



CITY OF  
BAINBRIDGE ISLAND

**PLANNING COMMISSION SPECIAL MEETING  
THURSDAY, MARCH 25, 2021**

THE PLANNING COMMISSION WILL HOLD THIS MEETING USING A VIRTUAL ZOOM WEBINAR PLATFORM PER GOVERNOR INSLEE'S "STAY HOME, STAY HEALTHY" ORDERS. MEMBERS OF THE PUBLIC WHO DO NOT WISH TO VIEW THE MEETING VIA THE CITY'S WEBSITE STREAMING WILL BE ABLE TO CALL IN TO THE ZOOM MEETING.

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:

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

OR

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

OR

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

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

+1 346 248 7799 OR +1 646 558 8656

WEBINAR ID: 990 9316 3225

INTERNATIONAL NUMBERS AVAILABLE: [HTTPS://BAINBRIDGEWA.ZOOM.US/U/ABC2WQZA2T](https://bainbridgewa.zoom.us/j/93919490652)

**AGENDA**

**1. CALL TO ORDER/LAND ACKNOWLEDGEMENT/AGENDA REVIEW/CONFLICT  
DISCLOSURE - 6:00 PM**

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

**2. PUBLIC PARTICIPATION MEETING - 6:05 PM**

**2.a (6:05 PM) - Public Participation Meeting for Wyatt and Madison Apartments** 60 Minutes

[Wyatt & Madison Apartments Summary.pdf](#)

[Wyatt & Madison Public Meeting.pdf](#)

[12MAR2021 Preapplication Summary Letter.pdf](#)

**3. PLANNING COMMISSION MEETING MINUTES - 7:05 PM**

**3.a (7:05 PM) - Review and approve meeting minutes from March 11, 2021.** 5 Minutes

[Planning Commission Meeting Minutes DRAFT 031121.pdf](#)

4. **PUBLIC COMMENT - 7:10 PM**  
Public comment on off agenda topics.
5. **UNFINISHED BUSINESS - 7:20 PM**
  - 5.a **(7:20 PM) - SMP Periodic Review - Policy Workshop (1 of 2)** 2 Hours  
    - SMP Periodic Review Staff Memo
    - Attachment 1 - Project Log
    - Attachment 2 - Public Participation Plan & Work Plan
    - Attachment 3 - Summary of Periodic Review Rule
    - Attachment 4 - Aquaculture Policy White Paper
    - Attachment 6 - Baseline SMP Improvement Examples
6. **PLANNING DIRECTOR'S REPORT - 9:20 PM**
7. **FOR THE GOOD OF THE ORDER - 9:25 PM**
8. **ADJOURNMENT - 9:30 PM**

## **GUIDING PRINCIPLES**

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

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

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

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

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

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

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

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



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

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



CITY OF  
BAINBRIDGE ISLAND

## Planning Commission Special Meeting Agenda Bill

**MEETING DATE:** March 25, 2021

**ESTIMATED TIME:** 60 Minutes

**AGENDA ITEM:** (6:05 PM) - Public Participation Meeting for Wyatt and Madison Apartments

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Kelly Tayara

**PREVIOUS PLANNING COMMISSION**

**REVIEW DATE(S):** None

**PREVIOUS COUCIL REVIEW DATE(S):** None

**RECOMMENDED MOTION:**

Presentation and Discussion

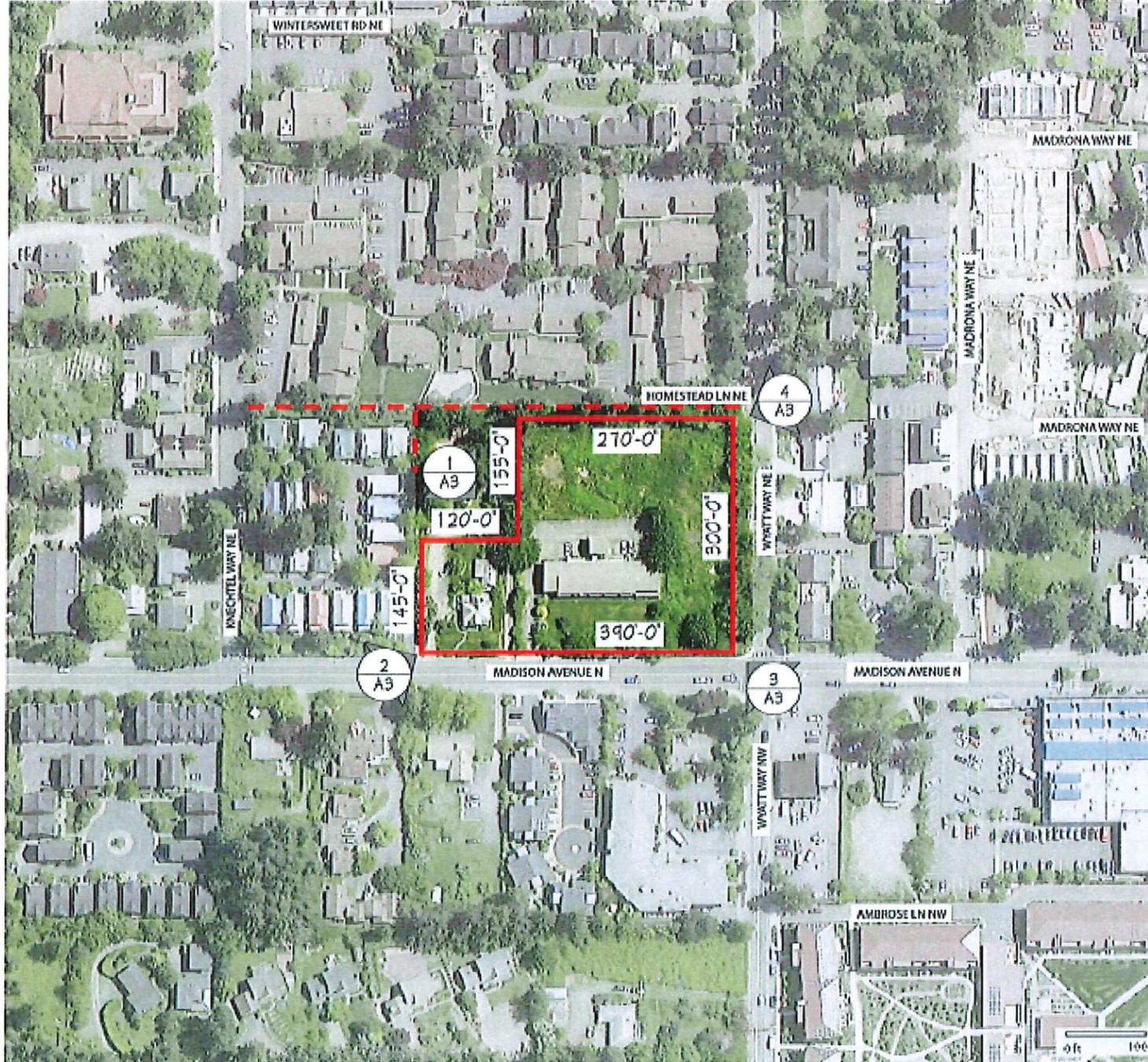
**SUMMARY:**

Public Participation Meeting is required as part of the preapplication phase of the proposed development.

**BACKGROUND:** Wyatt and Madison Apartments is a proposal for multi-family development of approximately 82 units which are a combination of affordable housing and market rate dwellings. The site is at the northeast intersection of Madison Avenue and Wyatt Way. A proposal was reviewed by the Design Review Board (DRB) in a Conceptual Design meeting on August 17, 2020, and Design Guidance meetings on October 19, 2020 and March 15, 2021. The DRB recommends an additional Design Guidance meeting, which is scheduled for April 5, 2021. The applicant also participated in a preapplication conference on February 23, 2021.

**ATTACHMENTS:**

- Applicant:** Bruce Anderson, AIA  
Cutler Anderson Architects  
135 Parfitt Way SW  
Bainbridge Island, WA 98110
- Owner:** Mike Burns  
10575 Darden Lane  
Bainbridge Island, WA 98110
- Project:** Construction of approximately 82 apartments in multiple buildings, including 3 or 4 townhouses with associated parking, pedestrian circulation and landscaping. Project is a combination of affordable housing managed by HRB, and market rate dwellings.
- Location:** The project site is the northeast corner of Madison Avenue and Wyatt Way being a portion of Sect. 26, T. 25N, R. 02E. W.M. Tax parcel number numbers are 262502-2-129-2007, 262502-2-036-2009, and 262502-2-104-2006
- Zoning Designation:** Mixed-Use Town Center, Madison Avenue District (MUTC/MAD)
- Comprehensive Plan Designation:** Mixed-Use Town Center, Madison Avenue District (MUTC/MAD)
- Dimensional Rules:** Setbacks, 10' front (minimum), 0' side, 0' rear.  
Height limit, 25'.  
FAR, Residential 0.4 base, 0.6 maximum.  
Lot Coverage 35%.  
Parking, 1 or 2 spaces depending on number of bedrooms, with a reduction allowed based on distance from ferry terminal.



— PROPERTY LINE  
 - - - PEDESTRIAN TRAIL



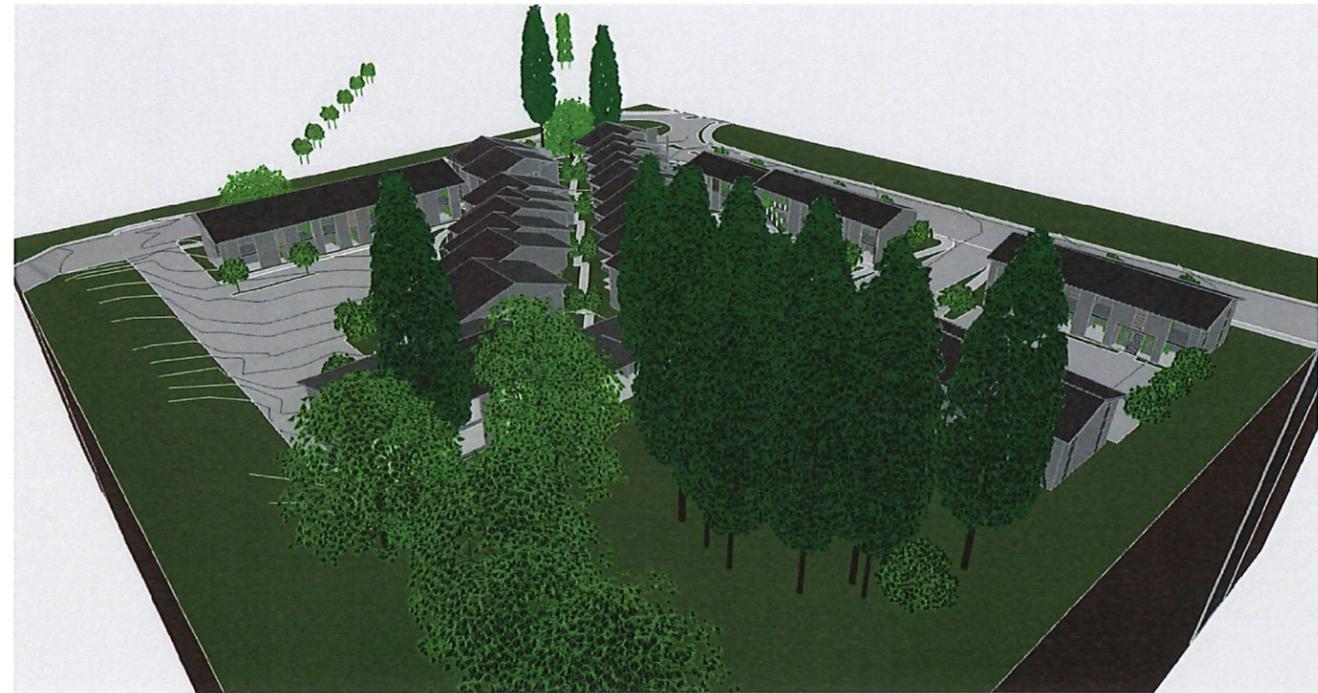
### AERIAL MAP 1

SCALE: 1" = 200'





SITE - NW CORNER 2



SITE - NE CORNER 1



SITE - SW CORNER 4



SITE - SE CORNER 3

REVISIONS	DATE	DESCRIPTION
MK		

**Cutler Anderson Architects**  
 135 Parfitt Way SW, Bainbridge Island, WA 98110  
 P: 206.842.4710 F: 206.842.4420  
 Email: [contact@cutler-anderson.com](mailto:contact@cutler-anderson.com)

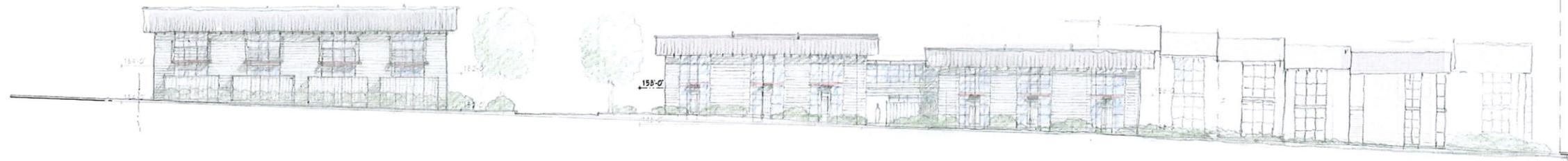
**Wyatt / Madison  
 Apartments**  
 Project Address

© Cutler Anderson Architects

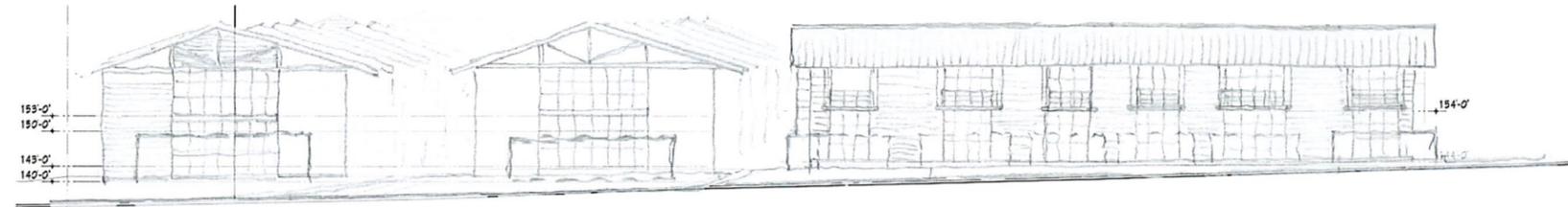
**AERIAL SITE  
 VIEWS**

**A3**

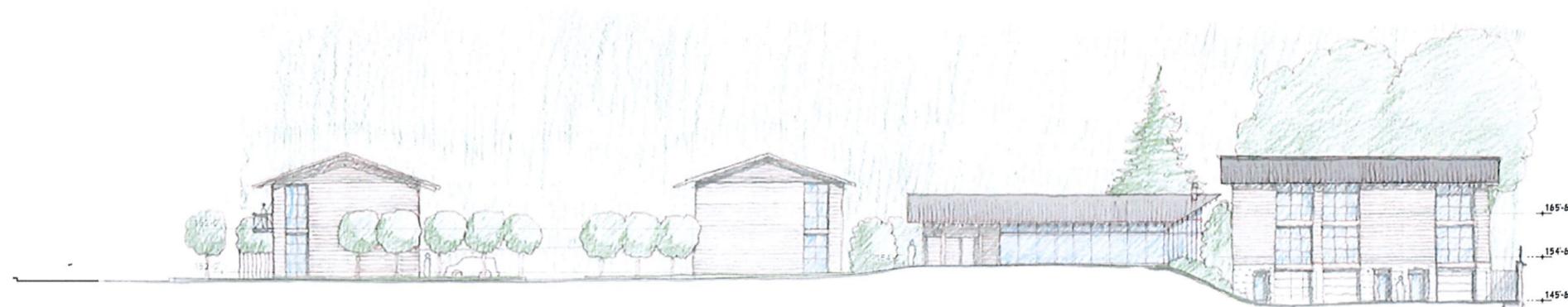
NOTE: Do not scale drawings



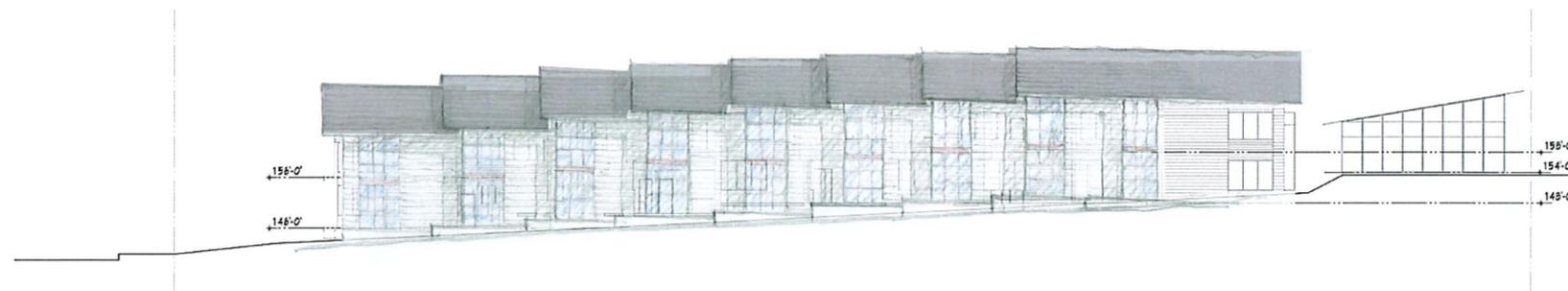
MADISON STREET ELEVATION 1  
SCALE: 1/16" = 1'-0"



WYATT STREET ELEVATION 2  
SCALE: 1/16" = 1'-0"



