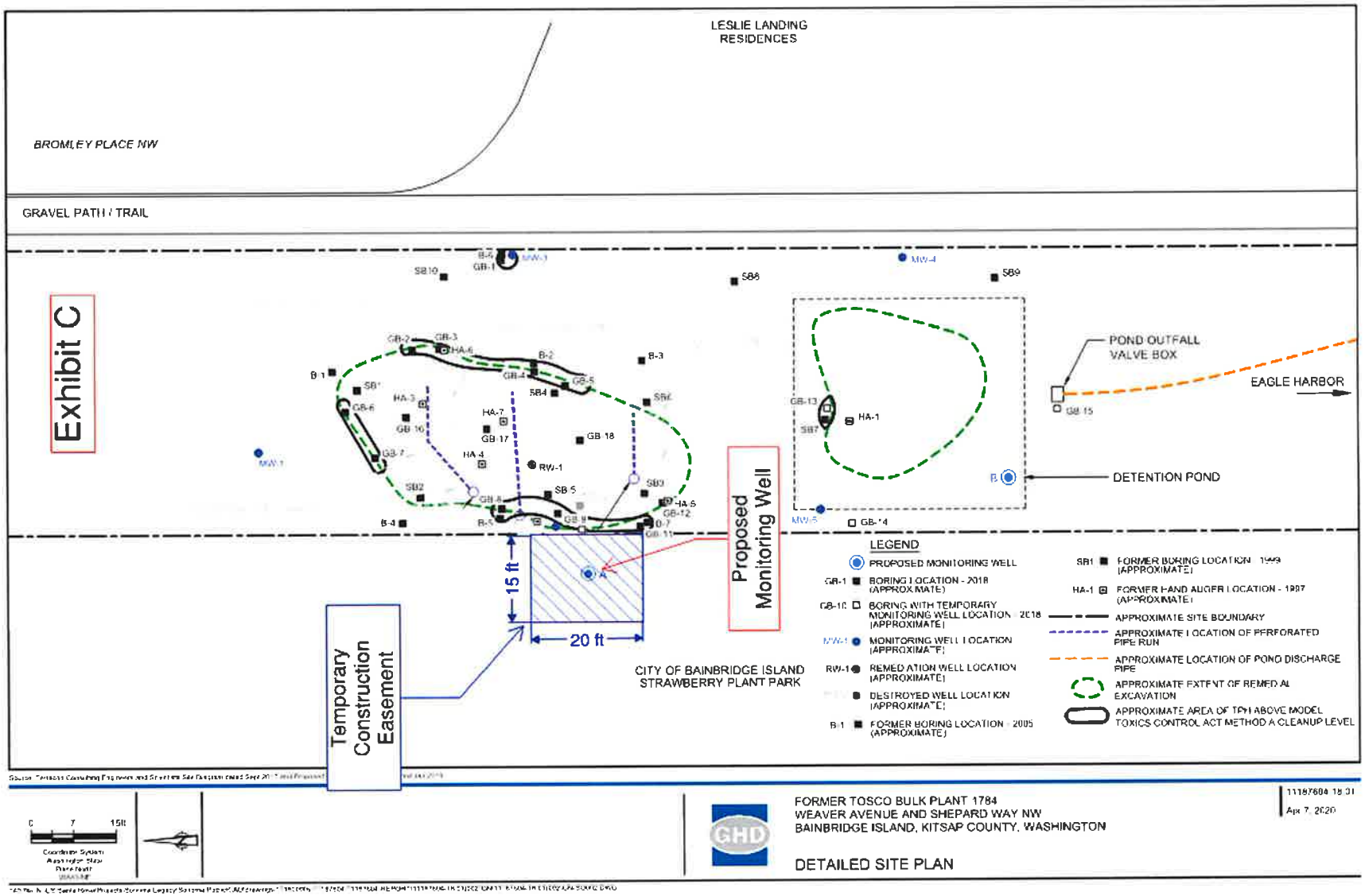


Exhibit C
LESLIE LANDING RESIDENCES
BROMLEY PLACE NW
GRAVEL PATH / TRAIL
POND OUTFALL VALVE BOX
EAGLE HARBOR
DETENTION POND
Proposed Monitoring Well
Temporary Construction Easement
15 ft
20 ft
CITY OF BAINBRIDGE ISLAND
STRAWBERRY PLANT PARK
LEGEND
PROPOSED MONITORING WELL
BORING LOCATION - 2018 (APPROXIMATE)
BORING WITH TEMPORARY MONITORING WELL LOCATION - 2018 (APPROXIMATE)
MONITORING WELL LOCATION (APPROXIMATE)
REMEDIATION WELL LOCATION (APPROXIMATE)
DESTROYED WELL LOCATION (APPROXIMATE)
FORMER BORING LOCATION - 2005 (APPROXIMATE)
FORMER BORING LOCATION - 1999 (APPROXIMATE)
FORMER HAND AUGER LOCATION - 1997 (APPROXIMATE)
APPROXIMATE SITE BOUNDARY
APPROXIMATE LOCATION OF PERFORATED PIPE RUN
APPROXIMATE LOCATION OF POND DISCHARGE PIPE
APPROXIMATE EXTENT OF REMEDIAL EXCAVATION
APPROXIMATE AREA OF TPH ABOVE MODEL TOXICS CONTROL ACT METHOD A CLEANUP LEVEL
FORMER TOSCO BULK PLANT 1784
WEAVER AVENUE AND SHEPARD WAY NW
BAINBRIDGE ISLAND, KITSAP COUNTY, WASHINGTON
DETAILED SITE PLAN
Apr 7, 2020

Electronic Copy

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000
711 for Washington Relay Service • Persons with a speech disability can call (877) 833-6341

August 5, 2020

De Len B. Holbrook
Vice President HSE & Facilities
PNEC Corporation d.b.a. SC Fuels
1800 West Katella Avenue, Suite 400
Orange, CA 92867
holbrookd@scfuels.com

Re: Opinion pursuant to WAC 173-340-515(5) on Remedial Action for the following Hazardous Waste Site:

- **Site Name:** Tosco Bainbridge Island Bulk Plant 1784
- **Site Address:** Weaver Ave & Shepard Way NW, Bainbridge Island, WA 98110
- **Facility/Site No.:** 26595127
- **Cleanup Site ID:** 3960
- **VCP Project No.:** NW3070

Dear De Len B. Holbrook:

The Washington State Department of Ecology (Ecology) received your request for an opinion on the *Remedial Investigation Work Plan* for the Tosco Bainbridge Island Bulk Plant 1784 facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Does the proposed *Remedial Investigation Work Plan* meet the stated objectives with respect to Site data gaps?

NO. Ecology has determined that additional data gaps need to be addressed in addition to the proposed work, to complete the Remedial Investigation and support a Feasibility Study.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Total petroleum hydrocarbons in the gasoline, diesel and oil ranges (TPH-G, TPH-D, and TPH-O) to the Soil and Ground Water.

- Naphthalene to the Soil and Ground Water.

Enclosure A includes diagrams of the Site, as currently known to Ecology.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel associated with this Site is affected by other sites.

Basis for the Opinion

This opinion is based on the information contained in the documents listed in **Enclosure B**. A number of these documents are accessible in electronic form from the Site web page [1]. The complete records are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Visit our Public Records Request page[2] to submit a public records request or get more information about the process. If you require assistance with this process, you may contact the Public Records Officer at publicrecordsofficer@ecy.wa.gov or 360-407-6040.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis and Opinion

Based on a review of the November 2019 *Additional Soil, Groundwater, and Sediment Sampling Report (Sampling Report)* and the May 2020 *Remedial Investigation Work Plan (Work Plan)*, Ecology has determined:

- The spreadsheet with preliminary cleanup levels (PCULs) for soil, ground water, and surface water (developed by Ecology and sent to GHD) is mentioned, but not included, in the *Work Plan*. PCUL values in the spreadsheet will guide progress towards Site characterization and cleanup. Information in the spreadsheet, included as **Enclosure C** to this opinion letter, should be incorporated in the *Work Plan*.

- Ecology recommends moving the two proposed monitoring well locations ('A' on the City of Bainbridge Island park property and 'B' located on the Site) to positions directly

[1] https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=3960
[2] https://ecology.wa.gov/publicrecords

downgradient (along flow lines) with respect to the MW-2A/GB-10 and MW-5/GB-14 locations (see **Enclosure A**). Please include one map showing the ground water piezometric contours (see **Enclosure A**) and the revised locations of the proposed wells as documentation.

- Include surveying of new monitoring well elevations in the *Work Plan*, to facilitate incorporation of water level data into future ground water piezometric maps. Wellhead elevations should be established by a Washington-licensed land surveyor.

- As stated in the *Work Plan*, soil above PCULs remains at the Site after completion of the initial remedial excavations. The *Work Plan* addresses supplemental characterization of ground water impacts only; additional soil confirmation sampling (using the soil PCULs) will be necessary to support a Feasibility Study of cleanup options. The lateral and vertical extent of contamination in soil above cleanup levels beyond the excavation boundaries needs to be delineated. Ecology recommends preparation of a supplemental soil characterization work plan that identifies additional confirmation sampling necessary to complete the Remedial Investigation.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. State is immune from liability.

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

Contact Information

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/vcp. If you have any questions about this opinion, please contact me by phone at (425) 649-7257 or e-mail at michael.warfel@ecy.wa.gov.

Sincerely,

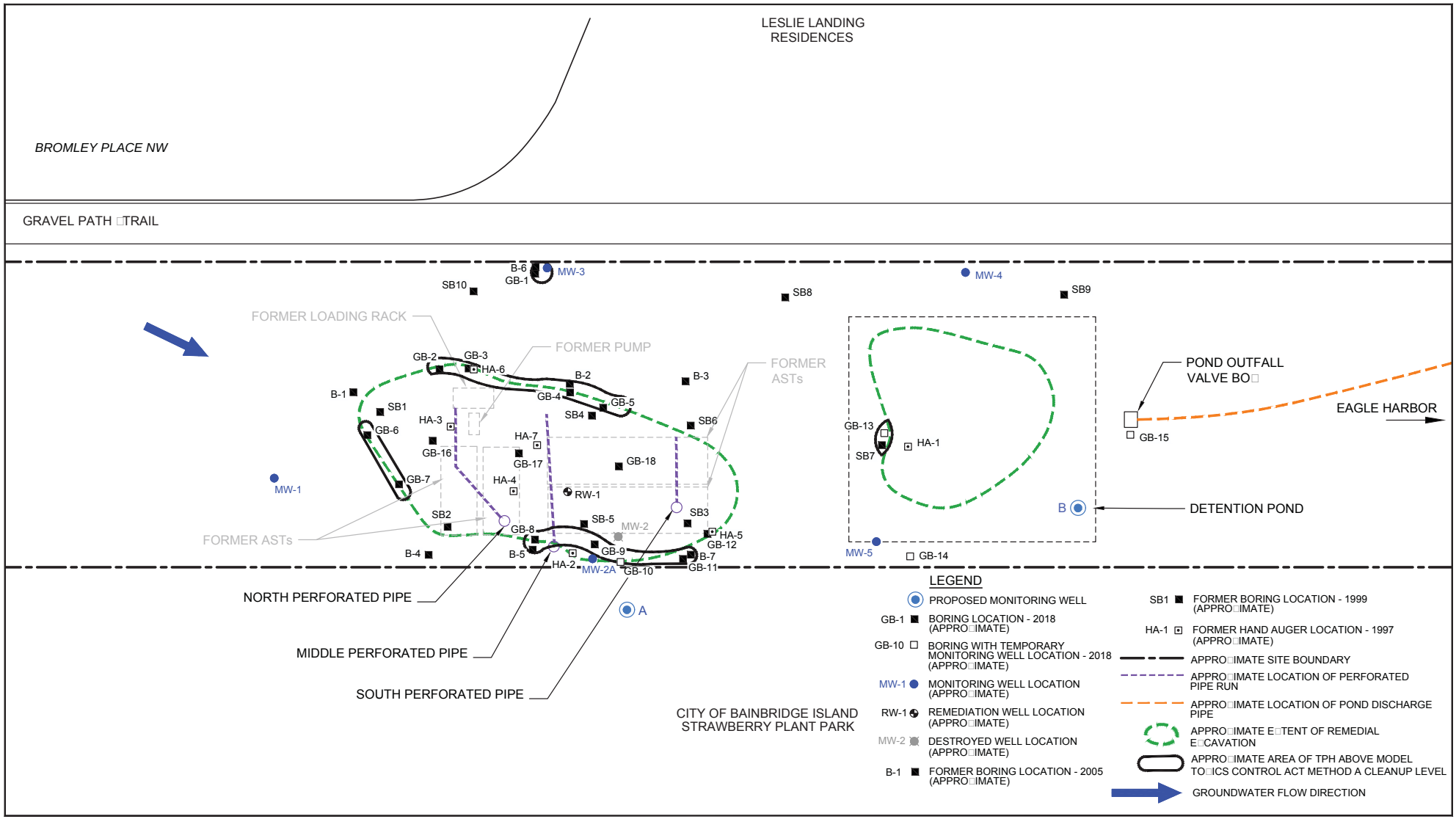
Michael R. Warfel, VCP Site Manager
Toxics Cleanup Program, NWRO

Enclosures (3): A – Diagrams of the Site
B – Basis for the Opinion: List of Documents
C – Spreadsheet with Preliminary Site Cleanup Levels

ecc: Mike Noll, GHD Services, Michael.Noll@ghd.com
Sonia Fernandez, VCP Coordinator, Ecology, sonia.fernandez@ECY.WA.GOV

Enclosure A

Diagrams of the Site



Source: Terracon Consulting Engineers and Scientists Site Diagram dated Sept 2017 and Proposed Boring Location Map dated Jan 2018.

0 7 15ft

Coordinate System:
Washington State
Plane North
WA83-NF

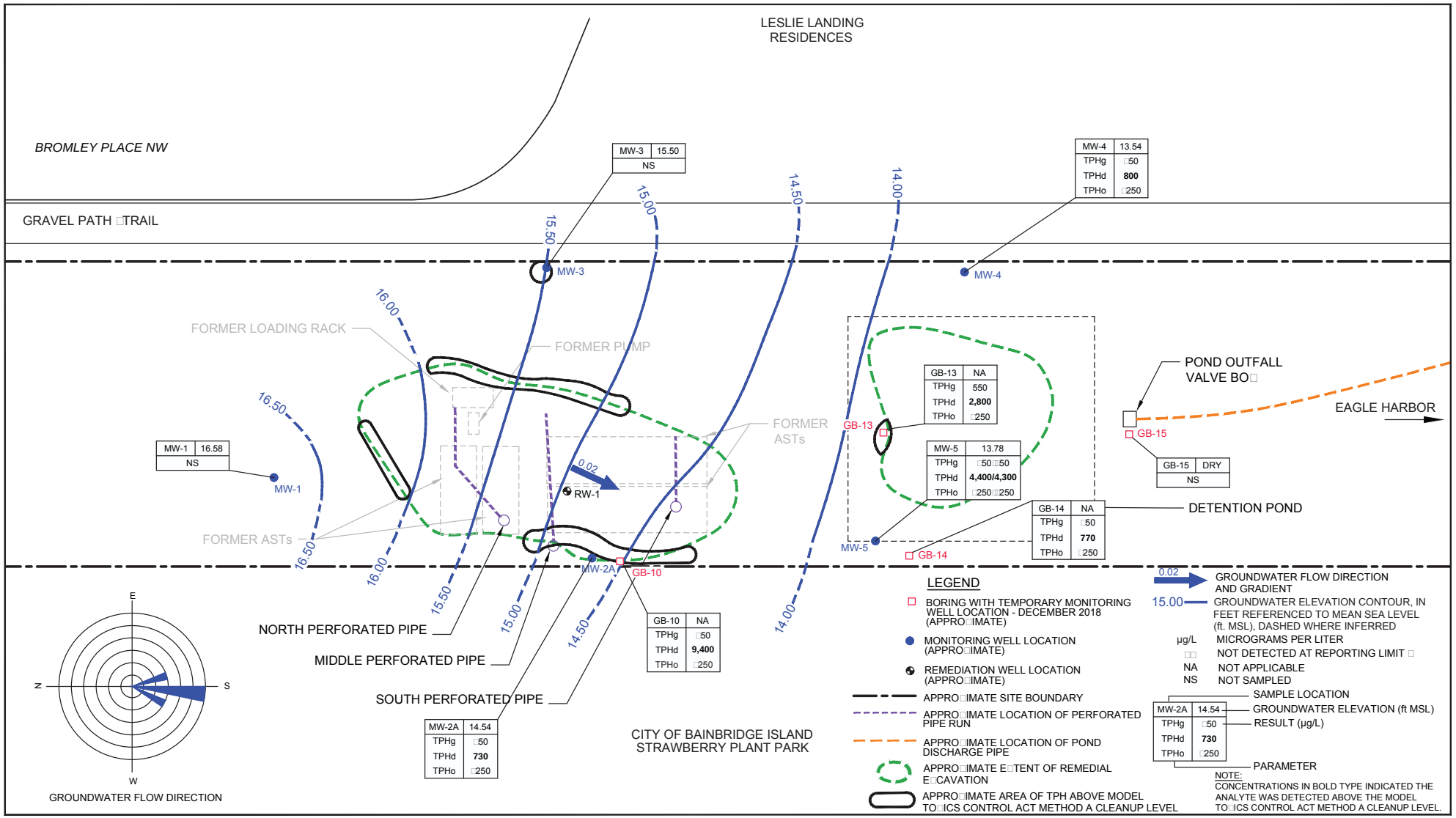
FORMER TOSCO BULK PLANT 1784
WEAVER AVENUE AND SHEPARD WAY NW
BAINBRIDGE ISLAND, KITSAP COUNTY, WASHINGTON

11187604-18.01
Apr 7, 2020

DETAILED SITE PLAN

FIGURE 3

CAD File: N:\US\Santa Rosa\Pro ects\Sonoma Legacy\Sonoma.Public\CAD\drawings\11180000s\11187604\11187604-REPORT\11187604-18.01(002)GN\11187604-18.01(002)GN-SO002.DWG



Source: Terracon Consulting Engineers and Scientists Site Diagram dated Sept 2017 and Proposed Boring Location Map dated Jan 2018.

0 7 15ft

Coordinate System: Washington State Plane North WA83-NF

GHD

FORMER TOSCO BULK PLANT 1784
WEAVER AVENUE AND SHEPARD WAY NW
BAINBRIDGE ISLAND, KITSAP COUNTY, WASHINGTON

GROUNDWATER CONTOUR AND CHEMICAL CONCENTRATION MAP - DECEMBER 14, 2018

11187604-18.01
Sep 26, 2019

FIGURE 4

CAD File: I:\Sonoma.Public\CAD\drawings\11180000s\11187604\11187604-REPORT\11187604-18.01(001)GN\11187604-18.01(001)GN-SO004.DWG

Enclosure B

Basis for the Opinion:
List of Documents

1. GHD, *Remedial Investigation Work Plan, Former Tosco Bainbridge Island Bulk Plan 1784*, May 7, 2020.

2. GHD, *Additional Soil, Groundwater, and Sediment Sampling Report, Former Tosco Bainbridge Island Bulk Plan 1784*, November 22, 2019.

3. Department of Ecology (Ecology), *VCP Opinion on Remedial Action, Tosco Bainbridge Island Bulk Plant 1784*, August 2, 2018.

4. Terracon Consultants, Inc. (Terracon), *Work Plan for Additional Soil, Groundwater and Sediment Sampling, Former Tosco Bainbridge Island Bulk Plan 1784*, May 1, 2018.

5. Terracon, *Groundwater Monitoring Report: July & November 2016 and February 2017*, September 25, 2017.

6. Ecology, *VCP Opinion on Remedial Action, Tosco Bainbridge Island Bulk Plant 1784*, July 25, 2017.

7. Terracon, *VCP Submittal Addendum, Tosco Bainbridge Island Bulk Plant 1784*, May 12, 2017.

8. Ecology, *Request for Additional Information to Provide Opinion on the Investigation under VCP for Tosco Bainbridge Island Bulk Plant 1784*, February 24, 2017.

9. Terracon, *Site Remedial Action and Monitoring Summary Report*, November 18, 2016.

10. Terracon, *Groundwater Monitoring Report: April 2016*, May 23, 2016.

11. Terracon, *Groundwater Monitoring Report: February 2016*, April 14, 2016.

12. Terracon, *Remedial Treatment Report: January 2015*, April 2, 2015.

13. Terracon, *Groundwater Monitoring Report: April and July 2015*, August 21, 2015.

14. Terracon, *Groundwater Monitoring Report: August 2014*, September 30, 2014.

15. Secor International Incorporated (Secor), *Groundwater Monitoring Report, Second Quarter 2007*, October 5, 2007.

16. Secor, *Groundwater Monitoring Report, First Quarter 2007*, July 6, 2007.

17. Ecology, *Further Action Determination under WAC 173-340-515(5) for Hazardous*

Waste Site Tosco Bainbridge Island Bulk Plant 1784, May 16, 2007.

18. Ecology, *Notification of Removal from the Voluntary Cleanup Program due to Inactivity*, May 16, 2007.

19. Secor, *Groundwater Monitoring Report, Fourth Quarter 2006*, January 22, 2007.

20. Ecology, *Notification of Pending Inactive Determination Status for Hazardous Waste Site Tosco Bainbridge Island Bulk Plant 1784*, November 15, 2006.

21. Secor, *Groundwater Monitoring Report, Third Quarter 2006*, November 7, 2006.

22. Secor, *Groundwater Monitoring Report, Fourth Quarter 2005*, March 2, 2006.

23. Secor, *Groundwater Monitoring Report, Third Quarter 2005*, December 9, 2005.

24. Secor, *Groundwater Monitoring Report, Second Quarter 2005*, October 21, 2005.

25. Secor, *Work Plan for Additional Soil Excavation, Conoco Phillips Site No. 0961, Shepard Way NW and Bromley Place NW, Bainbridge Island, Washington*, November 8, 2005.

26. Secor, *Groundwater Monitoring Report, Second Quarter 2005*, October 21, 2005.

27. Secor, *Groundwater Monitoring Report, Fourth Quarter 2004*, February 25, 2005.

28. Secor, *Groundwater Monitoring Report, Third Quarter 2004*, December 20, 2004.

29. Secor, *Groundwater Monitoring Report, Second Quarter 2004*, August 23, 2004.

30. Secor, *Groundwater Monitoring Report, First Quarter 2004*, July 4, 2004.

31. Secor, *Groundwater Monitoring Report, Fourth Quarter 2003*, February 4, 2004.

32. Noll Environmental, Inc. (Noll), *Summary of Groundwater Monitoring Activities – September 2003*, November 7, 2003

33. Noll, *Summary of Groundwater Monitoring Activities – June 2003*, October 1, 2003.

34. Noll, *Summary of Additional Soil Excavation and Groundwater Monitoring Activities, Former Unocal Bulk Plant 1784, SW Corner – Shepard Way NW & Bromley Place NW, Bainbridge Island, WA*, July 1, 2003.

35. Noll, *Summary of Groundwater Monitoring Activities – December 2002 & January*

2003, Former Unocal Bulk Plan 1784, SW Corner – Shepard Way NW & Bromley Place NW, Bainbridge Island, WA, March 7, 2003.

36. Noll, *Groundwater Sampling Results for Conference Call Discussion, Former Tosco/Unocal Bulk Plant 1784, SW Corner – Shepard Way NW & Bromley Place NW, Bainbridge Island, WA*, July 3, 2002.

37. Noll, *Summary of Groundwater Monitoring Activities – March 2002, Former Unocal Bulk Plant 1784, SW Corner – Shepard Way NW & Bromley Place NW, Bainbridge Island, WA*, April 16, 2002.

38. Noll, *Summary of Groundwater Monitoring Activities – December 2001*, January 14, 2002.

39. Noll, *Summary of Groundwater Monitoring Activities – September 2001, Former Unocal Bulk Plant 1784, SW Corner – Shepard Way NW & Bromley Place NW, Bainbridge Island, WA*, October 9, 2001.

40. Noll, *Summary of Soil Excavation and Groundwater Monitoring Activities, Former Tosco Bulk Plant 1784, SW Corner – Shepard Way NW & Bromley Place NW, Bainbridge Island, WA*, September 4, 2001.

41. Noll, *Request for Extension to Grading Permit No. 8084 for Site Cleanup Work, Former Tosco Bulk Heating Oil Storage Facility, SW Corner of Shepard Way NW & Bromley Place NW, Bainbridge Island, WA,* April 30, 2001.

42. Noll, *Request for Grading Permit to Conduct Site Cleanup Work, Former Tosco Bulk Heating Oil Storage Tank Facility, SW Corner of Shepard Way NW & Bromley Place NW, Bainbridge Island, WA,* August 22, 2000.

43. Ecology, *Letter Re: Independent Remedial Action, Former Tosco Bulk Plant #1784, Weaver Avenue, Bainbridge Island, WA,* August 7, 2000.

44. Bremerton Kitsap County Health District, *Initial Investigation Referral,* April 6, 2000.

45. Noll, *Work Plan for Soil Removal, Groundwater Treatment and Well Installation,, Former Tosco/Unocal Bulk Plant No. 1784, Bainbridge Island, WA*, March 28, 2000.

46. Tosco Refining Company (Tosco), *Notice of Environmental Remedial Action*, March 20, 2000.

47. Tosco, *Voluntary Cleanup Program Application*, March 17, 2000.

48. Noll, *Summary of Additional Site Assessment Activities, Pacific (Former Tosco) Bulk Storage Facility – Weaver Road, SW Corner – Shepard Way NW & Bromley Place NW, Bainbridge Island, WA*, January 24, 2000.

49. Pacific Environmental Group, Inc., *Soil Investigation, Pacific Coast Energy Company Facility, Weaver Road, Bainbridge Island, Washington*, October 15, 1997.

Enclosure C

Spreadsheet with Preliminary Cleanup Levels

Analyte	CAS	H.H. GW Method A (ug/L)	H.H. GW Method B (ug/L)	Final Protective Value (ug/L)	Consultant MRL (ug/L)	Ecology MRL (ug/L)	Final PQL (ug/L)	PCUL (ug/L)	Highest Recorded Value?	COPC?	Rationale?
Gasoline w/o Bezene	x	1.00E+03	x	1.00E+03	5.00E+01	2.50E+02	2.50E+02	1.00E+03	3.23+04	y	
Diesel + HO	x	5.00E+02	x	5.00E+02	2.50E+02	2.50E+02	2.50E+02	5.00E+02	9.44E+03	y	
Benzene	71-43-2	5.00E+00	5.00E+00	5.00E+00	2.00E+00	1.00E+00	1.00E+00	5.00E+00	ND	n	
Toluene	108-88-3	1.00E+03	6.40E+02	1.00E+03	2.00E+00	1.00E+00	1.00E+00	1.00E+03	3.34E+01	n	
Ethylbenzene	100-41-4	7.00E+02	7.00E+02	7.00E+02	2.00E+00	1.00E+00	1.00E+00	7.00E+02	5.11E+01	n	
Xylenes	1330-20-7	1.00E+03	1.60E+03	1.00E+03	4.00E+00	1.00E+00	1.00E+00	1.00E+03	8.25E+01	n	
Dibromethane-1,2 (EDB)	106-93-4	1.00E-02	5.00E-02	1.00E-02	1.00E-02	1.00E-02	1.00E-02	1.00E-02	ND	n	
Dichloroethane-1,2 (EDC)	107-06-2	5.00E+00	4.81E+00	5.00E+00	2.00E+00	1.00E+00	1.00E+00	5.00E+00	ND	n	
Methyl tertiary butyl ether (MTBE)	1634-04-4	2.00E+01	2.43E+00	2.00E+01	2.00E+00	1.00E+00	1.00E+00	2.00E+01	ND	n	
Lead	7439-92-1	1.50E+01	1.50E+01	1.50E+01	1.00E+00	1.00E-01	1.00E-01	1.50E+01	6.28E+00	n	
Naphthalene	91-20-3	1.60E+02	1.60E+02	1.60E+02	2.00E-02	1.00E+00	1.00E+00	1.60E+02	2.30E+00	n	
n-Hexane	110-54-3	x	4.80E+02	4.80E+02	1.00E+00	1.00E+00	1.00E+00	4.80E+02	1.60E+00	n	
Benzo(a)anthracene	56-55-3	x	x	x	2.00E-02	2.00E-02	2.00E-02	x	4.70E-02	n	
Benzo(a)pyrene	50-32-8	1.00E-01	2.00E-01	1.00E-01	2.00E-02	2.00E-02	2.00E-02	1.00E-01	ND	n	
Benzo(b)fluoranthene	205-99-2	x	x	x	2.00E-02	2.00E-02	2.00E-02	x	ND	n	
Benzo(k)fluoranthene	207-08-9	x	x	x	2.00E-02	2.00E-02	2.00E-02	x	ND	n	
Chrysene	218-01-9	x	x	x	2.00E-02	2.00E-02	2.00E-02	x	ND	n	
Dibenz(a,h)anthracene	53-70-3	x	x	x	2.00E-02	2.00E-02	2.00E-02	x	ND	n	
Indeno(1,2,3-cd)pyrene	193-39-5	x	x	x	2.00E-02	2.00E-02	2.00E-02	x	ND	n	
cPAH	x	1.00E-01	2.00E-01	1.00E-01	2.00E-02	2.00E-02	2.00E-02	1.00E-01	1.27E-02	n	
Acenaphthene	83-32-9	x	9.60E+02	9.60E+02	2.00E-02	1.00E+00	1.00E+00	9.60E+02	2.04E+00	n	
Anthracene	120-12-7	x	4.80E+03	4.80E+03	2.00E-02	1.00E+00	1.00E+00	4.80E+03	1.60E-01	n	
Fluoranthene	206-44-0	x	6.40E+02	6.40E+02	2.00E-02	1.00E+00	1.00E+00	6.40E+02	ND	n	
Fluorene	86-73-7	x	6.40E+02	6.40E+02	2.00E-02	5.30E-01	5.30E-01	6.40E+02	5.83E+00	n	
1-Methylnapthalene	90-12-0	x	x	x	2.00E-02	1.00E+00	1.00E+00	x	1.60E+01	n	
2-Methylnapthalene	91-57-6	x	x	x	2.00E-02	1.00E+00	1.00E+00	x	1.20E+01	n	
Pyrene	129-00-0	x	4.80E+02	4.80E+02	2.00E-02	5.30E-01	5.30E-01	4.80E+02	2.10E-01	n	

Analyte	CAS	H.H. SW Method B (ug/L)	H.H. SW ARAR (ug/L)	Final H.H. Protection (ug/L)	Final Aquatic Protection (ug/L)	Final SW Protection (ug/L)	Consultant MRL (ug/L)	Ecology MRL (ug/L)	Final PQL (ug/L)	PCUL (ug/L)	Highest Recorded Value?	COPC?	Rationale?
Gasoline w/o Bezene	x	1.00E+03	x	1.00E+03	1.00E+03	1.00E+03	5.00E+01	2.50E+02	2.50E+02	1.00E+03	3.23+04	y	
Diesel + HO	x	5.00E+02	x	5.00E+02	3.00E+03	5.00E+02	2.50E+02	2.50E+02	2.50E+02	5.00E+02	9.44E+03	y	
Benzene	71-43-2	2.00E+01	4.40E-01	4.40E-01	1.00E+01	4.40E-01	2.00E+00	1.00E+00	1.00E+00	1.00E+00	ND	n	
Toluene	108-88-3	1.90E+04	5.70E+01	5.70E+01	5.30E+01	5.30E+01	2.00E+00	1.00E+00	1.00E+00	5.30E+01	3.34E+01	n	
Ethylbenzene	100-41-4	6.90E+03	2.90E+01	2.90E+01	1.20E+01	1.20E+01	2.00E+00	1.00E+00	1.00E+00	1.20E+01	5.11E+01	y	Check GW
Xylenes	1330-20-7	x	x	x	5.70E+01	5.70E+01	4.00E+00	1.00E+00	1.00E+00	5.70E+01	8.25E+01	y	Check GW
Dibromethane-1,2 (EDB)	106-93-4	x	x	x	x	x	1.00E-02	1.00E-02	1.00E-02	x	ND	n	
Dichloroethane-1,2 (EDC)	107-06-2	5.90E+01	8.90E+00	8.90E+00	x	8.90E+00	2.00E+00	1.00E+00	1.00E+00	8.90E+00	ND	n	
Methyl tertiary butyl ether (MTBE)	1634-04-4	x	x	x	x	x	2.00E+00	1.00E+00	1.00E+00	x	ND	n	
Lead	7439-92-1	x	x	x	2.50E+00	2.50E+00	1.00E+00	1.00E-01	1.00E-01	2.50E+00	6.28E+00	y	Check GW
Napthalenes	91-20-3	4.90E+03	x	4.90E+03	x	4.90E+03	2.00E-02	1.00E+00	1.00E+00	4.90E+03	2.30E+00	n	
n-Hexane	110-54-3	x	x	x	x	x	1.00E+00	1.00E+00	1.00E+00	x	1.60E+00	n	
Benzo(a)anthracene	56-55-3	x	1.60E-04	1.60E-04	x	1.60E-04	2.00E-02	2.00E-02	2.00E-02	2.00E-02	4.70E-02	n	See cPAH
Benzo(a)pyrene	50-32-8	3.50E-02	1.60E-05	1.60E-05	x	1.60E-05	2.00E-02	2.00E-02	2.00E-02	2.00E-02	ND	n	
Benzo(b)fluoranthene	205-99-2	x	1.60E-04	1.60E-04	x	1.60E-04	2.00E-02	2.00E-02	2.00E-02	2.00E-02	ND	n	
Benzo(k)fluoranthene	207-08-9	x	1.60E-03	1.60E-03	x	1.60E-03	2.00E-02	2.00E-02	2.00E-02	2.00E-02	ND	n	
Chrysene	218-01-9	x	1.60E-02	1.60E-02	x	1.60E-02	2.00E-02	2.00E-02	2.00E-02	2.00E-02	ND	n	
Dibenz(a,h)anthracene	53-70-3	x	1.60E-05	1.60E-05	x	1.60E-05	2.00E-02	2.00E-02	2.00E-02	2.00E-02	ND	n	
Indeno(1,2,3-cd)pyrene	193-39-5	x	1.60E-04	1.60E-04	x	1.60E-04	2.00E-02	2.00E-02	2.00E-02	2.00E-02	ND	n	
cPAH	x	3.50E-02	1.60E-05	1.60E-05	x	1.60E-05	2.00E-02	2.00E-02	2.00E-02	2.00E-02	1.27E-02	n	
Acenaphthene	83-32-9	6.40E+02	3.00E+01	3.00E+01	x	3.00E+01	2.00E-02	1.00E+00	1.00E+00	3.00E+01	2.04E+00	n	
Anthracene	120-12-7	2.60E+04	1.00E+02	1.00E+02	x	1.00E+02	2.00E-02	1.00E+00	1.00E+00	1.00E+02	1.60E-01	n	
Fluoranthene	206-44-0	9.00E+01	6.00E+00	6.00E+00	x	6.00E+00	2.00E-02	1.00E+00	1.00E+00	6.00E+00	ND	n	
Fluorene	86-73-7	3.50E+03	1.00E+01	1.00E+01	x	1.00E+01	2.00E-02	5.30E-01	5.30E-01	1.00E+01	5.83E+00	n	
1-Methylnapthalene	90-12-0	x	x	x	x	x	2.00E-02	1.00E+00	1.00E+00	x	1.60E+01	n	
2-Methylnapthalene	91-57-6	x	x	x	x	x	2.00E-02	1.00E+00	1.00E+00	x	1.20E+01	n	
Pyrene	129-00-0	2.60E+03	8.00E+00	8.00E+00	x	8.00E+00	2.00E-02	5.30E-01	5.30E-01	8.00E+00	2.10E-01	n	