SECTION THROUGH SITE LOOKING NORTH 3  
SCALE: 1/16" = 1'-0"



SECTION THROUGH SITE LOOKING WEST 4  
SCALE: 1/16" = 1'-0"

REVISONS	DATE	DESCRIPTION

Cutler Anderson Architects  
 135 Parfitt Way SW, Bainbridge Island, WA 98110  
 P: 206.842.4710 F: 206.842.4420  
 Email: contact@cutler-anderson.com

Wyatt / Madison Apartments  
 Project Address  
 City, State, 00000

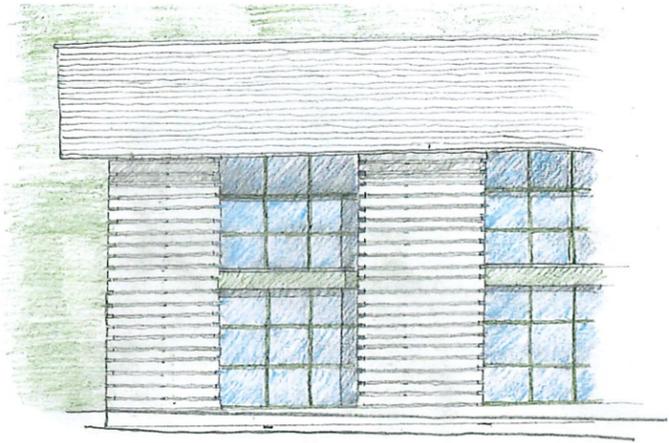
© Cutler Anderson Architects

Site Elevations and Sections  
 - 1/16"

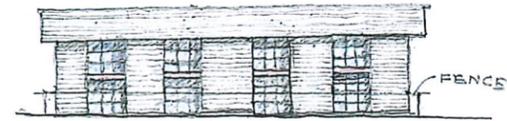
A5



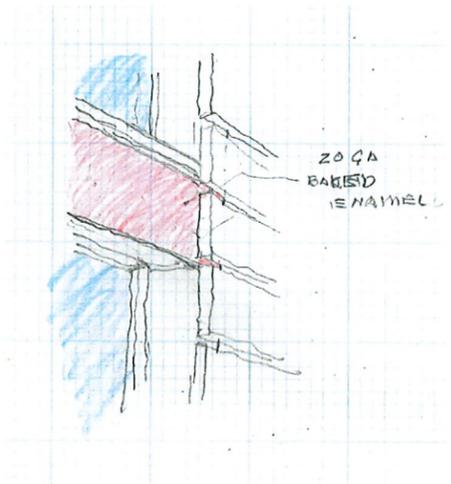
NOTE: Do not scale drawings



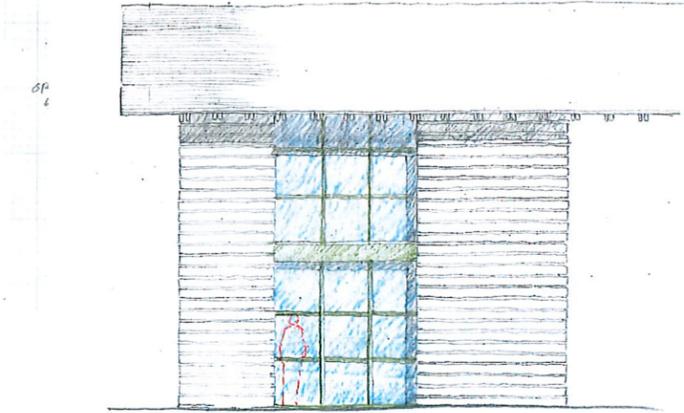
SIDING WINDOW STUDY  
SCALE: 1:253.24



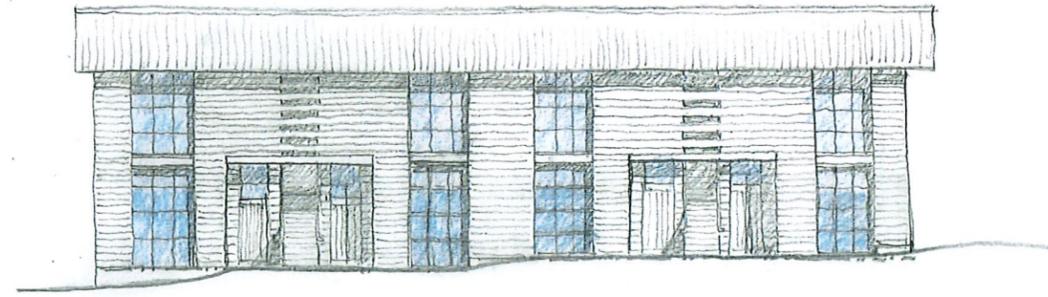
WINDOW JAMB  
SCALE: 1/16" = 1'-0"



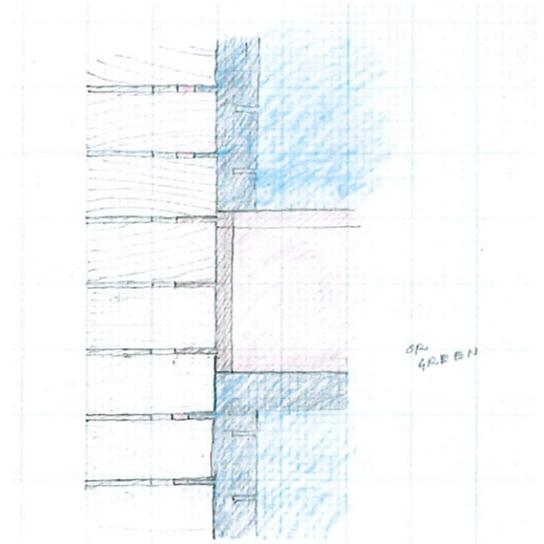
ISOMETRIC  
SCALE: 1:15158



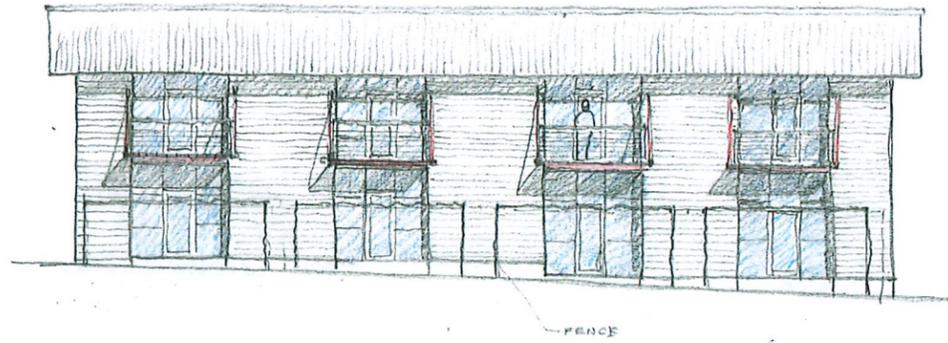
SIDING WINDOW  
SCALE: 1:238.16



REPRESENTATIVE BUILDING ELEVATION  
SCALE: 1/16" = 1'-0"



DETAIL  
SCALE: 1:1.24



BALCONIES  
SCALE: 1/16" = 1'-0"

REVISIONS	DATE	DESCRIPTION

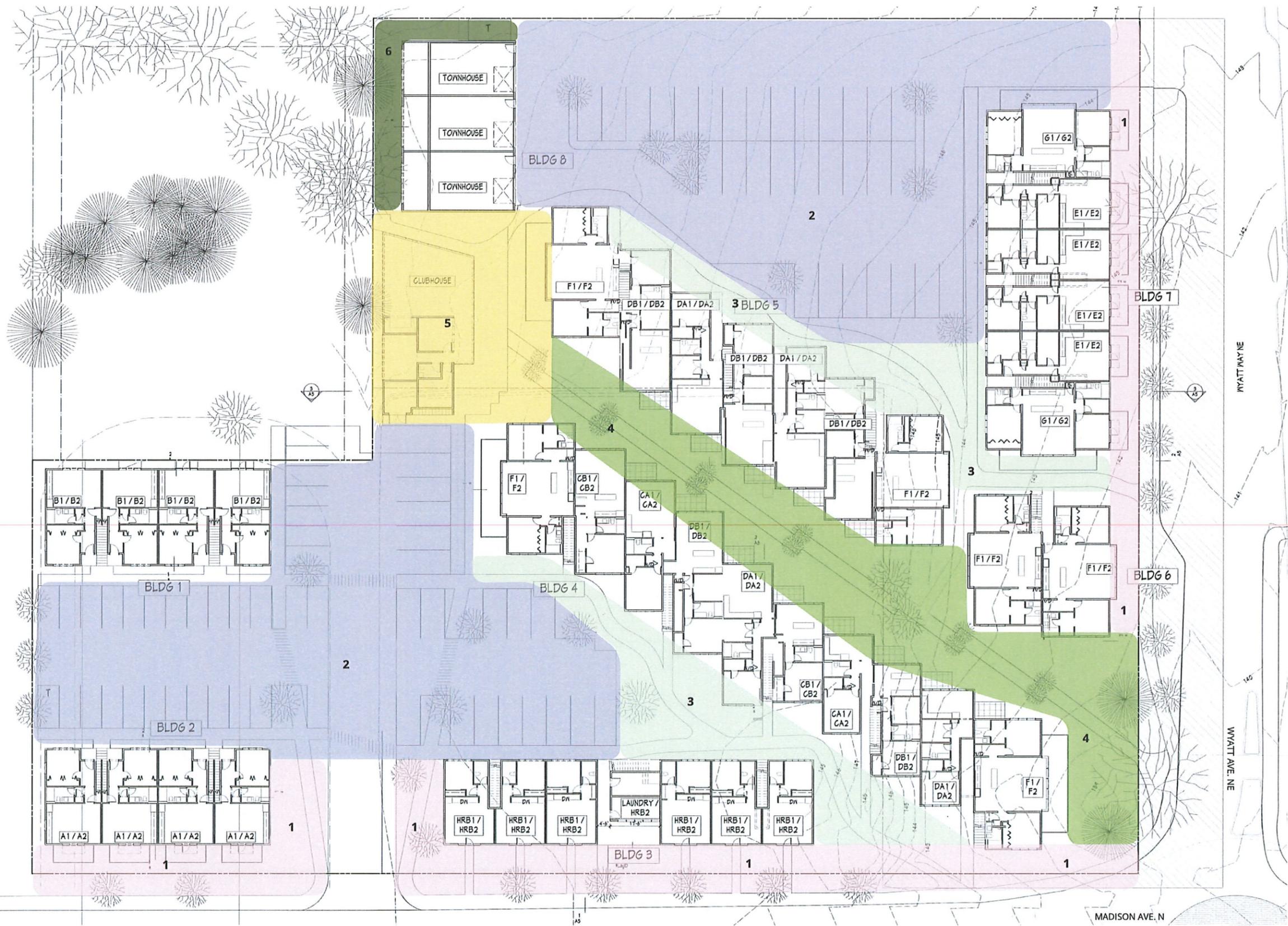
Cutler Anderson Architects  
135 Parfitt Way SW, Bainbridge Island, WA 98110  
P: 206.842.4710 F: 206.842.4420  
Email: contact@cutler-anderson.com

Wyatt / Madison Apartments  
Project Address  
City, State, 00000

ELEVATIONS & SKETCHES

A6

NOTE: Do not scale drawings



- LEGEND**
- 1 STREETSCAPE
  - 2 PARKING LOT PLANTING
  - 3 WOODLAND EDGE
  - 4 NATIVE SPINE
  - 5 CLUBHOUSE GARDEN
  - 6 EVERGREEN SCREEN

**Scale**  
 0' 16' 32'  
 1"=16' on 24" x 36" sheet  
 NTS on 11" x 17" sheet

# WYATT & MADISON APARTMENTS - LANDSCAPE TYPOLOGY DIAGRAM

1 STREETScape

The planting along Madison Ave. will be a selection of trees under 20' in height to fit underneath existing power lines and match the character of other street trees along that road. Shrubs will be a variety of species that complement both the ornamental nature of the surrounding neighborhood and the more native selections of the Wyatt and Madison Apartments. Plantings along Wyatt will consist of larger Maples that, over time, will create a large canopy with the Maples on the south side of the street. Planting will create a character consistent with guidelines established in Section 5 of Design for Bainbridge 2019, specifically for neighborhood mixed use street frontages.

- Sample Representative Species:
- Trident Maple
  - Venus Dogwood
  - Trident Maple
  - Newport Dwarf Escallonia
  - Bloom-a-Thon Azalea
  - Tiny Wine Physocarpus
  - Bowhall Maple



2 PARKING LOT PLANTING

The planting within parking lot islands and peninsulas, and around the periphery of the parking lots will be robust and mostly native. Species of Sedge, Rush and Iris will help to differentiate this space from others on the property. Selections of groundcovers and shrubs will stay low to keep visibility open and be of a spreading nature that will prevent bare ground and lower maintenance. Planting in parking lots will meet requirements set for in COBI code section 18.15.010.F.

- Sample Representative Species:
- Karpick Maple
  - Autumn Blaze Maple
  - Privet Honeysuckle
  - Common Rush
  - Berkley Sedge
  - Salal
  - Douglas Iris
  - Dune Grass



3 WOODLAND EDGE

The planting along the outer edges (east and west) of the two diagonal apartment blocks will be comprised of slightly larger shrubs and smaller trees to help buffer living spaces from the parking areas. Species will be mostly native to be consistent with the theme of the landscape for the larger project. Blueberries and other food-producing species that are regionally appropriate will be included so that residents and wildlife can enjoy sustenance from the landscape.

- Sample Representative Species:
- Autumn Brilliance Serviceberry
  - Evergreen Huckleberry
  - Pacific Fire Vine Maple
  - Redtwig Dogwood



4 NATIVE SPINE

A diagonal central spine of planting will connect the mature, iconic, and large Bigleaf Maple on the corner of Wyatt and Madison to the clubhouse in the northeast portion of the property. Species will consist of mostly native plants and trees that are both commonly associated with the Pacific Northwest as well as others that are slightly less known. This will give the space a sense of individuality while maintaining the greater context of a predominantly native landscape.

- Sample Representative Species:
- Vine Maple
  - Mountain Hemlock
  - Western Azalea
  - Petasites
  - Northland Blueberry
  - Deer Fern
  - Cascara
  - Inside-Out Flower



5 CLUBHOUSE GARDEN

The clubhouse garden will be the most open and sunny garden in the development, taking advantage of southwestern sun exposure. The emphasis for this garden will be on color and pollination. Species will have a greater proportion of grasses and robust perennials.

- Sample Representative Species:
- Tufted Hairgrass
  - Idaho Fescue
  - Roemers Fescue
  - Camas
  - Yarrow
  - Foxglove
  - Douglas Iris
  - Cape Blanco Sedum



6 EVERGREEN SCREEN

A mixed, evergreen screen will be provided on the northern property line as a buffer between the park and the development. Species will be mostly native, low maintenance and drought tolerant while providing interest throughout the year. Preliminary discussion with the City may allow for some tree planting within the park to meet the intent of the screen.

- Sample Representative Species:
- Douglas Fir
  - Western Red Cedar
  - Incense Cedar
  - Silk Tassel
  - Tall Oregon Grape
  - California Wax Myrtle
  - Strawberry Tree
  - Manzanita



# WYATT & MADISON APARTMENTS - TYPOLOGY DESCRIPTION & SPECIES



March 12, 2021

Bruce Anderson  
135 Parfitt Way SW  
Bainbridge Island, WA 98110

Re: Preapplication Conference Summary: Wyatt & Madison Apartments / PLN50165B PRE

Dear Mr. Anderson,

Thank you for meeting with City staff on February 23, 2021 to discuss the proposed development. This letter, including the attached checklist and comments attached, provides a summary of the conference discussion, City staff review, outside agency review, and submittal requirements for land use application. The summary reflects the information and level of detail provided for the conference, existing codes and standards, and generally available information about the site and environs.

The project is described as follows: "Construction of approximately 82 apartments in multiple buildings, including 3-4 townhouses with associated parking, pedestrian circulation, parking and landscaping. Project is a combination of affordable housing managed by HRB, and market rate dwellings."

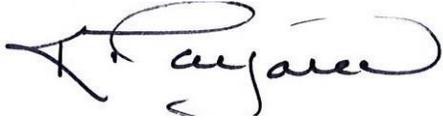
The proposal does not identify floor area; and does not state whether the applicant will seek bonus density: Under current regulations, bonus density must be dedicated to affordable housing, as defined in the Municipal Code. As discussed during the conference, ordinances regarding affordable housing include Ordinance 2021-11, Ordinance 2021-09, Ordinance 2020-20, and Ordinance 2020-10; all may be accessed here <https://www.bainbridgewa.gov/253/Ordinances-Resolutions>

The project requires Site Plan and Design Review permit approval, Boundary Line Adjustment / Aggregation, and is subject to State Environmental Policy Act (SEPA) review.

Please note that information provided at the pre-application conference and in this letter reflects existing codes and standards, currently available information about the site and environs, and the level of detail provided in the pre-application conference submittal. Comments provided pursuant to pre-application review shall not be construed to relieve the applicant of conformance with all applicable fees, codes, policies, and standards in effect at the time of complete land use permit application. The comments on this proposal do not represent or guarantee approval of any project or permit. While we have attempted to cover as many of the Planning, Engineering, Building and Fire related aspects of your proposal as possible during this preliminary review, subsequent review of your land use permit application may reveal issues not identified during the initial review. If the City's pre-application review indicates that the City intends to recommend or impose one or more conditions of permit approval, and if the applicant objects to any of said conditions, the applicant is hereby requested and advised to provide written notice to the City of which conditions the applicant objects to and the reasons for the applicant's objections.