3-Phase Model - Soil protective of groundwater/surface water	
Groundwater Cleanup Level (µg/Liter)	5.00E+00
Units Conversion (1 mg/1000 µg)	1.00E-03
Dilution Factor - Saturated Zone (1)	1.00E+00
Distribution Coefficient Kd (Liters/kg)	6.20E-02
Water-filled Soil Porosity - Saturated (ml water/ml soil)	4.30E-01
Air-filled Soil Porosity Saturated (ml air/ml soil)	0.00E+00
Henry's Law Constant - Hcc - dimensionless	1.33E-01
Dry Soil Bulk Density (kg/Liter)	1.50E+00
Soil Cleanup Level Protective of Groundwater - Saturated (mg/kg)	1.74E-03
Saturated Conditions	

Analyte	CAS	GW PCUL (ug/L)	SW PCUL (ug/L)	HCC @ 13º C (no unit)	Koc (L/Kg)	Kd (L/Kg)	Soil Protective of GW (mg/kg)	Soil protective of SW (mg/kg)
Gasoline w/o Bezene	x	1.00E+03	1.00E+03	x	x	x	x	x
Diesel + HO	x	5.00E+02	5.00E+02	x	x	x	x	x
Benzene	71-43-2	5.00E+00	1.00E+00	1.33E-01	6.20E+01	6.20E-02	1.74E-03	3.49E-04
Toluene	108-88-3	1.00E+03	5.30E+01	1.48E-01	1.40E+02	1.40E-01	4.27E-01	2.26E-02
Ethylbenzene	100-41-4	7.00E+02	1.20E+01	1.62E-01	2.04E+02	2.04E-01	3.43E-01	5.89E-03
Xylenes	1330-20-7	1.00E+03	5.70E+01	1.38E-01	2.33E+02	2.33E-01	5.20E-01	2.96E-02
Dibromethane-1,2 (EDB)	106-93-4	1.00E-02	x	1.54E-02	6.60E+01	6.60E-02	3.53E-06	x
Dichloroethane-1,2 (EDC)	107-06-2	5.00E+00	8.90E+00	2.28E-02	3.80E+01	3.80E-02	1.62E-03	2.89E-03
Methyl tertiary butyl ether (MTBE)	1634-04-4	2.00E+01	x	1.59E-02	1.09E+01	1.09E-02	5.95E-03	x
Lead	7439-92-1	1.50E+01	2.50E+00	0.00E+00	x	1.00E+04	1.50E+02	2.50E+01
Napthalenes	91-20-3	1.60E+02	4.90E+03	8.24E-03	1.19E+03	1.19E+00	2.36E-01	7.24E+00
Hexane	110-54-3	4.80E+02	x	4.11E+01	3.41E+03	3.41E+00	1.77E+00	x
Benzo(a)anthracene	56-55-3	x	2.00E-02	2.79E-05	3.58E+05	3.58E+02	x	7.17E-03
Benzo(a)pyrene	50-32-8	1.00E-01	2.00E-02	6.39E-06	9.69E+05	9.69E+02	9.69E-02	1.94E-02
Benzo(b)fluoranthene	205-99-2	x	2.00E-02	7.73E-04	1.23E+06	1.23E+03	x	2.46E-02
Benzo(k)fluoranthene	207-08-9	x	2.00E-02	5.13E-06	1.23E+06	1.23E+03	x	2.46E-02
Chrysene	218-01-9	x	2.00E-02	7.13E-04	3.98E+05	3.98E+02	x	7.97E-03
Dibenz(a,h)anthracene	53-70-3	x	2.00E-02	6.03E-07	1.79E+06	1.79E+03	x	3.58E-02
Indeno(1,2,3-cd)pyrene	193-39-5	x	2.00E-02	8.40E-06	3.47E+06	3.47E+03	x	6.94E-02
cPAH	x	1.00E-01	2.00E-02	6.39E-06	9.69E+05	9.69E+02	9.69E-02	1.94E-02
Acenaphthene	83-32-9	9.60E+02	3.00E+01	2.11E-03	4.90E+03	4.90E+00	4.98E+00	1.56E-01
Anthracene	120-12-7	4.80E+03	1.00E+02	7.56E-04	2.35E+04	2.35E+01	1.14E+02	2.38E+00
Fluoranthene	206-44-0	6.40E+02	6.00E+00	1.66E-04	4.91E+04	4.91E+01	3.16E+01	2.96E-01
Fluorene	86-73-7	6.40E+02	1.00E+01	8.58E-04	7.71E+03	7.71E+00	5.12E+00	8.00E-02
1-Methylnapthalene	90-12-0	x	x	1.59E-02	x	x	x	x
2-Methylnapthalene	91-57-6	x	x	6.99E-03	x	x	x	x
Pyrene	129-00-0	4.80E+02	8.00E+00	1.08E-04	6.80E+04	6.80E+01	3.28E+01	5.46E-01

Analyte	CAS	Final Protective Value (mg/kg)
Gasoline w/o Bezene	x	2.00E+03
Diesel + HO	x	4.60E+02
Benzene	71-43-2	x
Toluene	108-88-3	x
Ethylbenzene	100-41-4	x
Xylenes	1330-20-7	x
Dibromethane-1,2 (EDB)	106-93-4	x
Dichloroethane-1,2 (EDC)	107-06-2	x
Methyl tertiary butyl ether (MTBE	1634-04-4	x
Lead	7439-92-1	2.20E+02
Napthalenes	91-20-3	x
Hexane	110-54-3	x
Benzo(a)anthracene	56-55-3	x
Benzo(a)pyrene	50-32-8	3.00E+01
Benzo(b)fluoranthene	205-99-2	x
Benzo(k)fluoranthene	207-08-9	x
Chrysene	218-01-9	x
Dibenz(a,h)anthracene	53-70-3	x
Indeno(1,2,3-cd)pyrene	193-39-5	x
cPAH	x	3.00E+01
Acenaphthene	83-32-9	x
Anthracene	120-12-7	x
Fluoranthene	206-44-0	x
Fluorene	86-73-7	x
1-Methylnapthalene	90-12-0	x
2-Methylnapthalene	91-57-6	x
Pyrene	129-00-0	x

Analyte	CAS	Soil Method A (mg/kg)	Soil Method B Direct Contact (mg/kg)	Soil Method B Protection of Groundwater (mg/kg) Saturated	Method B Protection of Surface Water (mg/kg) Saturated	Simplified TEE Value (mg/kg)	Soil Protective Value (mg/kg)	Consultant Reporting Limit (mg/kg)	Ecology Reporting Limit (mg/kg)	Agreed upon PQL (mg/kg)	Natural Background (mg/kg)	PCUL (mg/kg)	Highest Recorded Value (mg/kg)	COPC?	Rationale?
Gasoline w/o Bezene	x	1.00E+02	x	x	x	2.00E+03	1.00E+02	3.00E+00	5.00E+00	5.00E+00	x	1.00E+02	7.15E+02	y	
Diesel + HO	x	2.00E+03	x	x	x	4.60E+02	4.60E+02	5.00E+01	2.50E+01	2.50E+01	x	4.60E+02	6.55E+03	y	
Benzene	71-43-2	3.00E-02	1.80E+01	1.74E-03	3.49E-04	x	3.00E-02	5.00E-03	5.00E-03	5.00E-03	x	3.00E-02	ND	n	
Toluene	108-88-3	7.00E+00	6.40E+03	4.27E-01	2.26E-02	x	7.00E+00	1.00E-02	5.00E-03	5.00E-03	x	7.00E+00	ND	n	
Ethylbenzene	100-41-4	6.00E+00	8.00E+03	3.43E-01	5.89E-03	x	6.00E+00	1.00E-02	5.00E-03	5.00E-03	x	6.00E+00	1.45E-01	n	
Xylenes	1330-20-7	9.00E+00	1.60E+04	5.20E-01	2.96E-02	x	9.00E+00	2.00E-02	5.00E-03	5.00E-03	x	9.00E+00	1.81E+00	n	
Dibromethane-1,2 (EDB)	106-93-4	5.00E-03	5.00E-01	3.53E-06	x	x	5.00E-03	1.00E-02	1.00E-03	1.00E-03	x	5.00E-03	ND	n	
Dichloroethane-1,2 (EDC)	107-06-2	x	1.10E+01	1.62E-03	2.89E-03	x	x	1.00E-02	1.00E-03	1.00E-03	x	x	ND	n	
Methyl tertiary butyl ether (MTBE)	1634-04-4	1.00E-01	5.60E+02	5.95E-03	x	x	1.00E-01	1.00E-02	1.00E-03	1.00E-03	x	1.00E-01	ND	n	
Lead	7439-92-1	2.50E+02	x	1.50E+02	2.50E+01	2.20E+02	2.50E+02	1.02E+00	1.00E-01	1.00E-01	2.40E+01	2.50E+02	ND	n	
Naphthalene	91-20-3	5.00E+00	1.60E+03	2.36E-01	7.24E+00	x	5.00E+00	2.00E-02	1.00E-01	1.00E-01	x	5.00E+00	2.45E+01	y	
n-Hexane	110-54-3	x	4.80E+03	1.77E+00	x	x	1.33E-04	2.00E-01	5.00E-03	5.00E-03	x	5.00E-03	ND	n	
Benzo(a)anthracene	56-55-3	x	x	x	7.17E-03	x	x	2.00E-02	5.00E-02	5.00E-02	x	x	3.77E-02	n	
Benzo(a)pyrene	50-32-8	1.00E-01	1.90E-01	9.69E-02	1.94E-02	3.00E+01	1.00E-01	2.00E-02	5.00E-02	5.00E-02	x	1.00E-01	ND	n	
Benzo(b)fluoranthene	205-99-2	x	x	x	2.46E-02	x	x	2.00E-02	5.00E-02	5.00E-02	x	x	ND	n	
Benzo(k)fluoranthene	207-08-9	x	x	x	2.46E-02	x	x	2.00E-02	5.00E-02	5.00E-02	x	x	ND	n	
Chrysene	218-01-9	x	x	x	7.97E-03	x	x	2.00E-02	5.00E-02	5.00E-02	x	x	3.09E-02	n	
Dibenz(a,h)anthracene	53-70-3	x	x	x	3.58E-02	x	x	2.00E-02	5.00E-02	5.00E-02	x	x	ND	n	
Indeno(1,2,3-cd)pyrene	193-39-5	x	x	x	6.94E-02	x	x	2.00E-02	5.00E-02	5.00E-02	x	x	ND	n	
CPAH	x	1.00E-01	1.90E-01	9.69E-02	1.94E-02	3.00E+01	1.00E-01	2.00E-02	5.00E-02	5.00E-02	x	1.00E-01	4.08E-03	n	
Acenaphthene	83-32-9	x	4.80E+03	4.98E+00	1.56E-01	x	1.56E-01	2.00E-02	4.35E-02	2.00E-02	x	1.56E-01	3.55E-01	n	ND in GW and SW
Anthracene	120-12-7	x	2.40E+04	1.14E+02	2.38E+00	x	2.38E+00	2.00E-02	4.35E-02	2.00E-02	x	2.38E+00	1.57E-01	n	
Fluoranthene	206-44-0	x	3.20E+03	3.16E+01	2.96E-01	x	2.96E-01	2.00E-02	2.00E-02	2.00E-02	x	2.96E-01	3.31E-02	n	
Fluorene	86-73-7	x	3.20E+03	5.12E+00	8.00E-02	x	8.00E-02	2.00E-02	2.00E-02	2.00E-02	x	8.00E-02	1.00E+00	n	
1-Methylnaphthalene	90-12-0	x	3.40E+01	x	x	x	3.40E+01	2.00E-02	5.00E-01	2.00E-02	x	3.40E+01	9.93E+00	n	
2-Methylnaphthalene	91-57-6	x	3.20E+02	x	x	x	3.20E+02	2.00E-02	5.00E-01	2.00E-02	x	3.20E+02	1.16E+01	n	
Pyrene	129-00-0	x	2.40E+03	3.28E+01	5.46E-01	x	5.46E-01	2.00E-02	2.00E-02	2.00E-02	x	5.46E-01	1.64E-01	n	

Additional Contaminants not detected	CAS #
1,1,1,2-Tetrachloroethane	630-20-6
1,1,1-Trichloroethane	71-55-6
1,1,2,2-Tetrachloroethane	79-34-5
1,1,2-Trichloroethane	79-00-5
1,1-Dichloroethane	75-34-3
1,1-Dichloropropene	x
1,2,3-Trichlorobenzene	x
1,2,3-Trichloropropane	96-18-4
1,2,4-Trichlorobenzene	120-82-1
1,2,4-Trimethylbenzene	95-63-6
1,2-Dibromo-3-Chloropropane	96-12-8
1,2-Dichlorobenzene	95-50-1
1,2-Dichloropropane	78-87-5
1,3,5-Trimethylbenzene	108-67-8
1,3-Dichlorobenzene	541-73-1
1,3-Dichloropropane	542-75-6
1,4-Dichlorobenzene	106-46-7
2-Hexanone	591-78-6
4-Chlorotoluene	95-49-8
Acenaphthylene	208-96-8
Acetone	67-64-1
Acrylonitrile	107-13-1
Arsenic	7440-38-2
Barium	7440-39-3
Benzo(ghi)perylene	191-24-2
Bromobenzene	108-86-1
Bromochloromethane	x
Bromoform	75-25-2
Bromomethane	593-60-2
Cadmium	7440-43-9/7440-43-9a
Carbon Disulfide	75-15-0
Carbon Tetrachloride	56-25-3
CFC-11	x
CFC-12	x
Chlorobenzene	108-90-7
Chlorodibromomethane	x
Chloroethane	x
Chloroform	67-66-3
Chloromethane	74-87-3
Chromium	7440-47-3
Cis-1,2-Dichloroethene	107-06-2
Cis-1,3-Dichloropropene	542-75-6
Cumene	98-82-8
Dibromomethane	x
Dichlorobromomethane	x
Hexachlorobutadiene	87-68-3
Hexane	110-54-3
Mercury	7439-97-6
Methyl ethyl ketone	78-93-3
Methyl isobutyl ketone	108-10-1
Methylene Chloride	75-09-2
n-Butylbenzene	104-51-8
n-Propylbenzene	103-65-1
Phenanthrene	85-01-8
p-Isopropyltoluene	x
Sec-Butylbenzene	135-98-8
Selenium	7782-49-2
Silver	7440-22-4
Styrene	100-42-5
Tert-Butylbenzene	98-06-6
Tetrachloroethene	127-18-4
Trans-1,2-Dichloroethene	156-60-5
Trichloroethene	79-01-6
Vinyl Chloride	75-01-4

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (8:45 PM) Ordinance No. 2020-27, Adjusting the Number of Positions on the Salary Commission - Executive,

SUMMARY: Currently, Chapter 2.74 BIMC states that the Salary Commission shall consist of seven members appointed by the Mayor and approved by the City Council. Only six applicants remain interested in serving on the Commission.

Ordinance No. 2020-27, if adopted, would clarify that the number of members on the commission shall be equal to the number of members approved by the City Council, allowing the Commission to transact its business without seven members. Ordinance No. 2020-27 would require that, at a minimum, at least three members must be appointed to the Commission.

AGENDA CATEGORY: Ordinance **PROPOSED BY:** Executive

RECOMMENDED MOTION: I move to forward Ordinance No. 2020-27 for approval with the October 13, 2020 Consent Agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

Ordinance No. 2020-27, Adjusting the Number of Positions on the Salary Commission

FISCAL DETAILS:

Fund Name(s):

Coding:

ORDINANCE NO. 2020-27

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the City's salary commission; amending Chapter 2.74 of the Bainbridge Island Municipal Code to adjust the number of members on the salary commission and to reflect that the salary commission will first meet in 2020.

WHEREAS, RCW 35.21.015 authorizes the City to establish by ordinance an independent salary commission with authority to set the salary of the members of the City Council; and

WHEREAS, on August 9, 2001, the City adopted Ordinance No. 2001-31-B, creating a salary commission for the City of Bainbridge Island; and

WHEREAS, since 2001, the salary commission has periodically reviewed the salary of members of the City Council, most recently in 2009; and

WHEREAS, more than a decade has passed since the salary commission last reviewed the salary of members of the City Council; and

WHEREAS, on September 10, 2019, the City Council adopted Ordinance No. 2019-23, directing that a salary commission be appointed to perform periodic review of the salary of members of the City Council, to occur in 2019 and then every seven years thereafter; and

WHEREAS, a salary commission was not appointed in 2019 and instead a salary commission will be appointed in 2020.

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

Section 1. Subsection 2.74.010.A of the Bainbridge Island Municipal Code is hereby amended to read as follows:

A. There is created a salary commission for the city. ~~The commission shall consist of seven members, to be~~ Members are appointed by the mayor with the approval of the city council. The number of members on the commission shall be equal to the number of appointments approved by the city council, but at a minimum the commission shall consist of at least three members. The number of members on the commission may vary, at the city council's discretion, each time a salary commission is appointed under this chapter.

Section 2. Subsection 2.74.010.C of the Bainbridge Island Municipal Code is hereby amended to read as follows:

C. Beginning in ~~2019~~2020, a salary commission shall be appointed and shall begin a new salary review as provided herein. Every seven years thereafter, a new salary commission shall be appointed to perform a new salary review in accordance with this chapter.

Section 3. Subsection 2.74.040.A of the Bainbridge Island Municipal Code is hereby amended to read as follows:

A. Beginning in ~~2019~~2020, and every seven years thereafter, the commission shall have the duty to review the salaries paid by the city to each elected city official. The commission shall complete its review within 120 days of the first meeting of the commission. The city council may approve a request from the commission for an extension of the 120-day review period.

Section 4. Subsection 2.74.060.B of the Bainbridge Island Municipal Code is hereby amended to read as follows:

B. Beginning in ~~2019~~2020, and every seven years thereafter that a new commission is appointed by the mayor and approved by the city council, the commission, at its first regular meeting, shall select from among its members a chairperson and a secretary.

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

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

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

_____
Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

_____
Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	September 18, 2020
PASSED BY THE CITY COUNCIL:	
PUBLISHED:	
EFFECTIVE DATE:	
ORDINANCE NUMBER:	2020-27

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (8:50 PM) Appointments to the Salary Commission - Mayor Schneider,

SUMMARY: A call for participation was issued for volunteers to serve on the Salary Commission. This agenda item includes completed applications and resumes where provided by the applicant. A series of interviews were conducted. Mayor Schneider recommends the appointment of six individuals to the Salary Commission, as shown in the suggested motion.

AGENDA CATEGORY: Appointment **PROPOSED BY:** Executive

RECOMMENDED MOTION: [Note: Regarding the suggested motion, if any Councilmember intends to oppose any of the recommended appointments, that Councilmember can indicate to the Chair that the suggested motion should be revised so that a separate motion or motions of approval is/are brought for each individual or set of individuals who is/are recommended for appointment to the Salary Commission.]

I move to forward for approval with the October 13, 2020 Consent Agenda the following appointments to the Salary Commission: Fred Whittlesey to Position 1, James Hermanson to Position 2, Richard Haugen to Position 3, Steve Lakich to Position 4, Lisa Neal to Position 5, and Andi O'Rourke to Position 6.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

Haugan - Salary Commission - Redacted.pdf

Hermanson - Salary Commission - Redacted.pdf

Lakich - Salary Commission - Redacted.pdf

Neal - Salary Commission - Redacted.pdf

O'Rourke - Salary Commission - Redacted.pdf

Whittlesey - Salary Commission - Redacted.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Sunday, December 29, 2019 7:17:22 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	Richard Haugan
Email	
Phone	
Address	
City	Bainrbridge Island
State	WA
Zip	98110
Current Employer	Self
Current Position	Owner
I am interested in serving on one of the following City advisory groups (select all that apply):	Salary Commission (7 positions)

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 have run several businesses and have related salary experience.

activities, training, education) if any:	
Please share your community interests (groups, committees, organizations) if any:	Involved with City Government. Have attended many, many Council and Planning Commission meetings
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2019
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: Citizen Advisory Group Application
Date: Tuesday, November 5, 2019 4:57:17 PM

Citizen 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	James Hermanson
Email	
Phone	
Address	
City	Bainbridge Island,
State	Washington
Zip	98110
Current Employer	Retired
Current Position	Retired
I am interested in serving on one of the following advisory groups (select all that apply):	Civil Service Commission, Salary 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,	BA in Economics 1972 University of Washington; 40+ credits toward Masters of Public Administration Seattle University; 1975 - 1980 Seattle City Light Program Planner and Grant Writer;

activities, training, education) if any:	1981 - 2018 King County/Metro; 1981 - present member ATU Local 587 shop steward for 15+ years.
Please share your community interests (groups, committees, organizations) if any:	Only retired for 18 months so far. I expect to add some groups soon.
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2019
How did you hear about the volunteer opportunity?	Other - See below
Other	COBI Connects

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: Wednesday, March 18, 2020 3:57:56 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	Steve Lakich
Email	
Phone	
Address	
City	Bainbridge Island
State	Wa
Zip	98110
Current Employer	Retired
Current Position	Retired
I am interested in serving on one of the following City advisory groups (select all that apply):	Salary Commission

Experience & Qualifications

Have you served on any City advisory groups in the past?	Yes
If so, please indicate which groups:	Civil Service Commission
Please share your qualifications for this appointment (skills,	Over 35 years of experience as a management representative, negotiating with exclusive bargaining agents all changes in salaries, benefits, and other conditions of employment for

activities, training, education) if any:	represented employees or recommending such changes for unrepresented personnel to the public governing body.
Please share your community interests (groups, committees, organizations) if any:	Bainbridge Island Senior/Community Center BloodWorks Northwest
Feel free to attach your resume (optional):	
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.

STEVE LAKICH

Experience

Labor Relations Consultant – 2007 to present

Director of Labor Relations, County of Sacramento - 1998 to 2007

Director of Labor Relations, City of Seattle - 1995 to 1998

Director of Employee Relations, City of Sacramento - 1980 to 1995

Deputy Director, Governor's Office of Employee Relations - 1978 to 1980

Employee Relations Officer, County of Sacramento - 1972 to 1978

Instructor, Public Sector Labor-Management Relations, University of California Extension, Davis - 1975 to 2007

International Representative and District Director, American Federation of State, County and Municipal Employees, AFL-CIO - 1969 to 1972

Technical Representative, Los Angeles County Employees Association - 1968 to 1969

Representative, Local 2869, United Steelworkers of America, AFL-CIO - 1963 to 1968

Laborer and Inspector, Kaiser Steel Corporation - 1959 to 1968

Education

Bachelor of Science, Business Administration, California State Polytechnic College - 1962

Graduate Studies in Industrial Relations, Long Beach State College and University of California, Los Angeles - 1965 to 1966

Recipient, Labor Relations Internship, Institute of Industrial Relations, University of California, Los Angeles - 1966 to 1967

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: Citizen Advisory Group Application
Date: Tuesday, October 29, 2019 3:02:57 PM

Citizen 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	Lisa Neal
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	self
Current Position	counselor
I am interested in serving on one of the following advisory groups (select all that apply):	Salary Commission

Experience & Qualifications

Have you served on any city advisory groups in the past?	Yes
If so, please indicate which groups:	Island Center Subarea Planning
Please share your qualifications for this appointment (skills,	J.D., understanding of the role of City Council.

activities, training, education) if any:	
Please share your community interests (groups, committees, organizations) if any:	Transparent government.
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2019
How did you hear about the volunteer opportunity?	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: Friday, February 14, 2020 3:24:19 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	Andi O'Rourke
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	Dillon O'Rourke S.P.C.
Current Position	Owner/Horticulturalist
I am interested in serving on one of the following City advisory groups (select all that apply):	Ethics Board (6 positions), LEOFF 1 Disability Board, Salary Commission (7 positions)

Experience & Qualifications

Have you served on any City advisory groups in the past?	Yes
If so, please indicate which groups:	Village of Buffalo Grove Student Advisory Committee, 2001-2002, 2002-2003
Please share your qualifications for this appointment (skills,	I obtained a broad, interdisciplinary Liberal Arts and Sciences education as a graduate of Utrecht University and have used those skills to do work in journalism, political communications,

activities, training, education) if any:	and community advocacy. I'd like to have the opportunity to use my critical thinking skills and understanding of networks and systems to further the best interests of the Bainbridge Island community at large.
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?	City Manager's Report (e-newsletter)
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, February 28, 2020 7:25:13 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	Fred Whittlesey
Email	
Phone	
Address	
City	Bainbrige Island
State	WA
Zip	98110
Current Employer	Compensation Venture Group, SPC
Current Position	President
I am interested in serving on one of the following City advisory groups (select all that apply):	Salary Commission (7 positions)

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,	35+ years as a compensation consultant and corporate compensation director. Certified Compensation Professional, Certified Executive Compensation Professional. Adjunct

activities, training, education) if any:	Professor in Total Rewards (compensation and benefits) at Seattle Pacific University. Certification instructor for WorldatWork (American Compensation Association). Globally-recognized expert, published author, conference speaker on compensation topics. Expert witness for compensation litigation.
Please share your community interests (groups, committees, organizations) if any:	Past: Volunteer math coach at Ordway, Odyssey, Sakai, and Woodward. Assistant Scoutmaster Troop 1496. Assistant Little League Coach BILL. Co-founder of Families and Friends United for Special Education, PTSO. Current: Volunteer teacher in financial literacy for middle schools and high schools (Financial Beginnings).
Feel free to attach your resume (optional):	
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.

Expert Witness Services
Compensation Venture Group, SPC
Fred Whittlesey

Fred Whittlesey, Founder and Principal Consultant of Compensation Venture Group, SPC, has been providing expert witness and litigation support services for over 30 years. His globally-recognized expertise in executive compensation, incentive compensation, equity compensation, and employment agreements has provided valuable support in a variety of legal cases. The highly technical and complex nature of executive and equity compensation has created the need for coaching and educating legal counsel on technical points and helping identify key issues in cases.

He has issued opinions on the reasonableness of compensation, loss of earnings, federal and state tax challenges, change-in-control provisions (golden parachutes), interpretation of employment and compensation agreements, and opposing experts' methodologies. He has supported both defendants and plaintiffs, and clients have included corporate entities, classes, individual executives, and law firms.

- Fred's thought leadership in the field of compensation is evidenced by his delivery of more than 300 conference presentations, seminars, certification courses, webinars and podcasts.
- He has authored more than 50 journal and magazine articles, book chapters, white papers, and sponsored papers. He has been a paid blogger for PayScale.com, Salary.com, and Seeking Alpha.
- Fred has been interviewed and quoted more than 75 times by more than 25 different media sources including *Associated Press*, *Business Week*, *Fortune*, *New York Times*, *Los Angeles Times*, *Orange County Register*, *Seattle Times*, *San Jose Mercury News*, and *San Francisco Chronicle*. He has been retained to conduct research for investigative journalism for *The Los Angeles Times* and *The Boston Globe*.

About Compensation Venture Group

Compensation Venture Group is a consulting firm specializing in compensation strategy, executive and director compensation, equity-based compensation, and incentive design with a focus on sectors driven by innovation. We provide expert witness and litigation support for civil litigation and regulatory matters.

We have proprietary models, tools and methodologies for peer group development, total compensation analysis, pay-for-performance analysis, equity plan design, equity grant allocation, wealth accumulation modeling, and compensation governance scoring.

Our global network of alliances and partnerships contributes to our information, analysis, advice, and implementation support to optimize the return on investment in compensation programs. Our past and current venture investments include Global Shares plc, PayScale.com, Salary.com, Fledge LLC and Evrnu SPC.

Our clients include Boards of Directors and executive teams of public and private companies, S corporations, LLCs, and foreign subsidiaries. The firm's ongoing consulting work with Boards and executives ensures in-depth knowledge of current market practices and trends which is critical for litigation support and expert witness credibility.

About Fred Whittlesey

Fred Whittlesey is the Principal Consultant of Compensation Venture Group, SPC (CVG), a Seattle-area consulting firm specializing in compensation strategy, executive compensation, incentive compensation, equity-based compensation, and employee pay. Mr. Whittlesey is recognized by many corporations, professional organizations, universities, media, and colleagues around the world as a compensation expert and thought leader. His ideas have been presented in numerous book chapters, journal articles, media interviews, conference and seminar presentations, and blog postings.

Mr. Whittlesey has authored dozens of articles published by professional associations and journals and by firms including KPMG, Buck Consultants, Salary.com, Aon Consulting/Radford Surveys, and Hay Group. He has authored blogs for PayScale.com, HR.com, and CompensationStandards.com. He currently writes for Seeking Alpha, Pay and Performance: The Compensation Blog, Effective Equity: The Equity Compensation Blog, and Conscious Compensation: The Impact Compensation Blog.

Mr. Whittlesey previously was the founder and Principal Consultant of Compensation and Performance Management, Inc. (CPM) in Newport Beach, CA. His compensation consulting experience also includes positions with Towers Perrin, Mercer, KPMG, Radford (Senior Vice President), Buck Consultants (Principal), and Hay Group (Senior Principal). His corporate experience includes roles as the Director of Global Compensation for Amazon.com and Broadcom Corporation, Chief Compensation Officer for PayScale.com, and Fellow at Salary.com.

Mr. Whittlesey has held positions with a variety of organizations dedicated to the support of professionals dealing with the design and operation of executive and employee compensation programs. He is co-founder and past Board of Directors member of the not-for-profit Global Equity Organization (GEO), co-founder and past Board of Directors member of not-for-profit Conscious Capitalism Seattle, past Advisory Board member of the National Association of Stock Plan Professionals (NASPP), and past Chair and member of the Advisory Board for the Certified Equity Professional (CEP) Institute at Santa Clara University.

Mr. Whittlesey is an Adjunct Professor at Seattle Pacific University teaching graduate-level courses in total rewards systems as well as serving as a Faculty Adviser for student special projects. He was a highly-rated faculty member and certification course developer for WorldatWork's "Accounting and Finance for HR Professionals" and basic and advanced "Executive Compensation" courses, and delivered instruction in classroom and online for more than ten years. He has presented his ideas at compensation conferences around the world, has presented scores of webcasts for professional associations and corporations, and was the host of "Keeping Up with Fred Whittlesey," a podcast sponsored by Global Equity Organization. He also has been a guest lecturer at The Anderson School at UCLA, Seattle University, Seattle Pacific University, Antioch University, and University of Southern California.

Mr. Whittlesey received his MBA with distinction from The Anderson School at UCLA and graduated Phi Beta Kappa and *Magna Cum Laude* from San Diego State University with a BA in industrial/ organizational psychology.

He earned the Certified Equity Professional (CEP) designation from Santa Clara University, and the Certified Executive Compensation Professional (CECP) and Certified Compensation Professional (CCP) designations from WorldatWork (formerly the American Compensation Association).

Litigation Experience

Mr. Whittlesey has served as an expert witness and consultant in numerous legal cases involving reasonableness, and interpretations and/or calculations relating to executive and equity compensation plans. He has been retained as an expert in the following cases (current cases in **bold**):

Taylor v. Access All Directory Placement Service, Inc. (2020)
Retained by The Guerin Law Firm for **Defendants**
Case settled

Confidential Corporate Taxpayer v. Internal Revenue Service (2019)
Response to Audit
Retained by LeSourd & Patten, P.S. for Taxpayer
Opinion Letter issued
(in progress)

Confidential Individual Plaintiff v. Confidential Corporate Defendant (2019)
Private JAMS Arbitration (San Francisco, CA)
Retained by Kaedian LLP for Respondent
Opinion Letter Issued
(in progress)

O'Neil Digital Solutions, LLC v. James Lucanish (2019)
Superior Court of the State of California for the County of Los Angeles – Central District
Retained by Affeld Grivakes LLP for Defendant and Cross-Complainant
(in progress)

Confidential Claimant vs. Confidential Respondents (2019)
American Arbitration Association
Retained by Gast Johnson & Muffly for **Respondents**
Opinion Letter and Rebuttal issued, case settled

Confidential Plaintiffs v. Confidential Corporate Defendant (2018)
Superior Court of the State of California, County of San Mateo
Retained by Sanford Heisler Sharp, LLP for Plaintiffs as Consulting Expert
(in progress)

Maggard/Schricker Engineering Group, Inc. v. Johnson and Leos (2018)
Superior Court of the State of California, County of Santa Clara
Retained by Rossi, Hamerslough, Reischl & Chuck for **Plaintiff and Cross-Complainant**
Opinion letter issued, Deposition given

Toedtman v. TurnPoint Medical Devices (2018)
Superior Court of the State of Delaware
Retained by Halloran Farkas + Kittila LLP for **Plaintiff**
Opinion letter issued

Sobolik v. Northern Thunderbird Inc. (2017)
Supreme Court of British Columbia
Retained by Camp Fiorante Matthews Mogerman for **Plaintiff**
Opinion Letter Issued, case settled

Confidential Individual Plaintiff v. Confidential Corporate Defendant (2017)
Private Arbitration (Orange County, California)
Retained by Michelman & Robinson, LLP for **Defendant**
Testified in arbitration hearing

Confidential Corporate Taxpayer v. Internal Revenue Service (2017)
Response to Audit
Retained by Snow Christensen & Martineau for **Taxpayer**
Opinion Letter issued

Confidential Individual Plaintiff v. US Citizenship and Immigration Services (2017)
USCIS
Retained by Law Offices of Shawn Sedaghat for **Plaintiff**
Opinion Letter issued re: L1-A Visa status

Continued…

Litigation Experience (continued)

Mr. Whittlesey has served as an expert witness and consultant in numerous legal cases involving reasonableness, and interpretations and/or calculations relating to executive and equity compensation plans. He has been retained as an expert in the following cases:

Confidential Individual Plaintiff v. US Citizenship and Immigration Services (2017)
USCIS
Retained by Law Offices of Shawn Sedaghat for **Plaintiff**
Opinion Letter issued re: L1-A Visa status

Wall, etc. v. Hewlett-Packard Company et al (2017)
Superior Court of the State of California for the County of Orange
Retained by Franklin D. Azar & Associates, P.C. for **Plaintiff**s (class action suit)
Deposition given

Chen and Manindra v. Fleetcor Technologies, Inc. (2016)
United States District Court, Northern District of California
Retained by Sebastian Miller Law, P.C. for **Plaintiff**
Opinion Letter issued

Confidential Individual Plaintiff v. Confidential Corporate Defendant (2016)
Private Arbitration (Connecticut)
Retained by Lax & Neville LLP for **Plaintiff**
Case settled, no report issued

Confidential Individual Plaintiff v. Confidential Corporate Defendant (2016)
Private Mediation (North Carolina)
Retained by Marcellino & Tyson PLLC for **Plaintiff**
Report issued, testified in mediation

Confidential Plaintiff v. United States (2016)
United States District Court, District of Idaho
Retained by U.S. Department of Justice Tax Division as **Defendant**
Case settled, no report issued

Price v. Price (2016)
Superior Court of Washington for King County
Retained by McNaul Ebel Nawrot & Helgren PLLC for **Plaintiff**
Report issued, deposition given, testimony given

Confidential Plaintiff v. Confidential Defendant (2014)
Alternative Dispute Resolution, Seattle, WA
Retained by McNaul Ebel Nawrot & Helgren PLLC for **Plaintiff**
Report issued, deposition given, testimony given

Kern v. Income Research & Management, et al (2014)
Suffolk Superior Court, Commonwealth of Massachusetts
Retained by Sheppard Mullin Richter & Hampton LLP for **Defendants**
Courtroom testimony given (jury trial)

Confidential Plaintiff v. Confidential Defendant (2013)
JAMS Arbitration, Santa Monica, CA
Retained by Liner Grode Stein Yankelevitz et al. for **Plaintiff**
Case settled, no report issued

North v. Fluke (2013)
King County Superior Court, State of Washington
Retained by Davis Wright Tremaine LLP for **Countersuit Plaintiff**
Report issued, case settled

Pomilia, et al v. Chapman, et al (2012)
Superior Court of California, County of San Mateo
Retained by Barg Coffin Lewis & Trapp for **Defendants**
Designated, case settled, no report issued

Continued…

Litigation Experience (continued)

Mr. Whittlesey has served as an expert witness and consultant in numerous legal cases involving reasonableness, and interpretations and/or calculations relating to executive and equity compensation plans. He has been retained as an expert in the following cases:

Maese v. Paulk, et al (2012)
Eighth Judicial District Court, Clark County, Nevada
Retained by Jolley Urga Wirth Woodbury & Standish for **Plaintiff**
Report issued, Rebuttal issued, courtroom testimony given

McGraw v. McGraw, et al (2011)
Superior Court of California, County of San Mateo
Retained by Morrison & Foerster for **Defendant**
Designated, case settled, no report issued

Marriage of Piccinini (2011)
Superior Court of California, County of Monterey
Retained by Goss & Goss for **Respondent**
Report issued, courtroom testimony given

Broadcom Corporation Derivative Litigation (2010)
United States District Court, Central District of California
Fact witness
Video testimony given

Johnson, et al v. Couturier, Jr., et al (2009)
Stanton v. Couturier, Jr.
United States District Court – Eastern District of California
Retained by Morgan, Lewis & Bockius for **Defendant**
No report issued

Gonzalez v. Mayhall, Custom Control Concepts (2009)
Superior Court for the State of Washington in and for the County of King
Retained by Dorsey & Whitney for **Defendant**
Expert report submitted, no deposition or testimony

Westmoreland Coal Company v. Christopher K. Seglem (2008)
District Court, El Paso County, State of Colorado
Retained by Davis Graham & Stubbs LLP for **Plaintiff**
Expert report and rebuttals submitted, no deposition or testimony

Wallace R. Barr v. Harrah's Entertainment, Inc. (2007)
United States District Court - District of New Jersey
Retained by Blank Rome LLP for **Plaintiff (class action suit)**
Expert report submitted, no deposition or testimony

PJC Technologies, Inc. v. Peter J. Casson (2006)
United States District Court – Central District of California
Retained by Waldron & Olson for **Defendant**
No report issued

Miguel Jara Sr. v. Suprema Meats, Inc., et al (2006)
Superior Court of the State of California, County of Alameda
Retained by Law Offices of Steven J. Hassing for **Defendant**
Expert report submitted, no deposition or testimony

Robert Cockrell v. Ambry Genetics, Inc. (2005)
Orange County Superior Court
Retained by Waldron & Olson for **Defendant**
Deposition given

Hyland v. Hughes Aircraft Company/General Motors (2000-2002)
Retained by Kirkland & Ellis for **Defendant**
Exhibits prepared, called for testimony, case settled
Consultant to legal team

Continued…

Professional Fees

CVG's consulting and expert witness services are billed on an hourly basis. We charge for all time spent on an assignment including project planning, telephone conversations, document and data review, research and analysis, meeting preparation, and project meetings. We do not charge for time spent traveling to and from client meetings but we do charge for all time spent in law offices or courthouse buildings including, but not limited to, meetings, depositions, testimony, conferences, and wait time.

Compensation Venture Group's fee structure is:

Work Level	Hourly Rate	Project/Case Activities
Principal Consultant	$650	Client meetings and presentations, project design and management, technical direction, document and data review, senior-level interviews, report development, preparation for and time (including waiting time) in depositions and testimony
Senior Consultant	$475	Complex analysis, interviews, data gathering and research
Associate Consultant	$300	Basic data gathering, research, and analysis

Expenses

In addition to professional fees, we are reimbursed for actual out-of-pocket costs incurred as a direct result of an assignment. These typically include mileage for local travel (at the prevailing per mile rate established by the Internal Revenue Service), parking, telephone charges, postage, overnight mail and messenger costs, online research fees, and document production. Travel outside of the western Washington area will also incur airfare, hotel, ground transportation, meals, and related costs. This project will be managed out of our Seattle, Washington location and expenses will accrue from that location. Detailed expense charges are included in billing statements.

Initial Retainer

Our Firm requires an initial retainer to be applied against project fees and expenses. This retainer is equal to 30% of budgeted professional fees, and for litigation-related projects is subject to a minimum of $10,000. The retainer must be received, accompanied by a signed Consulting Agreement, prior to commencement of the engagement.

This is an "evergreen" retainer and must be replenished through the semi-monthly billing and payment process. The full retainer amount must be on account with CVG prior to any appearance of CVG staff at a deposition, trial, or arbitration hearing.

If total time and expense charges for work requested by for a case are less than $10,000, **a minimum of $5,000 will be retained by CVG as a "designation fee" for the value received in retaining CVG's services and any disclosures that may have been made to the Court or the opposing parties**. The balance of the retainer would be refundable less the amount of any time and expense charges.

Professional Employment

July 2011- Present and September 2005 – March 2008 Compensation Venture Group, SPC Seattle, WA	Principal Consultant – Lead portfolio of compensation-related advisory solutions including independent consulting practice, expert witness and litigation support, and advisory roles with affiliated firms GlobalShares plc and Fledge LLC.
September 2009 – June 2011 Hay Group San Francisco, CA	Senior Principal – Built executive and equity compensation practice on West Coast supporting San Francisco and Orange County offices. Trained executive compensation consulting staff in Asia and US.
March 2008 – September 2009 Buck Consultants San Francisco, CA	Principal, West Region Practice Leader – Led West regional practice; developed and delivered consultant training for national practice; recognized as leading developer thought leadership content for the firm.
September 2005 – March 2008 Compensation Venture Group, Inc. PayScale.com	Founded compensation advisory firm and served as Chief Compensation Officer of venture-funded compensation data startup.
May 2002 – September 2005 Aon Consulting/Radford Surveys WestWard Pay Strategies/Whittlesey Consulting Seattle, WA/San Jose, CA	Senior Vice President, Compensation Consulting – Joined through acquisition of WestWard Pay Strategies and affiliated practice Whittlesey Consulting; led Northwest practice and served as lead technical resource nationally; supported eComp Data Services. Served clients nationwide.
August 2001 – May 2002 Amazon.com Seattle, WA	Director, Global Compensation - Designed and managed cash, incentive, sales incentive, and stock-based programs for 8,000 employees in 7 countries.
June 2000 – August 2001 Broadcom Corporation Irvine, CA	Director, Compensation/HR Technology - Designed and managed cash and stock-based compensation and HR technology programs for 2,800 employees in 10 countries.
1991 –2000 Compensation & Performance Management, Inc. Newport Beach, CA	Founding Principal of consulting firm - Managed global client base with emphasis on executive compensation, stock-based compensation, and performance-based compensation strategy and design, employee surveys.
1987 – 1991 KPMG Los Angeles, CA	Senior Manager and Western Region Practice Leader - Led consulting practice - executive, incentive, and sales compensation, performance management, and surveys.
1985 – 1987 Mercer, Inc. Los Angeles, CA	Consultant - Led consulting practices in executive and incentive compensation, human resources planning and development, employee surveys, organization analysis.
1984 – 1985 Towers Perrin Los Angeles, CA	Associate Consultant - executive, incentive, and sales compensation, salary management, job evaluation.

Education

UCLA Anderson Graduate School of Management	MBA, With Distinction, Beta Gamma Sigma Human Resources Management/Marketing
San Diego State University	BA, Phi Beta Kappa, *Magna Cum Laude* Major: Industrial/Organizational Psychology Minor: Business Administration
Santa Clara University CEP Institute	Certified Equity Professional (CEP)
WorldatWork (formerly American Compensation Association)	Certified Executive Compensation Professional (CECP) Certified Compensation Professional (CCP)

Professional Leadership Activities

Global Equity Organization	Co-Founder of global not-for-profit organization Board of Directors Member 1999-2001, 2011-2012 Chair-Elect 2000 Chief Financial Officer 1999-2001
Certified Equity Professional Institute Santa Clara University	Advisory Board Chair, 2003-2004 Advisory Board Member 1999-2005
National Association of Stock Plan Professionals	Founding Member Advisory Board Member 1994-1996 Task Force Member – CompensationStandards.com
WorldatWork (formerly American Compensation Association)	Member of Content Advisory Panel, Branding Strategy Task Force, CCP course content contributor

Academic Instruction

Seattle Pacific University School of Business, Government, and Economics	Adjunct Professor (current) Total Reward Systems (MBA course)
WorldatWork ▪ Certified Compensation Professional (CCP) Program	Classroom instructor, virtual (webcast) instructor, course content developer 1996 - 2008 "Accounting and Finance for HR Professionals" "Principles of Executive Compensation" "Advanced Concepts in Executive Compensation"
UCLA Anderson Graduate School of Management Price Center for Entrepreneurial Studies ▪ Management Development for Entrepreneurs	Lecturer, 1997 - 2001 "Compensation Planning for Entrepreneurs"
UCLA Anderson Graduate School of Management ▪ MBA Program, Special Topic Course ▪ National University of Singapore Joint Degree Program	Guest Lecturer, 1999 - 2009 "Remuneration Strategy as Competitive Advantage" "Compensation as a Leadership Strategy"
UCLA Extension ▪ Certificate in Human Resources Management Program	Course Developer and Instructor, 2014 "Financial Aspects of HR Management"
▪ Managing for the 21st Century Program	Course Developer and Instructor, 1997 – 1998 "Financial Aspects of HR Management" "Performance Management"

Authored Publications

Say-on-Pay Driving Equity Plan Design: Horse or Camel? (book chapter)	*GEOnomics 2012* Global Equity Organization
The Governance Up and Downs of Performance Plans (book chapter)	*GEOnomics 2011* Global Equity Organization
Performance Awards: History, Strategic Issues, Design (book chapters)	*Performance Awards (2010)* Certified Equity Professional Institute
Understanding Executive Pay Equity and Fairness: Ratios and Rationality (with James Bowers)	*WorldatWork Journal* Third Quarter 2010
How Much is "Market" Driving Global Equity Compensation Trends…and What Does "Market" Mean? (with Brit Wittman)	*GEOnomics 2010* Global Equity Organization
Behavioral Economics and Equity Compensation (book chapter) (with Navkiran Sahota)	*GEOnomics 2009* Global Equity Organization
Measuring the ROI of Compensation Expenditures (book chapter)	*The Compensation Handbook (2008 edition)* McGraw-Hill
The Corporate Governance Implications of Option Backdating	*Corporate Governance Advisor*
The New Equity Compensation Roadmap: How Do We Get There From Here…And Where is "There"? (with Matt Ward)	*WorldatWork Journal*
Expensing Stock Options: I Still Don't See Any Elephants (Editorial)	*WorldatWork WorkSpan: Viewpoint*
Stock Option Expensing (Online chat transcript and WorkSpan article)	*WorldatWork Point/Counterpoint Chat*
Indexed Stock Options: A Solution to the Excessive Pay Issue	*ACA News* (American Compensation Association)
Changing Behavior in a Changing Workplace	*Compensation and Benefits Management*
Designing Shorter-Term Cash Incentive Programs (book chapter)	*Incentive Compensation in Employee Ownership Companies* (National Center for Employee Ownership)
Stock Option Issues in Going Public	*Employee Ownership Report* (National Center for Employee Ownership)
Employee Ownership in Initial Public Offerings (with Jill Zidaritz) (book chapter)	*The Stock Options Book* (National Center for Employee Ownership)
Stock-Based Compensation in the Biotech Industry	*San Diego Business Journal*
CEO Herb Kelleher Discusses Southwest Airlines' People Culture (interview)	*ACA Journal*
Lessons in Employee Ownership: The Airline Industry	*ACA Journal*
Expanding the Phantom Stock Concept	*Compensation and Benefits Review*

uthored Publications (continued)

Human Resources Strategies for Exiting the Recession (with Carol Maurer)	*Journal of Compensation and Benefits*
Ten Common Compensation Mistakes (with Carol Maurer)	*Compensation and Benefits Review*
Managing Compensation to Improve Cash Flow (with Carol Maurer)	*Journal of Compensation and Benefits*
CEOs: Do Shareholders Gain When You Do?	*Savings Institutions*
Stock Options: The Right Time to Exercise (with Robert Goldstein)	*California Business*
Fixing the Executive Pay Problem (with Vincent Taormina)	*Los Angeles Times* Sunday Feature Editorial – Business Section

Authored Publications – Online (2006-2012 only)

The Pressured Mandate of the Comp Committee/Remco (with David Creelman and Andrew Lambert)	Creelman Lambert Research White Paper December 2011
Measuring Executive Pay in 2010: The Equity Compensation Challenge	Hay Group *Executive Edition* May 2010
Succession Planning, Executive Compensation, and Good Corporate Governance (with Michael Jensen)	Hay Group White Paper February 2010
Differentiating Equity: The Dilution Solution (with Navkiran Sahota)	Stock & Options Solutions *SOS Xtra* (online newsletter) May 2009
Compensation Innovations in an Economic Downturn	Buck Consultants *InsightOut* February 2009
Stop Before You Swap!: Revisiting Solutions to Underwater Equity (with Teresa Bayewitz and Chris Young)	Buck Consultants *InsightOut,* November 2008
Measuring Executive Pay in the Pharmaceutical and Biotechnology Sectors	Salary.com *Insight*, April 2008
The Return of Cash Long-Term Incentives	Salary.com *Insight*, February 2008
The New Era of Equity Compensation Design: Performance Plans	Salary.com *Insight*, December 2007
Who are Your Peers? (The SEC Wants to Know)	Salary.com *Insight*, September 2007
The Great Overpaid CEO Debate	cNet News *Perspective*, June 2006

Presentations at Annual Conferences (partial list)

WorldatWork (formerly American Compensation Assn.)	Value and Valuation: Making Sense of Long-Term Incentive Data The New ROI of Executive Pay Quantifying HR: The Real Meaning of ROI The New Survey Data Paradigm Revisiting Ownership without Stock-Based Plans Total Rewards Professionals in a Changing Environment Changing Behavior in the Wealth Economy Expanding the Phantom Stock Concept What Motivates and Demotivates Employees
National Association of Stock Plan Professionals	Opening Keynote Address, Annual Conference Performance-Based Stock Plans: Concepts and Case Studies Designing Stock Plans: Getting it Right the First Time Stock Plan Terminology and Concepts
Global Equity Organization	What Really Happened to Equity Compensation in the Recession Behavioral Economics and Equity Compensation (keynote) Corporate Governance in the US and UK After the Fall: What Really Happened with Option Expensing New Share Plan Metrics What the Market Data Really Tells Us Upheaval in Global Stock Plan Design Extreme Employee Ownership: Case Study Equity-Based Compensation in the New Economy
National Center for Employee Ownership	Rethinking Stock Option Design Communicating Stock Option Plans Designing and Implementing Broad-Based Stock Option Plans Gainsharing, Profit Sharing, and Short-Term Incentives Employee Ownership and the Internet
Other Organizations	Foundation for Enterprise Development - Workshop and Annual Conference ComputerShare - Strategic Advisory Council E-Trade Business Solutions – Annual Conference Solium Capital - Annual Conference ComputerShare/Transcentive - Annual Conference

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (8:55 PM) Wyatt Way Reconstruction Project Budget Amendment for Supervisory Control & Data Acquisition System (SCADA) Upgrades

SUMMARY: Staff is requesting that the Council amend the Wyatt Way Reconstruction Project budget with $40,000.00 from the Water Fund to design and build the SCADA upgrades for the recently installed pressure release valve (PRV).

AGENDA CATEGORY: Review and Recommendation **PROPOSED BY:** Public Works

RECOMMENDED MOTION: Two Suggested Motions:

I move to amend the Wyatt Way Reconstruction Project budget by $40,000.00 from the City's Water Fund to design and build the desired SCADA upgrades.

I move to authorize the City Manager to include the amendment to the Wyatt Way Reconstruction Project budget with the 4th quarter budget amendments.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	$40,000.000
Ongoing Cost:	N/A
One-Time Cost:	
Included in Current Budget?	No

BACKGROUND: The Wyatt Way Reconstruction Project includes the replacement of water mains and the installation of a new pressure release valve (PRV) that regulates water pressure in the system that distributes water to individual homes. The City owns and maintains many PRVs, and each is installed with a supervisory control & data acquisition system (SCADA) that enables staff to remotely monitor the performance of the valve, and quickly troubleshoot issues.

Originally, the staff planned to have the Wyatt PRV SCADA system designed and built under the Wyatt Way Reconstruction Project construction contract. However, language in the project specifications indicates that

only installation, and not the designing and building of the system components, are the responsibility of the contractor. Therefore, the costs of the design/build of the system were not included in the bid for the project.

Staff considered that the work could be performed under the City's larger SCADA CIP project, which encapsulates a host of improvements in different locations around the City's system, and includes some budget for the Wyatt improvements. However, with the Wyatt contractor having the responsibility for installing the system, it is more practical to have the design/build elements of the SCADA system also housed with the Wyatt project budget.

With the additional funds, staff will procure the design/build of the required SCADA system under a separate contract.

ATTACHMENTS:

FISCAL DETAILS: The Water Fund portion of the Wyatt Way Reconstruction Project budget is presently $342,500.00. The $40,000.00 amendment will bring the total to $382,500.00.

Fund Name(s): Water Fund

Coding:

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 15 Minutes

AGENDA ITEM: (9:00 PM) Expectations for City Council Liaisons,

SUMMARY: Council will discuss expectations for City Council liaisons.

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:

Councilmember Liaison Job Description_Approved 031020

FISCAL DETAILS:

Fund Name(s):

Coding:

Councilmember Liaison Job Description

Definition of Liaison

"Liaison": a person who establishes and maintains communication for mutual understanding and cooperation (Merriam-Webster Dictionary).

Duties and Expectations of a Council Liaison

1 A Councilmember acting as a liaison to a Council advisory committee or other body (a "Committee") is not a member of the Committee. Rather, the Councilmember is a positive resource to support the Committee in the completion of its work subject to the rules stated below.

2 A Councilmember liaison is acting as a representative of the full Council and, as such, has no authority to provide any direction or guidance to the Committee other than direction or guidance that clearly represents direction or guidance of the full Council.

3 Generally put, the Councilmember liaison shall not attempt to influence the work or recommendations of the Committee. More specifically,

- the Councilmember shall not take part in the Committee's deliberations or discussions unless (a) the Committee requests the Councilmember's participation in a particular discussion (in this situation, the Councilmember must expressly state that she or he is speaking for her or himself, not for the entire Council) or (b) the Councilmember determines that he or she must speak up in order to remind the Committee of Council direction, City policies, or laws including the Open Public Meetings Act and the Public Records Act; and
- the Councilmember shall not take part in any votes or decisionmaking of the Committee.

4 The Councilmember liaison shall work to ensure that the Committee is only taking actions or doing work that is within the scope of the Committee's work as determined or approved by Council. The liaison can do this by, for example, reminding the Committee as needed of the scope of work that the Council set for the Committee.

5 The Councilmember liaison shall bring to the Council any requests from the Committee, such as the following:

(a) questions raised by a Committee about the Committee's scope of work;
(b) requests from the Committee to change the Committee's scope of work;

(c) requests for expenditures of City resources to further the Committee's work (money, staff time, or other resources); and
(d) requests from the Committee to place an item on a Council meeting agenda.

6 The Councilmember liaison shall work to ensure that the Council is regularly updated on the work of the Committee. To that end, the Council shall on a quarterly basis revisit the work plan of each Committee and hear from each Committee's liaison a report on the Committee's progress on the work plan.

Committee Governance and Oversight

If a Committee member or member of the public feels that there is a problem with the manner in which the Committee is being managed or governed, the Committee member or member of the public should speak with the Committee Chair first. If the problem is not resolved by the Chair to the Committee member or member of the public's satisfaction, then the Committee member or member of the public can speak to the Councilmember liaison about her/his concern(s).

At that juncture, the Councilmember liaison's duty is to bring the concerns to the Mayor and Deputy Mayor rather than attempt to resolve the problem on her or his own. The Mayor, Deputy Mayor, and liaison shall then decide on what steps to take, if any. These steps could include, for example, deciding that they do not agree that there is a problem; discussing the issue with the Committee Chair; or bringing the issue to the full Council for discussion and a possible Council decision.

Governance Manual Provisions

Section 3.2.6 Council Liaison

With Council approval, a Councilmember may serve for a calendar year as the Council's Liaison (i.e. representative), to an organization. A Liaison is responsible for facilitating communication, collaboration and coordination with the designated organization, and with regular reporting and accountability to the Council. There are typically Councilmember Liaisons to four types of organizations:

- A county-wide or regional policy or governing body or intergovernmental organization (such as the Kitsap Regional Coordinating Council)
- A community organization (such as an arts, business, or social service organization)
- A governing or inter-agency board functioning in the city (such as the Parks Board or the Intergovernmental Working Group – IGWG); and
- A citizen board, commission, or committee of the City, whether or not the charter calls for an ex officio Council member (such as the Utility Advisory Committee or Lodging Tax Advisory Committee)

Exhibit B, section (c) Liaison Procedures

Individual members of the Council may be assigned as liaisons whose duties involve keeping current with a group or activity by either attending meetings or conferring with members, and keeping Council informed. Liaisons may advocate Council actions on behalf of their assigned group or activity. Care must be taken to avoid an Appearance of Fairness Doctrine violation, or conflict of interest possibilities (i.e.: in the unusual case of a quasi-judicial proceeding). Liaisons' functions and duties may be further defined and/or directed by the Mayor or Mayor Pro Tem with concurrence of Council.

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (9:15 PM) City Council Support for Race Equity Task Force Workplan Items,

SUMMARY: This time is scheduled to continue the Council discussion from the September 15 study session.

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

RECOMMENDED MOTION: The City Council may consider actions to support the Race Equity Task Force.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

AdHocCommittee_Template

Sept Update on 2020 RETF Workplan.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND

Ad Hoc Committee Formation Request

Request date:

Requested by:

Procedural Authority/Governance Manual Reference(s):

Name of Committee Proposed:

Purpose/ Scope of Work:

Specific task deliverable(s) (recommendation, report, etc.):

Link to Council/Dept work plan:

Reports to: City Council ○ City Manager ○

Public participation/education required? Yes ○ No ○

Staff support required? Yes ○ No ○

Sunset date:

If Yes, in what form (notes, technical, etc.)?

City Manager's comments:

Members:

Proposed Motion:

Date action taken:

CITY OF
BAINBRIDGE ISLAND

Memorandum

Date: 9/10/2020

To: City Council

From: Morgan Smith, City Manager

Subject: Update on Race Equity Task Force 2020 Workplan Items

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This memo is intended to provide an update as of early September on City staff support for items related to the 2020 Workplan for the Race Equity Task Force (RETF). A previous memo from May, 2020 provided detail on work to date at that time. Since May, the City Council has received two briefings from the RETF. As part of those briefings, the Council clarified and expanded the RETF workplan for this year. At this point, the RETF 2020 workplan includes the following items:

- City membership in the Government Alliance on Race and Equity (GARE),
- training program with GARE,
- proposal for welcoming community signs,
- creation of a standing advisory committee on race equity,
- proposal for an equity lens for the City, and
- outreach and engagement activities.

Some of the information in this memo has been provided previously to some councilmembers, in the context of emails related to RETF plans or in response to questions. At this time, I believe it would be helpful for the all councilmembers to have the same information on the status of the City staff support for these tasks, as the RETF workplan is a high priority for both the Council and community. I have also previously provided the information in this memo to the two RETF Co-Chairs (James Friday and Brenda Fantroy-Johnson) via emails and within the various meetings we held during July and August.

1. City Membership in GARE

In Q4-2019, the RETF recommended and the City Council approved that the City become a member of GARE. In January 2020, as part of my work to confirm the scope of our planned technical assistance from GARE, I expected to also complete the membership purchase at the same time. My intent in timing the membership purchase ($1,000) in tandem with the planned technical assistance ($45,000)

was based on my understanding that the rates for training and technical assistance were reduced for GARE members by 10%. Since I expected to complete the planned professional services agreement (PSA) by the end of January, I assumed that the membership purchase would also be completed at that time. As outlined in my May update memo to Council, the discussions with GARE about the technical assistance were unexpectedly stalled during late January and February. Then COVID-19 events unfolded during March through June and work on many City projects, including GARE membership, were necessarily put on hold.

Once emergency response tasks were more settled, I was able to again allocate time to RETF topics and I worked to follow-up on the recommendations presented by the RETF to the Council in early July. On July 21, I submitted the required information to GARE to initiate the City's membership. On August 17, I received confirmation from GARE that the City's membership had been accepted and completed.

Moving forward, there are several issues related to the City's GARE membership that will need to be addressed. The GARE website and membership materials indicate a couple of issues that will need resolution:

1. The GARE website and membership materials are structured to assume/require that the "member" is a jurisdiction, in this case the City of Bainbridge Island, not committee or community members.
2. The GARE website and membership materials state that access to the member portal is limited to employees of GARE members. https://garemembers.racialequityalliance.org/home
3. The website also outlines some expectations/commitments that members should be prepared to make. If these commitments of time and participation are required of City staff, it will be necessary to identify who will take on these obligations, and within what context. To do so, it may be helpful to work to further clarify the City's general goal and workplan in this area. See, for example, this GARE FAQ link and "What Responsibilities do I have as a Member?" https://www.racialequityalliance.org/faq/

2. GARE Training Program

Alongside the steps to initiate the City's GARE membership, I met with Roberto Montoya, West Region Manager for GARE, on July 30. We talked for about an hour and I was able to share a good bit of information about the City's commitment to implementing GARE programming, the work in 2019 to develop the initial recommendation for technical assistance (with Nora Liu), and the City's current request to move ahead as soon as possible with a selection of GARE's online training options.

In our discussion, Roberto expressed his recognition that the City's RETF had been working on this project for a long time, and indicated that he was planning to talk directly with GARE leadership to advocate for GARE to evaluate our training request within their "triage" process in a way that reflected that prior relationship, and would perhaps move us up in the queue. Roberto expressed that he was hopeful that could happen, and that he would schedule a follow-up conversation the next week for me, Roberto, and Ariana Flores. Ariana and Roberto would then work together to develop specific plans for scheduling, content, etc.

I sent several follow-up emails in the six weeks after my meeting with Roberto, but I received no further contact from Roberto Montoya or other staff at GARE until yesterday (September 9). Roberto and I now

have a second meeting scheduled for September 15. At this time, given the long delay between discussions, I am unable to assess whether and when the planned GARE training may be able to move forward. I hope to learn more when Roberto and I meet next week.

I am aware that ICMA established a partnership with GARE in fall 2019, and as of June 2020 expected to develop some tools and training with GARE and other partners that would be available to cities at some point. If those plans move forward, ICMA may be another potential resource. https://icma.org/blog-posts/message-executive-director-racial-equity-and-social-justice-actions

3. Proposal for Welcoming Community Signs

In my May update memo to Council, I described the background work that City staff had done in support of this proposal. On August 25, the City Council approved having this project move forward to a more detailed stage of design and planning. Following which, Engineering Project Manager Mark Epstein was tasked with coordination and support for the RETF's work on this proposal. Both Mark and Public Works Director Chris Wierzbicki joined the RETF Sept. 3 meeting to begin the next steps to develop a specific proposal for signage (wording, design, technical specifications and site) to be presented for future Council consideration. At this time, it is anticipated that a proposal could be ready for Council consideration before year end.

4. Creation of a Standing Advisory Committee on Race Equity

At the August 25 RETF briefing, the City Council approved the development of an ordinance to create a standing Race Equity advisory committee. Deputy City Attorney Robbie Sepler is tasked with the work to develop a draft ordinance for Council consideration. At this time, it is anticipated that a draft ordinance, and any outstanding decision points about the structure and purpose of the advisory committee, could be ready for a Council briefing in early October.

5. RETF Proposal for an Equity Lens

At the August 25 RETF briefing, the City Council approved the RETF to develop a proposal for an equity lens for the City. At this time, I am not aware of any request from the RETF for City staff support for this task.

6. RETF Outreach and Engagement Activities

Many of the community engagement and outreach activities originally planned by the RETF for 2020 have been put on hold as a result of COVID restrictions and closures. At this time, I am not aware of any requests from the RETF for City staff support on these items

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (9:25 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, September 1, 2020
D. City Council Regular Business Meeting Minutes, September 8, 2020
E. Appointments to the Climate Change Advisory Committee, Environmental Technical Advisory Committee, and Utility Advisory Committee

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: September 22, 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 09-23-20.pdf

Payroll.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

ACCOUNTS PAYABLE REPORT TO CITY COUNCIL OF CASH DISBURSEMENTS

CHECK RUN: September 7, 2020 - September 21, 2020
CITY COUNCIL: September 8, 2020 - September 22, 2020

Last check from previous run: 354468 dated 09/09/2020 issued to WM Corporate Services, Inc for $2,419.88.