Please do not hesitate to contact me at [ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov) or 206.780.3787 in the event you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Tayara". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Kelly Tayara, Senior Planner

cc: Mike Burns / [mfburns@bnfish.com](mailto:mfburns@bnfish.com)

**General Information**

**Pre-Application Conference Date:** February 23, 2021

**Project Name and Number:** Wyatt & Madison Apartments PLN50165

**Project Description:** “Construction of approximately 82 apartments in multiple buildings, including 3-4 townhouses with associated parking, pedestrian circulation, parking and landscaping. Project is a combination of affordable housing managed by HRB, and market rate dwellings.”

**Project Address:** 138 Wyatt / 550 Madison / 624 Madison

**Tax Parcel Number:** 26250221292007 / 26250220362009 / 26250221042006

**Lot Size:** 2.36 acres

**Zoning/Comp Plan Designation:** Mixed Use Town Center – Madison Overlay District (MUTC - MAD)

**City Project Manager:** Kelly Tayara, Senior Planner [ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov) 206.780.3787

**Land Use Review Process**

**Required Land Use Application / Review**

Review / Permit	Process	Recommendation / Decision	Fee \$
Conceptual & Design Guidance meeting		Design Review Board (DRB)	250.00
Public Participation Meeting		N/A	250.00
Preapplication Conference		N/A	1000.00
Site Plan and Design Review (Major)	<a href="#">BIMC 2.16.040</a>	DRB & Planning Commission / PCD Director	8,586.00
Boundary Line Adjustment	<a href="#">BIMC 2.16.090</a>	/ PCD Director	954.00
Health District Review			130.00

<sup>+</sup> Please note the provisions for consolidated review of permits in [BIMC 16.20.170](#)  
 A consolidated project permit application shall follow the application and notice procedure that results in the most extensive review and decision process. The fee for consolidated review is the highest permit applied for plus one-third of all other applications.

**Application**

- **Additional required plans, studies, reports, and any other requirements for application submittal:**
  - Traffic Analysis
  - Site Specific Evaluation of Total Impact on Tree Coverage
  - Include trash / recycling areas and outdoor structures / equipment, whether on the ground or on the rooftop or otherwise attached to a building, in plans.
  - Provide exterior lighting plans

## *Bainbridge Island Municipal Code Requirements*

### Site Plan and Design Review [BIMC 2.16.040](#)

### Boundary Line Adjustment [BIMC 2.16.090](#)

### Critical Areas [BIMC 16.20](#)

- Aquifer Recharge Areas [BIMC 16.20.100](#)
  - The Site Assessment Review (SAR) satisfactorily demonstrates that the project does not have the potential to generate a pollutant to drinking water or known to be deleterious to the environment or human health.

### Dimensional Standards [BIMC 18.12](#)

- Rules of Measurement [BIMC 18.12.050](#)
- Density – floor area as a ratio of lot area (FAR) – see Rules of Measurement
  - Residential FAR - Base .4 (40%) / Maximum bonus .6 (60%) of Lot Area
- Lot Coverage - 35% of the Lot Area
- Setbacks
  - Front Setback 10 feet minimum / 20 feet maximum
  - Side Setback 0 feet
  - Rear Setback N/A
- Building Height
  - Maximum 25 feet – see Rules of Measurement
  - Bonus Building Height maximum 35 feet if parking underground or under occupiable space
  - Modifications to required setbacks and height [BIMC 18.12.040](#)

### Development Standards and Guidelines [BIMC 18.15](#)

- **Landscaping, Screening and Tree Retention, Protection and Replacement [BIMC 18.15.010](#)**
  - Tree Retention, Protection and Replacement BIMC 18.15.010.C
  - Perimeter Landscaping BIMC 18.15.010.D  
N/A
  - Street Frontage Landscaping BIMC 18.15.010.E  
N/A
  - Parking Lot Landscaping BIMC 18.15.010.F.2  
See tree, shrub and groundcover requirements based on location of parking lots in relation to buildings / right-of-way.
  - Total Site Tree Unit Requirements BIMC 18.15.010.G / BIMC Table 18.15.010-5
    - Provide same number of tree units after redevelopment as before or provide 40 tree units per acre (the choice is the applicant's).
    - Site Specific Evaluation of Total Impact on Tree Coverage BIMC 18.15.010.G.3
      - ❖ Identify and survey all existing trees to be retained (if providing same number of units after as prior to development, must also identify species and DBH of trees to be removed).
      - ❖ Provide valuation of all trees required to be retained using the valuation standards of the International Society of Arboriculture.
  - Planting, Irrigation, and Maintenance Requirements BIMC 18.15.010 H – J
  - Screening for trash dumpsters, outdoor equipment, loading docks
  - See also the [Administrative Manual for Land Use Permits](#) (p.6) for detailed information regarding landscape / planting plans and tree valuation.

- **Parking and Loading [BIMC 18.15.020](#)**
  - General Requirements BIMC 18.15.020.B
  - Number of Automobile Spaces Required BIMC 18.15.020.C / Table 18.15.020-2
    - Residential - Minimum one space per studio / one bedroom unit, two for all others.
      - ❖ The director may require guest parking in excess of the required parking spaces, whether or not the required parking is reduced pursuant to [BIMC 18.15.020.B.12](#), up to a maximum additional 0.5 stall per dwelling unit, if there is inadequate guest parking on the subject property.
    - Residential parking requirements may be reduced by 50 percent for dwelling units located within a one-half-mile radius and 25 percent for dwelling units located between one-half mile and a one-mile radius of the ferry terminal providing scheduled service to Seattle. This provision may not be used in conjunction with senior housing or other parking reduction arrangements, and the required number of parking spaces shall not be reduced below one space per parking unit. This provision does not preclude the authority of the Director to require guest parking as described in this table.
  - Location of Spaces BIMC 18.15.020.D
    - Parking must be located behind, to the side, or under buildings
    - Parking spaces and drive aisles serving parking spaces shall not be located within required front or side setbacks
  - Parking Space Design Standards BIMC Table 18.15.020-3
- **Mobility and Access (including bicycle facilities) [BIMC 18.15.030](#)**
- **Outdoor Lighting [BIMC 18.15.040](#)**
- **Signs [BIMC 18.15.050](#)**

**BIMC 18.18.030 – Design Standards and Guidelines**

[Design for Bainbridge](#) Design Review Manual

***Department/Agency Comments***

**Public Works Department:**

Development Engineer Paul Nylund provided the attached comment and can be reached at 206.780.3783 or [pnylund@bainbridgewa.gov](mailto:pnylund@bainbridgewa.gov)

Survey Program Manager Rob Grant did not provide written comment and can be reached at 206.780-3742 or [rgrant@bainbridgewa.gov](mailto:rgrant@bainbridgewa.gov)

**780.3742Bainbridge Island Fire District Comment:**

Fire Marshal Jackie Purviance provided the attached comment and can be reached at 206.842.7686 or [jpurviance@bifd.org](mailto:jpurviance@bifd.org)

**Planning Department / Building Division Comment:**

Interim Building Official Blake Holmes did not provide written comment and can be reached at 206.780-3715 or [bholmes@bainbridgewa.gov](mailto:bholmes@bainbridgewa.gov)



Department of Public Works - Engineering

## Memorandum

Date: March 10, 2021  
To: Kelly Tayara, Senior Planner, Planning and Community Development  
From: Paul Nylund, P.E., Development Engineer   
Subject: PLN51796 – Wyatt & Madison Apartments

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### Background:

Following the Pre-Application conference held on 23 February 2021 (via Video teleconference), I have completed a review of the subject project materials and submit the following comments to be included or attached to the pre-application summary letter to be generated by Planning and Community Development.

### Brief Project Description:

Project proposes to construct ~82 apartments in 8 bldgs. on 3 separate tax parcels. Parcels are located NE of the Madison Ave/Wyatt Way intersection. An existing 13-unit apartment building will be demolished and replaced; lots are otherwise currently undeveloped.

### Comments:

1. The Wyatt Way NE and Madison Avenue North intersection is the site of a COBI capital improvement project under construction (mini roundabout and updated curb/gutter/sidewalk locations). Project shall be coordinated to include updated property lines and surface features as a result of this capital improvement project.
2. A traffic study sufficient for the City engineer to perform a concurrency test shall be required per Chapter 15.40 of the Bainbridge Island Municipal Code (BIMC) prior to Land Use review. Based on single-family residential developments in the Institute of Traffic Engineers (ITE) Trip Generation Manual, 7<sup>th</sup> Edition, projected trip generation will be above the threshold of 50 average daily trips (ADT) or 5 or more AM or PM peak-hour trips. [BIMC §15.40.060]
  - a. Applicant shall select a consultant to perform the traffic impact analysis (TIA) and submit the scope of work for review by COBI engineering prior to executing the actual analysis. Traffic data for the analysis shall be collected during the regular school year/work week. Alternatively, a scaling factor may be applied to data collected outside those time frames. Traffic Engineer to provide detailed methodology and justification in this case.

- b. All traffic analysis shall address access, parking, vehicular and pedestrian on site circulation in addition to the concurrency review.
3. Project will be subject to evaluation for applicability of Transportation Impact Fees (TIFs) [BIMC 15.30]. TIFs due (if any) shall be payable at the time of building permit issuance. Applicant shall submit a completed TIF worksheet with land use application for evaluation by COBI Public Works. Any evaluation of trip generation numbers resulting from existing uses combined with proposed trip generation numbers for the purpose of reducing traffic impact analysis requirements shall be completed by a professional traffic engineer licensed to practice in Washington State.
4. No building permit, subdivision, short subdivision, or planned unit development shall be approved or granted until the owner of the affected property dedicates to the city the portion of land designated on the official street map or required by the COBI Design and Construction Standards and Specifications, "the Standards", as a street right-of-way (ROW) [BIMC 12.30.010].
  - a. Wyatt Way NE is classified as an urban collector roadway with an existing right-of-way (ROW) width of 30 feet. The minimum ROW required by the COBI Construction Standards and Specifications, "the Standards", is 50 feet. Per BIMC 12.30.010 an additional ROW dedication of 20 feet along the southern lot line of the development is required for public improvements (30 feet from the described centerline that includes previously dedicated ROW).
  - b. Madison Avenue North is classified as a secondary urban arterial roadway with an existing ROW width of 55 feet. The minimum ROW required by the Standards is 60 feet. Per BIMC 12.30.010 a dedication of ROW totaling 5 feet along the western lot line of the development is required.
5. Decision criteria considered to recommend project approval include evaluation/consideration for developer provided public improvements where project fronts public ROW. Proposal includes significant frontage on the Madison avenue and Wyatt way. Frontage improvements shall comply with City of Bainbridge Island Design and Construction Standards, and tie in to existing and/or under construction improvements at Madison Avenue and Wyatt Way intersection. Deviations may be considered for approval by COBI engineering.
6. Pre-application documentation indicates new plus replaced impervious surface for the project exceeds 5,000 square feet. The land use application submittal shall demonstrate how the project complies with BIMC Chapter 15.20, Surface and Stormwater Management. Minimum requirements 1 through 9 of the adopted stormwater management manual, shall apply.
  - a. Consistent with BIMC §15.20.060(H), an off-site analysis shall be performed to assess the potential impacts to the storm conveyance downstream from the development to determine if there are concerns with capacity, erosion, water quality threats, localized flooding, etc.
  - b. An evaluation of Minimum Requirement #5, On Site Stormwater Management, to the extent feasible shall be required for compliance with Low Impact Design principles.
  - c. A Department of Ecology Stormwater General Construction Permit shall be required at time of construction for more than 1-acre of ground disturbance.
  - d. This memo satisfies Site Assessment Review requirements. Any additional Low Impact Development review shall be conducted during Land Use/Building permit review.

7. The site and resultant lots are located within the COBI water and sanitary sewer service areas. Any utility expansion or improvements shall conform with the COBI Design and Construction Standards and Specifications or other applicable standards.
  - a. One separate and independent side sewer from a public main extension to all building sites shall be provided for each multi-unit building.
  - b. A downstream capacity analysis for conveyance of effluent created because of this project shall be conducted by applicant's civil engineer of record and submitted with the required land use application. Developer provided upgrades or repairs may be required to mitigate for the load increase.
8. All public improvements required as conditions of a land use approval must be completed prior to final.
9. No construction on or to the site may take place until the civil improvement plans have been reviewed/approved/issued by the City as part of a plat utility permit or associated construction permit.
10. If necessary, Developer Extension Agreements (DEA) pursuant to BIMC §13.32 shall be executed prior to or in conjunction with the land use application. Separate agreements are required for the road and utility (water/storm) extensions and will include a fee consisting of 3% estimated cost of improvement. Any potential latecomer agreement as desired by the applicant shall be applied for at the time of DEA application.



MEMO

**Date:** January 26, 2021  
**To:** Kelly Tayara, Planning Department  
**From:** Jackie Purviance, Deputy Fire Marshal  
**Re:** Wyatt & Madison Apartments PRE PLN51796 PRE

The submittal has been reviewed resulting in the following comments:

1. Any future development shall comply with all provisions of the adopted Fire Code.
2. Fire apparatus access roads shall be not less than 12' wide with 13.5 feet overhead clearance. Dead ends greater than 150' require approved turnarounds.
3. Clubhouse: Fire sprinklers may be required if the building is over 5,000 square feet or is classified as an A-3 occupancy and the occupant load is over 300. Fire sprinklers are required for all apartment buildings and townhomes.
4. A fire alarm system for occupant notification and to monitor the fire sprinkler system is required for all structures and may be required for the clubhouse.



CITY OF  
BAINBRIDGE ISLAND

## Planning Commission Special Meeting Agenda Bill

**MEETING DATE:** March 25, 2021

**ESTIMATED TIME:** 5 Minutes

**AGENDA ITEM:** (7:05 PM) - Review and approve meeting minutes from March 11, 2021.

**AGENDA CATEGORY:** Minutes

**PROPOSED BY:** Jane Rasely

**PREVIOUS PLANNING COMMISSION  
REVIEW DATE(S):**

**PREVIOUS COUCIL REVIEW DATE(S):**

**RECOMMENDED MOTION:**

I move to approve the meeting minutes from March 11, 2021 as distributed.

**SUMMARY:**

**BACKGROUND:**

**ATTACHMENTS:**



## Planning Commission Special Meeting March 11, 2021

### Meeting Minutes

#### 1) **CALL TO ORDER/AGENDA REVIEW/CONFLICT DISCLOSURE**

Chair Kimberly McCormick Osmond opened the meeting at 6:00 PM and the Land Acknowledgement was read. Commissioners in attendance were Vice-chair Joe Paar, Jon Quitslund, Lisa Macchio, Sarah Blossom and Ashley Mathews. William Chester was absent and excused. City Staff in attendance were Planning & Community Development Director Heather Wright, Planning Manager David Greetham, Senior Planner Jennifer Sutton and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The agenda was reviewed. There were not any conflicts disclosed.

#### 2) **LAND ACKNOWLEDGMENT**

#### 3) **PLANNING COMMISSION MEETING MINUTES**

3.a Review and approve meeting minutes.

[Cover Page](#)

[Planning Commission Minutes DRAFT 022521.pdf](#)

**Motion: I move approval of the minutes from the February 25, 2021 Planning Commission meeting as distributed.**

**Quitslund/Paar: Passed Unanimously**

#### 4) **PUBLIC COMMENT**

None.

#### 5) **UNFINISHED BUSINESS**

5.a [Joint City Council/Planning Commission Land Use Subcommittee Code Changes - Update Cover Page](#)

[UPDATE on Planning Commission Workplan for Joint Land Use Subcommittee](#)

[Recommendations](#)

[BACKGROUND Planning Commission Workplan for Joint Land Use Subcommittee](#)

[Recommendations.docx](#)

[BACKGROUND Joint Land Use Subcommittee Memorandum Initial Recommendations](#)

Planning & Community Development Director Heather Wright provided an update on the City Council/Planning Commission Joint Subcommittee on Land Use Recommended Short-Term Land Use Code Revisions.

**6) NEW BUSINESS**

6.a Draft Ordinance No. 2021-12 & Resolution 2021-07: Phase 2 Triage Code Changes Related to Improving the Pre-application Phase

Cover Page

DRAFT ORDINANCE No. 2021-12 Phase Two Triage Code Changes

Exhibit A Phase Two Triage Code Changes - Design for Bainbridge Revisions

DRAFT RESOLUTION No 2021-07 Public Participation Meeting

BACKGROUND RESOLUTION 2010-32 Public Participation Meeting

Planning Manager David Greetham reviewed the revised Ordinance and facilitated discussion.

**7) FOR THE GOOD OF THE ORDER**

Commissioner Quitslund mentioned the COBI Connects was a very helpful notification of City work.

**8) PLANNING DIRECTOR'S REPORT**

Ms. Wright provided an update on City activities of interest to the Planning Commission.

**9) ADJOURNMENT**

Meeting was adjourned at 7:41 PM.

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Kimberly McCormick Osmond, Chair

---

Jane Rasely, Administrative Specialist



CITY OF  
BAINBRIDGE ISLAND

## Planning Commission Special Meeting Agenda Bill

**MEETING DATE:** March 25, 2021

**ESTIMATED TIME:** 2 Hours

**AGENDA ITEM:** (7:20 PM) - SMP Periodic Review - Policy Workshop (1 of 2)

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Peter Best

### PREVIOUS PLANNING COMMISSION

**REVIEW DATE(S):** 1/28/2021 - Planning Commission was briefed on the updated Public Participation Plan and Work Schedule (attached), including the upcoming role of the Planning Commission during an early policy input phase (which is starting with this 3/25/2021 meeting) and how the optional SMP joint review process selected by the City creates a different legislative process than typically used by the City.

**PREVIOUS COUCIL REVIEW DATE(S):** 9/1/2020 - City Council adopted an updated Public Participation Plan and Work Schedule.

### RECOMMENDED MOTION:

1. Conduct workshop (1 of 2) regarding early policy input on aquaculture, future flooding from sea level rise, and other improvements to the SMP.
2. Schedule workshop (2 of 2) for April 8, 2021.

### SUMMARY:

See attached memo.

**BACKGROUND:** The City is required by the Shoreline Management Act (SMA) to complete a periodic review of the Shoreline Master Program (SMP) every eight years. The City's periodic review is expected to result in amendments to the SMP, however it is not a cover-to-cover substantive comprehensive update like that completed by the City in 2014. Therefore, the process is significantly more focused.

See also attached memo.

### ATTACHMENTS:

## MEMORANDUM

**Date:** March 25, 2021  
**To:** Planning Commission  
**From:** Heather Wright, Planning Director  
 Peter Best, Senior Planner  
**Subject:** Shoreline Master Program Periodic Review – Planning Commission Policy Workshops

### I. BACKGROUND

#### **What is the Periodic Review?**

The City is required by the Shoreline Management Act (SMA) to complete a periodic review of the Shoreline Master Program (SMP) every eight years (Attachment 3 provides a summary of the SMA periodic review rule). The periodic review mandate is to keep the SMP current and effective, it is not a cover-to-cover comprehensive substantive update like the SMP adopted in 2014.

#### **What is the Scope of the Periodic Review?**

On September 1, 2020, the City Council approved an updated Public Participation Program and Work Plan (PPP/WP; Attachment 2).

The PPP/WP describes three categories of revisions and two types of deliverables.

Revisions	Deliverables
1. Clarifying edits 2. Substantive revisions consistent with existing policy or law	Baseline SMP (with tracking matrix)
3. New substantive revisions <ul style="list-style-type: none"> <li>• Flood risk from sea level rise</li> <li>• Aquaculture</li> <li>• Possible updates to aquatic designations and procedures</li> </ul>	Individual amendments to the Baseline SMP (with tracking matrix)

Most of the public process will be focused on the new substantive revisions, particularly aquaculture and flood risk from sea level rise. To facilitate the joint review process that is unique to the SMP:

- Four versions of the deliverables will be produced (Department Draft, Public Hearing Draft, City Final, Ecology Approved)
- Issues and related recommendations and decisions made throughout the process will be recorded using a tracking matrix.

The PPP/WP describes a public participation program that will include:

- Broad outreach
- A new interactive online project center called “Engage Bainbridge”
- Substantial early policy engagement that will inform the Department proposal
  - Online polls and surveys
  - Online focus groups for stakeholders and agencies
  - Online workshop with the Planning Commission
- A joint public hearing and public comment period with the City Council, Planning Commission, and Department of Ecology

### **Community Outreach and Engagement**

A new interactive “Engage Bainbridge” [project website](#) was launched on February 26, 2021 with a major communications effort. This began the early policy input and public engagement phase of the project, including:

- Recruitment for the SMP Stakeholder Focus Group and Agency Group.
- Public engagement through surveys on the following topics, which close on March 26, 2021.
  - Aquaculture
  - Flooding from Sea Level Rise
  - Improvements to the SMP

We selected 16 participants (from a total of 32 applicants) for the SMP Stakeholder Focus Group which will meet 2 to 3 times over a 3-week period. The Agency Group currently has nine different agencies that have agreed to participate. The Focus Group and Agency Group meetings will be similar to the Planning Commission workshops.

## **II. PLANNING COMMISSION POLICY WORKSHOPS**

### **Objective**

These Planning Commission policy workshops are intended to clarify the policy framework the Department will use to prepare the Department Draft. Essentially, these workshops will help the Department understand if there is a fair amount of policy consensus in our community or if the Department should prepare alternatives/options for further policy discussion during the review process. Given the early stage of the process, the Planning Commission is not being asked to adopt formal policy recommendations – that will come later during the formal review process as depicted in the next steps graphic below.

### **Materials**

To facilitate this early policy discussion, the Department has prepared policy white papers on the two major substantive amendment topics of aquaculture (Attachment 4) and flooding from sea level rise (Attachment 5). These white papers are not intended to be exhaustive, but rather provide enough information on the topic to support an informed high-level discussion, including legal authority and constraints, current practices, and relevant best available science. Each white paper concludes with a set of policy issues or policy questions to help focus the conversation on the most relevant policy issues within legal and scientific constraints.

In addition, examples of some of the non-substantive improvements being incorporated into the new Baseline SMP are provided in Attachment 6. These represent improvements in reorganization of existing content to make the SMP easier to use and understand. The Department would appreciate

feedback on (1) this new organization and if it makes the SMP easier to use and understand and (2) how this approach could be improved.

**Additional Materials**

The attachments to this memo are intended to provide you with nearly all the material needed to support the two Planning Commission policy workshops. Additional information provided at the meetings will include insights from the SMP Stakeholder Focus Group and the Agency Group. The results of the aquaculture and sea level rise surveys will be provided for your second workshop on 4/8.

**III. UPDATED SCHEDULE**

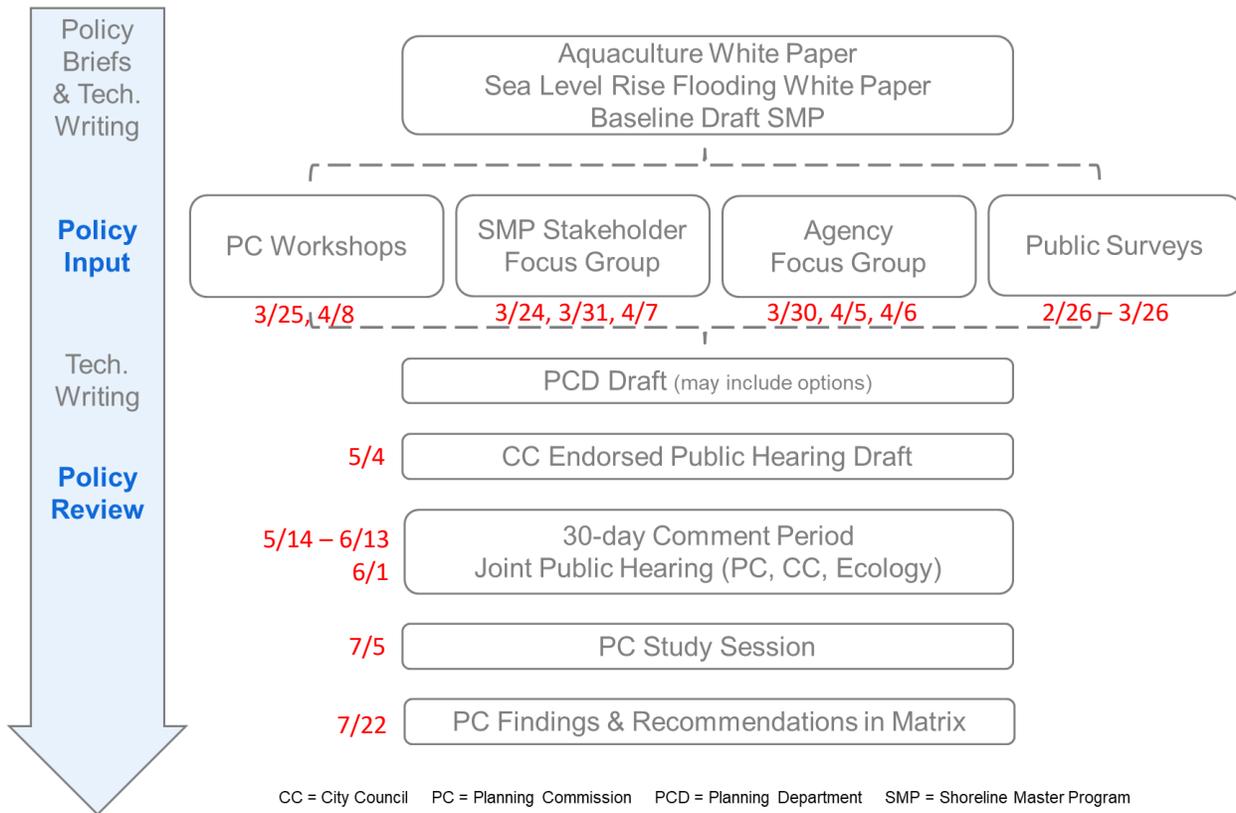
An updated summary schedule is provided below. Upcoming meeting dates are noted in the next steps process diagram on the next page.

	2021												2022					
	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6
Step 1	█	█	█															
Step 2	█	█	█	█	█													
Step 3		█	█	█	█													
Step 4			█	█	█	█	█											
Step 5					█													
Step 6					█	█												
Step 7								█	█	█								
Step 8										█	█	█						
Step 9												█	█	█				
Step 10														█	█	█		
Step 11																	→	
Step 12																	→	

**IV. NEXT STEPS**

The following phase of the project will include a 30-day public comment period (currently anticipated to start on May 14, 2021) and the joint public hearing (currently anticipated on June 1, 2021) with the City Council, Planning Commission, and Department of Ecology.

A summary diagram of the process through the Planning Commission’s formal review, including the joint public hearing, is provided below. The dates shown are subject to change.



*Note: Dates are subject to change.*

## V. ATTACHMENTS

1. SMP Periodic Review Project Log
2. Public Participation Program and Work Plan
3. Summary of the Periodic Review Rule
4. Aquaculture Policy White Paper
5. Flooding from Sea Level Rise Policy White Paper
6. Baseline SMP Improvement Examples

## SMP Periodic Review Project Log

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

### Acronyms

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

Date	Notes
<b>Relevant History</b>	
7/14/2014	CC adopted 2014 SMP (Ord 2014-04)
7/16/2014	ECY approved 2014 SMP (Ord 2014-04)
7/30/2014	2014 SMP (Ord 2014-04) goes into effect
10/7/2014	2014 SMP appealed <a href="#">Central Puget Sound Growth Management Hearings Board</a> <ul style="list-style-type: none"> <li>• Case #14-3-0012 (City upheld; currently in appeal)</li> <li>• Case #14-3-0011 (Dismissed)</li> </ul>
	Limited amendments developed to address some of the appeal issues, included: <ul style="list-style-type: none"> <li>• Critical Areas &amp; Nonconforming (Ord 2020-17; Effective 3/5/2021)</li> <li>• Aquaculture (Ord 2016-06; Withdrawn by City from Ecology review to address topic during the SMP periodic review)</li> </ul>
<b>Current SMP Periodic Review</b>	
1/22/2019	CC meeting (removed from agenda)
2/26/2019	CC study session deferred to a future meeting
3/5/2019	CC study session on PPP/WP
3/12/2019	CC approved the SMP periodic review PPP/WP
5/23/2019	PC study session (introduction and PC sub-committee formed)
6/27/2019	PC study session on vegetation management
7/11/2019	PC study session on vegetation management
10/8/2019	CC authorized City to apply for SMP grant
8/17/2020	SMP grant agreement executed
9/1/2020	CC approved PPP/WP update
1/28/2021	PC briefing on PPP/WP and next steps
2/26/2021	Project Message #1 sent Engage Bainbridge project site published with: <ul style="list-style-type: none"> <li>• SMP Stakeholder Focus Group application open until 3/14</li> <li>• Public surveys open until 3/26/2021 on: <ul style="list-style-type: none"> <li>○ Aquaculture</li> <li>○ Flooding from sea level rise</li> <li>○ SMP Improvement suggestions</li> </ul> </li> </ul>
3/9/2021	COBI Connects newsletter mailed to all households with SMP front page article



**Shoreline Master Program Periodic Review  
Public Participation Program  
and Work Plan**

**Updated September 1, 2020**



# Shoreline Master Program Periodic Review Public Participation Program and Work Plan

## Table of Contents

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

## Stay Informed

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

## Get Engaged

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

## Questions?

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

## Introduction

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

The following are important notes regarding this periodic review:

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

## Goals

Overall goals of this Public Participation Program are to:

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

## Scope of Periodic Review

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

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

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

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

## Periodic Review Process Steps

Step  
1

### Staff Review

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

Step  
2

### Baseline Draft SMP

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

Step  
3

### New Substantive Revisions and Early Public Engagement

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

Step  
4

### Planning Commission Review

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

Step  
5

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

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

Step  
6

#### Joint Public Comment Period and Hearing

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

Step  
7

#### Draft SMP Periodic Review Submittal Package

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

Step  
8

#### Initial Determination of Consistency from Ecology

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

Step  
9

#### Final SMP Periodic Review Submittal Package

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

Step  
10

#### Ecology Reviews and Approves SMP Periodic Review

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

Step  
11

#### Update Administrative Documents Consistent with Final SMP Periodic Review

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

Step 12

Appeals

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

Anticipated Timeline

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

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

Participation Opportunities

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

Focus Groups

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

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

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

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

## Public Workshop

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

## Planning Commission Meetings

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

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

## Joint Local/State Public Comment Period and Public Hearing

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

## City Council Meetings

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

## Outreach Methods and Tools

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

## Interactive Outreach Methods

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

## Traditional Media and Advertising

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

## Technology and Social media

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

## Potential Groups for Outreach

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

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

## Attachment A - Anticipated Revisions

### Clarifying Edits

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

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

### Substantive Revisions Consistent with Existing Policy or Law

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

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

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

## New Substantive Revisions

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

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

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

SHORELINE MASTER PROGRAM PERIODIC REVIEW

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

### Introduction

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

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

#### Section 1: Locally initiated review

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

#### Section 2: Periodic review requirements

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

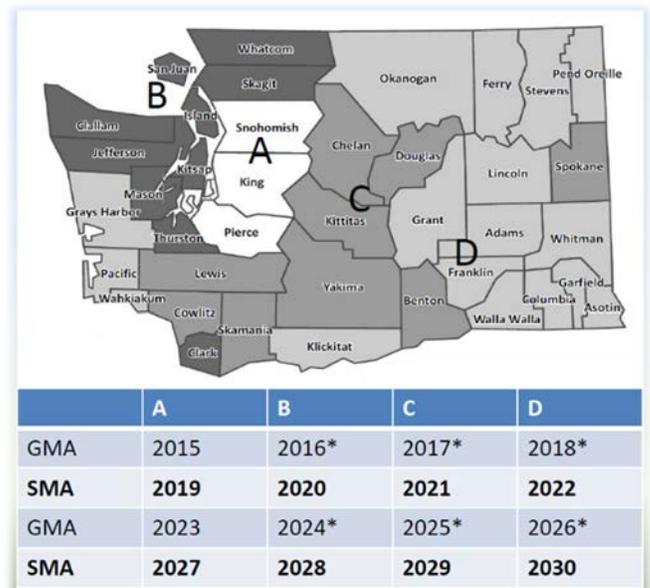


Figure 1. Periodic review schedules under the SMA and GMA. (NOTE \*For GMA reviews, the law gives an extra 2 years for smaller, slower-growing jurisdictions in groups B, C, and D.)

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

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

<sup>1</sup> RCW 90.58.080(4)  
 Summary of Periodic Review Rule (WAC 173-26-090)  
 Shorelands and Environmental Assistance Program, September 20, 2017

### Section 3: Procedures

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

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

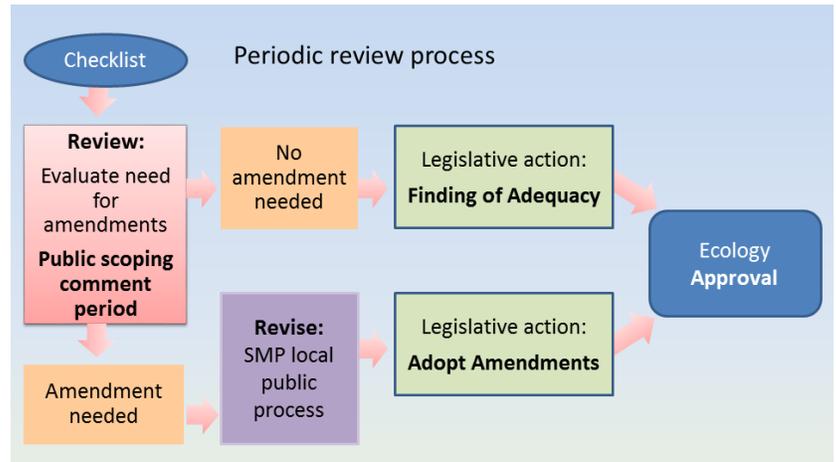


Figure 2. Schematic outline of SMP periodic review process. Ecology final approval triggers an appeal period.

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

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

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

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

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

### (1) Locally initiated master program reviews

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

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

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

### (2) Periodic review requirements.

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

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

#### (2)(b) Deadlines for periodic review.

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

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

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

\* And every eight years thereafter.

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

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

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

## (2)(c) Taking legislative action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### (3) Procedures for conducting periodic reviews.

#### (3)(a) Public participation program.

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

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

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

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

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

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

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

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

#### (ii) Review relevant comprehensive plans and regulations.

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

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

#### (iii) Additional review and analysis.

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

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

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

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

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

### (3)(c) Take legislative action.

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

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

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

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

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

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

### (3)(d) Submittal to the department.

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

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

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

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

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

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

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

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

### (e) State process for approving periodic reviews.

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

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



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

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

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

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



## SMP Periodic Review

### Policy White Paper on Aquaculture

March 20, 2021

**Prepared by:**

Peter Best, MMA  
Senior Planner  
City of Bainbridge Island  
[pbest@bainbridgewa.gov](mailto:pbest@bainbridgewa.gov)  
206-780-3719

**Note Regarding the Scope of this Policy White Paper**

This policy white paper is not intended to be an exhaustive summary on the complex issue of aquaculture, but rather a concise summary relevant to supporting policy-level discussions within the scope of authority the City of Bainbridge Island has under the Washington State Shoreline Management Act.