Payment Type	Check Date	Check Number	Department/Vendor/Description	Amount
Manual	9/10/20	354469	Bainbridge Disposal/Citywide disposal services - August 2020	2,755.10
Manual	9/10/20	354470	CenturyLink/Citywide telemetry & fax services - August 2020	2,920.96
Manual	9/10/20	354471	PW/Island Hands/Janitorial services - August 2020	21,873.11
Manual	9/10/20	354472	POL/Terra Lucido/Refund: event permit	175.00
Manual	9/10/20	354473	ENG/Seton Construction/Wyatt Way reconstruction	407,666.95
Manual	9/16/20	354474	Allstream/Citywide phone services - September 2020	799.85
Manual	9/16/20	354475	CenturyLink/Citywide telemetry services - September 2020	1,172.33
Manual	9/16/20	354476	EX/Housing Resources Bainbridge/IMPH rent - September 2020	700.00
Manual	9/16/20	354477	Puget Sound Energy/Citywide utilities - August 2020	28,444.98
Manual	9/16/20	354478	PCD/Toshiba Financial/Copier lease	321.02
Manual	9/16/20	354479	Verizon Wireless/Citywide wireless services - August 2020	5,125.42
			Total Manual Checks and Electronic Disbursements	**471,954.72**
Regular Run	9/23/20	354480-354567	**Total Regular Check Run**	**277,578.40**
			Total Disbursements	**749,533.12**
Retainage Release	N/A	N/A		N/A
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, Accounting Manager — Date: 9/17/2020

Manual

(CF) 9/10/20

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
354469	09/10/2020	PRTD	47	BAINBRIDGE DISPOSAL	242708	0001006364	08/31/2020		M091020	2,329.18
	Invoice: 0001006364					CITYWIDE DISP SVCS AUG2020				
					143.70	91011215 547900 GG-C/E-PD-GARBAGE				
					40.00	91111427 547900 GG-STREET-ROADSIDE-GARBAGE				
					583.71	91011768 547900 GG-C/E-PARKS-GARBAGE				
					433.74	91425358 547900 GG-WWTP-GARBAGE(NOT BIOSOLIDS)				
					1,108.07	91011897 547900 GG-C/E-O&M YARD FAC-GARBAGE				
					19.96	91011897 547900 GG-C/E-O&M YARD FAC-GARBAGE				
					242709	0001006558	08/31/2020		M091020	346.96
	Invoice: 0001006558					CITY HALL DISP SVCS AUG20				
					346.96	91011189 547900 GG-C/E-CITY HALL-GARBAGE				
					242710	0001006618	08/31/2020		M091020	78.96
	Invoice: 0001006618					BIG BELLY DISP SVCS AUG 20				
					78.96	91011189 547903 BIG BELLY SOLAR GARBAGE CANS				
								CHECK 354469 TOTAL:		2,755.10
354470	09/10/2020	PRTD	551	CENTURYLINK	242711	0399AUG20	08/23/2020		M091020	2,920.96
	Invoice: 0399AUG20					CITYWIDE TELEMETRY & FAX SVC AUG 2020				
					1,555.86	91425358 542100 GG-WWTP-TELEPHONE/FAX				
					771.59	91411891 542100 GG-WTR-FAC-PHONE				
					75.71	91011755 542100 GG-C/E-COMMONS-PHONE				
					154.12	91011189 542100 GG-C/E-CITY HALL-PHONE				
					231.38	91011897 542100 GG-C/E-O&M YARD FAC-PHONE				
					73.38	91011255 542100 GG-C/E-COURT BLDG-PHONE				
					58.92	91011215 542100 GG-C/E-PD-PHONE				
								CHECK 354470 TOTAL:		2,920.96
354471	09/10/2020	PRTD	8646	ISLAND HANDS	242712	17490	08/30/2020		M091020	13,665.11
	Invoice: 17490					2020-2023 JANITORIAL CONTRACT				
					13,225.16	73011183 54110000269 JANITORIAL CONTRACT-PRO SVCS				
					439.95	73425358 54110000269 JANITORIAL CONTRACT-PRO SVCS				
					242714	17491	08/30/2020		M091020	8,208.00
	Invoice: 17491					EMERGENCY JANITORIAL- COVID-19				
					7,961.76	73011183 54810101069 COVID19-EXTRA JANITORIAL				
					246.24	73425358 54810101069 COVID19-EXTRA JANITORIAL				
								CHECK 354471 TOTAL:		21,873.11
354472	09/10/2020	PRTD	9551	TERRA LUCIDO	242715	09-02-20	09/02/2020		M091020	175.00
	Invoice: 09-02-20					POL/REFUND SEP AND ROW				
					25.00	01132 321300 GF-FIREWORKS/SPEC EVENT PERMIT				
					150.00	11154 322400 ROW PERMITS-SHORT TERM USE				

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
								CHECK	354472 TOTAL:	175.00
354473	09/10/2020	PRTD	1488	SETON CONSTRUCTION I	242716	PAYREQ2-708	09/09/2020	20200027	M091020	407,666.95
	Invoice: PAYREQ2-708					WYATT WAY RECONSTRUCTION				
						407,666.95 72321953 66300000708 WYATT-MAD TO LOVELL-CONSTR				
								CHECK	354473 TOTAL:	407,666.95

NUMBER OF CHECKS 5 *** CASH ACCOUNT TOTAL *** 435,391.12

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	5	435,391.12

*** GRAND TOTAL *** 435,391.12

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 9 69					
APP 001-213000	GENERAL - ACCOUNTS PAYABLE			24,086.79	
09/10/2020 M091020 091020	AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100	CASH				435,391.12
09/10/2020 M091020 091020	AP CASH DISBURSEMENTS JOURNAL				
APP 101-213000	STREETS - ACCOUNTS PAYABLE			190.00	
09/10/2020 M091020 091020	AP CASH DISBURSEMENTS JOURNAL				
APP 402-213000	ACCOUNTS PAYABLE			2,675.79	
09/10/2020 M091020 091020	AP CASH DISBURSEMENTS JOURNAL				
APP 401-213000	ACCOUNTS PAYABLE			771.59	
09/10/2020 M091020 091020	AP CASH DISBURSEMENTS JOURNAL				
APP 301-213000	ACCOUNTS PAYABLE			407,666.95	
09/10/2020 M091020 091020	AP CASH DISBURSEMENTS JOURNAL				
	GENERAL LEDGER TOTAL			435,391.12	435,391.12
APP 631-130000	DUE TO/FROM CLEARING			435,391.12	
09/10/2020 M091020 091020					
APP 001-130000	GENERAL - DUE TO/FROM CLEARING				24,086.79
09/10/2020 M091020 091020					
APP 101-130000	STREETS - DUE TO/FROM CLEARING				190.00
09/10/2020 M091020 091020					
APP 402-130000	DUE TO/FROM CLEARING				2,675.79
09/10/2020 M091020 091020					
APP 401-130000	DUE TO/FROM CLEARING				771.59
09/10/2020 M091020 091020					
APP 301-130000	DUE TO/FROM CLEARING				407,666.95
09/10/2020 M091020 091020					
	SYSTEM GENERATED ENTRIES TOTAL			435,391.12	435,391.12
	JOURNAL 2020/09/69 TOTAL			870,782.24	870,782.24

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2020	9	69	09/10/2020			
001-130000					GENERAL - DUE TO/FROM CLEARING		24,086.79
001-213000					GENERAL - ACCOUNTS PAYABLE	24,086.79	
					FUND TOTAL	24,086.79	24,086.79
101 STREET FUND	2020	9	69	09/10/2020			
101-130000					STREETS - DUE TO/FROM CLEARING		190.00
101-213000					STREETS - ACCOUNTS PAYABLE	190.00	
					FUND TOTAL	190.00	190.00
301 CAPITAL CONSTRUCTION FUND	2020	9	69	09/10/2020			
301-130000					DUE TO/FROM CLEARING		407,666.95
301-213000					ACCOUNTS PAYABLE	407,666.95	
					FUND TOTAL	407,666.95	407,666.95
401 WATER OPERATING FUND	2020	9	69	09/10/2020			
401-130000					DUE TO/FROM CLEARING		771.59
401-213000					ACCOUNTS PAYABLE	771.59	
					FUND TOTAL	771.59	771.59
402 SEWER OPERATING FUND	2020	9	69	09/10/2020			
402-130000					DUE TO/FROM CLEARING		2,675.79
402-213000					ACCOUNTS PAYABLE	2,675.79	
					FUND TOTAL	2,675.79	2,675.79
631 CLEARING FUND	2020	9	69	09/10/2020			
631-130000					DUE TO/FROM CLEARING	435,391.12	
635-111100					CASH		435,391.12
					FUND TOTAL	435,391.12	435,391.12

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		24,086.79
101	STREET FUND		190.00
301	CAPITAL CONSTRUCTION FUND		407,666.95
401	WATER OPERATING FUND		771.59
402	SEWER OPERATING FUND		2,675.79
631	CLEARING FUND	435,391.12	
	TOTAL	435,391.12	435,391.12

** END OF REPORT - Generated by Carrie L. Freitas **

Manual

CF 9/16/20

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
354474	09/16/2020	PRTD	8672	ALLSTREAM	242900	17028981	09/01/2020		M091520	799.85
	Invoice: 17028981						CITYWIDE PHN SVCS SEP20			
					799.85	41637891 542100	FIN - ALLOC TELEPHONE			
								CHECK	354474 TOTAL:	799.85
354475	09/16/2020	PRTD	551	CENTURYLINK	242717	0225SEP20	09/02/2020		M091520	119.60
	Invoice: 0225SEP20						O&M FIRE ALARM MONIT			
					119.60	91011897 542100	GG-C/E-O&M YARD FAC-PHONE			
					242718	0456SEP20	09/02/2020		M091520	69.99
	Invoice: 0456SEP20						VILLAGE SEWER PUMP			
					69.99	91421891 542100	GG-SWR-FAC-PHONE			
					242719	0754SEP20	09/02/2020		M091520	70.95
	Invoice: 0754SEP20						FLETCHER BAY WELL TELEM			
					70.95	91411891 542100	GG-WTR-FAC-PHONE			
					242720	3736SEP20	09/02/2020		M091520	119.60
	Invoice: 3736SEP20						CH FIRE ALARM MONIT			
					119.60	91011189 542100	GG-C/E-CITY HALL-PHONE			
					242721	1745SEP20	09/02/2020		M091520	56.27
	Invoice: 1745SEP20						CH ELEVATOR SVC LINE			
					56.27	91011189 542100	GG-C/E-CITY HALL-PHONE			
					242722	5211SEP20	09/02/2020		M091520	209.94
	Invoice: 5211SEP20						POL PHN SVCS			
					209.94	91011215 542100	GG-C/E-PD-PHONE			
					242723	8731SEP20	09/02/2020		M091520	58.57
	Invoice: 8731SEP20						COMMONS FIRE ALARM MONIT			
					58.57	91011755 542100	GG-C/E-COMMONS-PHONE			
					242724	8834SEP20	09/04/2020		M091520	69.99
	Invoice: 8834SEP20						259 FERNCLIFF PRV TELEM			
					69.99	91411891 542100	GG-WTR-FAC-PHONE			
					242725	9136SEP20	09/02/2020		M091520	158.92
	Invoice: 9136SEP20						CH SECURITY ALARM MONIT			
					158.92	91011189 542100	GG-C/E-CITY HALL-PHONE			
					242726	9791SEP20	09/02/2020		M091520	137.80
	Invoice: 9791SEP20						POL TI MANDUS			
					137.80	91011215 542100	GG-C/E-PD-PHONE			
					242727	9840SEP20	09/02/2020		M091520	50.35
	Invoice: 9840SEP20						HEAD OF BAY WELL TELEM			
					50.35	91411891 542100	GG-WTR-FAC-PHONE			
					242728	9858SEP20	09/02/2020		M091520	50.35

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
	Invoice: 9858SEP20						SANDS AVE WELL TELEM			
					50.35	91411891 542100	GG-WTR-FAC-PHONE			
								CHECK	354475 TOTAL:	1,172.33
354476	09/16/2020	PRTD	268	HOUSING RESOURCES BA	242899	7452	09/08/2020		M091520	700.00
	Invoice: 7452						EX/SEPT RENT			
					700.00	31180592 54130400297	IMHP SPACE RENT DEFAULT			
								CHECK	354476 TOTAL:	700.00
354477	09/16/2020	PRTD	1205	PUGET SOUND ENERGY	242729	3319AUG20	09/09/2020		M091520	26.52
	Invoice: 3319AUG20						PW/CASEY ST WATER			
					26.52	73416345 547100	CASEY STREET WTR-ELECTRICITY			
					242730	9932AUG20	09/09/2020		M091520	10.43
	Invoice: 9932AUG20						184 WINSLOW WAY E			
					10.43	91011739 547100	COMM EVENTS-ELECTRICITY			
					242732	828AUG20	08/31/2020		M091520	406.09
	Invoice: 828AUG20						TAYLOR WELLS LID17			
					406.09	91415345 547100	GG-ROCKAWAY BCH-UTILITIES			
					242733	IL3AUG20	08/31/2020		M091520	30.09
	Invoice: IL3AUG20						ROUNDABOUT HS/MADISON IMPR			
					30.09	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
					242734	647AUG20	08/31/2020		M091520	45.54
	Invoice: 647AUG20						ST LTS/TRAFFIC CONTR			
					45.54	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
					242735	IL9AUG20	08/31/2020		M091520	108.60
	Invoice: IL9AUG20						MADISON AVE S			
					108.60	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
					242736	285AUG20	08/31/2020		M091520	222.14
	Invoice: 285AUG20						SPS NORTHTOWN/SPORTSMAN			
					222.14	91421355 547100	GG-SWR-ELECTRIC			
					242737	735AUG20	08/31/2020		M091520	51.50
	Invoice: 735AUG20						SHANNON DR/WFP DOCK			
					51.50	91011768 547100	GG-C/E-PARKS-ELECTRIC			
					242738	182AUG20	08/31/2020		M091520	52.83
	Invoice: 182AUG20						MUNI COURT - METER E6			
					52.83	91011255 547100	GG-C/E-COURT BLDG-ELECTRIC			
					242739	058AUG20	08/31/2020		M091520	33.10
	Invoice: 058AUG20						NE HIDDEN COVE - SHOP			
					33.10	91011897 547100	GG-C/E-O&M YARD FAC-ELECTRIC			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				242740	973AUG20	08/31/2020	M091520		12.48
Invoice: 973AUG20					OC RESERVOIR LID17 PH2				
				12.48	91415345 547100 GG-ROCKAWAY BCH-UTILITIES				
				242741	558AUG20	08/31/2020	M091520		1,699.94
Invoice: 558AUG20					7315 NE HIDDEN COVE				
				1,699.94	91011897 547100 GG-C/E-O&M YARD FAC-ELECTRIC				
				242742	336AUG20	08/31/2020	M091520		107.59
Invoice: 336AUG20					SLS-9 ISLAND TERRACE				
				107.59	91421355 547100 GG-SWR-ELECTRIC				
				242743	IL11AUG20	08/31/2020	M091520		21.15
Invoice: IL11AUG20					ST LTS WW MAD TO 305				
				21.15	91111263 547100 GG-STRT-STREET LIGHTING-UTIL				
				242744	520-330AUG20	08/31/2020	M091520		61.95
Invoice: 520-330AUG20					210 WINLSOW WAY E IRRIGATION				
				61.95	91011768 547100 GG-C/E-PARKS-ELECTRIC				
				242745	823AUG20	08/31/2020	M091520		10.43
Invoice: 823AUG20					BRIEN DR N/BOOTH EL PANEL				
				10.43	91011768 547100 GG-C/E-PARKS-ELECTRIC				
				242746	682-B-AUG20	08/31/2020	M091520		28.82
Invoice: 682-B-AUG20					MUNI PARKING LOT-MADISON/MADRONA				
				28.82	91111263 547100 GG-STRT-STREET LIGHTING-UTIL				
				242747	736AUG20	08/31/2020	M091520		59.30
Invoice: 736AUG20					SHANNON DR/WFP RESTROOM				
				59.30	91011768 547100 GG-C/E-PARKS-ELECTRIC				
				242748	040-581AUG20	08/31/2020	M091520		128.11
Invoice: 040-581AUG20					3900 HALLS HILL RD PUMP				
				128.11	91421355 547100 GG-SWR-ELECTRIC				
				242749	884AUG20	08/31/2020	M091520		93.10
Invoice: 884AUG20					SLS FERRY TERMINAL				
				93.10	91421355 547100 GG-SWR-ELECTRIC				
				242750	111AUG20	08/31/2020	M091520		327.20
Invoice: 111AUG20					POL STN METER 2				
				327.20	91011215 547100 GG-C/E-PD-ELECTRIC				
				242751	717AUG20	08/31/2020	M091520		215.37
Invoice: 717AUG20					POL STN METER 1				
				215.37	91011215 547100 GG-C/E-PD-ELECTRIC				
				242752	520-374AUG20	08/31/2020	M091520		51.50
Invoice: 520-374AUG20					SIGNAL @ 108 OLY DR SE				
				51.50	91111264 547100 GG-STREET-TRAF CONTROL-UTILITY				

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				242753	520-136AUG20	08/31/2020		M091520	3,036.62
Invoice: 520-136AUG20					HOB BOOSTER PUMP/WELL				
				3,036.62	91411345 547100 GG-WTR-ELECTRIC				
				242754	IL5AUG20	08/31/2020		M091520	100.46
Invoice: IL5AUG20					COMMODORE OFF HS @ OLY				
				100.46	91111263 547100 GG-STRT-STREET LIGHTING-UTIL				
				242755	291AUG20	08/31/2020		M091520	14.41
Invoice: 291AUG20					HEAD OF BAY WELL FIELD				
				14.41	91411345 547100 GG-WTR-ELECTRIC				
				242756	031AUG20	08/31/2020		M091520	126.07
Invoice: 031AUG20					SLS-6 LOVELL LOWER				
				126.07	91421355 547100 GG-SWR-ELECTRIC				
				242757	IL12AUG20	08/31/2020		M091520	74.18
Invoice: IL12AUG20					ST LTS WW 305-FERNCLIFF				
				74.18	91111263 547100 GG-STRT-STREET LIGHTING-UTIL				
				242758	573AUG20	08/31/2020		M091520	12.48
Invoice: 573AUG20					COMMODORE/HS RESERVOIR				
				12.48	91411345 547100 GG-WTR-ELECTRIC				
				242759	040-714AUG20	08/31/2020		M091520	13.55
Invoice: 040-714AUG20					7095 NE TWIN PONDS RD				
				13.55	91021182 547100 GG-OS-PROP MNGT-ELECTRIC				
				242760	206AUG20	08/31/2020		M091520	361.53
Invoice: 206AUG20					4586 PT WHITE DR NE				
				361.53	91421355 547100 GG-SWR-ELECTRIC				
				242761	256AUG20	08/31/2020		M091520	313.90
Invoice: 256AUG20					SLS-8 HWY 305/HARBORVIEW				
				313.90	91421355 547100 GG-SWR-ELECTRIC				
				242762	636AUG20	08/31/2020		M091520	88.09
Invoice: 636AUG20					SLS-7 WING PT WAY				
				88.09	91421355 547100 GG-SWR-ELECTRIC				
				242763	888AUG20	08/31/2020		M091520	132.53
Invoice: 888AUG20					NE HIGH SCHOOL RD PUMP				
				132.53	91411345 547100 GG-WTR-ELECTRIC				
				242764	658AUG20	08/31/2020		M091520	46.01
Invoice: 658AUG20					SLS-4 IRENE/LOWER HAWLEY				
				46.01	91421355 547100 GG-SWR-ELECTRIC				
				242766	520-298AUG20	08/31/2020		M091520	256.43
Invoice: 520-298AUG20					SLS-5 WW/SUNDAY COVE				
				256.43	91421355 547100 GG-SWR-ELECTRIC				

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				242767	640AUG20	08/31/2020		M091520	13.09
Invoice: 640AUG20						BRIEN DR S/BOOTH EL PANEL			
				13.09	91011768 547100	GG-C/E-PARKS-ELECTRIC			
				242768	983AUG20	08/31/2020		M091520	11.37
Invoice: 983AUG20						MILLER RD NE BEACON			
				11.37	91111264 547100	GG-STREET-TRAF CONTROL-UTILITY			
				242769	067AUG20	08/31/2020		M091520	10.43
Invoice: 067AUG20						MADISON PARKING LOT			
				10.43	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
				242770	IL7AUG20	08/31/2020		M091520	74.98
Invoice: IL7AUG20						MADISON PRJ HS TO WINSLOW II			
				74.98	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
				242771	466AUG20	08/31/2020		M091520	10.43
Invoice: 466AUG20						MADISON/HS RAINBRINGER			
				10.43	91111264 547100	GG-STREET-TRAF CONTROL-UTILITY			
				242772	093AUG20	08/31/2020		M091520	3,097.17
Invoice: 093AUG20						FLETCHER BAY WELL FIELD			
				3,097.17	91411345 547100	GG-WTR-ELECTRIC			
				242773	444AUG20	08/31/2020		M091520	104.86
Invoice: 444AUG20						BI COMMONS			
				104.86	91011755 547100	GG-C/E-COMMONS-ELECTRIC			
				242774	461AUG20	08/31/2020		M091520	5,478.10
Invoice: 461AUG20						WWTP			
				5,478.10	91425358 547100	GG-WWTP-ELECTRIC			
				242775	WW&305AUG20	08/31/2020		M091520	547.57
Invoice: WW&305AUG20						WINSLOW WAY & 305			
				547.57	91111264 547100	GG-STREET-TRAF CONTROL-UTILITY			
				242776	831AUG20	08/31/2020		M091520	4,340.59
Invoice: 831AUG20						SANDS AVE NE WELL FIELD			
				4,340.59	91411345 547100	GG-WTR-ELECTRIC			
				242777	797AUG20	08/31/2020		M091520	86.89
Invoice: 797AUG20						MUNI COURT METER E3			
				86.89	91011255 547100	GG-C/E-COURT BLDG-ELECTRIC			
				242778	247AUG20	08/31/2020		M091520	13.70
Invoice: 247AUG20						SSWM/DECANT FAC			
				13.70	91435838 547100	GG-DECANT-ELECTRIC			
				242779	143AUG20	08/31/2020		M091520	10.43
Invoice: 143AUG20						REITAN/WELCOME TO BI			
				10.43	91111264 547100	GG-STREET-TRAF CONTROL-UTILITY			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				242780	IL1AUG20	08/31/2020		M091520	219.40
Invoice: IL1AUG20						ERCKSN/MDSN/WNSLW/KNCHTL			
				219.40	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
				242781	710AUG20	08/31/2020		M091520	256.43
Invoice: 710AUG20						SLS-2 VILLAGE CENTER			
				256.43	91421355 547100	GG-SWR-ELECTRIC			
				242782	893AUG20	08/31/2020		M091520	699.45
Invoice: 893AUG20						MUNI ST LIGHTING			
				699.45	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
				242783	040-751AUG20	08/31/2020		M091520	10.43
Invoice: 040-751AUG20						520 ERICKSEN AVE PRV			
				10.43	91411345 547100	GG-WTR-ELECTRIC			
				242784	SPRINGAUG20	08/31/2020		M091520	51.65
Invoice: SPRINGAUG20						SPRINGRIDGE RD/HANSEN HILL			
				51.65	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
				242785	LYNCTRAUG20	08/31/2020		M091520	84.88
Invoice: LYNCTRAUG20						4238 LYNWOOD CENTER RD, BLOSSOM HILL			
				84.88	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
				242786	NKYN&MADAUG20	08/31/2020		M091520	13.82
Invoice: NKYN&MADAUG20						N BROOKLYN & MAD AVE ST LT			
				13.82	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
				242787	2360-MADAUG20	08/31/2020		M091520	13.82
Invoice: 2360-MADAUG20						2360 MAD AVE N E ENTRANCE ST LT			
				13.82	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
				242788	MAD&ORDAUG20	08/31/2020		M091520	13.82
Invoice: MAD&ORDAUG20						MADISON AVE , ORDWAY CROSS ST LT			
				13.82	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
				242789	BKLYN&NTOWNAUG20	08/31/2020		M091520	13.82
Invoice: BKLYN&NTOWNAUG20						N BROOKLYN & N.TOWN ST LT			
				13.82	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
				242790	WING&AZALEAAUG20	08/31/2020		M091520	11.38
Invoice: WING&AZALEAAUG20						WING PT & AZALEA AVE ST LT			
				11.38	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
				242791	W.OFMAD-PH1AUG20	08/31/2020		M091520	946.64
Invoice: W.OFMAD-PH1AUG20						W. OF MADISON - BAINBRIDGE CO PH1			
				946.64	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
				242792	E.OFMAD-PH2AUG20	08/31/2020		M091520	1,862.27
Invoice: E.OFMAD-PH2AUG20						E. OF MADISON - BAINBRIDGE CO PH2			
				1,862.27	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				242793	MAD&H.S.AUG20	08/31/2020		M091520	43.91
Invoice: MAD&H.S.AUG20						MADISON AVE/HS AVE ST LT			
				43.91	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
				242794	2665AUG20	08/31/2020		M091520	166.45
Invoice: 2665AUG20						301 SHANNON DR SE			
				166.45	91011768 547100	GG-C/E-PARKS-ELECTRIC			
				242795	2681AUG20	08/31/2020		M091520	10.43
Invoice: 2681AUG20						BJUNE WTRFRNT PK BOOTRH EL PANEL #4			
				10.43	91011768 547100	GG-C/E-PARKS-ELECTRIC			
				242796	2996AUG20	08/31/2020		M091520	12.79
Invoice: 2996AUG20						965 WEAVER RD NW			
				12.79	91411345 547100	GG-WTR-ELECTRIC			
				242797	3010AUG20	08/31/2020		M091520	10.43
Invoice: 3010AUG20						BJUNE WFP BOOTH EL PANEL #3			
				10.43	91011768 547100	GG-C/E-PARKS-ELECTRIC			
				242798	3028AUG20	08/31/2020		M091520	11.77
Invoice: 3028AUG20						BJUNE WFP BOOTH EL PANEL #2			
				11.77	91011768 547100	GG-C/E-PARKS-ELECTRIC			
				242799	3044AUG20	08/31/2020		M091520	10.43
Invoice: 3044AUG20						278 WINSLOW WAY E #KIOSK			
				10.43	91011739 547100	COMM EVENTS-ELECTRICITY			
				242800	3051AUG20	08/31/2020		M091520	10.94
Invoice: 3051AUG20						BJUNE WFP BOOTH EL PANEL #1			
				10.94	91011768 547100	GG-C/E-PARKS-ELECTRIC			
				242801	5760AUG20	08/31/2020		M091520	88.09
Invoice: 5760AUG20						TRTMT PLANT LS #3			
				88.09	91421355 547100	GG-SWR-ELECTRIC			
				242802	0909AUG20	08/31/2020		M091520	223.82
Invoice: 0909AUG20						HARRISON BLDG 8804 N MADISON			
				223.82	71011183 54710000724	PD/COURT BLDG NON CAP-ELECTRIC			
				242803	120AUG20	08/31/2020		M091520	16.29
Invoice: 120AUG20						220 OLY DR SE ST LTS			
				16.29	91111263 547100	GG-STRT-STREET LIGHTING-UTIL			
				242901	CITY HALL AUG20	09/01/2020		M091520	1,462.17
Invoice: CITY HALL AUG20						CITY HALL AUG 2020			
				1,462.17	91011189 547100	GG-C/E-CITY HALL-ELECTRIC			
							CHECK 354477 TOTAL:		28,444.98

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
354478	09/16/2020	PRTD	6714	TOSHIBA FINANCIAL SE	242941	27694294	08/27/2020		M091520	321.02
	Invoice: 27694294						PCD/COPIER LEASE			
					321.02	61470581 545000	PCD - DEV ADMIN RENTS & LEASES			
								CHECK 354478 TOTAL:		321.02
354479	09/16/2020	PRTD	1485	VERIZON WIRELESS	242731	9861964711	09/01/2020		M091520	5,125.42
	Invoice: 9861964711						CITYWIDE WIRELESS SVCS AUG2020			
					3,693.96	91011189 542100	GG-C/E-CITY HALL-PHONE			
					1,431.46	91011189 54210001069	COVID19-ADD'L CELL PHONES			
								CHECK 354479 TOTAL:		5,125.42
						NUMBER OF CHECKS 6		*** CASH ACCOUNT TOTAL ***		36,563.60

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	6	36,563.60

*** GRAND TOTAL *** 36,563.60

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 9 165									
APP 631-213000					ACCOUNTS PAYABLE			799.85	
09/16/2020 M091520		091620			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH				36,563.60
09/16/2020 M091520		091620			AP CASH DISBURSEMENTS JOURNAL				
APP 001-213000					GENERAL - ACCOUNTS PAYABLE			10,633.00	
09/16/2020 M091520		091620			AP CASH DISBURSEMENTS JOURNAL				
APP 402-213000					ACCOUNTS PAYABLE			7,635.58	
09/16/2020 M091520		091620			AP CASH DISBURSEMENTS JOURNAL				
APP 401-213000					ACCOUNTS PAYABLE			11,343.75	
09/16/2020 M091520		091620			AP CASH DISBURSEMENTS JOURNAL				
APP 108-213000					AFFORD HSG - ACCOUNTS PAYABLE			700.00	
09/16/2020 M091520		091620			AP CASH DISBURSEMENTS JOURNAL				
APP 101-213000					STREETS - ACCOUNTS PAYABLE			5,116.70	
09/16/2020 M091520		091620			AP CASH DISBURSEMENTS JOURNAL				
APP 403-213000					ACCOUNTS PAYABLE			13.70	
09/16/2020 M091520		091620			AP CASH DISBURSEMENTS JOURNAL				
APP 407-213000					ACCOUNTS PAYABLE			321.02	
09/16/2020 M091520		091620			AP CASH DISBURSEMENTS JOURNAL				
					GENERAL LEDGER TOTAL			36,563.60	36,563.60
APP 631-130000					DUE TO/FROM CLEARING			35,763.75	
09/16/2020 M091520		091620							
APP 001-130000					GENERAL - DUE TO/FROM CLEARING				10,633.00
09/16/2020 M091520		091620							
APP 402-130000					DUE TO/FROM CLEARING				7,635.58
09/16/2020 M091520		091620							
APP 401-130000					DUE TO/FROM CLEARING				11,343.75
09/16/2020 M091520		091620							
APP 108-130000					AFFORD HSG DUE TO/FROM CLEAR'G				700.00
09/16/2020 M091520		091620							
APP 101-130000					STREETS - DUE TO/FROM CLEARING				5,116.70
09/16/2020 M091520		091620							
APP 403-130000					DUE TO/FROM CLEARING				13.70
09/16/2020 M091520		091620							
APP 407-130000					DUE TO/FROM CLEARING				321.02
09/16/2020 M091520		091620							
					SYSTEM GENERATED ENTRIES TOTAL			35,763.75	35,763.75
					JOURNAL 2020/09/165 TOTAL			72,327.35	72,327.35

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2020	9	165	09/16/2020			
001-130000					GENERAL - DUE TO/FROM CLEARING		10,633.00
001-213000					GENERAL - ACCOUNTS PAYABLE	10,633.00	
					FUND TOTAL	10,633.00	10,633.00
101 STREET FUND	2020	9	165	09/16/2020			
101-130000					STREETS - DUE TO/FROM CLEARING		5,116.70
101-213000					STREETS - ACCOUNTS PAYABLE	5,116.70	
					FUND TOTAL	5,116.70	5,116.70
108 AFFORDABLE HOUSING FUND	2020	9	165	09/16/2020			
108-130000					AFFORD HSG DUE TO/FROM CLEAR'G		700.00
108-213000					AFFORD HSG - ACCOUNTS PAYABLE	700.00	
					FUND TOTAL	700.00	700.00
401 WATER OPERATING FUND	2020	9	165	09/16/2020			
401-130000					DUE TO/FROM CLEARING		11,343.75
401-213000					ACCOUNTS PAYABLE	11,343.75	
					FUND TOTAL	11,343.75	11,343.75
402 SEWER OPERATING FUND	2020	9	165	09/16/2020			
402-130000					DUE TO/FROM CLEARING		7,635.58
402-213000					ACCOUNTS PAYABLE	7,635.58	
					FUND TOTAL	7,635.58	7,635.58
403 STORM & SURFACE WATER FUND	2020	9	165	09/16/2020			
403-130000					DUE TO/FROM CLEARING		13.70
403-213000					ACCOUNTS PAYABLE	13.70	
					FUND TOTAL	13.70	13.70
407 BUILDING & DEVELOPMENT FUND	2020	9	165	09/16/2020			
407-130000					DUE TO/FROM CLEARING		321.02
407-213000					ACCOUNTS PAYABLE	321.02	
					FUND TOTAL	321.02	321.02
631 CLEARING FUND	2020	9	165	09/16/2020			
631-130000					DUE TO/FROM CLEARING	35,763.75	
631-213000					ACCOUNTS PAYABLE	799.85	
635-111100					CASH		36,563.60
					FUND TOTAL	36,563.60	36,563.60

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		10,633.00
101	STREET FUND		5,116.70
108	AFFORDABLE HOUSING FUND		700.00
401	WATER OPERATING FUND		11,343.75
402	SEWER OPERATING FUND		7,635.58
403	STORM & SURFACE WATER FUND		13.70
407	BUILDING & DEVELOPMENT FUND		321.02
631	CLEARING FUND	35,763.75	
	TOTAL	35,763.75	35,763.75