**Contents**

Introduction ..... 3

What is aquaculture? ..... 4

How is aquaculture managed? ..... 7

What is the City’s scope of authority regarding aquaculture under the Shoreline Management Act? ..... 10

Policy Issues for Consideration ..... 14

Attachment A – City of Bainbridge Island Jurisdiction

Attachment B – Shellfish Safety Maps (3/7/2021)

Attachment C – Figures

Attachment D – Shellfish Aquaculture Permitting Process Overview

Attachment E – Shoreline Management Act Policy

Attachment F – Shoreline Management Act Aquaculture Guidelines

Attachment G – City Farm and Local Food Policies

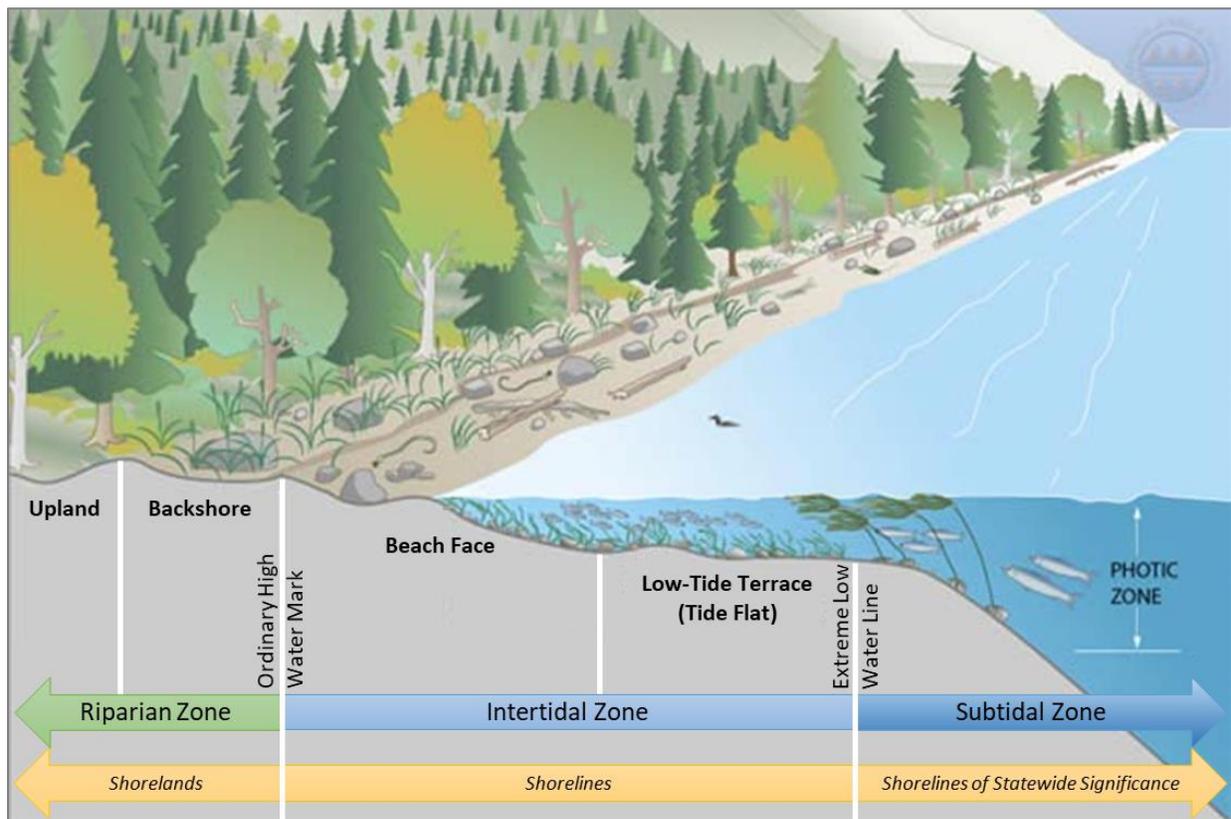
## Introduction

Bainbridge Island has a long and ongoing relationship with aquaculture, some of which is well known, such as the fish farm in Rich Passage, and much of which is likely not well known. Bainbridge Island has adopted strong policies and programs to encourage, protect, and expand local food production from upland agriculture (see Attachment G) however these policies do not directly translate to aquaculture. The term “aquaculture” covers a wide range of activities from intense commercial shellfish and finfish farming to the restoration and recover of native species and the enhancement of native fisheries for recreational, commercial, and subsistence harvest. Aquaculture may also be useful in addressing climate change and ocean acidification.

### Shoreline Jurisdiction

The SMP manages an area commonly referred to as “shoreline jurisdiction” which extends from approximately 200-feet inland from the ordinary high water mark to the City boundary half-way between Bainbridge Island and the opposite shoreline (see Attachment A). Therefore, the SMP manages upland, intertidal, and offshore aquaculture activities. Figure 1 shows how shoreline jurisdiction is divided into ecological zones as well as management zones based on the ordinary high water mark and the extreme low water line. These zones will be referenced throughout this paper.

**Figure 1. Shoreline Jurisdiction**



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

## What is aquaculture?

First, it is helpful to clarify that the harvest (i.e. collecting, digging, or catching) of wild aquatic plants and animals (e.g. algae, shellfish, finfish, or other organisms) from their natural aquatic habitats is not aquaculture. These activities involving wild stocks (or populations) fall into the realm of “fisheries”, which are co-managed by tribes, state agencies, and federal agencies. Fisheries cannot be managed by the SMP, whereas aquaculture and shoreline habitats must be managed by the SMP.

For discussing SMP policy, aquaculture can be generally described in plain terms as follows.

<b>Aquaculture</b>
<p>Within the scope of the City’s SMP, aquaculture is essentially any activity by which people:</p> <ul style="list-style-type: none"><li>• Cultivate (i.e. actively manage the location and growth of) aquatic species;</li><li>• Harvest those cultivated organisms; and</li><li>• Process aquatic organisms (whether from cultivated or wild harvest).</li></ul> <p>There are many different types of aquaculture practiced in Puget Sound which can involve:</p> <ul style="list-style-type: none"><li>• Activities for personal, commercial, research, or restoration purposes</li><li>• Shellfish (oysters and clams), finfish (salmon), and algae (seaweeds)</li><li>• Native or non-native species (all species must be approved by regulators)</li><li>• A small area of only a few square feet to a large area of many acres</li><li>• The use of a variety equipment (from hand tools to tractors and boots to barges, etc)</li><li>• The temporary or long-term placement of a variety of “gear”</li></ul> <p>Operations during the day or night, especially when tide dependent</p>
<p>There is far less shellfish aquaculture in Central Puget Sound compared to other regions of Washington (Figure C-4). However, Bainbridge Island intersects with the world of aquaculture in many ways as noted below.</p>

<b>Upland Aquaculture</b>
<p>Upland aquaculture involves the cultivation of aquatic organisms in tanks on land. The City’s current SMP defines and manages upland finfish rearing activity as “agriculture” and is not an allowed use within shoreline jurisdiction. Upland aquaculture activities also include the processing of any cultivated or wild harvest.</p>
<p>On Bainbridge Island there are no upland aquaculture facilities.</p>
<p>Nearby upland aquaculture include several facilities operated by the NOAA Northwest Fisheries Science Center at the <a href="#">Manchester Research Station</a> across from Bainbridge Island on Rich Passage (Figure C-1), including a facility used to recover critically endangered sockeye salmon as well as a <a href="#">conservation hatchery</a> operated in partnership with the <a href="#">Puget Sound Restoration Fund</a>, a Bainbridge Island-based nonprofit. <a href="#">Suquamish Seafood Enterprises</a> operates a processing facility in Suquamish across from Bainbridge Island on Agate Passage.</p>

## Intertidal Aquaculture

Intertidal aquaculture involves the cultivation of aquatic organisms (most commonly clams and oysters in “shellfish farms” for commercial harvest or “shellfish gardens” for personal harvest) in or on beaches, typically on the low beach face or the tide flat above the extreme low water line. Depending on the size and location of the operation, this type of aquaculture may have upland access, upland facilities for storage and processing, or the farm may be remotely accessed only from the water by boat or barge. Common intertidal aquaculture techniques include:

- Seeding the natural beach without the placement of any “gear”
- Seeding a beach where oyster shells (for oysters) or other natural substrate (for clams) have been added
- The use of “gear” for protection and to encourage growth, such as:
  - Grow bags (Figure C-2a)
  - Long lines (Figure C-2b)
  - Tubes (Figure C-2c)
  - Predator exclusion nets (Figure C-2d)
- Control of non-native invasive predators, such as oyster drill snails

Intertidal shellfish farms and gardens typically use non-native oyster species and native clam species. Non-native oysters may be genetically modified so they are sterile and cannot reproduce in the wild.

On Bainbridge Island, the only intertidal aquaculture operation is a [community shellfish farm](#) in Port Madison operated by the [Puget Sound Restoration Fund](#), a Bainbridge-based nonprofit. There are also likely small “shellfish gardens” around Bainbridge Island where households grow clams and oysters for personal consumption.

Nearby intertidal aquaculture includes a [shellfish farm](#) in Suquamish on Agate Passage and [native oyster restoration](#) in numerous areas near Bainbridge Island and throughout Puget Sound led by the [Puget Sound Restoration Fund](#), a Bainbridge-based nonprofit.

## Offshore Aquaculture

Offshore aquaculture involves the cultivation of aquatic organisms suspended in the water column. Finfish are enclosed in net pens suspended from floats (Figure C-3a) or buoys (Figure C-3b). Shellfish (muscles or oysters) are suspended in cages from floats or rafts (Figure C-3c). Algae attached to lines may be suspended from buoys, floats, or rafts (Figure C-3d).

On Bainbridge Island, there is one offshore commercial finfish aquaculture operation in Rich Passage (Figure C-3a) which has been in operation since the 1970s. The City and the [Puget Sound Restoration Fund](#), a Bainbridge-based nonprofit, teamed up with volunteers in the 2000s to hang more than 100 oyster cages from docks in Eagle Harbor in an effort to enhance water quality. Researchers have used offshore mussel cages to monitor water quality at the Wyckoff Superfund Site in Eagle Harbor and other locations around Bainbridge Island. [Net Systems](#), a manufacturer of fishing nets and offshore aquaculture net systems, is headquartered on Bainbridge Island.

Nearby offshore aquaculture facilities exist at the [Manchester Research Station](#) across from Bainbridge Island on Rich Passage (Figure C-3a). Suquamish Seafood Enterprises operates an [oyster nursery](#) at the Brownsville Marina across from Bainbridge Island in Port Orchard Passage. The Suquamish Tribe also operates [fish pens](#) in Suquamish across from Bainbridge Island in Agate Passage (Figure C-3b) and in the City of Seattle across from Bainbridge Island in Elliot Bay to rear native salmon for release into the wild population as juveniles.

The official definitions regarding aquaculture from the City's current SMP are provided below.

**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.

### How is aquaculture managed?

Aquaculture is managed by a wide range of local, state, and federal agencies which have significantly overlapping responsibilities and a few unique responsibilities as summarized in Table 1. A summary of permitting requirements for commercial shellfish farms is provided in Attachment D. Permitting requirements for offshore aquaculture are very similar with some additional requirements for overwater structures (e.g. docks, floats, rafts, buoys).

**Table 1. Summary of Aquaculture Management Responsibilities**

Overlapping Responsibilities	Unique Responsibilities
<ul style="list-style-type: none"> <li>• Water quality</li> <li>• Navigation</li> <li>• Critical saltwater habitat protection</li> <li>• Endangered species protection</li> <li>• Overwater structures</li> <li>• Cultural resources</li> </ul>	<ul style="list-style-type: none"> <li>• Compatibility of uses (City &amp; Ecology through SMP)</li> <li>• Species (WDFW); City &amp; Ecology through SMP has some responsibility</li> <li>• Food safety (WDOH)</li> <li>• Land manager (WDNR, for state aquatic lands only)</li> </ul>

*Ecology = WA Dept. of Ecology*  
*WDOH = WA Dept. of Health*

*WDFW = WA Dept. of Fish and Wildlife*  
*WDNR = WA Dept. of Natural Resources*

The City (with Ecology when issuing a shoreline variance permit or conditional use permit) and WDFW (when issuing a Hydraulic Project Approval permit) are the most likely (and often the only) agencies to:

- Conduct a site visit
- Hold a public comment period (only for City shoreline permits and SEPA)
- Defend an appeal
- Be contacted regarding concerns or violations

## How suitable is Bainbridge Island for aquaculture?

### Restoration

Bainbridge Island has a strong record of shoreline restoration efforts, which have included several projects that would meet the definition of aquaculture because of some of the techniques and equipment used, including:

- Early experiments in native oyster restoration
- Early experiments in kelp restoration (at Restoration Point)
- Early experiment in using offshore oyster baskets for water quality treatment

Kelp beds are a critical saltwater habitat and are important to regional salmon recovery efforts. Bainbridge Island historically had extensive kelp beds (Figure C-5a) and lost the last kelp bed in 2015 (Figure C-5b). The reasons for kelp declines are still under investigation and the restoration of kelp beds is still in the experimental stages. Therefore, the suitability of Bainbridge Island for kelp restoration is still uncertain. However, given the leadership of the [Puget Sound Restoration Fund](#), a Bainbridge Island nonprofit, in [kelp restoration](#) as well as the City's leadership in shoreline habitat restoration and climate change mitigation and adaptation, Bainbridge Island is uniquely situated to support the development of kelp restoration.

### Intertidal & Offshore Shellfish Farming

Central Puget Sound is not a prime area for commercial shellfish aquaculture as indicated by the fact that less than 1% of the state's entire shellfish aquaculture harvest (by volume and value) comes from Central Puget Sound (see Figure C-4). Pacific oyster and manilla clams where the only commercial species cultivated in Central Puget Sound. The prime areas for shellfish aquaculture in the state are South Puget Sound and Willapa Bay followed by North Puget Sound and Hood Canal (see Figure C-4). Key reasons for this are likely their rural economies and better water quality, which is reflected in the shellfish closure maps in Appendix B. (Note: Harmful algal blooms, which are responsible for biotoxin closures [appear to be increasing](#).)

Bainbridge Island is located within the most urbanized portion of Puget Sound which increases exposure to various water quality concerns, including:

- Frequent harmful algal blooms that can cause biotoxin closures
- Risk of untreated sewage spills from the 6 sewer plants on or immediately surrounding Bainbridge Island that can cause temporary closures
- Petroleum spills

The potential areas for commercial intertidal shellfish farming are likely limited on Bainbridge Island. Intertidal aquaculture, except for native species restoration, is prohibited in portions of Bainbridge Island, including Eagle Harbor (permanent closure) and areas designated as Priority Aquatic in the SMP. Most of the island's shorelines are privately owned and developed as residential. The resulting tidelands are typically small and highly fragmented. The Washington State Department of Natural Resources owns a few tideland areas, which theoretically could be leased for aquaculture, however these areas have no upland access and are in existing residential areas. Upland access to commercial shellfish farms is very unlikely in residential areas and public shoreline access sites (e.g. Waterfront Park dock and ramp) are not suitable for landing commercial aquaculture harvests. Therefore, the landing of any intertidal aquaculture harvests would need to occur elsewhere on the Kitsap Peninsula or perhaps at the existing private aquaculture dock in Rich Passage.

Given the above, the most suitable forms of intertidal shellfish aquaculture on Bainbridge Island would most likely be low-cost and small scale, such as:

- Native oyster restoration
- personal shellfish gardens
- Local community shellfish farm like the one currently in Port Madison
- Possibly natural clam seeding
- Small commercial "hobby" or "boutique" shellfish farms might be possible but a recent inquiry into creating such an operation on Bainbridge Island could not seem to find a suitable intertidal location

### **Offshore Fish Farming**

Given that existing finfish facilities have been located in Rich Passage (since 1970) and Agate Passage (since 1985), it is probable there are other potential locations for offshore finfish aquaculture around Bainbridge Island. It is unclear whether Rich Passage would be a suitable location for additional facilities.

### **Offshore Kelp Farming**

Kelp farming is not currently a common practice in Puget Sound. There is emerging interest (in Puget Sound and around the world) in farming kelp as a way to help mitigate climate change through sequestering carbon dioxide and counteracting ocean acidification. In addition, nearly all of the historic kelp beds around Bainbridge Island have been lost (see Figure C-5) and similar trends have been observed throughout South and Central Puget Sound. Kelp is a critical habitat that is protected under the SMP. Efforts are just beginning in Puget Sound to better understand kelp ecology and develop kelp restoration methods. It is unclear at this time whether long-term restoration efforts will require offshore facilities.

It is foreseeable there could be interest in kelp farming around Bainbridge Island given the leadership of the [Puget Sound Restoration Fund](#), a Bainbridge Island nonprofit, in [kelp restoration](#) and the use of [kelp farming to mitigation climate change](#) as well as the City's leadership in shoreline habitat restoration and climate change mitigation and adaptation. The suitability of Bainbridge Island for offshore kelp farming is currently unknown.

## What is the City's scope of authority regarding aquaculture under the Shoreline Management Act?

The City must manage aquaculture within the limits established by the Shoreline Management Act (RCW 90.58; WAC 173-26; WAC 173-27) and associated legal rulings. One recent ruling ([Case No. 18-3-0013c](#)) decided by the Central Puget Sound Growth Management Hearings Board against the Pierce County SMP is precedent setting for any aquaculture amendment to the City's SMP and significantly clarifies the scope of the City's authority regarding aquaculture under the Shoreline Management Act.

### Permitting

Aquaculture activities require approval under the SMP, either through a shoreline permit or letter of exemption. In addition, the SMP may require a shoreline conditional use permit as described in WAC 173-26-241(2)(b) in Attachment F, which requires joint review and decision making by the City and Ecology. A change in facilities or operations may require a permit revision. A public comment period is required for all aquaculture activities under the State Environmental Policy Act (SEPA) process. A shoreline conditional use permit also requires a public comment period that would be consolidated with the SEPA comment period and may require a public hearing. City SEPA and public hearing notifications are mailed to neighbors, posted on the City's website, and published in the Bainbridge Review newspaper. Shoreline permits, letters of exemption, and revisions can be approved, approved with conditions, denied, and appealed. The current SMP requires a shoreline conditional use permit for all types of aquaculture except for individual shellfish gardens [SMP 5.2.4(1)].

Aquaculture activities, like all activities within shoreline jurisdiction, must comply with the general island-wide requirements in SMP Chapter 4, including:

- No net loss of ecological functions and values [SMP 4.1.2]
- Vegetation management, including buffers, for any upland activities [SMP 4.1.3]
- Protection of critical areas [SMP 4.1.5], particularly critical saltwater habitats, which include:
  - Kelp beds and native eelgrass beds
  - Forage fish spawning and holding areas
  - Mudflats
  - Intertidal habitats with vascular plants
  - Areas with which priority species have a primary association
  - Subsistence, commercial, and recreational shellfish beds
- Water quality [SMP 4.1.6]
- Nonconforming uses and structures [SMP 4.2.1]
- Protection of cultural resources [SMP 4.2.2]
- Visual and physical public access, including navigation [SMP 4.2.4]

Since this paper is specifically intended to stay at the policy level, it will not go further into detail regarding permitting or the regulations noted above and the reader does not need to

review the requirements noted above in any further detail. The remaining topics in this section are focused on areas where the City has some policy discretion regarding aquaculture.

### **Preferred Uses and Geographic Designations**

The Shoreline Management Act creates a very complex management situation by mandating what can appear as inherently conflicting policies as described in Attachment E, which include:

- “protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life”
- “planning for and fostering all reasonable and appropriate uses”
- “protecting private property rights consistent with the public interest”
- “promote and enhance the public interest”
- “limited reduction of rights of the public in the navigable waters”

The recent Pierce County SMP appeal substantially clarified how aquaculture is to be treated in this balancing act.

First, most aquaculture is “water-dependent” (i.e. it inherently requires a water-based location) and is a “preferred use” when practiced sustainably. SMP Guidelines state, in part:

“[Aquaculture] is of statewide interest. Properly managed, it can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area.” [WAC 173-26-241(3)(b)(i)(A) in Attachment F]

Shellfish beds are also:

- A critical saltwater habitat that is to be protected
- A federal and state policy priority under numerous laws and programs, such as the [Washington Shellfish Initiative](#)
- An indicator of ecosystem recovery under the [Puget Sound Action Agenda](#)

In determining where aquaculture and other uses are allowed, the SMP must give preference to (in the following order):

- Protecting and restoring ecological functions
- Water-dependent and associated water-related uses
- Other water-related and water-enjoyment uses
- Single family residential uses
- Non-water-oriented uses.

[see WAC 173-26-020, WAC 173-26-201(2)(d), and WAC 173-26-251(2) in Appendix D]

Second, the recent Pierce County SMP appeal reinforced that the designation of areas where aquaculture is allowed and not allowed must be based on the City’s inventory and characterization as well as best available science.

“Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.” [WAC 173-26-241(3)(b)(i)(C) in Attachment F]

As summarized in Table #, the recent Pierce County SMP appeal clarifies that the SMP may balance local interests with statewide interests in “shoreland” areas (i.e. riparian zone) and “shoreline” areas (i.e. the intertidal zone) but must only consider statewide interests in areas designated by the Shoreline Management Act as “shoreline of statewide significance” (i.e. the subtidal zone for Bainbridge Island).

**Table 2. Summary of where Local Interests and State Interests can be Considered in SMP**

<b>Shoreline Jurisdiction Zone</b>	<b>Shorelands</b>	<b>Shorelines</b>	<b>Shorelines of Statewide Significance</b>
<b>Ecological Zone</b>	<b>Riparian Zone</b>	<b>Intertidal Zone</b>	<b>Subtidal Zone</b>
<b>Type of Aquaculture</b>	<b>Upland Aquaculture</b>	<b>Intertidal Aquaculture</b>	<b>Offshore Aquaculture</b>
<b>Who's interests?</b>	SMP may balance local interests with statewide interests		SMP can only consider statewide interests

**Nonconforming Uses and Structures**

If a legally established aquaculture use does not comply with new provisions adopted in the SMP, under the current SMP the use is allowed to continue as a “grandfathered” non-conforming use and existing structures may be maintained, repaired, or replaced as long as the use and structures are not altered or expanded in any way that increases the nonconformity. A change in ownership, tenancy, or management of a nonconforming use does not change its nonconforming status. Significant changes in operations, such as a change in species, or modifications to structures and equipment would need to comply with the SMP. [SMP 4.2.1] A recent update of the nonconforming provisions in the SMP took effect on 3/5/2021.

Under the Shoreline Management Act, legally established uses are “grandfathered” and cannot be forced to stop and repair and maintenance cannot be denied, however the City has significant flexibility regarding:

- When to consider a nonconforming use abandoned.
- Whether to allow replacement of nonconforming structures.

The recent Pierce County SMP appeal clarified that an SMP cannot simultaneously categorize future aquacultural uses as prohibited while categorizing existing aquacultural uses as conforming. The status of current and future uses must be consistent, either prohibited and nonconforming or allowed and conforming.

In aquaculture, like agriculture, operations may include crop rotations and periods when the farm is left fallow or dormant. The recent Pierce County SMP appeal clarified that SMPs cannot use fallow or dormant periods to deem an aquacultural use as abandoned under nonconforming rules.

**Species**

WDFW regulates which species are allowable in state waters and certifies the movement of aquatic organisms within state waters regarding disease and parasite management. The recent Pierce County SMP appeal affirms that SMPs may also govern at least what types of non-native species are allowed or not allowed and require a permit revision when there is a change in species. As a practical matter, the City will need to rely on WDFW’s expertise and resources to manage the certification of aquatic organisms regarding disease and parasite management.

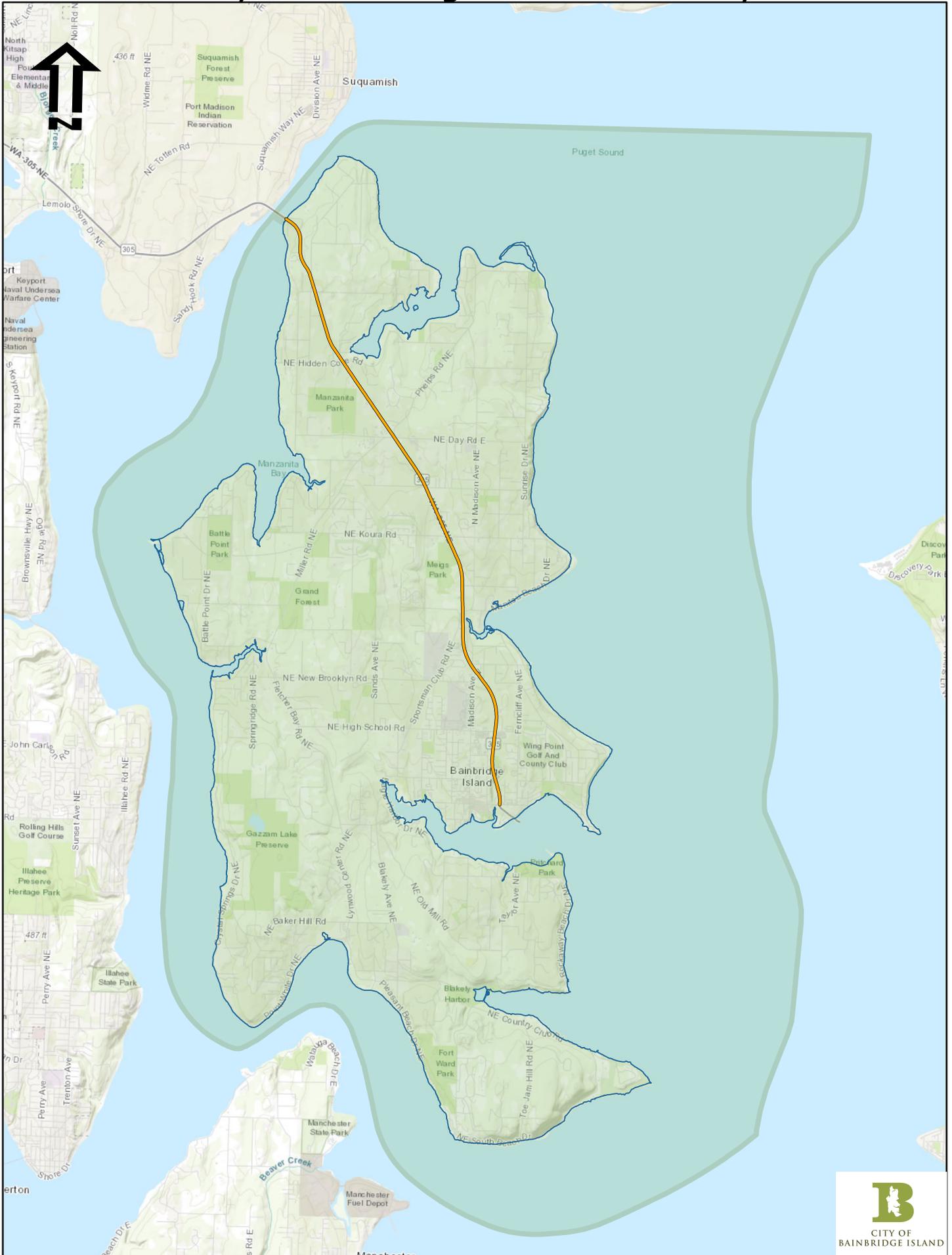
## Policy Issues for Consideration

The following are questions that build off the content presented in this policy white paper which are intended to frame a high-level policy discussion that will inform the planning department's proposed amendments.

- 1. What are local Bainbridge Island interests when it comes to aquaculture?**
  - Individual shellfish farming for personal consumption
  - Locally sourced food
  - Jobs
  - Native species recovery and habitat restoration
  - Enhancement of wild native populations for ecological and fisheries purposes
  - Mitigation of climate change
  - Others
  
- 2. How does Bainbridge Island fit into statewide interests when it comes to aquaculture?**
  - Enhancement of wild native populations for ecological and fisheries purposes
  - Mitigation of climate change
  - Jobs
  - Suitability for commercial intertidal shellfish farming
  - Suitability for offshore shellfish farming
  - Suitability for offshore fish farming
  - Suitability for offshore kelp farming
  - Suitability for native species recovery and habitat restoration
  - Others
  
- 3. Should Bainbridge Island have policy preferences regarding aquaculture species?**
  - Native species only
  - Native species preferred and sterile non-native species only
  - No preference as long as non-native species are managed to minimize establishing local populations in the wild
  - No local preference, let the state set the policy
  
- 4. What are key community concerns regarding aquaculture?**
  - Intertidal aquaculture
  - Offshore aquaculture

Attachment A – City of Bainbridge Island Jurisdiction

# City of Bainbridge Island Boundary



## Attachment B – Shellfish Safety Maps (3/7/2021)

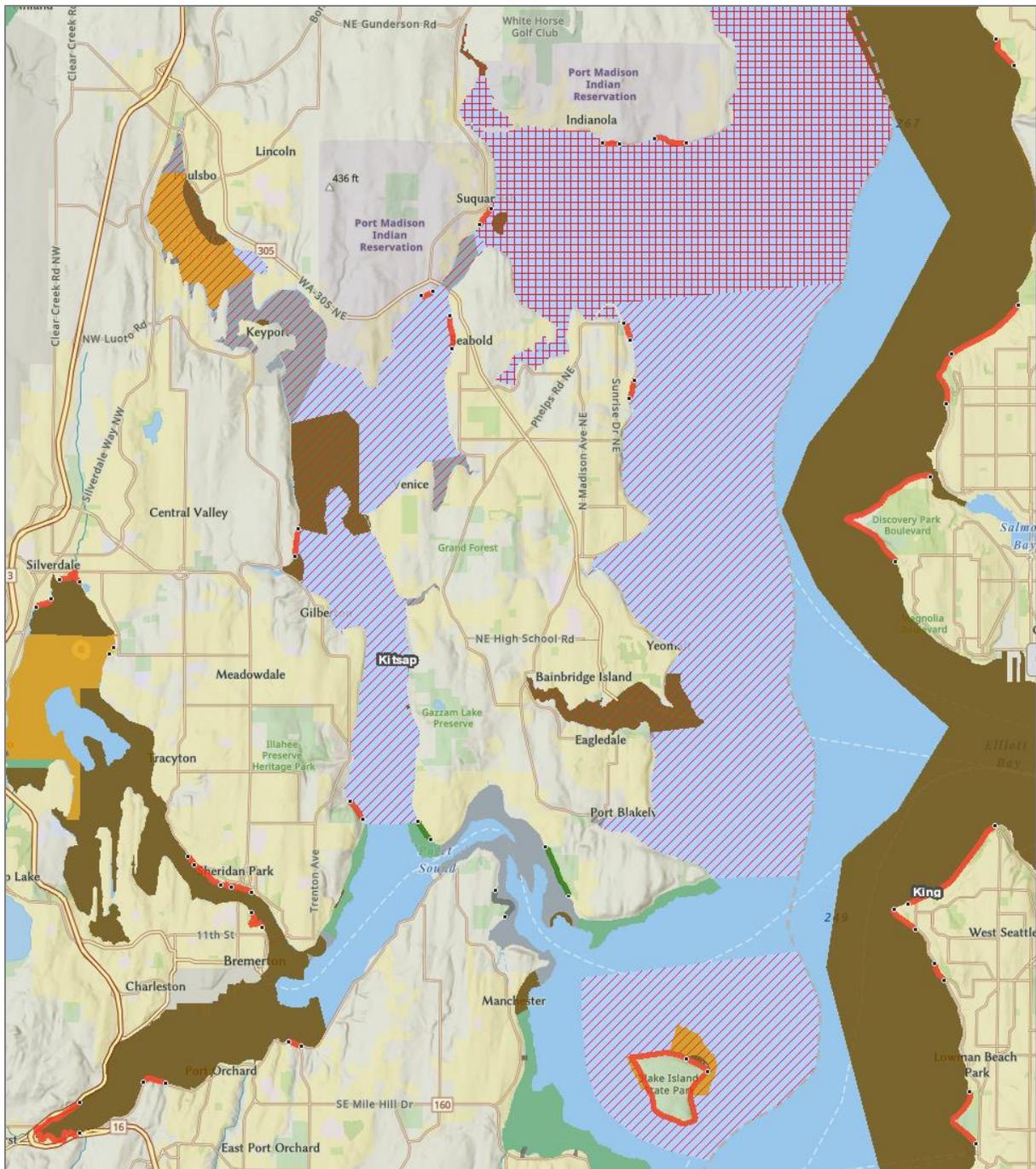
Maps from: [WDOH Shellfish Safety Online Map](#)

### Legend

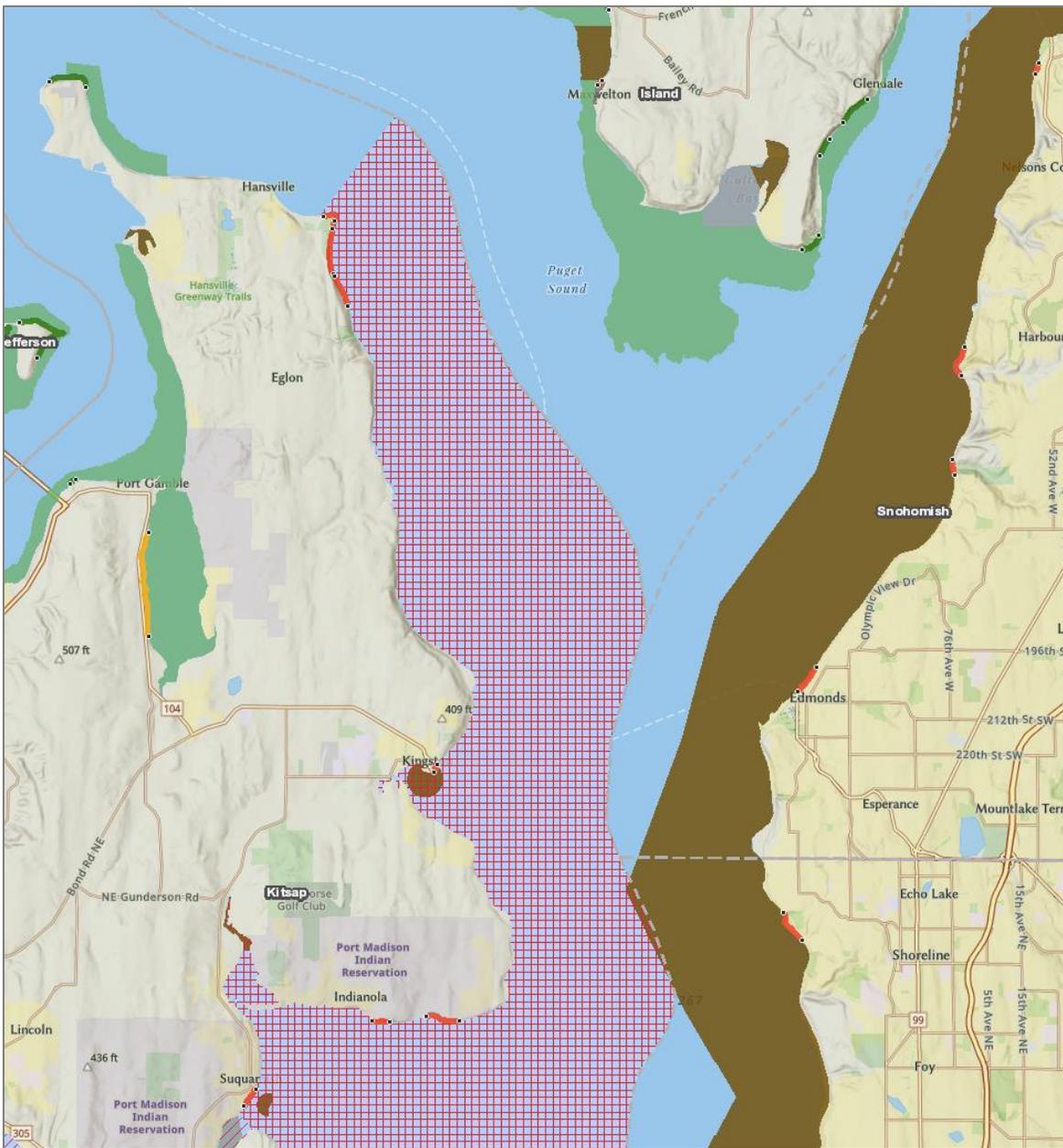
<b><a href="#">Public Shellfish Beaches</a></b> (click beaches for info.)	
	Closed (click beach for species)
	WDFW Harvest Seasons Closed
	Open
	Conditionally Open
	Unclassified
<b><a href="#">Marine Biotoxin Closure Zones</a></b> (click area for info.)	
	Closed for all species including clams, geoduck, scallops, mussels, oysters, snails and other invertebrates (not crab or shrimp).
	Closed for <a href="#">Butter and Varnish Clams</a> only
<b><a href="#">Water Quality Classification</a></b> (click area for info.)	
	Approved
	Conditionally Approved
	Unclassified
	Closed Due to Pollution