** END OF REPORT - Generated by Carrie L. Freitas **

Regular
CF 9/16/20

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
354480	09/23/2020	PRTD	5 ACE HARDWARE	242804	47188/1	08/19/2020		09/20/20	40.77
	Invoice: 47188/1					PW/BUCKETS			
				40.77	73411345 531100	OFFICE SUPPLIES			
				242805	47212/1	08/21/2020		09/20/20	20.79
	Invoice: 47212/1					PW/PLUMBING SUPPLIES			
				20.79	73411345 531100	OFFICE SUPPLIES			
				242806	47222/1	08/24/2020		09/20/20	105.70
	Invoice: 47222/1					PW/WWTP SUPPLIES			
				105.70	73425358 531100	O&M-WWTP-SUPPLIES			
				242807	47223/1	08/24/2020		09/20/20	6.53
	Invoice: 47223/1					PW/CAT LITTER			
				6.53	73425358 531100	O&M-WWTP-SUPPLIES			
				242808	47233/1	08/25/2020		09/20/20	15.24
	Invoice: 47233/1					PW/MX SUPPLIES			
				15.24	73011897 531100	O&M-C/E-PWY FAC-SUPPLIES			
				242809	47236/1	08/26/2020		09/20/20	65.33
	Invoice: 47236/1					PW/SEWER SUPPLIES			
				65.33	73421355 531100	WIN COLL-SUPPLIES			
				242810	47240/1	08/26/2020		09/20/20	45.74
	Invoice: 47240/1					PW/BOAT SNAP, ROPE			
				45.74	73011755 531100	O&M-COMMONS SUPPLIES			
				242813	47241/1	08/26/2020		09/20/20	7.62
	Invoice: 47241/1					PW/WASP-HORNET SPRAY			
				7.62	73111427 531100	OFFICE SUPPLIES			
				242814	47245/1	08/27/2020		09/20/20	54.48
	Invoice: 47245/1					PW/CONCRETE ANCHORING EPOXY			
				54.48	73111427 531100	OFFICE SUPPLIES			
				242815	47246/1	08/27/2020		09/20/20	62.13
	Invoice: 47246/1					PW/FASTENERS			
				62.13	73111427 531100	OFFICE SUPPLIES			
				242816	47253/1	08/27/2020		09/20/20	81.72
	Invoice: 47253/1					PW/CONCRETE ANCHORING EPOXY			
				81.72	73111427 531100	OFFICE SUPPLIES			
				242817	47258/1	08/28/2020		09/20/20	10.89
	Invoice: 47258/1					PW/BOAT SNAP			
				10.89	73011755 531100	O&M-COMMONS SUPPLIES			
				242818	47281/1	09/02/2020		09/20/20	52.28
	Invoice: 47281/1					PW/MX SUPPLIES			
				52.28	73421355 531100	WIN COLL-SUPPLIES			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
					242819	47286/1	09/03/2020		09/20/20	41.39
	Invoice: 47286/1						PW/MX SUPPLIES			
					41.39	73411345 531100	OFFICE SUPPLIES			
					242820	47287/1	09/03/2020		09/20/20	39.22
	Invoice: 47287/1						PW/MX SUPPLIES			
					39.22	73011183 531100	O&M-C/E-CH FAC-SUPPLIES			
					242821	47290/1	09/03/2020		09/20/20	52.30
	Invoice: 47290/1						PW/MX SUPPLIES			
					52.30	73011183 531100	O&M-C/E-CH FAC-SUPPLIES			
					242822	47306/1	09/08/2020		09/20/20	16.33
	Invoice: 47306/1						PW/MX SUPPLIES			
					16.33	73011215 531100	O&M-C/E-POLICE FAC-SUPPLIES			
							CHECK	354480 TOTAL:		718.46
354481	09/23/2020	PRTD	7726	AIR MANAGEMENT SOLUT	242824	0001132594	08/20/2020		09/20/20	2,803.18
	Invoice: 0001132594						PW/WWTP HVAC REPAIRS			
					2,803.18	73425358 54810000707	WWTP HVAC-REPAIRS			
					242825	0001132644	08/26/2020		09/20/20	2,031.06
	Invoice: 0001132644						PW/WWTP HVAC REPAIRS			
					2,031.06	73425358 54810000707	WWTP HVAC-REPAIRS			
							CHECK	354481 TOTAL:		4,834.24
354482	09/23/2020	PRTD	8395	ALL TRAFFIC SOLUTION	242872	SIN026039	07/07/2020		09/20/20	430.56
	Invoice: SIN026039						POL/RADAR SIGN BATTERY			
					430.56	53011212 531100	PD-C/E-PATROL SUPPLIES			
							CHECK	354482 TOTAL:		430.56
354483	09/23/2020	PRTD	7166	AMERICAN MESSAGING	242823	W4104492UI	09/08/2020		09/20/20	94.18
	Invoice: W4104492UI						PW/MESSAGING SVCS			
					94.18	73637891 542100	O&M - ALLOC FACIL TELEPHONE			
							CHECK	354483 TOTAL:		94.18
354484	09/23/2020	PRTD	4710	ASSOCIATED PETROLEU	242826	0236535-IN	08/18/2020		09/20/20	267.39
	Invoice: 0236535-IN						PW/103 GAL DIESEL			
					267.39	73638893 532000	O&M-FUEL USE-ALLOCATION			
					242827	0236536-IN	08/18/2020		09/20/20	1,143.96
	Invoice: 0236536-IN						PW/509 GAL UNLEADED			
					1,143.96	73638932 532000	O&M-FUEL ALLOC TO OTH DEPTS			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				242828	0236965-IN	08/20/2020		09/20/20	181.70
Invoice: 0236965-IN						PW/55 GAL DIESEL			
				181.70	73638893 532000	O&M-FUEL USE-ALLOCATION			
				242829	0236975-IN	08/20/2020		09/20/20	1,021.35
Invoice: 0236975-IN						PW/457 GAL UNLEADED			
				1,021.35	73638932 532000	O&M-FUEL ALLOC TO OTH DEPTS			
				242830	0238747-IN	08/25/2020		09/20/20	229.95
Invoice: 0238747-IN						PW/81.9 GAL DIESEL			
				229.95	73638893 532000	O&M-FUEL USE-ALLOCATION			
				242831	0238748-IN	08/25/2020		09/20/20	431.16
Invoice: 0238748-IN						PW/191 GAL UNLEADED			
				431.16	73638932 532000	O&M-FUEL ALLOC TO OTH DEPTS			
				242832	1319000-IN	08/18/2020		09/20/20	267.42
Invoice: 1319000-IN						PW/125 GAL DIESEL/BIODIESEL			
				267.42	73638893 532000	O&M-FUEL USE-ALLOCATION			
						CHECK 354484 TOTAL:			3,542.93
354485	09/23/2020	PRTD	1513 AMERICAN PUBLIC WORK	242833	600919 2020-2021	09/02/2020		09/20/20	1,000.00
Invoice: 600919 2020-2021						PW/ANNUAL DUES 20-21			
				400.00	73637891 549100	DUES/SUBSCRIPTIONS			
				600.00	71011321 549100	PWADM-C/E-DUES/SUBSCR/MEMBRSHP			
						CHECK 354485 TOTAL:			1,000.00
354486	09/23/2020	PRTD	7821 AUS WEST LOCKBOX	242834	1991889631	08/27/2020		09/20/20	60.58
Invoice: 1991889631						PW/LAUNDRY SERVICE			
				60.58	73638893 589310	LAUNDRY SERVICES			
				242835	1991898952	09/03/2020		09/20/20	60.58
Invoice: 1991898952						PW/LAUNDRY SERVICE			
				60.58	73638893 589310	LAUNDRY SERVICES			
						CHECK 354486 TOTAL:			121.16
354487	09/23/2020	PRTD	1235 AT&T ONENET SERVICE	242936	1272446998	09/01/2020		09/20/20	19.16
Invoice: 1272446998						FIN/FAX LONG DIST			
				19.16	91011189 542100	GG-C/E-CITY HALL-PHONE			
				242937	1272455187	09/01/2020		09/20/20	.67
Invoice: 1272455187						PCD/FAX LONG DIST			
				.67	91011189 542100	GG-C/E-CITY HALL-PHONE			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
							CHECK	354487 TOTAL:		19.83
354488	09/23/2020	PRTD	4365	AUTOMATIC FUNDS TRAN	242836	BAIN2008983	08/31/2020		09/20/20	402.00
Invoice: BAIN2008983						UB/PHN & WEB PMT SVCS				
					201.00	43411341 541100	FIN - WATER ADMIN PROF SERVICE			
					201.00	43421351 541100	FIN - SEWER ADMIN PROF SERVICE			
					242938	BAIN2008028	08/31/2020		09/20/20	166.20
Invoice: BAIN2008028						FIN/AUG B&O				
					163.20	41011141 541100	FIN - C/E ADMIN PROF SERVICES			
					3.00	41011141 542500	FIN-C/E-ADM-POSTAGE/SHIPPING			
							CHECK	354488 TOTAL:		568.20
354489	09/23/2020	PRTD	47	BAINBRIDGE DISPOSAL	242837	0001006327	08/31/2020		09/20/20	169.89
Invoice: 0001006327						SS DISP SVCS - PRV PD CK 354266 8-13-20				
					169.89	91011755 547900	GG-C/E-COMMONS-GARBAGE			
							CHECK	354489 TOTAL:		169.89
354490	09/23/2020	PRTD	55	SOUND PUBLISHING, IN	242839	7992993-2502629	07/31/2020		09/20/20	140.00
Invoice: 7992993-2502629						CC/CITIZEN ADV GROUPS				
					140.00	11011113 544000	COUNCIL - LEGAL NOTICES			
					242840	7992993-259552	07/31/2020		09/20/20	125.00
Invoice: 7992993-259552						PCD/PUB PARTIC MEETING				
					125.00	63470586 544000	CUR-DEV-ZONING-ADV			
							CHECK	354490 TOTAL:		265.00
354491	09/23/2020	PRTD	55	SOUND PUBLISHING, IN	242841	BIR905645	08/14/2020		09/20/20	62.00
Invoice: BIR905645						PCD/BLD24806				
					62.00	63470586 544000	CUR-DEV-ZONING-ADV			
					242842	BIR906334	08/21/2020		09/20/20	38.00
Invoice: BIR906334						ENG/DRAINAGE PROJ - NOC				
					38.00	72431835 54400001058	2020 ANNUAL DRAINAGE PROJ-ADV			
					242843	BIR906337	08/21/2020		09/20/20	61.00
Invoice: BIR906337						PCD/PLN51568 SSDE				
					61.00	63470586 544000	CUR-DEV-ZONING-ADV			
							CHECK	354491 TOTAL:		161.00
354492	09/23/2020	PRTD	55	SOUND PUBLISHING, IN	242873	7996466	08/31/2020		09/20/20	155.50
Invoice: 7996466						POL/PROPERTY, NOI: SKOOKUM				
					55.50	51011191 544000	PD-C/E-PROP RM-ADVERTISING			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
					100.00	55011757 54400000159	PD-DERELICT VES-ADVERTISING			
							CHECK	354492	TOTAL:	155.50
354493	09/23/2020	PRTD	57	BAY HAY & FEED	242844	1552014	08/28/2020		09/20/20	184.21
	Invoice: 1552014						PW/GRASS SEED			
					184.21	73431835 531100	OFFICE SUPPLIES			
					242845	1553268	09/02/2020		09/20/20	130.80
	Invoice: 1553268						PW/STRAW			
					130.80	73435838 531100	O&M-DECANT-SUPPLIES			
					242846	1553361	09/03/2020		09/20/20	86.00
	Invoice: 1553361						PW/STRAW			
					86.00	73435838 531100	O&M-DECANT-SUPPLIES			
							CHECK	354493	TOTAL:	401.01
354494	09/23/2020	PRTD	50	BAINBRIDGE ISLAND EL	242838	20200045	09/02/2020		09/20/20	3,035.19
	Invoice: 20200045						PW/PUMP MX & REPAIR			
					3,035.19	73425358 531100	O&M-WWTP-SUPPLIES			
							CHECK	354494	TOTAL:	3,035.19
354495	09/23/2020	PRTD	971	BAINBRIDGE ISLAND HI	242885	958	08/17/2020		09/20/20	1,919.94
	Invoice: 958						2020 LTAC (PICKLEBALL TOURNAME			
					1,919.94	91140573 541100	GG-TOUR-PROF SERVICES			
							CHECK	354495	TOTAL:	1,919.94
354496	09/23/2020	PRTD	64	BAINBRIDGE ISLAND AR	242887	1993	06/19/2020		09/20/20	2,500.00
	Invoice: 1993						2020-21 CULTURAL FUNDING: OPER			
					2,500.00	31011732 54110000297	EX-GF-CULTURAL ARTS & SCIENCES			
							CHECK	354496	TOTAL:	2,500.00
354497	09/23/2020	PRTD	9231	KARSTEN BOYSEN	242847	FINAL	09/08/2020		09/20/20	150.00
	Invoice: FINAL						EX/ARTWORK FINAL PMT			
					150.00	31024759 54110000877	SOMETHING NEW PH1-PROF SVCS			
							CHECK	354497	TOTAL:	150.00
354498	09/23/2020	PRTD	8595	BRUCE TITUS FORD, IN	242848	67101193	09/02/2020		09/20/20	138.58
	Invoice: 67101193						PW/VEH 215 MX			
					138.58	73637957 531100	O&M ALLOC-80%FAC/20%STRT-SUPL			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
								CHECK	354498 TOTAL:	138.58
354499	09/23/2020	PRTD	360	BUILDERS FIRSTSOURCE	242849	81917013	09/02/2020		09/20/20	14.74
Invoice: 81917013							PW/GALV NUTS, WASHERS			
					14.74	73111262 531100	O&M-RDS-TRAILS-SUPPLIES			
								CHECK	354499 TOTAL:	14.74
354500	09/23/2020	PRTD	4532	CENTRAL HIGHLANDS	242878	88798	09/15/2020		09/20/20	249.50
Invoice: 88798							UB 13234 771 FORDS COURT NW			
					233.82	411 122100	WATER ACCOUNTS RECEIVABLE			
					15.68	411 122100	WATER ACCOUNTS RECEIVABLE			
								CHECK	354500 TOTAL:	249.50
354501	09/23/2020	PRTD	8253	CHS NORTHWEST	242850	39791/H	09/04/2020		09/20/20	912.24
Invoice: 39791/H							PW/SALT BAGS			
					912.24	73411345 531100	OFFICE SUPPLIES			
								CHECK	354501 TOTAL:	912.24
354502	09/23/2020	PRTD	104	CITY OF BREMERTON	242888	BKAT000560	09/01/2020		09/20/20	2,906.08
Invoice: BKAT000560							IT/BKAT BROADCASTING			
					2,906.08	81011881 542420	IT-C/E-TELEVISTED COUNCIL MEET			
								CHECK	354502 TOTAL:	2,906.08
354503	09/23/2020	PRTD	8435	COATES DESIGN INC	242889	124476	09/11/2020		09/20/20	94,065.13
Invoice: 124476							DESIGN SERVICES-POLICE & COURT			
					94,065.13	72311942 64110000724	PD/COURT BLDG-PROF SVCS/DESIGN			
								CHECK	354503 TOTAL:	94,065.13
354504	09/23/2020	PRTD	8111	COMMUNITY SOLAR SOLU	242939	AUG20	08/31/2020		09/20/20	389.46
Invoice: AUG20							AUG 20 SOLAR NET METERING			
					389.46	91011189 54500000627	CH SOLAR-NET METERING PYMTS			
								CHECK	354504 TOTAL:	389.46
354505	09/23/2020	PRTD	7509	CONSTRUCTION PARTS L	242852	29193	08/25/2020		09/20/20	2,296.63
Invoice: 29193							PW/BROOMS			
					2,296.63	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	354505 TOTAL:	2,296.63
354506	09/23/2020	PRTD	4950	CORRECT EQUIPMENT IN	242854	42354	09/04/2020		09/20/20	772.13
Invoice: 42354						PW/GRINDER PUMP MX				
					772.13	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
								CHECK	354506 TOTAL:	772.13
354507	09/23/2020	PRTD	6363	LN CURTIS & SONS	242890	CM12147	01/01/2020		09/20/20	-119.79
Invoice: CM12147						POL/RETURN PANTS: GK				
					-119.79	53011212 520000	POLICE - C/E PATROL BENEFITS			
					242891	INV417213	08/26/2020		09/20/20	1,094.73
Invoice: INV417213						POL/BODY ARMOR: MD				
					1,094.73	53011212 520000	POLICE - C/E PATROL BENEFITS			
								CHECK	354507 TOTAL:	974.94
354508	09/23/2020	PRTD	2219	DELL MARKETING LP	242855	10399443150	06/12/2020		09/20/20	1,057.34
Invoice: 10399443150						IT/HARDWARE MX ON DELL SERVER				
					1,057.34	81011881 548100	IT - C/E REPAIRS & MAINTENANCE			
								CHECK	354508 TOTAL:	1,057.34
354509	09/23/2020	PRTD	672	DSC INC	242856	100515	08/26/2020		09/20/20	33.00
Invoice: 100515						PW/PUSH LOK				
					33.00	73111264 531100	O&M-STREET-TRAF CONTROL-SUPPLY			
								CHECK	354509 TOTAL:	33.00
354510	09/23/2020	PRTD	7144	DTMICRO, INC	242857	5138	08/15/2020		09/20/20	136.25
Invoice: 5138						IT/POL NTWK CONNECT TO KC				
					136.25	91011215 542100	GG-C/E-PD-PHONE			
								CHECK	354510 TOTAL:	136.25
354511	09/23/2020	PRTD	9229	TIMOTHY DUFFY	242858	FINAL	09/08/2020		09/20/20	150.00
Invoice: FINAL						EX/ART DISPLAY FINAL PAYMENT				
					150.00	31024759 54110000877	SOMETHING NEW PH1-PROF SVCS			
								CHECK	354511 TOTAL:	150.00
354512	09/23/2020	PRTD	1876	ENVIRONMENTAL RESOUR	242859	947927	09/01/2020		09/20/20	218.39
Invoice: 947927						PW/WWTP TESTING SUPPLIES				
					218.39	73425358 54110000391	LAB & TESTING SVCS-WWTP			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
							CHECK	354512 TOTAL:		218.39
354513	09/23/2020	PRTD	212	FABRICARE 02 - PLANT	242892	09-01-2020	09/01/2020		09/20/20	185.72
Invoice: 09-01-2020						POL/LAUNDRY SERVICE				
					20.19	51011211 520000	PD-C/E ADMIN-BENEFITS			
					145.35	52011212 520000	POLICE - C/E INVEST BENEFITS			
					20.18	53011212 520000	POLICE - C/E PATROL BENEFITS			
							CHECK	354513 TOTAL:		185.72
354514	09/23/2020	PRTD	9556	FORBUSH, BRIAN & AND	242880	88800	09/15/2020		09/20/20	51.02
Invoice: 88800						UB 11308 1029 CHERRY AVENUE NE				
					51.02	411 122100	WATER ACCOUNTS RECEIVABLE			
							CHECK	354514 TOTAL:		51.02
354515	09/23/2020	PRTD	8095	GUNARAMA WHOLESALE,	242895	1051520	08/21/2020		09/20/20	1,914.04
Invoice: 1051520						POL/GLOCKS X4				
					1,914.04	53011212 531100	PD-C/E-PATROL SUPPLIES			
							CHECK	354515 TOTAL:		1,914.04
354516	09/23/2020	PRTD	513	GRAINGER	242861	9631471159	08/25/2020		09/20/20	34.20
Invoice: 9631471159						PW/TOOL REST				
					34.20	73425358 531100	O&M-WWTP-SUPPLIES			
					242862	8301792484	08/26/2020		09/20/20	57.66
Invoice: 8301792484						PW/LUBRICANTS, BRAKE CLEANER				
					57.66	73425358 531100	O&M-WWTP-SUPPLIES			
							CHECK	354516 TOTAL:		91.86
354517	09/23/2020	PRTD	1517	GUARDIAN SECURITY SY	242896	1053470	09/01/2020		09/20/20	260.52
Invoice: 1053470						POL/ALARM MONITORING				
					260.52	51011215 541100	POLICE - C/E FACIL PROF SVCS			
							CHECK	354517 TOTAL:		260.52
354518	09/23/2020	PRTD	9555	HAGEN, TIMOTHY & KEL	242879	88799	09/15/2020		09/20/20	19.29
Invoice: 88799						UB 12661 7573 EMERALD WAY				
					19.29	421 122100	SEWER ACCOUNTS RECEIVABLE			
							CHECK	354518 TOTAL:		19.29

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
354519	09/23/2020	PRTD	9553	HEWETT DDS PS, SALLY	242876	88796	09/15/2020		09/20/20	263.25
	Invoice: 88796						UB 10641 1037 MADISON AVENUE N			
					263.25	411 122100	WATER ACCOUNTS RECEIVABLE			
								CHECK 354519 TOTAL:		263.25
354520	09/23/2020	PRTD	1826	JOHNSON CONTROLS FIR	242864	21806666	08/21/2020		09/20/20	278.47
	Invoice: 21806666						PW/CITY HALL ALARM MONIT			
					278.47	73011183 54110000390	FAC BLDG/FIRE ALARM-CITY HALL			
					242867	21806677	08/21/2020		09/20/20	139.57
	Invoice: 21806677						PW/SHOP FIRE ALARM MONIT			
					139.57	73011897 54110000390	PWY-ALARM SVCS			
					242868	21806680	08/21/2020		09/20/20	139.57
	Invoice: 21806680						PW/COMMONS FIRE ALARM MONIT			
					139.57	73011755 54110000390	FAC BLDG/FIRE ALARM-COMMONS			
								CHECK 354520 TOTAL:		557.61
354521	09/23/2020	PRTD	5275	KAISER PERMANENTE	242869	69679702	09/01/2020		09/20/20	125.00
	Invoice: 69679702						PW/CDL EXAM: KF			
					125.00	73111290 541100	O&M-STREET-MAINT O/H-PRO SVCS			
								CHECK 354521 TOTAL:		125.00
354522	09/23/2020	PRTD	2306	KITSAP COUNTY PROSEC	242897	SEP20	09/02/2020		09/20/20	9,554.69
	Invoice: SEP20						LEGAL/PROSEC SVCS SEP 2020			
					9,554.69	32011521 541112	LGL-OUTSIDE PROSECUTOR			
								CHECK 354522 TOTAL:		9,554.69
354523	09/23/2020	PRTD	338	KITSAP COUNTY JAIL	242870	AUG20	08/31/2020		09/20/20	3.87
	Invoice: AUG20						CRT REMIT: DNA CASE #23334702			
					3.87	41615860 586964	DNA COLLECTION			
					242871	MAY20	05/31/2020		09/20/20	20.00
	Invoice: MAY20						CRT REMIT: DNA CASE #20264109			
					20.00	41615860 586964	DNA COLLECTION			
								CHECK 354523 TOTAL:		23.87
354524	09/23/2020	PRTD	1505	KITSAP COUNTY TREASU	242898	AUG20	08/31/2020		09/20/20	36.39
	Invoice: AUG20						KC OUT-COURT REMIT AUG2020			
					29.39	41612860 586000	CRIME VICTIMS-OUT			
					7.00	41613860 586000	COUNTY LAW LIB - DISB OUT			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
								CHECK	354524 TOTAL:	36.39
354525	09/23/2020	PRTD	8546	KITSAP 911 PUBLIC AU	242906	BIPD2020-09	09/03/2020		09/20/20	12,192.74
Invoice: BIPD2020-09							POL/CALL CENTER SVCS			
					8,534.92	53011286 551000	POLICE - C/E PATROL CENCOM			
					3,657.82	52011286 551000	POLICE - C/E - INVEST CENCOM			
								CHECK	354525 TOTAL:	12,192.74
354526	09/23/2020	PRTD	315	KITSAP HUMANE SOCIET	242903	1933	09/01/2020		09/20/20	5,936.50
Invoice: 1933							KITSAP HUMANE SOCIETY ANNUAL C			
					5,936.50	91011393 541100	FIN - C/E ANIMAL CONTROL FEES			
								CHECK	354526 TOTAL:	5,936.50
354527	09/23/2020	PRTD	4396	ACG MATERIALS	242904	JAJ-46181	08/27/2020		09/20/20	636.16
Invoice: JAJ-46181							PW/46.69TN 3/4" MINUS			
					636.16	990 141100	MERCHANDISE			
								CHECK	354527 TOTAL:	636.16
354528	09/23/2020	PRTD	309	KITSAP TIRE CENTER I	242905	INV050036	08/19/2020		09/20/20	330.05
Invoice: INV050036							PCD/VEH 45 TIRES			
					330.05	61011581 531100	PCD - C/E ADMIN SUPPLIES			
								CHECK	354528 TOTAL:	330.05
354529	09/23/2020	PRTD	8248	KRH MATERIAL PLACEME	242907	13141	08/20/2020		09/20/20	5,711.59
Invoice: 13141							ENG/ROCKAWAY BEACH NOURISHMENT			
					5,711.59	72011391 54110000710	ROCKAWAY-MIT/MONITORING-P SVCS			
								CHECK	354529 TOTAL:	5,711.59
354530	09/23/2020	PRTD	7849	LAW OFFICE OF THOMAS	242908	SEP20	09/03/2020		09/20/20	4,484.38
Invoice: SEP20							LEGAL/PUB DEF SVCS SEP 2020			
					4,484.38	32011281 541113	LGL-PUBLIC DEFENDER			
								CHECK	354530 TOTAL:	4,484.38
354531	09/23/2020	PRTD	5011	LEXISNEXIS RISK SOLU	242909	20200831	08/31/2020		09/20/20	163.50
Invoice: 20200831							POL/AUG SUBX			
					163.50	52011212 549100	PD-C/E-INV-DUES/SUBSCR/MEMBRSH			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
								CHECK	354531 TOTAL:	163.50
354532	09/23/2020	PRTD	2132	MCKINSTRY CO LLC	242911	10123846	08/12/2020	20200023	09/20/20	7,496.00
Invoice: 10123846						FIRE SPRINKLER/ALARM TESTING				
					1,832.00	73011183 54110001081	FIRE SPRINK/ALARM TEST-CH			
					283.00	73011215 54110001081	FIRE SPRINK/ALARM TEST-OLD PD			
					861.00	73011755 54110001081	FIRE SPRINK/ALARM TEST-COMMONS			
					2,173.00	73011831 54110001081	FIRE SPRINK/ALARM TEST-NEW PD			
					2,347.00	73011897 54110001081	FIRE SPRINK/ALARM TEST-PWY			
								CHECK	354532 TOTAL:	7,496.00
354533	09/23/2020	PRTD	853	KATHRYN E MEYERS	242912	09/14/20	09/14/2020		09/20/20	60.00
Invoice: 09/14/20						CRT/PRO TEMP 1 HR				
					60.00	21011125 541210	COURT - JUDGE PRO TEMPORE SVCS			
								CHECK	354533 TOTAL:	60.00
354534	09/23/2020	PRTD	8620	PORT ORCHARD SAND &	242918	553683	09/01/2020		09/20/20	3,645.44
Invoice: 553683						PW/125.45TN 3/4" MINUS				
					3,645.44	73111423 531100	OFFICE SUPPLIES			
					242919	553739	09/02/2020		09/20/20	1,707.12
Invoice: 553739						PW/64.84TN 5/8" CSTC				
					1,707.12	73111423 531100	OFFICE SUPPLIES			
								CHECK	354534 TOTAL:	5,352.56
354535	09/23/2020	PRTD	7038	MOON SECURITY SERVIC	242913	1047471	08/31/2020		09/20/20	712.00
Invoice: 1047471						CRT/HOUSE ARREST MONIT				
					712.00	21011232 545000	COURT-ELECT HOME DET'N-EQ RENT			
								CHECK	354535 TOTAL:	712.00
354536	09/23/2020	PRTD	6208	MSDS ONLINE INC	242949	220853	06/11/2020		09/20/20	3,050.92
Invoice: 220853						PW/ANNUAL SUBX AUG 2020-2021				
					3,050.92	73637891 549100	DUES/SUBSCRIPTIONS			
								CHECK	354536 TOTAL:	3,050.92
354537	09/23/2020	PRTD	8887	NCSI	242914	3965	09/01/2020		09/20/20	18.50
Invoice: 3965						EX/BACKGROUND CHECKS				
					18.50	31011256 541100	EX-GF-EMERG PREP-PROF SVCS			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
								CHECK	354537 TOTAL:	18.50
354538	09/23/2020	PRTD	4111	OLYMPIC SPRINGS INC	242915	331969	08/31/2020		09/20/20	54.18
	Invoice: 331969						POL/PURIFIED WATER			
					54.18	51011215 531100	POLICE - C/E FACIL SUPPLIES			
					242916	331970	08/31/2020		09/20/20	17.33
	Invoice: 331970						PW/PURIFIED WATER			
					17.33	73425358 531100	O&M-WWTP-SUPPLIES			
								CHECK	354538 TOTAL:	71.51
354539	09/23/2020	PRTD	7925	OMNIPARK, INC	242917	122026	09/01/2020		09/20/20	379.32
	Invoice: 122026						POL/PARKING SYST SUPPORT			
					379.32	51011217 548500	PD-C/E-PARKING ENF-COMP SUPPOR			
								CHECK	354539 TOTAL:	379.32
354540	09/23/2020	PRTD	9557	POPE, JOSHUA & CARA	242881	88801	09/15/2020		09/20/20	34.99
	Invoice: 88801						UB 11837 763 KLICKITAT PLACE NE			
					34.99	411 122100	WATER ACCOUNTS RECEIVABLE			
								CHECK	354540 TOTAL:	34.99
354541	09/23/2020	PRTD	434	PUGET SOUND REGIONAL	242968	2021011	09/15/2020		09/20/20	12,699.00
	Invoice: 2021011						2021 MEMBERSHIP DUES			
					12,699.00	91011589 551000	EXEC - C/E REGIONAL PLANNING			
								CHECK	354541 TOTAL:	12,699.00
354542	09/23/2020	PRTD	9440	QBSI-XEROX	242920	IN2396064	08/27/2020		09/20/20	48.69
	Invoice: IN2396064						CRT/COPIER LEASE			
					48.69	21011125 545000	COURT - RENTS & LEASES - OPER			
								CHECK	354542 TOTAL:	48.69
354543	09/23/2020	PRTD	8745	RELIABLE STORAGE BAI	242921	38225	09/01/2020		09/20/20	342.00
	Invoice: 38225						POL/STORAGE UNIT J28			
					342.00	53011212 545000	POLICE - C/E PATROL RENTS			
								CHECK	354543 TOTAL:	342.00
354544	09/23/2020	PRTD	617	S & B INC	242969	25249K	08/31/2020		09/20/20	6,409.20
	Invoice: 25249K						WATER/SEWER TELEMETRY SCADA UP			
					6,409.20	72423434 64110000821	SCADA UPGRADES SWR PROF SVC			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
								CHECK	354544 TOTAL:	6,409.20
354545	09/23/2020	PRTD	9552	SAYE, JUSTIN & KELLY	242875	88795	09/15/2020		09/20/20	159.74
	Invoice: 88795						UB 10078 1075 ALFORD PLACE NW			
					159.74	411 122100	WATER ACCOUNTS RECEIVABLE			
								CHECK	354545 TOTAL:	159.74
354546	09/23/2020	PRTD	6180	SCE INC	242923	2125	09/01/2020		09/20/20	6,184.76
	Invoice: 2125						HIGH SCHOOL RD SAFETY IMPROVEM			
					6,184.76	72321953 64110000966	HS ROAD SAFETY IMPR-PROF SVCS			
								CHECK	354546 TOTAL:	6,184.76
354547	09/23/2020	PRTD	1670	SEATTLE PUMP & EQUIP	242924	216172-1	09/02/2020		09/20/20	130.75
	Invoice: 216172-1						PW/DIE SET, MALE HOSE END			
					130.75	73637941 531100	VACTOR R&M-SUPPLIES			
								CHECK	354547 TOTAL:	130.75
354548	09/23/2020	PRTD	4689	SITESTAR.NET	242925	6852287	09/01/2020		09/20/20	6,165.00
	Invoice: 6852287						IT/CONNECTION FOR WAN (ISP)			
					6,165.00	81011881 548500	IT - C/E COMPUTER SUPPORT			
								CHECK	354548 TOTAL:	6,165.00
354549	09/23/2020	PRTD	8855	SOUND LAW CENTER	242926	2459	09/03/2020		09/20/20	5,897.50
	Invoice: 2459						LEGAL/HEX SVCS AUG 2020			
					3,062.50	34470586 54111001071	HEX-CENTRAL HIGHLANDS (SLC)			
					2,835.00	34470586 54111001126	HEX-PD/COURT FACILITY (SLC)			
								CHECK	354549 TOTAL:	5,897.50
354550	09/23/2020	PRTD	9065	SOUNDWEST ENGINEERIN	242928	05-01-21	09/10/2020		09/20/20	596.25
	Invoice: 05-01-21						COUNTRY CLUB BULKHEAD & CULVER			
					596.25	72111425 54110000781	CO CLUB RD BULKHEAD R&M-PRO SV			
								CHECK	354550 TOTAL:	596.25
354551	09/23/2020	PRTD	8132	SPECTRA LABORATORIES	242930	20-06017	08/26/2020		09/20/20	998.50
	Invoice: 20-06017						PW/NPDES TESTING			
					998.50	73425358 54110000391	LAB & TESTING SVCS-WWTP			
					242931	20-06308	09/04/2020		09/20/20	211.60

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
	Invoice: 20-06308					PW/ECOLI TESTING				
					211.60	73411345 54110000391 LAB SVCS-WATER				
					242932	20-06309	09/04/2020		09/20/20	21.16
	Invoice: 20-06309					PW/ROCKAWAY TESTING				
					21.16	73415345 54110000391 LAB SVCS-WATER ROCKAWAY				
					242933	20-06310	09/04/2020		09/20/20	21.16
	Invoice: 20-06310					PW/ECOLI TESTING				
					21.16	73011897 54110000391 LAB SVCS-PWY FAC				
								CHECK 354551 TOTAL:		1,252.42
354552	09/23/2020	PRTD	2467	STAPLES	242934	8059503741	08/29/2020		09/20/20	179.81
	Invoice: 8059503741					PW/OFFICE SUPPLIES				
					179.81	73637891 531100 OFFICE SUPPLIES				
					242970	8059503755	08/29/2020		09/20/20	74.83
	Invoice: 8059503755					PCD/OFFICE SUPPLIES				
					51.67	61011252 53110001069 COVID19-SUPPLIES				
					23.16	61011581 531100 PCD - C/E ADMIN SUPPLIES				
								CHECK 354552 TOTAL:		254.64
354553	09/23/2020	PRTD	2122	STERICYCLE INC	242935	3005238081	08/31/2020		09/20/20	10.36
	Invoice: 3005238081					POL/BIOHAZARD DISPOSAL				
					10.36	53011212 541100 POLICE - C/E PATROL PROF SVCS				
								CHECK 354553 TOTAL:		10.36
354554	09/23/2020	PRTD	7095	SUPERIOR SAW & SUPPL	242940	142230	09/01/2020		09/20/20	54.50
	Invoice: 142230					PW/SHARPEN CHAINS				
					54.50	73111427 548100 O&M-ACCESS RDSIDE R&M				
								CHECK 354554 TOTAL:		54.50
354555	09/23/2020	PRTD	4245	TRAFFIC SAFETY SUPPL	242942	INV029775	08/19/2020		09/20/20	3,268.69
	Invoice: INV029775					PW/PREMARK, WHITE				
					3,268.69	73111264 531100 O&M-STREET-TRAF CONTROL-SUPPLY				
					242943	INV030032	08/26/2020		09/20/20	992.33
	Invoice: INV030032					PW/SAFLECTORS				
					992.33	73111264 531100 O&M-STREET-TRAF CONTROL-SUPPLY				
								CHECK 354555 TOTAL:		4,261.02