### Notes:

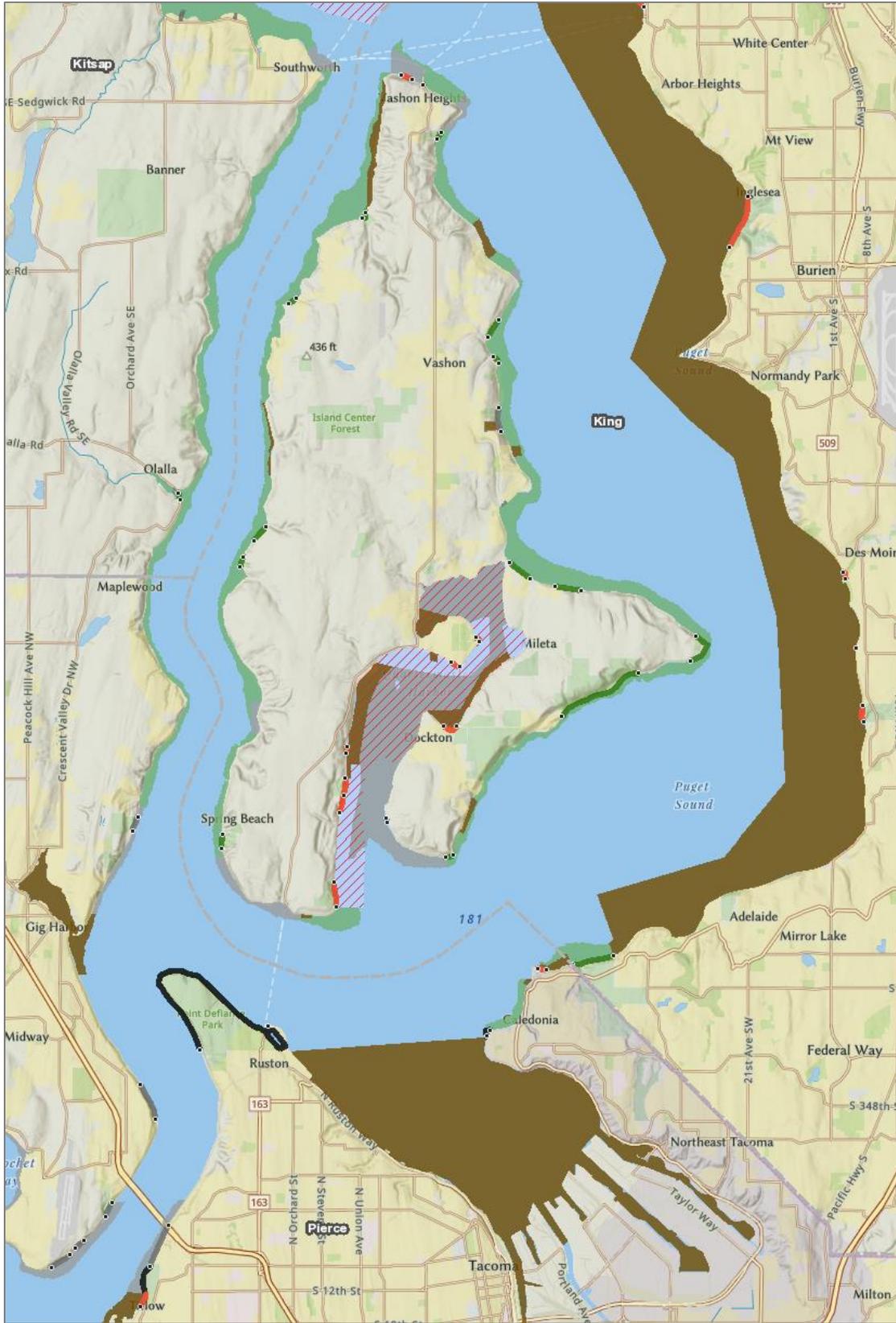
- Marine biotoxin closures and some beach closures can change seasonally.
- Water quality classification status typically change infrequently.



Map B-1. Bainbridge Island Vicinity (Central Portion of Central Puget Sound)



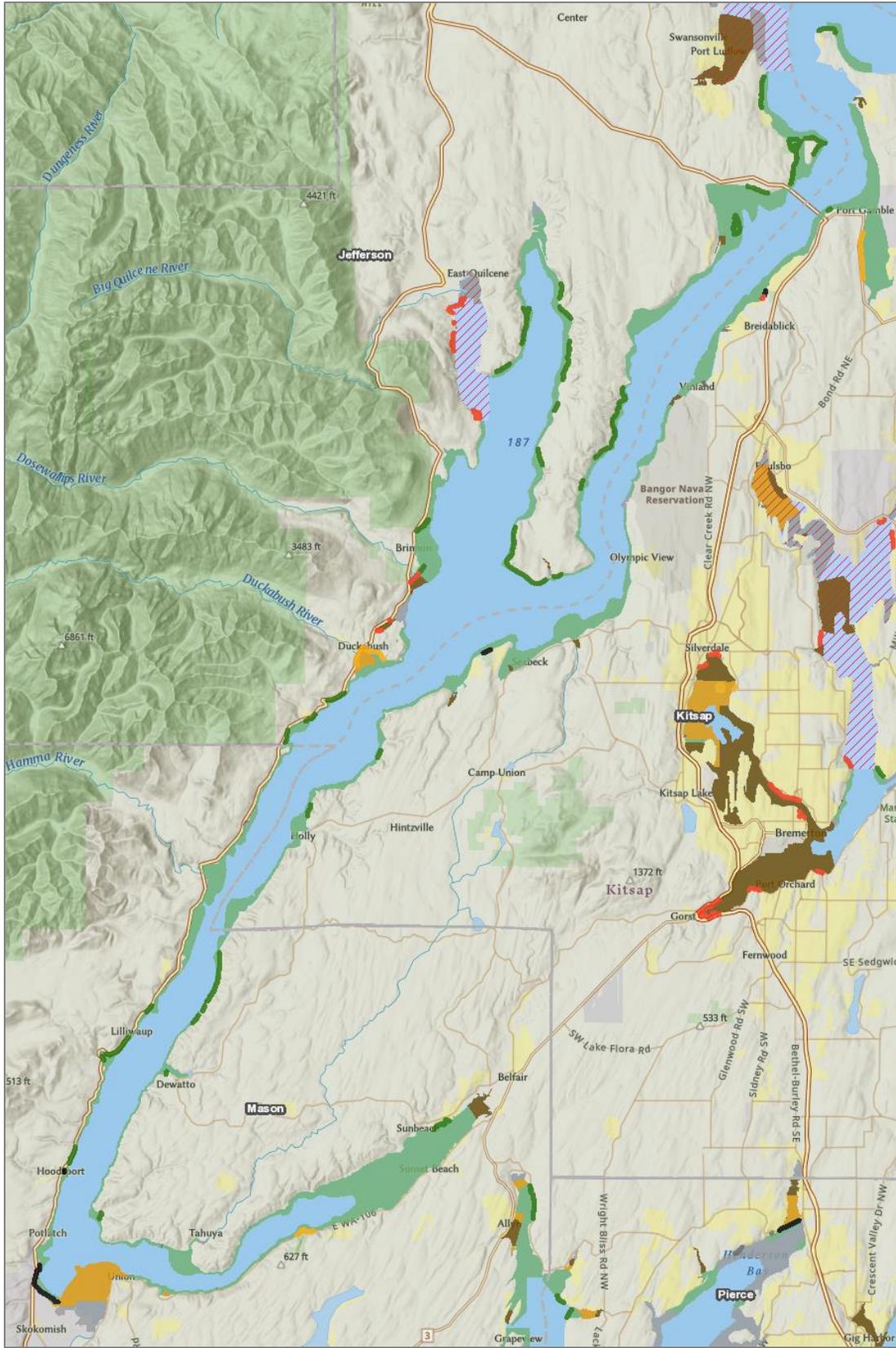
Map B-2. Northern Portion of Central Puget Sound



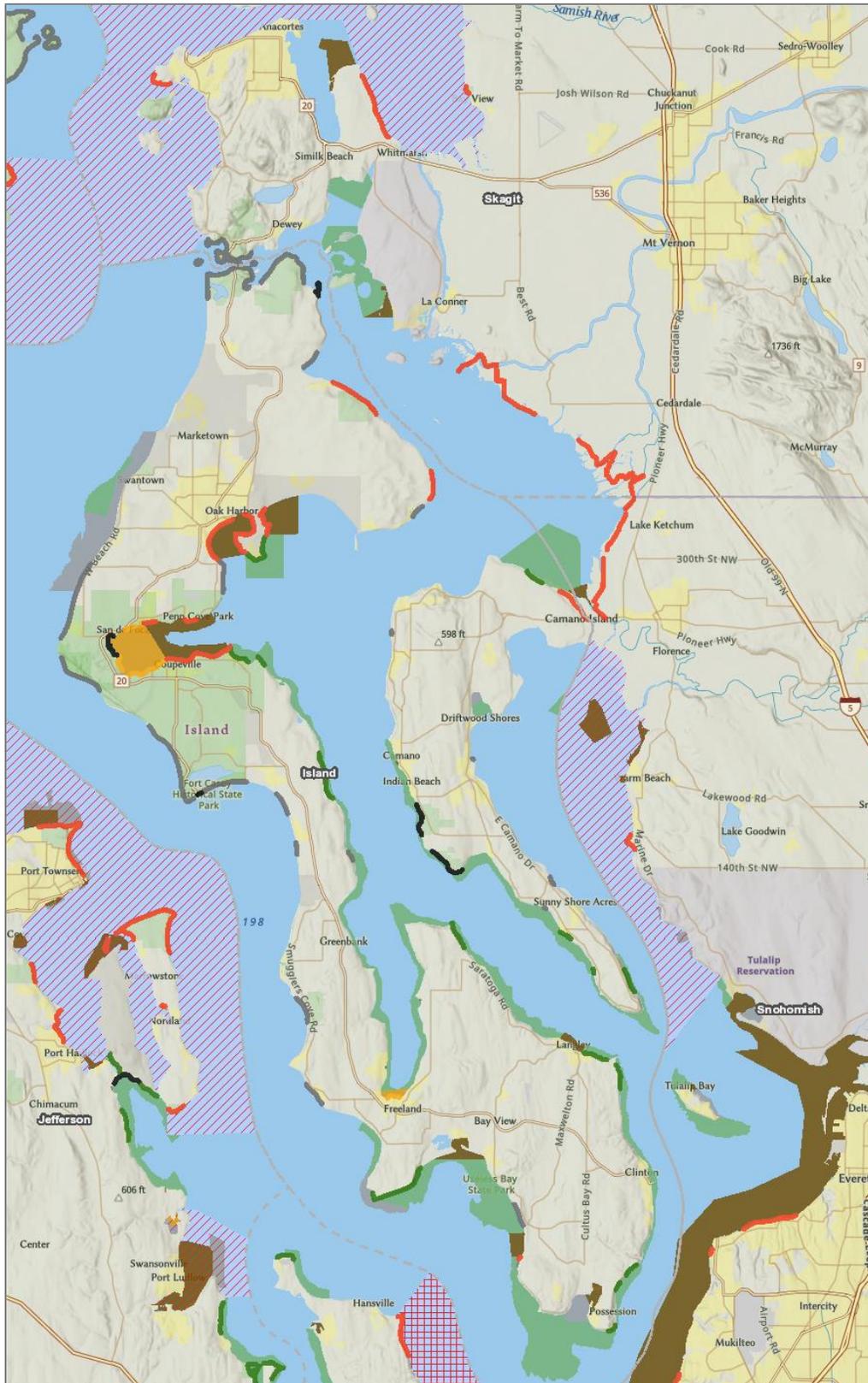
Map B-3. Southern Portion of Central Puget Sound



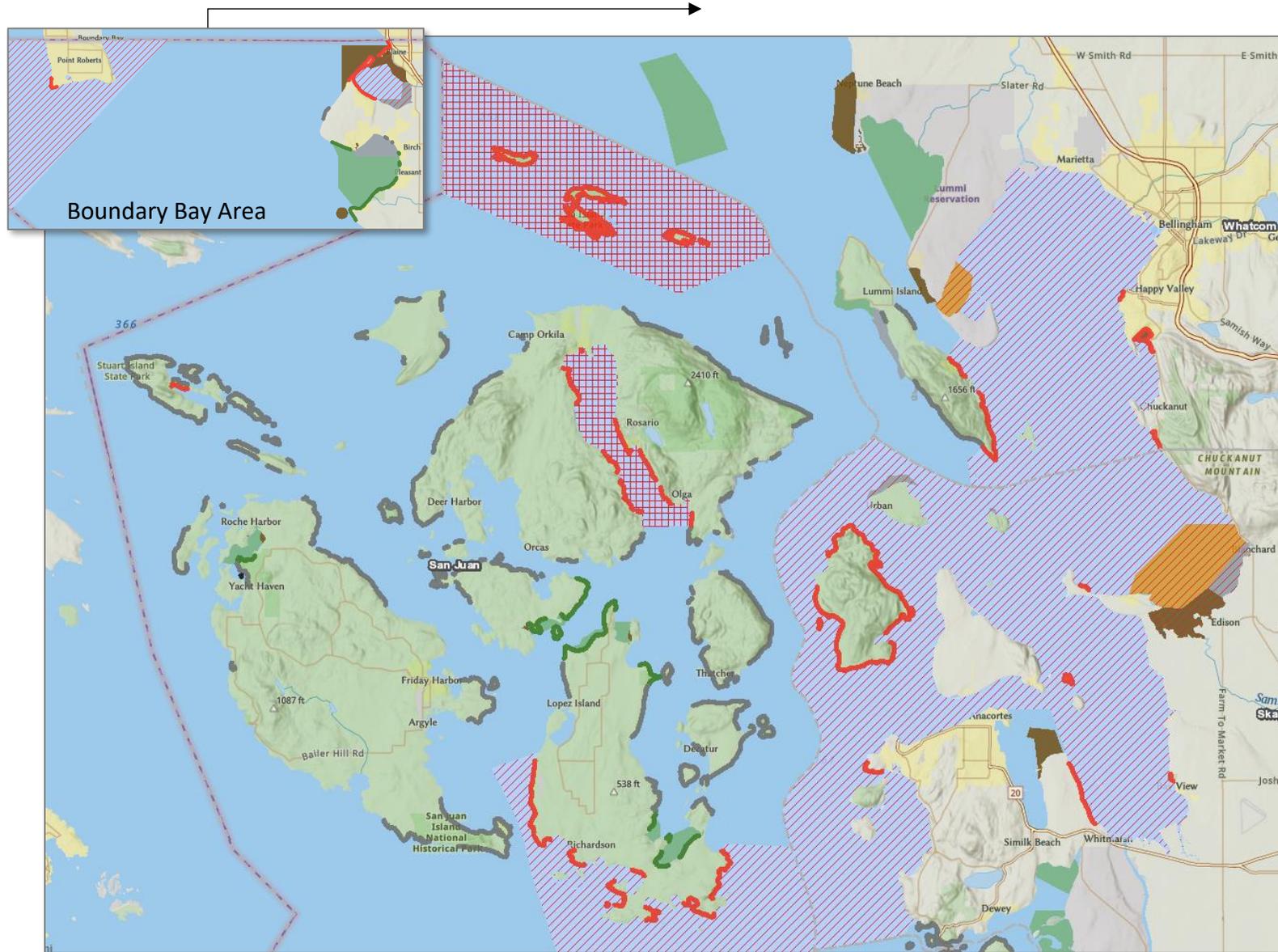
Map B-4. South Puget Sound



Map B-5. Hood Canal



Map B-6. Whidbey Basin Portion of North Puget Sound



Map B-7. Northern Portion of North Puget Sound

Attachment C – Figures



**Figure C-1. Upland Aquaculture Facility at the Manchester Research Station on Rich Passage**  
(Top: Dept. of Ecology, 2016; Bottom: [Puget Sound Restoration Fund](#))



Figure C-2a. Grow Bags at the Port Madison Community Shellfish Farm (Bainbridge Review<sup>1</sup>)



Figure C-2b. Flip Bags Suspended on Long Lines in Samish Bay ([NOAA Fisheries](#))

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<sup>1</sup> June 26, 2009. [Puget Sound Restoration Fund plots Bainbridge's first 'shellfish farm'](#). Bainbridge Review.