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
354556	09/23/2020	PRTD	4929	TYLER TECHNOLOGIES I	242944	045-307199	07/01/2020		09/20/20	15,713.55
	Invoice: 045-307199						IT/MUNIS ADMIN & UPGRADES			
					15,713.55	81011881 548500	IT - C/E COMPUTER SUPPORT			
					242945	045-307200	07/01/2020		09/20/20	15,341.33
	Invoice: 045-307200						IT/MUNIS SUPPORT & LIC			
					15,341.33	81011881 548500	IT - C/E COMPUTER SUPPORT			
								CHECK 354556 TOTAL:		31,054.88
354557	09/23/2020	PRTD	2190	UNITED PARCEL SERVIC	242946	000028Y3Y1350	08/29/2020		09/20/20	10.76
	Invoice: 000028Y3Y1350						POL/SHIPPING			
					10.76	91011215 542500	GG-C/E-PD-POSTAGE			
								CHECK 354557 TOTAL:		10.76
354558	09/23/2020	PRTD	1152	USA BLUE BOOK	242947	328469	08/14/2020		09/20/20	107.59
	Invoice: 328469						PW/COUPLING ALUMINUM			
					107.59	73425358 531100	O&M-WWTP-SUPPLIES			
								CHECK 354558 TOTAL:		107.59
354559	09/23/2020	PRTD	553	UTILITIES UNDERGROUN	242948	0080113	08/31/2020		09/20/20	180.60
	Invoice: 0080113						PW/EXCAVATION NOTICES AUG 2020			
					180.60	73637893 54110000393	O&M ALLOC-LOCATING SVCS			
								CHECK 354559 TOTAL:		180.60
354560	09/23/2020	PRTD	605	WA ST AUDITOR'S OFFI	242950	L138276	09/09/2020		09/20/20	13,119.60
	Invoice: L138276						2019 FINANCIAL AUDIT			
					8,173.38	91011423 541100	FIN-C/E STATE AUDITOR			
					1,086.90	91111433 541100	FIN-STREET-STATE AUDITOR			
					570.11	91411341 541100	GG-WTR-ADM-PROF SVCS			
					1,579.44	91421351 541100	GG-SWR-ADM-PROF SVCS			
					643.02	91431383 541100	GG-SSWM-ADM-PROF SVCS			
					533.37	91470148 541100	FIN-DEV-STATE AUDITOR			
					533.38	91471148 541100	FIN-BLDG-STATE AUDITOR			
								CHECK 354560 TOTAL:		13,119.60
354561	09/23/2020	PRTD	4104	WA ST FERRIES	242951	RK351560	08/31/2020		09/20/20	90.65
	Invoice: RK351560						AUG20 WAVE2GO CHARGES			
					90.65	53011212 543100	PATROL-TRAVEL/MEALS/LODGING			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
								CHECK 354561 TOTAL:		90.65
354562	09/23/2020	PRTD	2251	WA ST TREASURER	242952	AUG20 SBCC	08/31/2020		09/20/20	329.00
	Invoice: AUG20 SBCC						WA ST OUT COURT REMIT AUG20 SBCC			
					329.00	41652860 586000	SBCC BLDG.-OUT			
					242953	AUG20	08/31/2020		09/20/20	2,004.96
	Invoice: AUG20						WA ST OUT COURT REMIT AUG20			
					804.85	41611860 586000	PSEA 60% OUT			
					411.73	41610860 586000	PSEA 30% OUT			
					48.06	41619860 586000	PSEA 3 - STATE DISB OUT			
					115.16	41616860 586000	THEFT PRV&TR BRAIN INJ-OUT			
					53.89	41616860 586000	THEFT PRV&TR BRAIN INJ-OUT			
					259.49	41614860 586000	JUDICIAL INFO SYST.-OUT			
					15.51	41615860 586964	DNA COLLECTION			
					43.02	41617860 586000	SCHOOL SAFETY ZONE-OUT			
					57.44	41618860 586000	TRAUMA CARE-OUT			
					9.36	41612860 586311	DOM VIOLENCE PROT ORD VIOLATIO			
					56.30	41618860 586000	TRAUMA CARE-OUT			
					11.79	41618860 586000	TRAUMA CARE-OUT			
					67.26	41618860 586000	TRAUMA CARE-OUT			
					51.10	41615860 586961	STATE CRIME LAB			
								CHECK 354562 TOTAL:		2,333.96
354563	09/23/2020	PRTD	9538	WALLACE COTTAGES LLC	242874	88794	09/15/2020		09/20/20	241.39
	Invoice: 88794						UB 13231 138 WALLACE WAY NW			
					127.70	411 122100	WATER ACCOUNTS RECEIVABLE			
					113.69	411 122100	WATER ACCOUNTS RECEIVABLE			
								CHECK 354563 TOTAL:		241.39
354564	09/23/2020	PRTD	5709	WEBCHECK INC	242955	6717	08/31/2020		09/20/20	441.45
	Invoice: 6717						FIN/WEBCHECK SVCS			
					220.72	43411341 541100	FIN - WATER ADMIN PROF SERVICE			
					220.73	43421351 541100	FIN - SEWER ADMIN PROF SERVICE			
								CHECK 354564 TOTAL:		441.45
354565	09/23/2020	PRTD	8390	WEST HILLS FORD MAZD	242956	704296	08/20/2020		09/20/20	222.65
	Invoice: 704296						PW/COVER WHEELS			
					222.65	73011151 531100	O&M-C/E-PD FLEET-SUPPLIES			
								CHECK 354565 TOTAL:		222.65

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
354566	09/23/2020	PRTD	499	WESTBAY AUTO PARTS I	242957	549872	06/16/2020		09/20/20	129.61
	Invoice: 549872						PW/BATTERY, CORE DEP			
					129.61	73011321 531100	O&M-C/E-ENG VEH WORK-SUPPLIES			
					242958	550221	06/17/2020		09/20/20	20.75
	Invoice: 550221						PW/OIL FILTERS			
					20.75	990 141100	MERCHANDISE			
					242959	550227	06/17/2020		09/20/20	9.77
	Invoice: 550227						PW/AIR FILTER			
					9.77	53011212 531100	PD-C/E-PATROL SUPPLIES			
					242960	550276	06/17/2020		09/20/20	150.14
	Invoice: 550276						PW/REFLEX SHOCKS			
					150.14	53011212 531100	PD-C/E-PATROL SUPPLIES			
					242961	550749	06/18/2020		09/20/20	19.01
	Invoice: 550749						PW/AIR FILTER, OIL FILTERS			
					19.01	990 141100	MERCHANDISE			
					242962	565902	08/13/2020		09/20/20	45.94
	Invoice: 565902						PW/AIR FILTERS			
					45.94	990 141100	MERCHANDISE			
					242963	566111	08/13/2020		09/20/20	164.25
	Invoice: 566111						PCD/BRAKE PADS VEH45			
					164.25	61011581 531100	PCD - C/E ADMIN SUPPLIES			
					242964	566890	08/17/2020		09/20/20	24.21
	Invoice: 566890						POL/VEH 194 BLOWER MOTOR RESISTOR			
					24.21	51011211 531100	PD-C/E-ADM-SUPPLIES			
					242965	566999	08/17/2020		09/20/20	31.15
	Invoice: 566999						PW/LAMPS, OIL FILTER			
					31.15	990 141100	MERCHANDISE			
					242966	567113	08/18/2020		09/20/20	12.89
	Invoice: 567113						PW/OIL FILTERS			
					12.89	990 141100	MERCHANDISE			
					242967	567690	08/20/2020		09/20/20	15.50
	Invoice: 567690						PW/OIL FILTERS			
					15.50	990 141100	MERCHANDISE			
					242971	567692	08/20/2020		09/20/20	11.16
	Invoice: 567692						PW/HALOGEN BULBS			
					11.16	990 141100	MERCHANDISE			
					242972	568400	08/22/2020		09/20/20	-323.83
	Invoice: 568400						PW/CORE DEPOSITS			
					-323.83	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				
				242973	568956	08/25/2020		09/20/20	10.25
Invoice: 568956						PW/OIL FILTERS			
				10.25	990 141100	MERCHANDISE			
				242974	569273	08/25/2020		09/20/20	78.08
Invoice: 569273						POL/BATTERY, CORE DEP			
				78.08	53011212 531100	PD-C/E-PATROL SUPPLIES			
				242975	569613	08/27/2020		09/20/20	42.38
Invoice: 569613						PW/SHOP SUPPLIES			
				42.38	73638935 531100	O&M-STD ALLOCATION-SUPPLIES			
				242976	569720	08/27/2020		09/20/20	23.23
Invoice: 569720						PW/AIR FILTER, OIL FILTER			
				23.23	990 141100	MERCHANDISE			
				242978	570939	09/01/2020		09/20/20	48.18
Invoice: 570939						PW/TURBO RESONATOR			
				48.18	73411345 531100	OFFICE SUPPLIES			
				242979	570949	09/01/2020		09/20/20	97.99
Invoice: 570949						PW/BLADES			
				97.99	990 141100	MERCHANDISE			
				242980	570960	09/01/2020		09/20/20	24.14
Invoice: 570960						PWW/OIL, AIR FILTERS			
				24.14	990 141100	MERCHANDISE			
				242981	570991	09/01/2020		09/20/20	14.95
Invoice: 570991						PW/SPARK PLUGS			
				14.95	990 141100	MERCHANDISE			
				242982	571004	09/01/2020		09/20/20	11.71
Invoice: 571004						PW/AIR FILTERS			
				11.71	990 141100	MERCHANDISE			
				242983	572941	09/09/2020		09/20/20	9.22
Invoice: 572941						PW/OIL FILTERS			
				9.22	990 141100	MERCHANDISE			
				242984	573082	09/09/2020		09/20/20	109.71
Invoice: 573082						PW/SLACK ADJ KIT			
				54.85	73111423 531100	OFFICE SUPPLIES			
				54.86	73111427 531100	OFFICE SUPPLIES			
				242985	573087	09/09/2020		09/20/20	219.42
Invoice: 573087						PW/SLACK ADJ KITS			
				109.71	73111423 531100	OFFICE SUPPLIES			
				109.71	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	354566 TOTAL:	999.81
354567	09/23/2020	PRTD	9554	WICKMAN, LAUREN & BA	242877	88797	09/15/2020		09/20/20	193.75
Invoice: 88797						UB 12942 722 FERRYVIEW LANE NE				
					193.75	411 122100	WATER ACCOUNTS RECEIVABLE			
								CHECK	354567 TOTAL:	193.75

NUMBER OF CHECKS 88 *** CASH ACCOUNT TOTAL *** 277,578.40

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	88	277,578.40

*** GRAND TOTAL *** 277,578.40

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 9 166									
APP 401-213000					ACCOUNTS PAYABLE			3,481.60	
09/23/2020	09/20/20	092320			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH				277,578.40
09/23/2020	09/20/20	092320			AP CASH DISBURSEMENTS JOURNAL				
APP 402-213000					ACCOUNTS PAYABLE			18,734.73	
09/23/2020	09/20/20	092320			AP CASH DISBURSEMENTS JOURNAL				
APP 001-213000					GENERAL - ACCOUNTS PAYABLE			119,282.70	
09/23/2020	09/20/20	092320			AP CASH DISBURSEMENTS JOURNAL				
APP 101-213000					STREETS - ACCOUNTS PAYABLE			14,355.68	
09/23/2020	09/20/20	092320			AP CASH DISBURSEMENTS JOURNAL				
APP 631-213000					ACCOUNTS PAYABLE			7,881.31	
09/23/2020	09/20/20	092320			AP CASH DISBURSEMENTS JOURNAL				
APP 407-213000					ACCOUNTS PAYABLE			7,212.25	
09/23/2020	09/20/20	092320			AP CASH DISBURSEMENTS JOURNAL				
APP 403-213000					ACCOUNTS PAYABLE			1,082.03	
09/23/2020	09/20/20	092320			AP CASH DISBURSEMENTS JOURNAL				
APP 104-213000					CIVIC IMPR - ACCOUNTS PAYABLE			1,919.94	
09/23/2020	09/20/20	092320			AP CASH DISBURSEMENTS JOURNAL				
APP 301-213000					ACCOUNTS PAYABLE			100,249.89	
09/23/2020	09/20/20	092320			AP CASH DISBURSEMENTS JOURNAL				
APP 650-213000					ACCOUNTS PAYABLE			2,394.22	
09/23/2020	09/20/20	092320			AP CASH DISBURSEMENTS JOURNAL				
APP 901-213000					ACCOUNTS PAYABLE			984.05	
09/23/2020	09/20/20	092320			AP CASH DISBURSEMENTS JOURNAL				
					GENERAL LEDGER TOTAL			277,578.40	277,578.40
APP 631-130000					DUE TO/FROM CLEARING			269,697.09	
09/23/2020	09/20/20	092320							
APP 401-130000					DUE TO/FROM CLEARING				3,481.60
09/23/2020	09/20/20	092320							
APP 402-130000					DUE TO/FROM CLEARING				18,734.73
09/23/2020	09/20/20	092320							
APP 001-130000					GENERAL - DUE TO/FROM CLEARING				119,282.70
09/23/2020	09/20/20	092320							
APP 101-130000					STREETS - DUE TO/FROM CLEARING				14,355.68
09/23/2020	09/20/20	092320							
APP 407-130000					DUE TO/FROM CLEARING				7,212.25
09/23/2020	09/20/20	092320							
APP 403-130000					DUE TO/FROM CLEARING				1,082.03
09/23/2020	09/20/20	092320							
APP 104-130000					CIVIC IMPR DUE TO/FROM CLEAR'G				1,919.94
09/23/2020	09/20/20	092320							
APP 301-130000					DUE TO/FROM CLEARING				100,249.89
09/23/2020	09/20/20	092320							
APP 650-130000					DUE TO/FROM CLEARING				2,394.22

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
09/23/2020 09/20/20 092320					
APP 901-130000	DUE TO/FROM CLEARING				984.05
09/23/2020 09/20/20 092320					
	SYSTEM GENERATED ENTRIES TOTAL			269,697.09	269,697.09
	JOURNAL 2020/09/166 TOTAL			547,275.49	547,275.49

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2020	9	166	09/23/2020			
001-130000					GENERAL - DUE TO/FROM CLEARING		119,282.70
001-213000					GENERAL - ACCOUNTS PAYABLE	119,282.70	
					FUND TOTAL	119,282.70	119,282.70
101 STREET FUND	2020	9	166	09/23/2020			
101-130000					STREETS - DUE TO/FROM CLEARING		14,355.68
101-213000					STREETS - ACCOUNTS PAYABLE	14,355.68	
					FUND TOTAL	14,355.68	14,355.68
104 CIVIC IMPROVEMENT FUND	2020	9	166	09/23/2020			
104-130000					CIVIC IMPR DUE TO/FROM CLEAR'G		1,919.94
104-213000					CIVIC IMPR - ACCOUNTS PAYABLE	1,919.94	
					FUND TOTAL	1,919.94	1,919.94
301 CAPITAL CONSTRUCTION FUND	2020	9	166	09/23/2020			
301-130000					DUE TO/FROM CLEARING		100,249.89
301-213000					ACCOUNTS PAYABLE	100,249.89	
					FUND TOTAL	100,249.89	100,249.89
401 WATER OPERATING FUND	2020	9	166	09/23/2020			
401-130000					DUE TO/FROM CLEARING		3,481.60
401-213000					ACCOUNTS PAYABLE	3,481.60	
					FUND TOTAL	3,481.60	3,481.60
402 SEWER OPERATING FUND	2020	9	166	09/23/2020			
402-130000					DUE TO/FROM CLEARING		18,734.73
402-213000					ACCOUNTS PAYABLE	18,734.73	
					FUND TOTAL	18,734.73	18,734.73
403 STORM & SURFACE WATER FUND	2020	9	166	09/23/2020			
403-130000					DUE TO/FROM CLEARING		1,082.03
403-213000					ACCOUNTS PAYABLE	1,082.03	
					FUND TOTAL	1,082.03	1,082.03
407 BUILDING & DEVELOPMENT FUND	2020	9	166	09/23/2020			
407-130000					DUE TO/FROM CLEARING		7,212.25
407-213000					ACCOUNTS PAYABLE	7,212.25	
					FUND TOTAL	7,212.25	7,212.25
631 CLEARING FUND	2020	9	166	09/23/2020			

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
631-130000					DUE TO/FROM CLEARING	269,697.09	
631-213000					ACCOUNTS PAYABLE	7,881.31	
635-111100					CASH		277,578.40
					FUND TOTAL	277,578.40	277,578.40
650 AGENCY FUND	2020	9	166	09/23/2020			
650-130000					DUE TO/FROM CLEARING		2,394.22
650-213000					ACCOUNTS PAYABLE	2,394.22	
					FUND TOTAL	2,394.22	2,394.22
901 CITY-WIDE REPORTING FUND	2020	9	166	09/23/2020			
901-130000					DUE TO/FROM CLEARING		984.05
901-213000					ACCOUNTS PAYABLE	984.05	
					FUND TOTAL	984.05	984.05

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		119,282.70
101	STREET FUND		14,355.68
104	CIVIC IMPROVEMENT FUND		1,919.94
301	CAPITAL CONSTRUCTION FUND		100,249.89
401	WATER OPERATING FUND		3,481.60
402	SEWER OPERATING FUND		18,734.73
403	STORM & SURFACE WATER FUND		1,082.03
407	BUILDING & DEVELOPMENT FUND		7,212.25
631	CLEARING FUND	269,697.09	
650	AGENCY FUND		2,394.22
901	CITY-WIDE REPORTING FUND		984.05
	TOTAL	269,697.09	269,697.09

** END OF REPORT - Generated by Carrie L. Freitas **

PAYROLL

PAYROLL CHECK RUN: 9 - 21 - 2020

Run Type	Run Date	Check # Sequence	Comments	Amount
Normal	9/21/2020	48966 -49097	Regular check run (Direct Dep)	345,014.29
Normal	9/21/2020	109450	Regular check run (Paper Checks)	2,601.00
Normal	9/21/2020	109451 - 109457	Vendor check run (Paper Checks)	126,823.47
EFTPS	9/21/2020	N/A	Federal Tax Electronic Transfer	128,276.14
			TOTAL:	**602,714.90**

Prepared and Reviewed by: Brenda Landolt Date 9-18-20

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 9/18/20

Kimberly M. Dunscombe, Budget Manager

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:**

AGENDA ITEM: City Council Study Session Minutes, September 1, 2020

SUMMARY: Consider approval of meeting minutes.

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:

City Council Study Session Minutes, September 1, 2020.docx

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL STUDY SESSION
TUESDAY, SEPTEMBER 1, 2020

MEETING MINUTES

1) CALL TO ORDER / ROLL CALL

Deputy Mayor Deets called the meeting to order at 6:00 p.m. on the Zoom webinar platform.

Mayor Schneider, Deputy Mayor Deets, and Councilmembers Carr, Hytopoulos, Nassar, Medina, and Pollock were present.

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 Deets adjourned the meeting at 6:03 p.m. to an executive session pursuant to RCW 42.30.110(1)(i). The executive session was extended by ten minutes at 6:30 p.m.

Council returned from executive session at 6:42 p.m., and Deputy Mayor Deets reconvened the meeting.

3) APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE

Councilmember Nassar moved and Councilmember Pollock seconded to approve the agenda as presented. The motion carried unanimously, 6-0. No conflicts of interest were disclosed.

4) MAYOR'S REPORT

Mayor Schneider provided background and context on the work of the Green Building Task Force.

5) FUTURE COUNCIL AGENDAS

5.A Future Council Agendas
Cover Page
090820 City Council Regular Business Meeting.pdf

091520 City Council Study Session.pdf
092220 City Council Regular Business Meeting.pdf

City Manager Smith provided an overview of the agendas through September.

6) UNFINISHED BUSINESS

6.A Review Draft Profile for City Manager Search - Executive

Cover Page
Draft City Manager Profile - 28 Aug 2020.pdf
Public Comment on City Manager Search.pdf

Ron Holifield of Strategic Government Resources (SGR) introduced the agenda item. He shared major themes in the comments received on the City Manager search. Council provided input on the draft City Manager profile.

The profile will be added to the September 8, 2020 agenda with public comment and written comments from Council.

6.B Update on the Development Moratorium - Planning

Cover Page
20200828 Abbreviated moratorium work program status report.docx
Ordinance No. 2020-09 Extending the Development Moratorium Approved 032420.pdf
Moratorium Summary

Senior Planner Sutton introduced the agenda item, and Council discussed extending the moratorium.

Councilmember Medina left the meeting at 6:59 p.m.

MOTION: I move that we ask staff to return with an extension for the moratorium that is based on the completion of the integration of the Critical Areas Ordinance into the Shoreline Master Program.
Hytopoulos/Pollock: The motion carried 5 – 1.

AYES: Carr, Deets, Hytopoulos, Pollock, Schneider
NOES: Nassar
ABSENT: Medina
ABSTAIN: None

6.C Green Building Task Force Green Building Program Briefing and Timeline for Ordinance Adoption - Planning

Cover Page
Staff Memo GBTF Recommendation 20200901

Attachment 1 - History Log
Attachment 2 - GBTF Roster
Attachment 3 - City Priorities, Policies, & Goals
Attachment 4 - GHG Inventory Fact Sheet
Attachment 5 - Energy Demand & Conservation
Attachment 6 - Road Map
Attachment 7 - First Steps Recommendations

Senior Planner Best provided a presentation on the work of the Green Building Task Force and issues for Council's consideration. He addressed Council's questions with Building Inspector Holmes and Green Building Task Force members Jason Wilkinson, Jonathan Davis, Kathleen O'Brien.

There was consensus to forward the recommendations to the September 15, 2020 study session for further discussion.

6.D Sustainable Transportation Plan Update - Public Works
Cover Page

Engineering Project Manager Epstein provided a presentation updating Council on the status of the Sustainable Transportation Plan.

6.E Update from Joint City Council and Planning Commission Land Use Subcommittee - Councilmembers Carr, Hytopoulos, and Pollock
Cover Page

Councilmember Carr provided an update on work of the Joint City Council and Planning Commission Land Use Subcommittee.

6.F Update on Policing Town Hall - Police
Cover Page
Virtual Policing Town Hall Event Brief CC 09-01-20.pdf

Police Chief Clark provided an update on the Town Hall and addressed Council's questions.

Councilmember Medina rejoined the meeting at 8:37 p.m.

MOTION: Councilmember Pollock moved to direct staff to notice the Town Hall as a special meeting of the City Council.
Pollock/Hytopoulos: The motion carried unanimously, 7-0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider, Medina
NOES: None
ABSENT: None

ABSTAIN: None

6.I Appointments to the Ethics Board - Mayor Schneider [Moved]

Cover Page
Ethics Board Applications (Redacted).pdf

Council moved this item up on the agenda so Councilmember Medina could participate.

MOTION: I move to confirm the Mayor's recommended nominations to the Ethics Board, which are: Doña Keating to Position 1; Jim Cash to Position 2; David Mallon to Position 3; Karen Anderson to Position 4; Dominique Cantwell to Position 6; and Tyler Weaver to Position 7.
Schneider/Hytopoulos: The motion carried unanimously 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

Deputy Mayor Deets adjourned the meeting for a break at 9:19 p.m. Councilmember Medina left the meeting at 9:19 p.m. Council returned at 9:25 p.m., and Deputy Mayor Deets reconvened the meeting.

6.G Shoreline Master Program Periodic Review Public Participation Program and Work Plan - Planning

Cover Page
Staff Memo
Attachment 2 - Updated PPP/WP
Attachment 1 - History Log
Attachment 3 - Prior PPP/WP
Attachment 4 - Ecology Rule Summary

Senior Planner Best provided a presentation on the agenda item, and Council discussed the program.

MOTION: Councilmember Pollock moved to approve the updated Shoreline Master Program Public Participation Program and Work Plan.
Pollock/Hytopoulos: The motion carried unanimously, 6 – 0.

AYES: Carr, Deets, Hytopoulos, Nassar, Pollock, Schneider
NOES: None
ABSENT: Medina
ABSTAIN: None

6.H Professional Services Agreement with Jurassic Parliament for Parliamentary Procedure Training - Executive

Cover Page
PSA with Jurassic Parliament for Council Parliamentary Procedure Training
Macfarlane Resume
Jurassic Parliament Fee Schedule 2020
Jurassic Parliament Client List 2019

Deputy City Attorney Sepler introduced the agenda item.

MOTION: I move to approve the Professional Services Agreement with Jurassic Parliament for parliamentary procedure training.
Pollock/Carr: The motion carried unanimously, 6 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: Medina
ABSTAIN: None

Staff will work on scheduling the training for a Saturday morning.

6.J Process to Fill Race Equity Task Force Vacancy - Executive

Cover Page

Mayor Schneider introduced the agenda item. Council's consensus to use the same process to fill the vacancy that was used to fill the last vacancy and schedule further discussion of the process at a future meeting.

7) FOR THE GOOD OF THE ORDER

Councilmember Nassar is unavailable for Salary Commission interviews. Deputy Mayor Deets and Councilmember Pollock will conduct them without a third Council member.

Mayor Schneider and Councilmembers Medina and Pollock will meet with the Suquamish Tribe to discuss the McDonald Creek fish passage project.

8) ADJOURNMENT

Deputy Mayor Deets adjourned the meeting at 10:10 p.m.

_____
Leslie Schneider, Mayor

Christine Brown, CMC, City Clerk

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:**

AGENDA ITEM: City Council Regular Business Meeting Minutes, September 8, 2020

SUMMARY: Consider approval of meeting minutes.

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:

City Council Regular Business Meeting Minutes, September 8, 2020.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, SEPTEMBER 8, 2020

MEETING MINUTES

1) CALL TO ORDER/ROLL CALL

Mayor Schneider called the meeting to order on the Zoom webinar platform at 6:00 p.m.

Mayor Schneider, Deputy Mayor Deets, and Councilmembers Carr, Hytopoulos, Medina, Nassar and Pollock were present.

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 and pursuant to RCW 42.30.110(1)(b), to consider the selection of a site or acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price.
Cover Page

Mayor Schneider adjourned the meeting to an executive session pursuant to RCW 42.30.110(1)(i) and 42.30.110(1)(b) at 6:04 p.m.

At 6:24 p.m., the executive session was extended for an additional five minutes.

Council returned from executive session at 6:32 p.m., and Mayor Schneider reconvened the meeting.

3) APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

Councilmember Pollock moved and Councilmember Medina seconded to approve the agenda as presented. The motion carried unanimously, 7-0. There were no conflicts of interest disclosed.

4) PUBLIC COMMENT

4.A Instructions for Providing Public Comment - City Clerk
Cover Page
Instructions for Providing Public Comment at Remote Meetings.docx

Ellen Lockert commented on wildfire smoke and climate change.

Jane Lindley spoke about the Puget Sound Energy franchise renewal.

Cindy Anderson commented on the Police Department town hall meeting.

Sal DeRosalia commented on the use of the word "master" in City documents.

Erika Shriner spoke about the Puget Sound Energy franchise renewal.

5) MAYOR'S REPORT

Mayor Schneider mentioned the International Day of Clean Air for Blue Skies in conjunction with the current air quality and provided information on the Capital Improvement Plan.

6) CITY MANAGER'S REPORT

City Manager Smith reported on the burn ban and the Emergency Operations Center status; additional Coronavirus Aid, Relief, and Economic Security (CARES) Act funding;; a clean financial audit with no findings; and the application form for the Planning Commission vacancy.

7) FUTURE COUNCIL AGENDAS

7.A Future Council Agendas

Cover Page
September 15 City Council Study Session.pdf
September 22 City Council Regular Business Meeting.pdf
October 6 City Council Study Session.pdf

City Manager Smith reviewed future Council agendas.

8) PRESENTATION(S)

8.A Proclamation Declaring September 11, 2020 as "A Day of Service and Remembrance" - Mayor Schneider

Cover Page
A Day of Service and Remembrance 2020.docx

Councilmember Carr read the proclamation.

8.B Proclamation - Declaring September 2020 as "Community Preparedness Month" - Executive

Cover Page
Preparedness Month Proclamation 2020.docx

Deputy Mayor Deets read the proclamation.

MOTION: I move to authorize the Mayor to sign the Proclamation declaring September as "Community Preparedness Month" and to add this proclamation to the list of annual proclamations that may be signed by the Mayor without further Council action.
Medina/Deets: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

8.C 2020 Emergency Management Annual Briefing - Executive
Cover Page
09082020 EM Presentation to CC Final.pdf

Emergency Management Coordinator LeSage provided the annual briefing and addressed Council's questions.

9) CLOSED RECORD PROCEEDING

9.A Resolution No. 2020-03, Madison Place Final Subdivision - Planning
Cover Page
Resolution No. 2020-03 Madison Place Final Subdivision
Exhibit A Compliance Notation Report
Exhibit B Performance Bond $125,738.69
Exhibit B(1) Approved Estimate for Bonding
Exhibit B(2) Maintenance Bond $32,889.80
Exhibit C Final Plat
Exhibit D Hearing Examiner Decision on Preliminary Plat
Exhibit E City Development Engineer Recommendation
Exhibit F - Public Benefit, Development, and Permit Processing Agreement

City Attorney Levan explained the Appearance of Fairness Doctrine. There were no disclosures or Appearance of Fairness challenges. Senior Planner Tayara introduced the agenda item.

MOTION: I move to approve Resolution No. 2020-03, approving the Madison Place Final Long Subdivision.
Deets/Medina: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

10) UNFINISHED BUSINESS

10.A Position Profile for City Manager Search - Executive
Cover Page
Bainbridge Island WA City Manager Brochure 9.4.20.pdf
Council Comments on City Manager Brochure.pdf
Public Comment Included in September 1, 2020 Agenda Packet
Additional Public Comment.pdf

Ron Holifield of Strategic Government Resources introduced the agenda item. Council provided input on the profile and forwarded it to the September 15, 2020 agenda for further discussion and approval.

10.B Ordinance No. 2020-25, Adopting the 2021-2026 Update of the City's Capital Improvement Plan - Public Works

Cover Page
Presentation - 2021-26 CIP Discussion September 8
Ordinance No. 2020-25, Adopting the 2021-2026 Update of the City's Capital Improvement Plan
2021_2026 CIP Combined.pdf

Public Works Director Wierzbicki provided a presentation on the Capital Improvement Plan and addressed Council's questions.

MOTION: I move to forward Ordinance No. 2020-25 to Unfinished Business on October 13, 2020.
Carr/Pollock: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

10.C 2020 Annual Drainage Project Reject Bid - Public Works

Cover Page
Drainage Bid Form.docx

Public Works Director Wierzbicki introduced the agenda item.

MOTION: I move to reject the one bid received by Pape & Sons Inc. at the August 21, 2020 bid opening and re-advertise the work at a later date.
Carr/Deets: The motion was approved unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

Mayor Schneider adjourned the meeting for a break at 9:24 p.m. and reconvened the meeting at 9:33 p.m.

10.D Self-Service Storage Moratorium Research, Findings and Council Direction - Planning

Cover Page
20200908_Staff Memo_findings Final.pdf
Attachment 1 existing storage data table
Attachment 2 Regulations from Other Communities
Self-Storage Potential in Bus Ind.pdf
Self-Storage Potential in NC.pdf
Ordinance No. 2020-12 Extending Moratorium on Self-Service Storage Facilities Approved 051220.pdf

Planning Director Wright and Senior Planner Sutton provided a presentation on self-service storage and options for Council's consideration.

MOTION: I move to direct the City Manager to work with staff to develop an ordinance eliminating self-storage as an allowed use.
Nassar/Deets: The motion was withdrawn following discussion.

AMENDED MOTION: I move to direct the City Manager to have staff develop an ordinance that eliminates self-storage as an allowed and as an accessory use.
Nassar/Pollock: The amended motion was withdrawn following discussion.

MOTION: Councilmember Hytopoulos moved to direct the City Manager to have staff develop an ordinance that eliminates self-storage as a conditional use in the Neighborhood Service Centers and remove it as an outright use in the Business/Industrial Zone.
Hytopoulos/Pollock: The motion carried 6 – 0 with one abstention.

AYES: Carr, Deets, Hytopoulos, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: Medina

10.E Resolution No. 2020-16, Withdrawing from Consideration by the Washington State Department of Ecology the Shoreline Master Program Aquaculture Limited Amendment - Planning
Cover Page
Resolution No. 2020-16 - Withdrawal of SMP Aquaculture Limited Amendment from Ecology Consideration
Ordinance No. 2016-06 SMP Aquaculture Limited Amendment

Planning Director Wright introduced the agenda item.

MOTION: I move to approve Resolution No. 2020-16 to formally withdraw from consideration by the Washington State Department of Ecology the City's Shoreline Master Program Aquaculture Limited Amendment.
Nassar/Pollock: The motion carried 6 – 1.

AYES: Deets, Hytopoulos, Nassar, Pollock, Schneider Pollock
NOES: Carr
ABSENT: None
ABSTAIN: None

10.F Set the Public Hearing for Ordinance No. 2020-17 Relating to the Shoreline Master Program Amendment for Critical Areas Ordinance Integration and Amendments to Nonconforming Uses, Structures, and Lots - Planning
Cover Page
September 8, 2020 Staff Memo to the Council
Ordinance No.2020-17 (Public Hearing Draft) Adopting SMP CAO Amendment
Exhibit A to Ordinance No. 2020-17 Shoreline Master Program Amendment
Exhibit B Table of Changes to Draft SMP Amendment
Determination of Initial Concurrence from the WA Department of Ecology
Ecology Recommendations to Resolve Issues Identified as Required and Recommended
FOR BACKGROUND Resolution No. 2019-05, directing staff to submit the draft Amendment to Ecology for initial review

FOR BACKGROUND June 23, 2020 Staff Memo to the Council, summarizing Ecology's comments

MOTION: I move to schedule a public hearing on September 22, 2020 related to Ordinance No. 2020-17.
Nassar/Pollock: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Nassar, Pollock, Schneider Pollock
NOES: None
ABSENT: None
ABSTAIN: None

10.G Schedule a Public Hearing on Ordinance No. 2020-24, Related to Extending the Moratorium on Certain Development Activities - Planning
Cover Page
Ordinance No. 2020-24 Extending the Development Moratorium (Public Hearing Draft)
Exhibit A to Ordinance No. 2020-24 - Work Plan
Exhibit B to Ordinance No. 2020-24 - Winslow Master Plan Study Area Map
Ordinance No. 2020-09 Extending the Development Moratorium
Moratorium Summary.pdf
Abbreviated moratorium work program status report (August 28, 2020)

Senior Planner Sutton introduced the agenda item.

MOTION: I move to schedule a public hearing on September 22, 2020, related to Ordinance No. 2020-24, which would extend the moratorium on certain development activities for six months.
Nassar/Deets: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Nassar, Pollock, Schneider Pollock
NOES: None
ABSENT: None
ABSTAIN: None

11) NEW BUSINESS

11.A John T. Nelson Park at Strawberry Cannery Cove Monitoring Well License Agreement - Public Works
Cover Page
Revocable License Agreement.pdf
Construction Easement.pdf
Tosco Site NW3070 Opinion Letter 8-4-2020 Final.pdf

This item was deferred due to time constraints.

11.B Update on AT&T Discussions related to Cellular Coverage and Service Gaps – Executive
Cover Page

This item was deferred due to time constraints.

11.C Appointments to the Salary Commission - Mayor Schneider
Cover Page
Haugan - Salary Commission - Redacted.pdf

Hermanson - Salary Commission - Redacted.pdf
Lakich - Salary Commission - Redacted.pdf
Neal - Salary Commission - Redacted.pdf
O'Rourke - Salary Commission - Redacted.pdf
Whittlesey - Salary Commission - Redacted.pdf

This item was deferred due to time constraints.

12) CONSENT AGENDA

12.A Agenda Bill for Consent Agenda

Cover Page

12.B Accounts Payable and Payroll

Cover Page
AP Report to Council of Cash Disbursements 09-09-20.pdf
Payroll.pdf

Accounts Payable: check number 354372 from previous run = $22,450.35; manual check number sequence 354373 – 354384 = $ 32,089.87; regular check number sequence 354385 – 354468 = $270,367.59; EFT #403 = $13,411.83; ACH 404 – 405 = $5,930.419. Total disbursement = $270,367.599.

Payroll: normal direct deposit check sequence 48833 – 48965 = $314,821.83; regular payroll check sequence 109438 = $1.995.86; vendor check run sequence 109439 – 109449 == $315,769.72; Federal Tax Electronic Funds Transfer = $115,571.32. Total disbursement = $748,158.73.

12.C Regular City Council Meeting Minutes, August 25, 2020

Cover Page
082520 CCMIN BUSINESS MEETING.pdf

12.D Ordinance No. 2020-21, Relating to 2020 2nd Quarter Budget and Updated Capital Improvement Plan Amendments - Finance

Cover Page
2020_2nd_QTR_BUA_Transmittal_Memo_for 08252020.docx
Ordinance No. 2020-21, Relating to 2020 2nd Quarter Budget and Updated Capital Improvement Plan Amendments
Ord_2020-21_Attachment_A_-_Q2_Budget_Amendments_Final.pdf

MOTION: I move to approve the Consent Agenda as presented.
Nassar/Deets: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Nassar, Pollock, Schneider Pollock
NOES: None
ABSENT: None
ABSTAIN: None

13) COMMITTEE REPORTS

Deputy Mayor Deets reported on the SR305 Working Group meeting held on September 8, 2020.

14) FOR THE GOOD OF THE ORDER

Council discussed the role of Council liaisons in connection with the September 8, 2020 Race Equity Task Force meeting.

Deputy Mayor Deets discussed the concern relating to the use of the word "master" and next steps.

15) ADJOURNMENT

Mayor Schneider adjourned the meeting at 10:41 p.m.

_____
Leslie Schneider, Mayor

_____
Christine Brown, CMC, City Clerk

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: September 22, 2020 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: Appointments to the Climate Change Advisory Committee, Environmental Technical Advisory Committee, and Utility Advisory Committee - Mayor Schneider,

SUMMARY:
A call for participation was issued for volunteers to serve on the Climate Change Advisory Committee, Environmental Technical Advisory, Committee and Utility Advisory Committee. A series of interviews were conducted. Mayor Schneider recommends the appointments as shown in the suggested motion below:

I move to forward for approval with the September 22, 2020 Consent Agenda the reappointment of David McCaughey to Position 8 through June, 2023, and the appointment of Tim Meyers to Position 9 through June, 2023 to the Climate Change Advisory Committee. I move to forward for approval with the September 22, 2020 Consent Agenda the appointment of Benjamin Harrison to Position 1 through June, 2023, and the reappointment of Juan Rovalo to Position 2 through June, 2023 to the Environmental Technical Advisory Committee. I move to forward for approval with the September 22, 2020 Consent Agenda the reappointment of Andy Maron to Position 1 through June, 2023, and the appointment of Susan Hume to Position 2 through June, 2023 to the Utility Advisory Committee.

The appointments to the Utility Advisory Committee will be effective as of October 1, 2020.

AGENDA CATEGORY: Appointment **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:

Climate Change Advisory Committee Applications (Redacted).pdf

Environmental Technical Advisory Committee Applications (Redacted).pdf

Utility Advisory Committee Applications (Redacted).pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Friday, July 31, 2020 3:36:10 AM

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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	Iain Evans-Rapp
Email	
Phone	
Address	
City	Bainbridge Island
State	Washington
Zip	98110
Current Employer	none (age 15)
Current Position	see above
I am interested in serving on one of the following City advisory groups (select all that apply):	Climate Change Advisory Committee

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, activities, training, education) if any:	I am not a scientist, or even an adult, but if I live an average life expectancy I could be alive in an adapted future or a not adapted climate crisis. By appointing a 15-year-old (September 23, 2004) to the Climate Change Advisory Committee, you could have a young person not just be a reason to act, but a partner in that action. However, my eligibility requires an alteration of the Bainbridge Island Municipal Code. In 2.37.030 of the Bainbridge Island Municipal Code (current through May 12), there are seven tasks the committee is supposed to do. Though I'm not the best person to "Provide advice and/or recommendations to the city council or city staff, as appropriate, on methods of completing a baseline island-wide greenhouse gas . . . inventory for the city." I can do other things. Task seven involves outreach. Need someone to talk to B.I.S.D. about bus efficiency? Well, I'll be a sophomore this school year. If the committee hosts another event at the high school like the public event I attended (I also attended a public meeting in December) I can be a part of that. What about community conversations and surveys? Or what if the city wants the committee to coordinate with and meet with state and other local officials or legislators? You'll have a member whose younger than normal. Does the committee want to know about high school students climate concerns? Ask a teenager to do it. Lots of youth are involved in climate issues. I urge you to change the municipal code and, with this committee, help me do the same.
Please share your community interests (groups, committees, organizations) if any:	Sophomore at Bainbridge High School next school year, Bainbridge Island resident since 2008. I was involved with Model United Nations and Earth Service Corps last school year. I am involved in the R.C.M. Certificate Program (my teacher is Claire Marshall) and have since the age of eight done 11 exams, with at least one every year since 2013 and the majority of my marks in the highest range (90-100). My mark has been the best of the level (in the academic year) in both the place of examination and Washington state multiple times. I recently did the last exam of the seventh level in June. I also play violin. Though the exams aren't climate change related they are something not school sanctioned (which being a member of the committee would be also) which I did in an above-average way.
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2020
How did you hear about the volunteer opportunity?	*Field not completed.*
Other	*Field not completed.*

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Friday, July 31, 2020 12:03:46 PM

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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	Benjamin Harrison
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	Data Engagement and Access Project
Current Position	Director / Consultant
I am interested in serving on one of the following City advisory groups (select all that apply):	Climate Change Advisory Committee , Environmental Technical Advisory Committee

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, activities, training, education) if any:	I have 15+ years of graduate and professional-level experience in earth science research and education. I earned my B.A. in Geology/Computer Science from Carleton College in 2003 and my PhD in Geochemistry (with a focus on environmental microbiology) from Caltech in 2011. I subsequently worked as a postdoctoral researcher studying the microbiology of lake and marine sediments at the University of Minnesota. I also served in a research staff and fixed-term faculty positions in the Earth and Atmospheric Sciences department of Central Michigan University. My scientific background covers a broad range of earth science subjects relevant to advisory committee work (geology, microbiology, aquatic geochemistry). Last year, I co-founded a small, local nonprofit (Data Engagement and Access Project, www.envdata.org) dedicated to increasing engagement of educators and local communities with public environmental data. I have experience presenting scientific information in professional and academic settings, and some experience teaching and mentoring at the undergraduate level. Throughout my academic career, I have also worked within diverse environmental research groups assisting colleagues with research critique and analysis, with a particular focus on environmental statistics.
Please share your community interests (groups, committees, organizations) if any:	I recently moved back to Bainbridge in 2019 after having been raised here (1986-1999). While the COVID crisis (and, consequently, taking good care of my family) has been my dominant concern this year, I hope to take a more active role in community science activities, as I have done in the past (e.g. volunteering at Islandwood, particularly for BioBlitz; attending KRL's Great Decisions series and Open Mic Science at Treehouse). We also hope to find ways for our nonprofit to serve the local community and practice expanding environmental literacy.
Feel free to attach your resume (optional):	
Type the Year	2020
How did you hear about the volunteer opportunity?	Other
Other	Word-of-mouth

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Benjamin K. Harrison

Summary Statement

I am an interdisciplinary environmental scientist with substantial research and data analytics experience seeking opportunities to apply my training and statistical knowledge to improving environmental literacy and practice in society.

Education:

- Ph.D. California Institute of Technology, Geochemistry. 2011
- B.A. Carleton College, Geology/Computer Science. 2003
  cum laude, Distinction in Major (Geology)

Expertise:

- Data analysis
  - Applying ecological statistics through Python, R.
    - Linear regression
    - Hierarchical cluster analysis
    - Multivariate ordination (PCA, NMS)
  - Data management and manipulation in Excel.
  - Experienced in methodological error analysis.
- Environmental microbiology
  - I have extensive field experience collecting water and sediment samples from marine and lacustrine environments. I have accumulated roughly 3 months in the field conducting primary research and have past responsibilities organizing expedition inventory and logistics.
  - Experience with microbial community analysis in challenging, low-biomass scenarios.
  - Next-generation sequencing technologies and bioinformatics as a tool for characterizing microbial ecology through genetic diversity.
- Geology
  - I completed field school in Italy for my undergraduate degree with coursework in sedimentology, structures, basin analysis, and mapping. I have performed basic field investigations associated with research in Western Washington (Olympic National Forest), Western Idaho, Minnesota, and Michigan.
  - Inorganic geochemistry
  - Broad practical and conceptual education in earth sciences.

Skills:

- Integration of multiple disciplines to resolve scientific questions
- Multivariate statistical analysis
- Broad experience in scientific project design and self-direction
- Considerable computer experience, particularly with Windows and Linux Operating systems. Proficient with Excel, Word, PowerPoint, Outlook, Illustrator, Photoshop. Coursework in ESRI ArcGIS
- Programming experience in Python, C++, Java, R, Matlab.

Work Experience:

2019- *Cofounder/Director, Data Engagement and Access Project, Bainbridge Island, WA*

- Nonprofit organization dedicated to linking communities and schools with publicly-available environmental datasets. I am presently helping conduct a feasibility study for the nonprofit's activities.

2013- *Contributor in Soccer Analytics, http://www.sounderatheart.com*

- Broad application of statistical analysis to performance datasets concerning Major League Soccer

2019 *Fixed-term Faculty, Central Michigan University, Mt. Pleasant, MI*

- Instructor – GEL100, Introduction to Earth Systems

2016-2018 *Environmental Science Research Specialist, Central Michigan University, Mt. Pleasant, MI*

- Research support in statistical analysis and bioinformatics
- Mentoring and supervision of undergraduate researchers
- Departmental representative – Lab and Field Safety Committee

2012-14 *Center for Dark Energy Biosphere Investigations Postdoctoral Fellow, University of Minnesota, Minneapolis, MN.*

- Studied relict nucleic acid signatures of microbial community composition associated with physical processes of sedimentation and sediment disturbance.

2004-11 *Graduate Research Assistant, California Institute of Technology, Pasadena, CA.*

- Adapted mineral separation methods as a novel environmental sample processing method for detecting composition-dependent changes in microbial diversity.
- Applied the new methods to fine-grained marine sediments, where mineral interactions of this type had not previously been described.
- Assisted laboratory personnel coming from backgrounds in biology with scientific questions regarding mineralogy, chemistry, and statistics.
- Researched the timing to onset and termination of Marine Isotope Stage 11 interglacial in Borneo cave formations (2004-2005 rotation project)

~2007-09 *Laboratory Safety Officer, Orphan Lab, California Institute of Technology, Pasadena, CA.*

- Provided training in laboratory procedures for new personnel.
- Organized waste materials for proper labeling and disposal.

2008, '09 *Teaching Assistant, Introduction to Geobiology, California Institute of Technology, Pasadena, CA.*

- Organized a 3-day field trip to Central California introducing students to the expression of ancient methane seeps in sedimentary outcrops.
- Assisted students with laboratory-based coursework in sedimentary thin section analysis.
- Constructed a 30-minute lecture and worksheet on the use of multivariate statistics in ecology.

2003-2004 *Educational Associate, Carleton College Geology Department, Northfield, MN.*

- Helped assemble the course syllabus and provide instruction in an undergraduate course on analytical methods.
- Provided geochemical research assistance to two members of the department faculty.

Publications:

Harrison, B.K., Myrbo, A., Flood, B.E., Bailey, J.V., 2018, Abrupt burial imparts persistent changes to the bacterial diversity of turbidite-associated sediment profiles. Geobiology, v. 16(2): 190-201.

Harrison, B.K., Myrbo, A., Flood, B.E., Bailey, J.V., 2016, Identification of subannual patterns in microbial community signatures from individual sedimentary laminae using a freeze-coring approach. Limnology and Oceanography, v. 61:735-747.

Harrison, B.K., and Orphan, V.J., 2012, Method for Assessing Mineral Composition-Dependent Patterns in Microbial Diversity Using Magnetic and Density Separation, Geomicrobiology Journal, v. 29, p. 435-449.

Tavormina, P.L., Ussler, W., Joye, S.B., Harrison, B.K., Orphan, V.J., 2010, Distributions of putative aerobic methanotrophs in diverse pelagic marine environments, The ISME Journal, v.4, p. 700-710.

Bailey, J.V., Raub, T.D., Meckler, A.N., Harrison, B.K., Raub, T.M.D., Green, A., Orphan, V.J., 2010. Pseudofossils in relict methane seep carbonates resemble endemic microbial consortia. Palaeogeography, Palaeoclimatology, and Palaeoecology, v. 285, pp. 131-142.

Harrison, B.K., Zhang, H., Berelson, W., and Orphan, V.J., 2009, Variations in Archaeal and Bacterial Diversity Associated with the Sulfate-Methane Transition Zone in Continental Margin Sediments (Santa Barbara Basin, California), Applied and Environmental Microbiology, v. 75 (6), p. 1487-1499.

Selected Conference Abstracts: (*Mentored undergraduate student*)

Harrison, B.K., *Gilbertson, M.E.*, Flood, B.E., Myrbo, A., Bailey, J.V., 2013, Characterization of microbial populations across geochemical and lithological boundaries in urban lake sediments under environmental change in Minneapolis-St. Paul, 2nd Annual Midwest Geobiology Symposium, Indianapolis, IN.

Harrison, B.K., Flood, B.E., Myrbo, A., Bailey, J.V., 2012, Response of Sedimentary Microbial Communities to Sedimentation Events and Environmental Change in Urban Lakes – Minneapolis-St. Paul, MN, AGU Fall meeting 2012.

Christenson, C., Harvey, M.R., Prullage, R., Haileab, B., Harrison, B.K., 2012, Geochemical Analysis of Surface Water in Rice County, Minnesota, AGU Fall Meeting 2012.

Chu, J., Harrison, B.K., Haileab, B., 2012, Plagioclase and Pyroxene Geothermobarometry of the Eocene Crescent Formation, Olympic Peninsula, Washington, AGU Fall Meeting 2012.

Denny, A.C., Harrison, B.K., Haileab, B., 2011, Geochemistry of the Eocene Crescent Formation

Basalt, Washington State: Implications for Mantle Plume Activity, Geological Society of America Abstracts with Programs, Vol. 43, No. 5, p. 90.

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Tuesday, June 30, 2020 10:42:01 PM

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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	Theodore (Ted) Jones
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	retired
Current Position	retired
I am interested in serving on one of the following City advisory groups (select all that apply):	Climate Change Advisory Committee

Experience & Qualifications

Have you served on any City advisory groups in the past?	Yes
If so, please indicate which groups:	Utility Advisory Committee

Please share your qualifications for this appointment (skills, activities, training, education) if any:	Retired Civil/Environmental Engineer with ~38 years in Naval Facilities Engineering Command Relevant professional experience: - Federal regional Navy regional environmental contract manager for environmental study and clean-ups for five state region responsible for cleaning up past navy past practices. - Base Environmental Closure Manger for Adak Island Alaska. - Supervisor of Navy Technical Representatives overseeing study and cleanup contracts. Skills - Engineering (Civil and Environmental) - Process Improvement (Lean Six Signa and Lean) - Applied Statistics - Conflict resolution and facilitation - Power Point and Excel geek Some specific training. - low trust, high risk communication - environmental law; CERCLA, RCRA EPRCA ,MTCA - environmental modelling techniques Education - BS and MS in Civil Engineering - Grad Cert in Financial Planning - Certified Energy Manager
Please share your community interests (groups, committees, organizations) if any:	Frequent and sometime strong participation Island environmental groups - Island Power, Climate Action Bainbridge, Sustainable Bainbridge... Current member of Utility Advisory Committee including subcommittee with CCAC on shared issues. Former Council Candidate with strong environmental platform planks Activities - participant in 2019 electric vehicle fair - member of COBI municipalization study - member of PSE Community Sounding Board (to study new transmission line route)
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2020
How did you hear about the volunteer opportunity?	COBI Connects
Other	I hope its OK to be on 2 committees.

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From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Wednesday, May 6, 2020 2:30:14 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	DAVID M MCCAUGHEY
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	UMC
Current Position	Senior Business Developer
I am interested in serving on one of the following City advisory groups (select all that apply):	Climate Change Advisory Committee

Experience & Qualifications

Have you served on any City advisory groups in the past?	Yes
If so, please indicate which groups:	Shoreline Master Plan, Climate Change Advisory Comm.
Please share your qualifications for this appointment (skills,	I am currently working within the green economy, large commercial energy efficiency projects, public/private sector, cogeneration plants, waste heat recovery, LEED building

activities, training, education) if any:	standards, ASHRAE energy codes. My formal training and education consist of biological sciences, genetics, microbiology, chemistry and Pharmacology. A strength that I believe is valuable at the committee level is the ability to be team facilitator, motivator, realist and comedian - often all at the same time. There can be very strong opinions in a committee, and being able to have all heard equally yet coming to a consensus in the lens of being advisors to the Council is ultimately our charge.
Please share your community interests (groups, committees, organizations) if any:	Board Director NW Energy Coalition www.nwec.org, member E8 (angel investors community), Conservation Fellow - SVP
Feel free to attach your resume (optional):	
Type the Year	2020
How did you hear about the volunteer opportunity?	Notify Me (email notifications)
Other	*Field not completed.*

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Contact

Top Skills

Strategic Planning
Program Management
Diabetes

Certifications

Building Operator Certification

David McCaughey

Senior Business Developer with UMC
Greater Seattle Area

Summary

Product Commercialization/Collaborative Partnerships

30 years' experience as a senior level Account Executive in the pharmaceutical/healthcare and energy industries with a track record of consistent high performance. Exceptional relationship building and people management skills. Innovative and strategic go-to-market experience. Strong scientific aptitude and ability to navigate fast changing technical fields and complex marketplaces.

Known by customers, peers and management as a positive and influential leader, resourceful and trusted team player and creative problem-solver. Brings a deep understanding of the commercialization process, value chain, complex industry and market issues, and effective product launch strategies. Effectively builds strong professional networks at all levels and seeks to create business solutions and collaborative partnerships that lead to the best possible outcome for all stakeholders, impacting healthcare for millions of patients' lives.

Passionate advocate for the environment, clean tech development, and influencing choices of industry and consumer populations to utilize sustainable and efficient energy resources. Active engagement in the environment, energy investor, community projects, including board membership of leading Washington environmental policy non-profits, member of city government advisory committees, and private investor in a new community solar project.

Experience

UMC
Senior Business Developer
January 2020 - Present (5 months)

Navigating the complexity of the built environment, we create spaces that make people more confident, comfortable and productive.

Element 8 Angels
Investor
March 2016 - Present (4 years 3 months)

Members of Element 8, formerly known as the Northwest Energy Angels, are committed to advancing clean technologies by investing in highly promising, early-stage companies all across North America. Returning member (previously August 2011 - November 2013)

Social Venture Partners Seattle
Conservation Fellow
June 2016 - Present (4 years)

SVP's Northwest Conservation Philanthropy Fellowship inspires philanthropists and advances their ability to be effective and strategic funders for the environment. The urgency of addressing environmental issues has never been greater, and this Fellowship catalyzes highly committed philanthropists who have the leadership skills and resources to create successful, measurable change. SVP launched this Fellowship because we believe that that there is a unique role that philanthropists can play in leveraging greater private and public investments for the environment.

Ameresco
Account Executive
September 2016 - October 2019 (3 years 2 months)

Ameresco helps organizations meet energy saving and energy management challenges with an integrated comprehensive approach to energy efficiency and renewable energy. Leveraging budget neutral solutions like energy savings performance contracts (ESPCs) and power purchase agreements (PPAs), we eliminate the financial barriers that traditionally hamper energy efficiency and renewable energy projects.

Sanofi
25 years 11 months

Account Executive
January 2013 - March 2016 (3 years 3 months)
Washington, Oregon, Idaho, Utah, Alaska and Hawaii

Responsible for Commercial, Medicare and Managed Medicaid payers within the Pacific Northwest and the Hawaiian Islands. PCMH alliances with Hawaii

group practices. OTC and retail market launches. Full portfolio responsibility and liaise to sales teams, national account teams and brand marketing departments.

Regional Account Manager
June 2004 - December 2012 (8 years 7 months)

Established a strong managed care presence with Commercial, Medicare and Managed Medicaid payers and select provider groups within the Pacific Northwest. Full portfolio responsibility and liaise to sales teams national account teams and brand marketing departments.

District Sales Manager
January 1999 - June 2004 (5 years 6 months)

Responsible for hiring, training and development of top performing sales team. Created a new team of diverse individuals which culminated in a leading professional presence in Oregon, Eastern Washington and Alaska.

Senior Sales Associate/Field Trainer
January 1997 - December 1998 (2 years)

Responsible for sales growth of cardiovascular and diabetes products. High travel sales territory coupled with extensive training of new associates.

Sales Associate
May 1990 - December 1996 (6 years 8 months)
Edmonton and Calgary, Canada Area

Charged with all aspects of product commercialization (account management, direct accounts, provincial formulary contracting, wholesaling, institutional and retail). Managed the largest physical geography territory in the Canadian market. Thrombolytics, diabetes, cardiovascular and dermatology.

Element 8 Angels
Investor
August 2011 - November 2013 (2 years 4 months)

Members of Element 8, formerly known as the Northwest Energy Angels, are committed to advancing clean technologies by investing in highly promising, early-stage companies all across North America.

CMSA Inland NW Chapter
Board of Directors
November 2008 - February 2011 (2 years 4 months)

Program Director

Washington Medical Case Managers Association
Board of Directors
January 2009 - January 2011 (2 years 1 month)

Treasurer

Education

University of Alberta

BS, Pharmacology

SELF-ASSURANCE
People strong in the Self-assurance theme feel confident in their ability to manage their own lives. They possess an inner compass that gives them confidence that their decisions are right.

IDEATION
People strong in the Ideation theme are fascinated by ideas. They are able to find connections between seemingly disparate phenomena.

STRATEGIC
People strong in the Strategic theme create alternative ways to proceed. Faced with any given scenario, they can quickly spot the relevant patterns and issues.

ARRANGER
People strong in the Arranger theme can organize, but they also have a flexibility that complements this ability. They like to figure out how all of the pieces and resources can be arranged for maximum productivity.

ACHIEVER
People strong in the Achiever theme have a great deal of stamina and work hard. They take great satisfaction from being busy and productive.

Name: David M McCaughey

Self-Assurance

Self-assurance is similar to self-confidence. In the deepest part of you, you have faith in your strengths. You know that you are able-able to take risks, able to meet new challenges, able to stake claims, and, most important, able to deliver. But Self-assurance is more than just self-confidence. Blessed with the theme of Self-assurance, you have confidence not only in your abilities but in your judgment. When you look at the world, you know that your perspective is unique and distinct. And because no one sees exactly what you see, you know that no one can make your decisions for you. No one can tell you what to think. They can guide. They can suggest. But you alone have the authority to form conclusions, make decisions, and act. This authority, this final accountability for the living of your life, does not intimidate you. On the contrary, it feels natural to you. No matter what the situation, you seem to know what the right decision is. This theme lends you an aura of certainty. Unlike many, you are not easily swayed by someone else's arguments, no matter how persuasive they may be. This Self-assurance may be quiet or loud, depending on your other themes, but it is solid. It is strong. Like the keel of a ship, it withstands many different pressures and keeps you on your course.

Ideation

You are fascinated by ideas. What is an idea? An idea is a concept, the best explanation of the most events. You are delighted when you discover beneath the complex surface an elegantly simple concept to explain why things are the way they are. An idea is a connection. Yours is the kind of mind that is always looking for connections, and so you are intrigued when seemingly disparate phenomena can be linked by an obscure connection. An idea is a new perspective on familiar challenges. You revel in taking the world we all know and turning it around so we can view it from a strange but strangely enlightening angle. You love all these ideas because they are profound, because they are novel, because they are clarifying, because they are contrary, because they are bizarre. For all these reasons you derive a jolt of energy whenever a new idea occurs to you. Others may label you creative or original or conceptual or even smart. Perhaps you are all of these. Who can be sure? What you are sure of is that ideas are thrilling. And on most days this is enough.

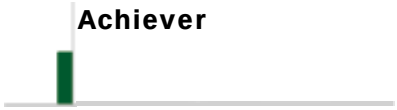
Strategic

The Strategic theme enables you to sort through the clutter and find the best route. It is not a skill that can be taught. It is a distinct way of thinking, a special perspective on the world at large. This perspective allows you to see patterns where others simply see complexity. Mindful of these patterns, you play out alternative scenarios, always asking, "What if this happened? Okay, well what if this happened?" This recurring question helps you see around the next corner. There you can evaluate accurately the potential obstacles. Guided by where you see each path leading, you start to make selections. You discard the paths that lead nowhere. You discard the paths that lead straight into resistance. You discard the paths that lead into a fog of confusion. You cull and make selections until you arrive at the chosen path-your strategy. Armed with your strategy, you strike forward. This is your Strategic theme at work: "What if?" Select. Strike.

Arranger

You are a conductor. When faced with a complex situation involving many factors, you enjoy managing all of the variables, aligning and realigning them until you are sure you have arranged them in the most productive configuration possible. In your mind there is nothing special about what you are doing. You are simply trying to figure out the best way to get things done. But others, lacking this theme, will be in awe of your ability. "How can you keep so many things in your head at once?" they will ask. "How can you stay so flexible, so willing to shelve well-laid plans in favor of some brand-new configuration that has just occurred to you?" But you cannot imagine behaving in any other way. You are a shining example of effective flexibility, whether you are changing travel schedules at the last minute because a better fare has popped up or mulling over just the right combination of people and resources to accomplish a new project. From the mundane to the complex, you are always looking for the perfect configuration. Of course, you are at your best in dynamic situations. Confronted with the unexpected, some complain that plans devised with such care cannot be changed, while others take refuge in the existing rules or procedures. You don't do either. Instead, you jump into the confusion, devising new options, hunting for new paths of least resistance, and figuring out new partnerships-because, after all, there might just be a better way.

Achiever



Your Achiever theme helps explain your drive. Achiever describes a constant need for achievement. You feel as if every day starts at zero. By the end of the day you must achieve something tangible in order to feel good about yourself. And by "every day" you mean every single day-workdays, weekends, vacations. No matter how much you may feel you deserve a day of rest, if the day passes without some form of achievement, no matter how small, you will feel dissatisfied. You have an internal fire burning inside you. It pushes you to do more, to achieve more. After each accomplishment is reached, the fire dwindles for a moment, but very soon it rekindles itself, forcing you toward the next accomplishment. Your relentless need for achievement might not be logical. It might not even be focused. But it will always be with you. As an Achiever you must learn to live with this whisper of discontent. It does have its benefits. It brings you the energy you need to work long hours without burning out. It is the jolt you can always count on to get you started on new tasks, new challenges. It is the power supply that causes you to set the pace and define the levels of productivity for your work group. It is the theme that keeps you moving.

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From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Wednesday, June 10, 2020 5:39:10 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	Tim Meyers
Email	
Phone	
Address	
City	Bainbridge Island
State	wa
Zip	98110
Current Employer	Mahlum Architects
Current Position	Architect
I am interested in serving on one of the following City advisory groups (select all that apply):	Climate Change Advisory Committee , Race Equity Task Force

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,	The Fast Stats: Kansas State University Graduate - Master of Architecture 10 Years Architecture Experience : Firms including Gould Evans,

activities, training, education) if any:	HOK (360 Architecture), ZGF, and Mahlum Architects As a part of Mahlum Architects, we have a focus on equity, diversity, and inclusion while emphasizing building performance and efficiency. I believe there is an opportunity to share and learn from each other to progress with our community towards a equitable and sustainable future. If there is an opportunity to connect any resources and efforts from the architecture field to our community on Bainbridge Island, I would be happy to help in any way possible.
Please share your community interests (groups, committees, organizations) if any:	I am not currently active in any local committees, but would very much like to be (which is why I'm starting here). Within work, I am a participant of the Project Sustainability Leads, a Connections Liaison, and organizer of our Design Technologies group.
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: Tuesday, June 16, 2020 5:24:21 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	Madhavi Prakash
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	None
Current Position	NA
I am interested in serving on one of the following City advisory groups (select all that apply):	Climate Change Advisory Committee , Environmental Technical Advisory Committee, Race Equity Task Force

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 have a Masters Degree in Biology, I have been an educator for a few years and worked as a Laboratory Technician for 2 years. I have consistently been a volunteer in the school districts.

activities, training, education) if any:	Currently I am a teacher volunteer at one of ethnic dance companies teaching traditional Indian dance. I have actively been a part in conservation of native/indigenous where we did fund raising projects and 100% of the proceeds went to donating native plants to public parks.
Please share your community interests (groups, committees, organizations) if any:	I was holding the position as a co-chair for Book fairs at Ocean Palms elementary Ponte Vedra Beach Florida from 2018-2019, I have been a Multi Cultural Advisory Committee member for Sakai intermediate School for the year 2019-2020. I am also a member of Rotary Club of Bainbridge Island.(Current status - Pending/ Processing)
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2020
How did you hear about the volunteer opportunity?	Other
Other	Through MAC committee

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From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Friday, July 3, 2020 8:11:06 PM

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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	Corban Hunter Quigg
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	Amazon.com
Current Position	Senior Account Manager
I am interested in serving on one of the following City advisory groups (select all that apply):	Climate Change Advisory Committee , Ethics Board, Human Services Funding Task Force , Kitsap County Grant Recommendation Committee (Capital), Kitsap County Grant Recommendation Committee (Services)

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, activities, training, education) if any:	BA in Political Science (with coursework in public administration), numerous corporate positions, including quality control documentation and writing/reviewing of test methods standards. MA in Theology/Philosophy.
Please share your community interests (groups, committees, organizations) if any:	I'm interested in serving the community of Bainbridge in any capacity.
Feel free to attach your resume (optional):	
Type the Year	2020
How did you hear about the volunteer opportunity?	Bainbridge Review Newspaper
Other	*Field not completed.*

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CORBAN QUIGG

SUMMARY

High-energy, high-impact Business Development Professional in Software and Technical Sales. Proven skills formulating go-to-market strategies, and identifying and converting leads through the consultative sales process. Top sales performer offering 10+ years' experience in software and technical sales, with an entrepreneurial spirit in each role I undertake.

SKILLS

- Business development (Consultative Sales)
- Marketing strategy and execution
- Sales leadership and training
- Microsoft Office Suite (2019/365)
- On-site and virtual software demonstrations
- 3P Marketplaces and Integrations for Retail
- eCommerce channel management/data optimization
- SaaS sales, implementation, and support

EXPERIENCE

Strategic Account Manager / Feedonomics – Los Angeles, CA *01/2020 – Present*

- Tripled my sales quota goal in first month (Feb. 2020).
- Prospecting, engaging, contracting, and retaining 200+ clients (agencies and end-users) in role.
- Business development for niche verticals in travel, automotive, real estate, etc.
- SaaS sales role focused on eCommerce results for ad agencies and end-user retail.

Senior Platform/Marketing Manager / McGraw-Hill Education - Glendale, CA *03/2018 – 01/2020*

- Increased platform users 15% in 1.5 years.
- Collaborate with software engineering team to assist clients with emergent technical issues to develop effective solutions, including UX design and feature enhancements.
- Establish and maintain key relationships with business stakeholders (internal sales force and key customers) to promote future opportunities.
- Conduct live demos of software to prospective customers virtually and on-site. Travel 40% annually.

Technical Consultant / Self Employed - Glendale, CA *01/2013 – 01/2020*

- Independent auditor, consultant, and business development contact for product certification bodies, testing labs, and inspection agencies. (Serve as US contact for an Australian-based firm.)
- Audit manufacturing facilities under ISO 9001 for Quality Management Systems or similar standards.
- Authored quality managed systems, guidelines, and manuals.
- Certified under ISO 17021, ISO 17020, and ISO 17025.

Consultant/Director of Business Development / NTA, Inc - Nappanee, IN *05/2017 - 03/2018*

- Crafted sales and marketing strategy for company - primarily in the building product division.
- Increased building division YOY revenue more than 25%.
- CRM admin (SalesForce) and sales manager over two technical engineers
- Negotiated strategic partnerships with trade associations and government entities, and expanded the business, which allowed the owner to sell upon my departure.

Learning Technology Representative / McGraw Hill Higher Education - San Diego, CA *02/2014 - 03/2016*

- Partnered with 12 universities and colleges in the San Diego area managing 3M in annual revenue, selling software solutions to educators in business, economics, and computer information technology.
- 4th highest earning company sales representative in 2015. Increased territory revenue by more than $800K.

Director of Business Development / CertMark International - Irvine, CA *07/2013 - 01/2014*

- Business development, operations, and company manager of CertMark International, a startup under the Australian-based, parent company.
- Focused on consultative sales, marketing, accounting, etc., as well as the ISO 17025 system used in company's accreditation process.

Director of Business Development, Operations / RADCO - Long Beach, CA *03/2009 - 07/2013*

- Directed a company division in an engineering, consulting firm, with 6 direct reports and 40 staff in department.
- Focused on business development and operations.
- Increased YOY revenue by 15%, during height of construction industry recession.

EDUCATION AND TRAINING

Biola University - La Mirada, CA
Master of Arts: Philosophy and Religious Studies

Biola University - La Mirada, CA
Bachelor of Arts: Political Science and Government

CERTIFICATIONS

- ISO 17020: Requirements for the operation of various types of bodies performing inspection
- ISO 17025: General requirements for the competence of testing and calibration laboratories
- ISO 17021: Conformity assessment - Requirements for bodies providing audit and certification of management systems
- McGraw-Hill, Microsoft Office Certification in MS Word, PowerPoint, Excel, and Access for Office 2019/365

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Date: Friday, July 31, 2020 12:03:46 PM

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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	Benjamin Harrison
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	Data Engagement and Access Project
Current Position	Director / Consultant
I am interested in serving on one of the following City advisory groups (select all that apply):	Climate Change Advisory Committee , Environmental Technical Advisory Committee

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, activities, training, education) if any:	I have 15+ years of graduate and professional-level experience in earth science research and education. I earned my B.A. in Geology/Computer Science from Carleton College in 2003 and my PhD in Geochemistry (with a focus on environmental microbiology) from Caltech in 2011. I subsequently worked as a postdoctoral researcher studying the microbiology of lake and marine sediments at the University of Minnesota. I also served in a research staff and fixed-term faculty positions in the Earth and Atmospheric Sciences department of Central Michigan University. My scientific background covers a broad range of earth science subjects relevant to advisory committee work (geology, microbiology, aquatic geochemistry). Last year, I co-founded a small, local nonprofit (Data Engagement and Access Project, www.envdata.org) dedicated to increasing engagement of educators and local communities with public environmental data. I have experience presenting scientific information in professional and academic settings, and some experience teaching and mentoring at the undergraduate level. Throughout my academic career, I have also worked within diverse environmental research groups assisting colleagues with research critique and analysis, with a particular focus on environmental statistics.
Please share your community interests (groups, committees, organizations) if any:	I recently moved back to Bainbridge in 2019 after having been raised here (1986-1999). While the COVID crisis (and, consequently, taking good care of my family) has been my dominant concern this year, I hope to take a more active role in community science activities, as I have done in the past (e.g. volunteering at Islandwood, particularly for BioBlitz; attending KRL's Great Decisions series and Open Mic Science at Treehouse). We also hope to find ways for our nonprofit to serve the local community and practice expanding environmental literacy.
Feel free to attach your resume (optional):	
Type the Year	2020
How did you hear about the volunteer opportunity?	Other
Other	Word-of-mouth

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Benjamin K. Harrison

Summary Statement

I am an interdisciplinary environmental scientist with substantial research and data analytics experience seeking opportunities to apply my training and statistical knowledge to improving environmental literacy and practice in society.

Education:

- Ph.D. California Institute of Technology, Geochemistry. 2011
- B.A. Carleton College, Geology/Computer Science. 2003
  cum laude, Distinction in Major (Geology)

Expertise:

- Data analysis
  - Applying ecological statistics through Python, R.
    - Linear regression
    - Hierarchical cluster analysis
    - Multivariate ordination (PCA, NMS)
  - Data management and manipulation in Excel.
  - Experienced in methodological error analysis.
- Environmental microbiology
  - I have extensive field experience collecting water and sediment samples from marine and lacustrine environments. I have accumulated roughly 3 months in the field conducting primary research and have past responsibilities organizing expedition inventory and logistics.
  - Experience with microbial community analysis in challenging, low-biomass scenarios.
  - Next-generation sequencing technologies and bioinformatics as a tool for characterizing microbial ecology through genetic diversity.
- Geology
  - I completed field school in Italy for my undergraduate degree with coursework in sedimentology, structures, basin analysis, and mapping. I have performed basic field investigations associated with research in Western Washington (Olympic National Forest), Western Idaho, Minnesota, and Michigan.
  - Inorganic geochemistry
  - Broad practical and conceptual education in earth sciences.

Skills:

- Integration of multiple disciplines to resolve scientific questions
- Multivariate statistical analysis
- Broad experience in scientific project design and self-direction
- Considerable computer experience, particularly with Windows and Linux Operating systems. Proficient with Excel, Word, PowerPoint, Outlook, Illustrator, Photoshop. Coursework in ESRI ArcGIS
- Programming experience in Python, C++, Java, R, Matlab.

Work Experience:

2019- *Cofounder/Director, Data Engagement and Access Project, Bainbridge Island, WA*

- Nonprofit organization dedicated to linking communities and schools with publicly-available environmental datasets. I am presently helping conduct a feasibility study for the nonprofit's activities.

2013- *Contributor in Soccer Analytics, http://www.sounderatheart.com*

- Broad application of statistical analysis to performance datasets concerning Major League Soccer

2019 *Fixed-term Faculty, Central Michigan University, Mt. Pleasant, MI*

- Instructor – GEL100, Introduction to Earth Systems

2016-2018 *Environmental Science Research Specialist, Central Michigan University, Mt. Pleasant, MI*

- Research support in statistical analysis and bioinformatics
- Mentoring and supervision of undergraduate researchers
- Departmental representative – Lab and Field Safety Committee

2012-14 *Center for Dark Energy Biosphere Investigations Postdoctoral Fellow, University of Minnesota, Minneapolis, MN.*

- Studied relict nucleic acid signatures of microbial community composition associated with physical processes of sedimentation and sediment disturbance.

2004-11 *Graduate Research Assistant, California Institute of Technology, Pasadena, CA.*

- Adapted mineral separation methods as a novel environmental sample processing method for detecting composition-dependent changes in microbial diversity.
- Applied the new methods to fine-grained marine sediments, where mineral interactions of this type had not previously been described.
- Assisted laboratory personnel coming from backgrounds in biology with scientific questions regarding mineralogy, chemistry, and statistics.
- Researched the timing to onset and termination of Marine Isotope Stage 11 interglacial in Borneo cave formations (2004-2005 rotation project)

~2007-09 *Laboratory Safety Officer, Orphan Lab, California Institute of Technology, Pasadena, CA.*

- Provided training in laboratory procedures for new personnel.
- Organized waste materials for proper labeling and disposal.

2008, '09 *Teaching Assistant, Introduction to Geobiology, California Institute of Technology, Pasadena, CA.*

- Organized a 3-day field trip to Central California introducing students to the expression of ancient methane seeps in sedimentary outcrops.
- Assisted students with laboratory-based coursework in sedimentary thin section analysis.
- Constructed a 30-minute lecture and worksheet on the use of multivariate statistics in ecology.

2003-2004 *Educational Associate, Carleton College Geology Department, Northfield, MN.*

- Helped assemble the course syllabus and provide instruction in an undergraduate course on analytical methods.
- Provided geochemical research assistance to two members of the department faculty.

Publications:

Harrison, B.K., Myrbo, A., Flood, B.E., Bailey, J.V., 2018, Abrupt burial imparts persistent changes to the bacterial diversity of turbidite-associated sediment profiles. Geobiology, v. 16(2): 190-201.

Harrison, B.K., Myrbo, A., Flood, B.E., Bailey, J.V., 2016, Identification of subannual patterns in microbial community signatures from individual sedimentary laminae using a freeze-coring approach. Limnology and Oceanography, v. 61:735-747.

Harrison, B.K., and Orphan, V.J., 2012, Method for Assessing Mineral Composition-Dependent Patterns in Microbial Diversity Using Magnetic and Density Separation, Geomicrobiology Journal, v. 29, p. 435-449.

Tavormina, P.L., Ussler, W., Joye, S.B., Harrison, B.K., Orphan, V.J., 2010, Distributions of putative aerobic methanotrophs in diverse pelagic marine environments, The ISME Journal, v.4, p. 700-710.

Bailey, J.V., Raub, T.D., Meckler, A.N., Harrison, B.K., Raub, T.M.D., Green, A., Orphan, V.J., 2010. Pseudofossils in relict methane seep carbonates resemble endemic microbial consortia. Palaeogeography, Palaeoclimatology, and Palaeoecology, v. 285, pp. 131-142.

Harrison, B.K., Zhang, H., Berelson, W., and Orphan, V.J., 2009, Variations in Archaeal and Bacterial Diversity Associated with the Sulfate-Methane Transition Zone in Continental Margin Sediments (Santa Barbara Basin, California), Applied and Environmental Microbiology, v. 75 (6), p. 1487-1499.

Selected Conference Abstracts: (*Mentored undergraduate student*)

Harrison, B.K., *Gilbertson, M.E.*, Flood, B.E., Myrbo, A., Bailey, J.V., 2013, Characterization of microbial populations across geochemical and lithological boundaries in urban lake sediments under environmental change in Minneapolis-St. Paul, 2nd Annual Midwest Geobiology Symposium, Indianapolis, IN.

Harrison, B.K., Flood, B.E., Myrbo, A., Bailey, J.V., 2012, Response of Sedimentary Microbial Communities to Sedimentation Events and Environmental Change in Urban Lakes – Minneapolis-St. Paul, MN, AGU Fall meeting 2012.

Christenson, C., Harvey, M.R., Prullage, R., Haileab, B., Harrison, B.K., 2012, Geochemical Analysis of Surface Water in Rice County, Minnesota, AGU Fall Meeting 2012.

Chu, J., Harrison, B.K., Haileab, B., 2012, Plagioclase and Pyroxene Geothermobarometry of the Eocene Crescent Formation, Olympic Peninsula, Washington, AGU Fall Meeting 2012.

Denny, A.C., Harrison, B.K., Haileab, B., 2011, Geochemistry of the Eocene Crescent Formation

Basalt, Washington State: Implications for Mantle Plume Activity, Geological Society of America Abstracts with Programs, Vol. 43, No. 5, p. 90.

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Wednesday, May 6, 2020 1:02:12 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	Juan Rovalo
Email	
Phone	
Address	
City	Bainbridge Island
State	Washington
Zip	98110
Current Employer	Biohabitats, Inc.
Current Position	Senior Ecologist
I am interested in serving on one of the following City advisory groups (select all that apply):	Environmental Technical Advisory Committee

Experience & Qualifications

Have you served on any City advisory groups in the past?	Yes
If so, please indicate which groups:	ETAC
Please share your qualifications for this appointment (skills,	Ecology, Professional Wetland Scientist, Ecological Site Assessment, Habitat Assessment, Wetland Delineation, Conservation Planning

activities, training, education) if any:	
Please share your community interests (groups, committees, organizations) if any:	I participate in ETAC and I volunteer also with the BIMER group (Bainbridge Island Medial Emergency Response). I am interested in the activities of the Watershed Council, the Land Trust, and the Friends of Farms. I participate with a group of Bainbridge Island divers
Feel free to attach your resume (optional):	
Type the Year	2020
How did you hear about the volunteer opportunity?	Other
Other	I heard of ETAC when we got our WFR training

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JUAN ROVALO

PROFILE

Juan Rovalo is experienced in environmental planning, integrated ecological assessment, research, restoration, land stewardship, and strategic integration of environmental science and built environment projects.

He is a skilled biologist with 20 years of experience whose strength lies in his strategic leadership for mission-driven organizations, companies, and projects. With a record that includes 100+ interdisciplinary ecological and real estate development projects located in eight countries over 15+ unique ecoregions, Juan has a strong track record of successful coordination and management of complex multi-faceted projects, interdisciplinary teams, community organizations, and stakeholders.

From the laboratory to the field, Juan has experience in scientific research design and implementation, including the development and tracking of Key Performance Indicators that align and empower his teams.

Through his company ownership experience, Juan brings strong entrepreneurial, project management, and business acumen to his work, including business development, proposal writing, client relationship, compelling communications, and public relations, partnership engagement, and development of strong brand identity.

SKILLS BASE

Site Analysis and assessments within different realms and ecosystems and integration of built environment projects, regulatory compliance, and ecological performance

Ecological site analysis, data collection (GPS & GIS), field studies

Environmental research design, implementation & interpretation

Entrepreneurship, business management, client relationship, and partnership engagement

Strategic program management and interdisciplinary team coordination and collaboration

Public speaking and stakeholder engagement

International and intercultural experience and mobility

Conservation, restoration, mitigation, planning & management

PROFESSIONAL ASSOCIATIONS

Society for Ecological Restoration SER and SERNW – since 2016

Society of Wetland Scientists / Certified PWS 2019 – 2024; Number. 3038

Mesoamerican Society for Biology and Conservation since 2016

EDUCATION

2016	Masters of Science, Biomimicry, Arizona State University, USA
2008	Masters of Business Administration (MBA), Universidad Iberoamericana, *(Pending)*
2002	BS Biology, Universidad Nacional Autónoma de Mexico (UNAM)

TRAINING

2018	Basic and Advanced NEPA
2017	Wilderness First Responder Certification, Health Care Provider CPR & AED
2017	Advanced Open Water Diver (Dry Suit & Rescue Diver Certification)
2015	Pathways to Adaptation to Climate Change, The Case of Small Island Developing States (SIDS), Prof. Martin Beniston, IPCC, University of Geneva (online)
2015	Geospatial Intelligence, Prof. Donald R. Shemanksi, Pennsylvania State University (online)
2015	Disasters & Ecosystems: Resilience in a Changing Climate, Dr. Rajendra K. Pachauri, UNEP (online)
2010	Biomimicry Professional Certificate, The Biomimicry Institute
2008	Biomimicry Workshop, Universidad Iberoamericana (UIA), Dept of Architecture, Biomimicry Guild
2008	Reintroduction of Plants to their Natural Habitat, Prof. Joyce Maschinski, XXI National Meeting of Botanical Gardens, Mexico
2007	Biomimicry Workshop, Universidad Iberoamericana, Dept of Architecture, Biomimicry Guild
2007	Edible Forest Design, Planning, and Management, Eric Toensmeyer
2000	Agribusiness seminar, ITESM
1998	Oak Taxonomy, Ecology and Management, Benemerita Universidad de Puebla

PROFESSIONAL HISTORY

2018 – 2020 Senior Ecologist and Integrated Design Specialist, BIOHABITATS INC.
Business development and proposal writing, performing, and managing ecological assessments (in different ecosystems and locations, including wetlands, ecological functionality, habitat, and wildlife. Working with clients and multidisciplinary teams in the design of master plans, mitigation and restoration plans, comprehensive real estate development, report writing, and public presentations.

Project examples include:

Brisbane Baylands, Brisbane, CA. Sunquest Properties, Inc. will develop the Brisbane Baylands project, located in San Mateo county. The property covers approximately 540 acres. Juan is leading the team to assess the current site conditions, review with regulatory agencies, identify and delineate wetlands, and prepare mitigation and restoration plans.

East Zion Property, UT. In Collaboration with Overland Partners, Biohabitats is participating in the master plan and design of a National Park Service (NPS) visitor center and lodge complex within an 800-acre property near Zion National Park, Utah. Juan is leading the ecological assessment of the property. The site assessment will support the aspiration for the project to attain the Living Building Challenge

Spatial Prioritization of Oak and Prairie Conservation Opportunities, Tualatin, OR. Juan is the Biohabitats team ecological technical lead. The ongoing project is providing geospatial analysis using ecologically-based parameters to the Oak and Prairie Working Group (OPWG. The project will complement their Strategic Action Plan by identifying the oak and prairie conservation opportunities across the Regional Conservation Strategy planning area of the greater Portland-Vancouver region, including over 2,800 square miles between the Cascades and Coast Range Mountains.

Lower Stilwell Neighborhood, USA. Subcontracted by landscape design firm WRT, Biohabitats is providing ecological site assessment, soil science, and ecological landscape services. The redesign of the military housing development, based in Monterey Bay, is looking to integrate ecological intelligence to provide an innovative and low maintenance landscape with 100% non-potable water for landscape irrigation using a comprehensive approach to greywater treatment, storage, and reuse.

2014 – 2018 Founder, IN SITE
Establishment of world-class ecological site analysis, land stewardship, and ecological landscape services company. (www.insite.land)

Project examples include:

Safi, Morocco, Collaborating with Biomimicry 3.8 and JACOBS Engineers (Advance Planning Group). Juan conducted an ecological and social site assessment in support of the

master plan design for a net zero-waste facility which integrated the conservation of ecological and cultural features in a 4,200-acre area

Blackadore Caye, Belize. Restorative real estate development and conservation on a private Island in the Corozal Bay. Juan was responsible for coordinating all the environmental aspects of the development. As a manager and technical lead, Juan collaborated with the design team (McLennan Design), owners , and investors to bring the Ecological Intelligence to the restorative approach and conservation planning. As coordinator of the Scientific team, Juan designed, coordinated, and lead a multi-year ecological study to define the ecological baseline that informed the restoration and conservation plans, and the Ecological Impact Assessment. Juan presented the studies in public meetings and to the government of Belize. Juan also participated in the writing of the Environmental Compliance Plan that was approved by the government of Belize.

"Factory as a Forest," USA. Subcontracted by Biomimicry 3.8, Juan participated in the pilot project of Ecological Performance Standards for the International carpet company INTERFACE. Juan participated in researching local ecosystem functional attributes and development of a performance dashboard to inform the design and operational policies of the manufacturing facility in an urban setting.

Gross National Happiness Centre, Bhutan. Juan was invited by the Gross National Happiness Centre to conduct an integrative site assessment on a property in the remote and historical Bhumthang District. The Center plans to build an international retreat complex to promote and train leaders on the happiness index. Juan conducted the site analysis, including cultural and ecological integration planning, risk reduction, and resource management planning. Juan presented the results and conclusions of the assessment to the first-ever elected Prime Minister HE. Jigme Thinley.

Fynbos, South Africa. The Christierson Fynbos 380-acre property is a private ecological preserve on the central coast of South Africa. The property preserves one of the most endangered ecosystems in the world. Juan was invited to conduct a fast ecological assessment and discover conservation opportunities and methods to address invasive species, resource management, in support of the design of the Roberg Coastal Corridor; a Biological corridor that would allow people to trek from Plettenberg Bay to Knysna in support of the conservation of such imperiled ecosystem. The results and conclusions of this assessment were presented to the committee members of the bigger Eden to Addo corridor that supports the conservation of big umbrella species such as elephants and rhinos.

Culiacan Botanical Garden, Mexico. The Culiacan Botanical Garden has sustained a full redesign since 2006, Juan has consulted the Zoological and Botanical Society of Sinaloa since 2007. As a Scientific and technical advisor, he has supported the research, design, and implementation of collections based on botanical family, genera, or vegetation type. He championed the design and ecological aspects of the botanical garden renovated structure, living collection, curatorial practices, and multifunctional landscape. Living collections include Mexico's national collection of palms (Arecaceae), *Ficus* collection, Cactaceae family (cacti), Conifers, Cycadaceae family (cycads), Moraceae Family, *Agave*, *Aloe*, and succulent collection, north of Mexico collection, bamboo collection, ethnobotanical collection, edible forest collection, a tropical garden, and a sensory garden.

He supported the integration of a contemporary art collection to the garden, the construction of the science laboratories, bookstore, and herbarium, as well as the introduction of agroecological practices to the garden management. Recently, he participated in the conceptual design of an evolutionary garden for the Sinaloa Science Museum and Ecological Park.

Tsegyalgar West, Mexico. Juan conducted an ecological assessment on 3000 acres in Baja California Sur, including species inventory, fire risk, water availability, identification of drivers of degradation, and elaborated a proposal of a management plan, proposed zoning for conservation, restoration, and community development. The results and conclusions were presented to the head of the organization that owns the land, Tibetan Dzogchen master Chögyal Namkhai Norbu Rinpoche.

Community Center, Las Margaritas, Mexico. Juan participated in the community engagement that led to the design, funding, and construction of a community center in a small community in the arid area of Central Mexico. Pressure from mining companies, industrialized agriculture, unregulated tourism, and organized crime forced young people to emigrate and leave families behind. Lack of health services, education, and food security also left the community disadvantaged. In response to these circumstances, TOA (Juan Rovalo's previous firm) created the "learning community" to form alliances and build a team that participated in co-design sessions with the community members (including women, seniors, and children), secured funding (through crowdsourcing platforms and direct donations), proceeded to design-build the community center while building local capacity and establishing community-wide participation in common objectives.

The community center, which integrates a new library, offers a space for the local government (Mesa Ejidal) to hold meetings for the women of the community to promote local botanical health remedies and to produce and sell their products, and space for the children to play.

The center empowers the community to establish proper governance, implement productive initiatives, and create a public forum.

2005 - 2014 Founder, Taller Operaciones Ambientales (Interdisciplinary partnership between biologists, industrial designers, and architects, in pursuit of holistic, sustainable design including high-performance ecological landscape design. Over 500 projects completed.

2011 Masters Degree Curriculum Development, Ecological Program Developer, Universidad Medio Ambiental (UMA)

2010 Costa Rica Biomimicry Workshop Co-Instructor. Collaboration with Biomimicry 3.8

2007 Veracruz Biomimicry Workshop Co-Instructor. Collaboration with the Biomimicry Guild and Universidad Iberoamericana

2002 - 2005 Food Product Research & Development, Marcovich Katz Group

2000 Lecturer, Latin American Association of Mycology, Ecology Institute A.C., Seminar in edible mushrooms

1999 - 2002 Researcher, Food & Biotechnology Laboratory at the Universidad Nacional Autónoma de Mexico (UNAM). Edible and medicinal mushroom production

1998 Researcher, Desarrollo y Ecología S.A de C.V. Mycology study and fungal inventory

1996 - 1999 Food Production and Administration, Homenaje S.A. de C.V, Michoacan, México

1996 Lecturer, Benemérita Universidad Autónoma de Puebla (BUAP). Seminar in Quercus genera, ecology, and restoration

1995 - 1996 Ecological Workshop Developer and Instructor, OIKOS A.C., Tlaxcala, México

Volunteering

Member of the Environmental Technical Advisory Committee (ETAC) for the City of Bainbridge Island (Since 2018)

Member of the Bainbridge Island Emergency Medical Responders (BIEMR) (Since 2017)

SPEAKING ENGAGEMENTS

July 2018 Why Integrated Design Process? Keynote speech at DRL-U18. Bainbridge Island, WA, USA

May 2018 How much we need to know to act Regeneratively? International Living Future Conference, Portland OR, USA

Sep 2017 Designing with Nature, Living Product Challenge Conference, Pittsburgh PA

Aug 2016 Climate Change Keynote, Botanical, and Zoological Society, and Culiacan Botanical Garden, Culiacan, Mexico

Oct 2015 Place, Natural Environment and Built Environment, Diploma Course for Design of Sustainable Cities and Communities, Universidad Iberoamericana (UIA)

Apr 2015 Ecology, Business, & Design, Living Futures un-Conference

Feb 2015 Biomimicry & Ecological Corridors, Eden to Ado, Plettenberg Bay, South Africa

Dec 2014 Biomimicry, Culiacan Botanical Garden

Oct 2014 Science and Technology Commission of Zacatecas, Mexico

Sep 2014	Process of Site Analysis, Diploma Course for Design of Sustainable Cities and Communities, Universidad Iberoamericana (UIA)
Feb 2014	Climate Change Conference at Culiacan Botanical Garden
Feb 2014	Systems Thinking: Gaia and Anima Mundi, Diploma Course of Sustainable Design and Construction, Universidad Iberoamericana (UIA)
Sep 2013	Biomimicry and Design, Starbucks headquarters
Sep 2013	Arquine Congress, Instituto Tecnológico y de Estudios Superiores de Monterrey (ITESM)
Sept 2013	Place, Natural Environment and Built Environment, Diploma Course for Design of Sustainable Cities and Communities, Universidad Iberoamericana
Mar 2013	Biomimicry and Corn: Identity, Social Organization, and Production, Cycasa
Mar 2013	Biomimicry, Burt's Bees headquarters
Mar 2013	Collaboration & Interdisciplinary Team, Arizona State University
Feb 2013	Biomimicry & Leadership, Carlos Mota consultancy
Feb 2013	Keynote Speech on Biomimicry, Mid-Atlantic Horticultural Society
Oct 2012	Biomimicry panel and urban ecological resiliency, SXSW Eco
Sept 2012	Place, Natural Environment and Built Environment, Diploma Course for Design of Sustainable Cities and Communities, Universidad Iberoamericana (UIA)
Jun 2012	Mexico Architectural Association and AIA
Mar 2012	Biomimicry in the Plains, BNIM
Jun 2011	Keynote Speech on Ecology & Biomimicry, Technical School of Valle de Bravo (TESVB)
Oct 2010	Ecological Diploma guest lectures, Universidad del Medio Ambiente (UMA)
Mar 2010	Systems Thinking: Gaia theory, Universidad Iberoamericana (UIA)
Sep 2008	Redesign and Renovation of the Botanical Garden of Culiacan, XXI National Meeting of Botanical Gardens
Apr 2008	Site Analysis, Diploma Course of Sustainable Design and Construction, Universidad Iberoamericana (UIA)
Mar 2008	Wisdom of Natural Systems, Diploma Course of Sustainable Design and Construction, Universidad Iberoamericana (UIA)

May 2002 Effect on incubation period over the biological efficiency of *Lentinula edodes*, IV Latin American Congress of Ecology

Jun 2000 The Three Jewels of Qi Gong, Mexican Association of Medical Acupuncturists

ASSOCIATED PUBLICATIONS AND EXHIBITS

Ecology Pocket Guide, ecologypocketguide.com
Developed free web app and quick reference for ecological systems for designers, architects, and planners

Leonardo DiCaprio Builds an Eco-Resort, New York Times, April 2015
IN SITE featured in an article covering Blackadore Caye project and its ecological restoration goals

Biomimicry Challenge: TOA Uses Fungus to Reimagine Sustainable Neighborhoods, Fast Company, May 2010

Asteroide B612 Diseño Regenerativo y Balances Ambientales Exhibit, Modern Art Museum in Mexico City

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Tuesday, July 28, 2020 2:04:05 PM

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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	David W. Browne
Email	
Phone	
Address	
City	
State	WA
Zip	98110
Current Employer	retired from Browne Wheeler Engineers, Bainbridge Island
Current Position	retired
I am interested in serving on one of the following City advisory groups (select all that apply):	Utility Advisory Committee

Experience & Qualifications

Have you served on any City advisory groups in the past?	Yes
If so, please indicate which groups:	Land Use Transition Advisory Committee (1991?) I also served on a City parking committee for a short time in the 1990's.

Please share your qualifications for this appointment (skills, activities, training, education) if any:	I have Bachelor of Science and Master's Degrees in Civil Engineering from the University of Washington. I was employed at the US Environmental Protection Agency Coastal Pollution Research Branch. After obtaining my masters degree in 1977, I joined URS Engineers in Seattle for 11 years working primarily with municipal clients in water supply, sewer and stormwater facilities and lake restoration. In 1988 I started Browne Engineering (now Browne Wheeler Engineers) in Bainbridge Island and provided engineering services to public and private clients on the Island until my retirement in 2016.
Please share your community interests (groups, committees, organizations) if any:	I am presently President of a homeowner's association in the San Juan Islands and I assist managing a private non-profit charitable foundation. I was president of the Washington Section of the American Water Resources Association in 1988. I served 7 years on the Board of Directors of Housing Resources Bainbridge. Before that, I served for 7 years on the Board of Directors of Hyla Middle School including 3 years as Board President. I recently served on a master plan update committee for Bloedel Reserve. I have resided on Bainbridge Island since 1985.
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2020
How did you hear about the volunteer opportunity?	Other
Other	A current member of the Utility Committee

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From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Tuesday, July 28, 2020 11:06:45 AM

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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	Susan Hume
Email	
Phone	
Address	
City	
State	Washington
Zip	98110
Current Employer	Retired - World Bank
Current Position	Retired
I am interested in serving on one of the following City advisory groups (select all that apply):	Utility Advisory Committee

Experience & Qualifications

Have you served on any City advisory groups in the past?	Yes
If so, please indicate which groups:	Not in Bainbridge, but for the Mount Vernon community, Fairfax Virginia, where I previously lived.

Please share your qualifications for this appointment (skills, activities, training, education) if any:	During my long career with the World Bank, I had the opportunity to work on several sectors including infrastructure. This involved all facets of network infrastructure -- planning, economic analysis, public and private sector financing, regulation, operations, good governance, and stakeholder consultation. In addition, I have strong management and communication skills with an unrelenting focus on getting results.
Please share your community interests (groups, committees, organizations) if any:	I am a new resident of Bainbridge Island and I see this as an opportunity to get to know my neighbors and contribute to my community.
Feel free to attach your resume (optional):	
Type the Year	2020
How did you hear about the volunteer opportunity?	City Manager's Report (e-newsletter)
Other	*Field not completed.*

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SUSAN HUME

PROFESSIONAL SUMMARY

Skilled development practitioner and seasoned program manager with World Bank experience in a range of sectors, working/living in low-income and emerging market countries in Africa, South & East Asia and Latin America. Demonstrated leadership in high-profile international settings with a track record of advising governments, the private sector and internal teams. Exceptional reputation in overseeing complex program strategies and investment operations, creative problem solving, managing multi-disciplinary teams, and leading cutting-edge initiatives. Proven ability to use evidence-based approaches and conduct impact evaluations.

Areas of Expertise

- Private sector development and foreign investment
- Macroeconomic, trade and business environment
- Technical knowledge of policies/practices in infrastructure, agriculture, health, education
- Geo-spatial analysis
- Governance and political economy
- Program and project management
- Monitoring and evaluation

Consultant 2014 – Present

World Bank: Led preparation of a series of reports on how to integrate geo-spatial innovations and approaches into development programs.

McEnearney Associates: Licensed real estate agent. Developed the firm's commercial practice to serve the diplomatic community, including representing foreign governments in the purchase of embassy buildings.

George Mason University: Editor for a technology incubator and writing coach to PhD candidates. Book editor for an independent author.

The World Bank Group

Sr. Operations Officer, Finance and Private Sector Development (PSD), Africa Region 2012 – 2014

- Oversaw quality of $1.5 billion PSD portfolio, advising teams on design, institutional and client issues, implementation challenges and mitigating risks.
- Pioneered approach to use geographic information system (GIS) to assess cross-country trade and investment potential in southern Africa for extractives, agro-business, tourism and network infrastructure. Managed preparation of *Growth Without Borders: A Regional Growth Pole Diagnostic for Southern Africa* (http://hdl.handle.net/10986/16708) Led high-level, multi-government/private sector initiative to attract foreign investment to targeted "Growth Pole".
- Conducted *ex post* project performance reviews in Mozambique, Uganda, Tanzania and West Africa region involving interviews with stakeholders, surveys, cost-benefit analysis and detailed assessment of project metrics. Conducted institution-wide training on the approach.

Sr. Governance Officer, Integrity Vice Presidency 2010 – 2012

- Probed corruption and collusion in projects. Broad knowledge of different protocols, tools, technologies, methodologies and techniques of investigative work.

- Developed anti-corruption and good governance plans for projects, including detection and deterrence mechanisms of misuse of funds, robust internal/external controls, communications plan, grievance redressal mechanism and performance-based contracting.
- Designed quantitative and qualitative study to evaluate the effectiveness of a range of anti-corruption controls in the roads sector, put in place in the Philippines over previous five years.
- Developed innovative due diligence tools to identify and monitor corruption risks using value chain approach. Designed software to detect bidder collusion in procurement process for roads.
- Trained government client teams to build their investigative capacity and related country governance and accountability systems.
- Advised private firms and industry groups on compliance programs.

Country Program Manager, Mozambique (field office) 2006 - 2010

- Provided strategic leadership on country strategy, business plans and key operational issues.
- Led dialogue with internal and external partners on portfolio and implementation quality. Transformed $1 billion portfolio from one of worst performing to one of the best in Africa, through adoption of portfolio metrics, scorecards and enhanced monitoring.
- Oversaw relationship with government and donor community (largest in Africa), including negotiation of multi-donor MOU and bilateral funding agreements.
- Managed operational budget and supervised country office of 60+ staff, including external relations, information systems, procurement, internal fiduciary controls, security, travel, training and HR for local staff.
- Acted as focal point for meetings with international NGOs, local civil society, academia, private sector and the media. Organized country study tour of international parliamentarians.
- Developed and executed ground-breaking external relations strategy that involved branding to better position the World Bank, broadening communications efforts to promote corporate messaging and provide operational support, and building partnerships.
- Conceptualized and managed innovation fair/contest to fund private sector proposals to promote communication technologies in rural areas. Spearheaded strategic and financing partnerships with donors, private sector and NGOs; oversaw marketing and application/evaluation process.

Country Program Coordinator, The Philippines 2002 - 2006

- Developed country strategy and operational program involving negotiations with government and presentation to World Bank Board, also responsible for day-to-day liaison with Board.
- Accountable for delivery of lending program and performance of $2 billion portfolio. Allocated and managed program budget across teams within a complex matrix organization.
- Led review of multi-year country assistance strategy, earning annual award for the best review.
- Developed US study program on national budget management for high-level Philippine officials, involving range of agencies, think tanks and senior executives.
- Team member of large multi-donor supported innovation fair.

Sr. Private Sector Development Specialist, Infrastructure 1998, 2001 - 2002

- Instrumental in start-up of multi-donor grant innovation fund, Public-Private Infrastructure Advisory Facility (PPIAF).
- Sought out and collaborated with strategic partners for PPIAF, drafted charter, elaborated governance structure, established detailed guidelines and application/evaluation procedures, developed management information systems, organized donor meetings, conducted external relations campaign and managed impact evaluations.

- Evaluated proposals, including assembling external experts for panel reviews, and worked closely with applicants and grant recipients to ensure delivery and impact.

Independent Consultant (on leave from World Bank), Nicaragua 2000 - 2001

- Analyzed and prepared report on viability of a new toll road. Developed action plan to privatize road maintenance operations. (Client: Inter-American Development Bank)
- Evaluated performance of novel network approach for rural health clinics. (Client: CARE International and USAID)

Country and Operations Officer, Latin America Region and Telecoms Division 1992 - 1998

- Acted as World Bank's primary contact with Caribbean countries being called upon to provide a range of policy advice and services.
- Participated in IMF Article IV missions preparing assessment of selected sectors.
- Designed and negotiated telecommunications projects in Latin America and Asia.
- Prepared analysis on potential for 'informatics' industry in Caribbean.
- Provided guidance on design of business incubator initiative for Eastern Caribbean.

Investment Promotion Analyst, Multilateral Investment Guarantee Agency (MIGA) 1988 - 1992

- Analyzed investment projects and business environment for investment and trade around the globe. Worked with underwriters to assess political risks in varied geographical and economic conditions.
- Developed promotional approaches and marketing materials to identify potential foreign investors for projects in emerging markets.

EDUCATION

Executive Program (certificate); **Stanford** Graduate School of Business; Palo Alto, California

Masters of Arts (with distinction); International Economics; **Johns Hopkins** School of Advanced International Studies; Washington DC

Bachelors of Science (cum laude); International Economics and International Business Diplomacy; **Georgetown** University School of Foreign Service; Washington DC

LANGUAGES

English (native), French, Portuguese and Spanish

VOLUNTEER ACTIVITIES

Stanford Institute for Innovation In Developing Economies. Part of consultant network. Made introductions for SEED staff to relevant World Bank officials (2015).

Youth For Understanding, international student exchange program. Conduct orientation seminars for host parents and foreign exchange students. Interview potential host families.

Fairfax County, Mount Vernon Community Council, Transportation Committee member

Chair of community architectural review committee

From: noreply@civicplus.com
To: City Admin
Subject: Online Form Submittal: City Advisory Group Application
Date: Tuesday, April 21, 2020 10:52:09 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	Andrew Maron
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	Ogden Murphy Wallace PLLC
Current Position	Attorney
I am interested in serving on one of the following City advisory groups (select all that apply):	Utility Advisory Committee

Experience & Qualifications

Have you served on any City advisory groups in the past?	Yes
If so, please indicate which groups:	COBI City Council 1991-99, Open Space Commission 2002-7, UAC 2009-pres.
Please share your qualifications for this appointment (skills,	I have served on UAC since its inception in 2009 (although the committee was dormant for 1-2 years in about 2014). As a lawyer, I advised water/sewer utilities for 25+ years before

activities, training, education) if any:	retiring.
Please share your community interests (groups, committees, organizations) if any:	I have worked on water issues on Bainbridge Island since the 1980's, having first served on Kitsap County's Bainbridge Island Water Coordinating Committee, and then helping the new City develop its island-wide water policies in the 1990's. The UAC has been asked by the council with developing a recommended COBI policy toward small non-city owned water systems, and the UAC has been working on this assignment for two years. We had planned to complete this task by now, but have been delayed by COVID. I would like to continue service on UAC until that policy is completed.
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2020
How did you hear about the volunteer opportunity?	Other (please specify below)
Other	Current UAC member

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