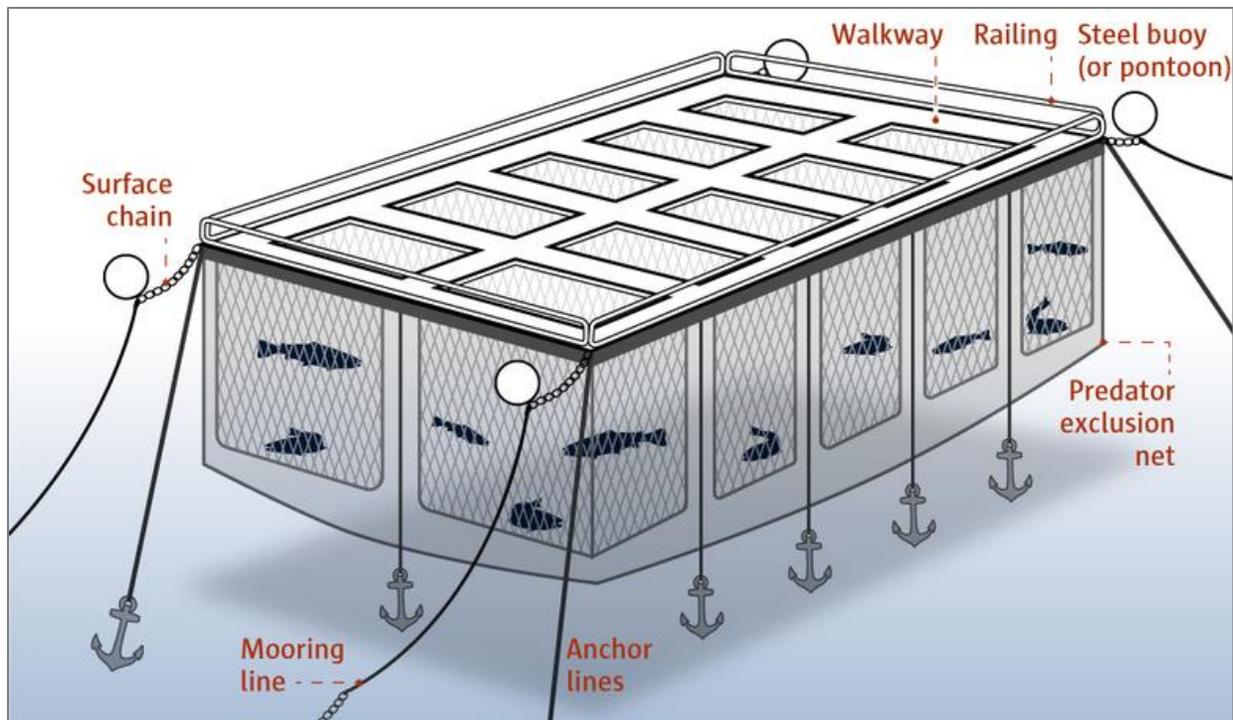
**Figure C-2c. Intertidal Geoduck Tubes** (Encyclopedia of Puget Sound<sup>2</sup>)



**Figure C-2d. Predator Exclusion Nets** (WA Sea Grant<sup>3</sup>)

<sup>2</sup> Williams, David. March 13, 2020. [Digging the mighty geoduck: A history of Puget Sound's 'boss clam'](#). Encyclopedia of Puget Sound.

<sup>3</sup> Dunne, Niall. August 1, 2017. [Washington Sea Grant researchers seek paths forward in local conflicts over geoduck farming](#). Washington Sea Grant.



**Figure C-3a. Finfish Net Pens Suspended from Floats**  
 Top: Fish Farm in Rich Passage (Dept of Ecology, 1992)  
 Bottom: Fish Farm Diagram (Seattle Times<sup>4</sup>)

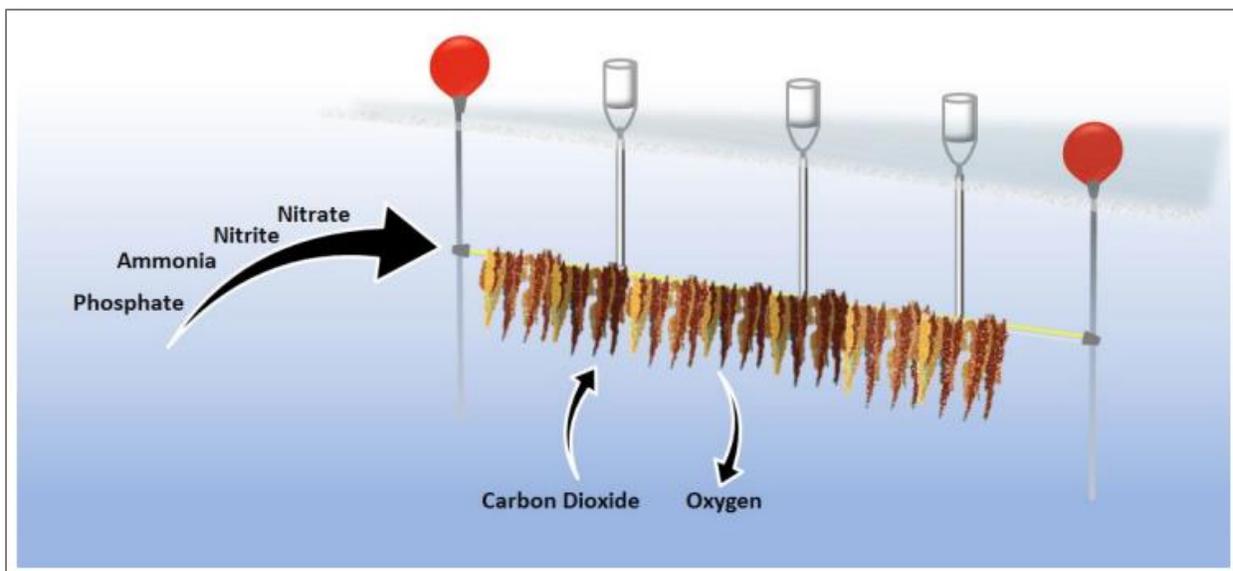
<sup>4</sup> Bush, Evan. Nov. 29, 2019. [Cook Aquaculture agrees to pay \\$2.75M to settle lawsuit over salmon net-pen collapse](#). Seattle Times.



Figure C-3b. Finfish Net Pens Suspended from Buoys in Agate Passage (Google Earth, 2015)



**Figure C-3c. Mussel Lines Suspended from Rafts in Penn Cove, Whidbey Island**  
(Top: Google Earth, 2018; Bottom: [Penn Cove Shellfish](#))



**Figure C-3d. Kelp Farming**

Top: Experimental Kelp Farm in Hood Canal ([WA Sea Grant](#))

Bottom: Kelp Farm Diagram (NOAA<sup>5</sup>)

<sup>5</sup> Langton, Richard, et al. 2019. [An Ecosystem Approach to the Culture of Seaweed](#). NOAA Technical Memorandum NMFS-F/SPO-195.

**Table 1.** Weight and value of Washington shellfish aquaculture production by species, 2013 (percentages are rounded to the nearest whole number for all tables).

Species	Weight		Value	
	Pounds	Percentage	Dollars	Percentage
Mussels	3,655,551	16	7,940,408	9
Geoduck clam	1,613,114	7	24,482,209	27
Manila clam	7,259,401	31	17,451,985	19
Pacific oyster	8,793,138	38	34,853,940	38
Softshell clam	1,419,509	6	454,198	<1
Other	664,905	3	6,738,647	7
Total	23,405,618	100	91,921,390	100

**Table 2.** Regional summary of 2013 Washington aquaculture production and value.

Region	Production		Value	
	Pounds	Percentage	Dollars	Percentage
South Puget Sound	8,664,322	37	53,230,541	58
Central Puget Sound	5,253	<1	19,411	<1
North Puget Sound	3,926,994	17	7,311,343	8
Hood Canal	3,490,795	15	11,566,475	13
Strait of Juan de Fuca	155,467	<1	455,587	<1
Willapa Bay	5,948,216	25	15,567,786	17
Grays Harbor	1,209,895	5	3,956,918	4
Total	23,400,942	100	92,108,061	100

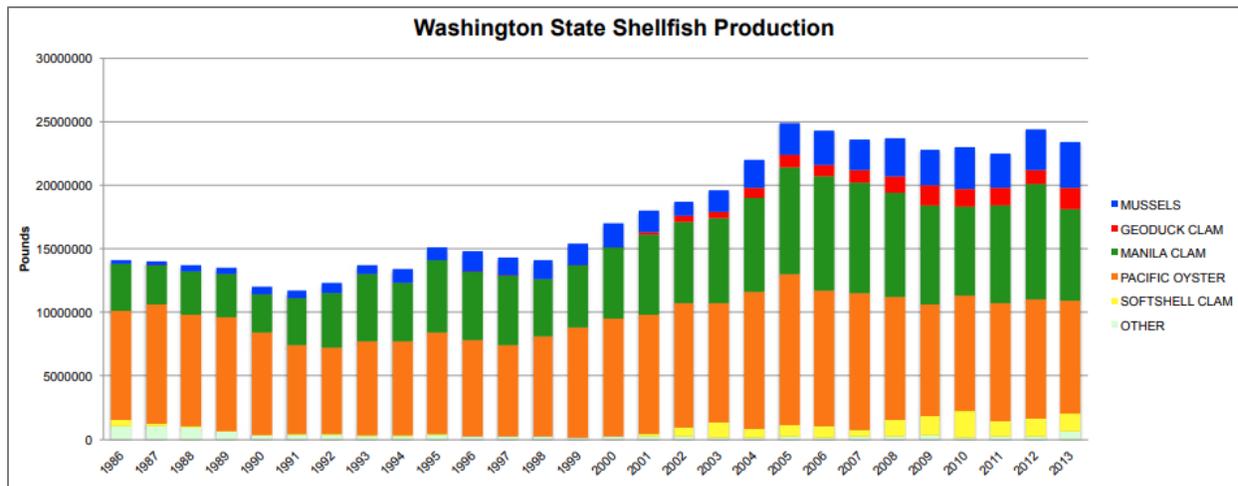


Figure C-4a. Washington Shellfish Aquaculture Production (WA Sea Grant<sup>6</sup>)

<sup>6</sup> Washington Sea Grant. 2015. [Shellfish Aquaculture in Washington State](#). Final Report to the Washington State Legislature.

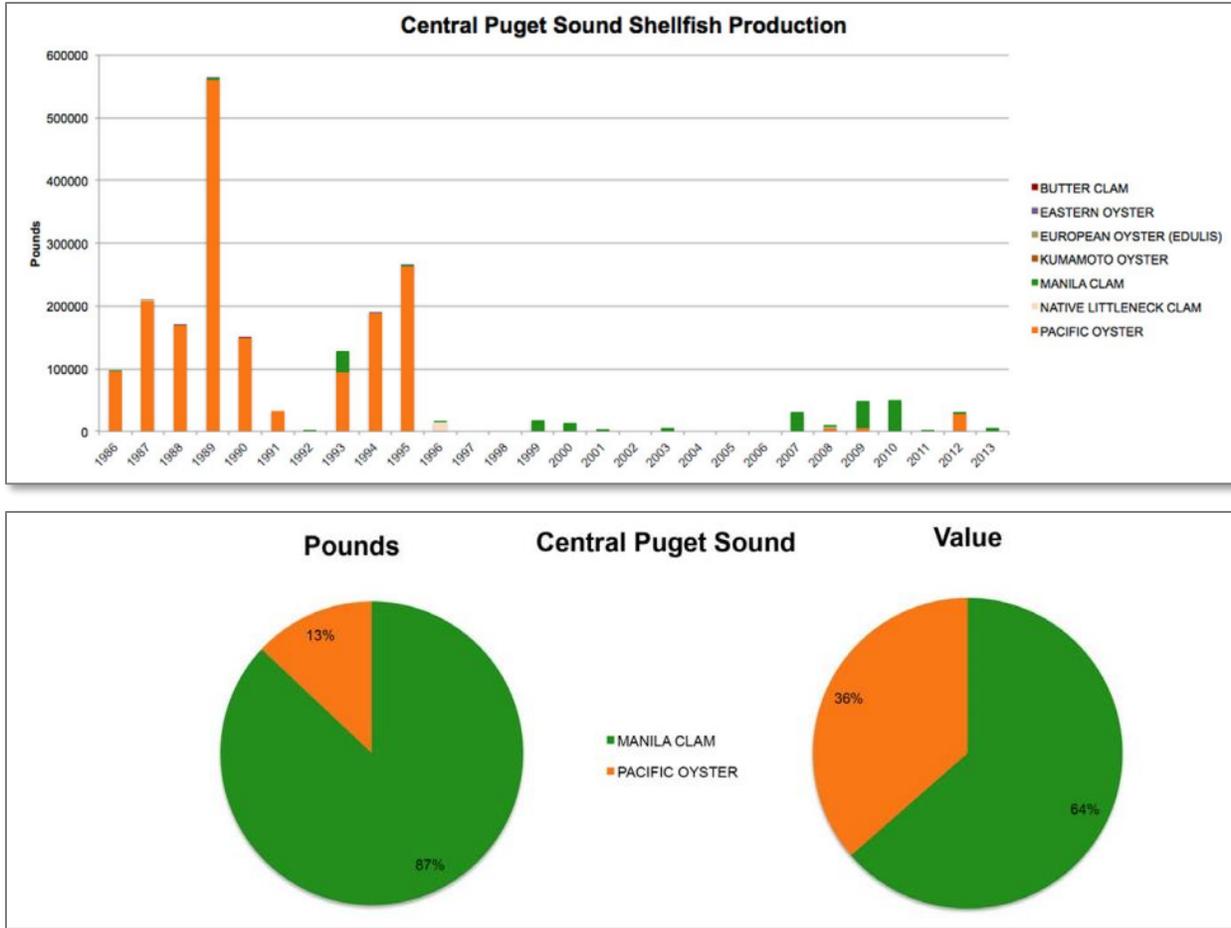


Figure C-4b. Central Puget Sound Shellfish Aquaculture Production (same as Figure 4a)

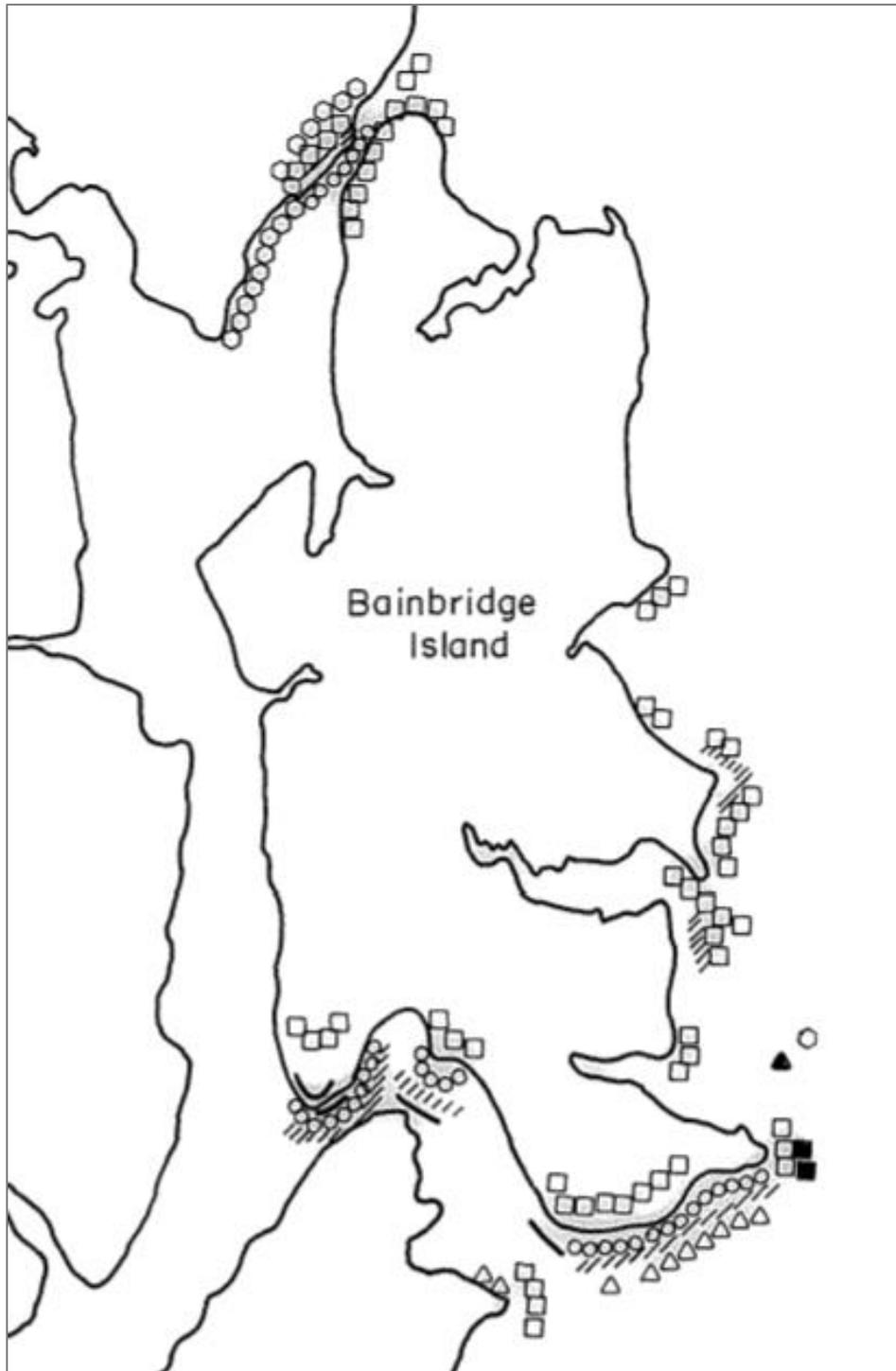
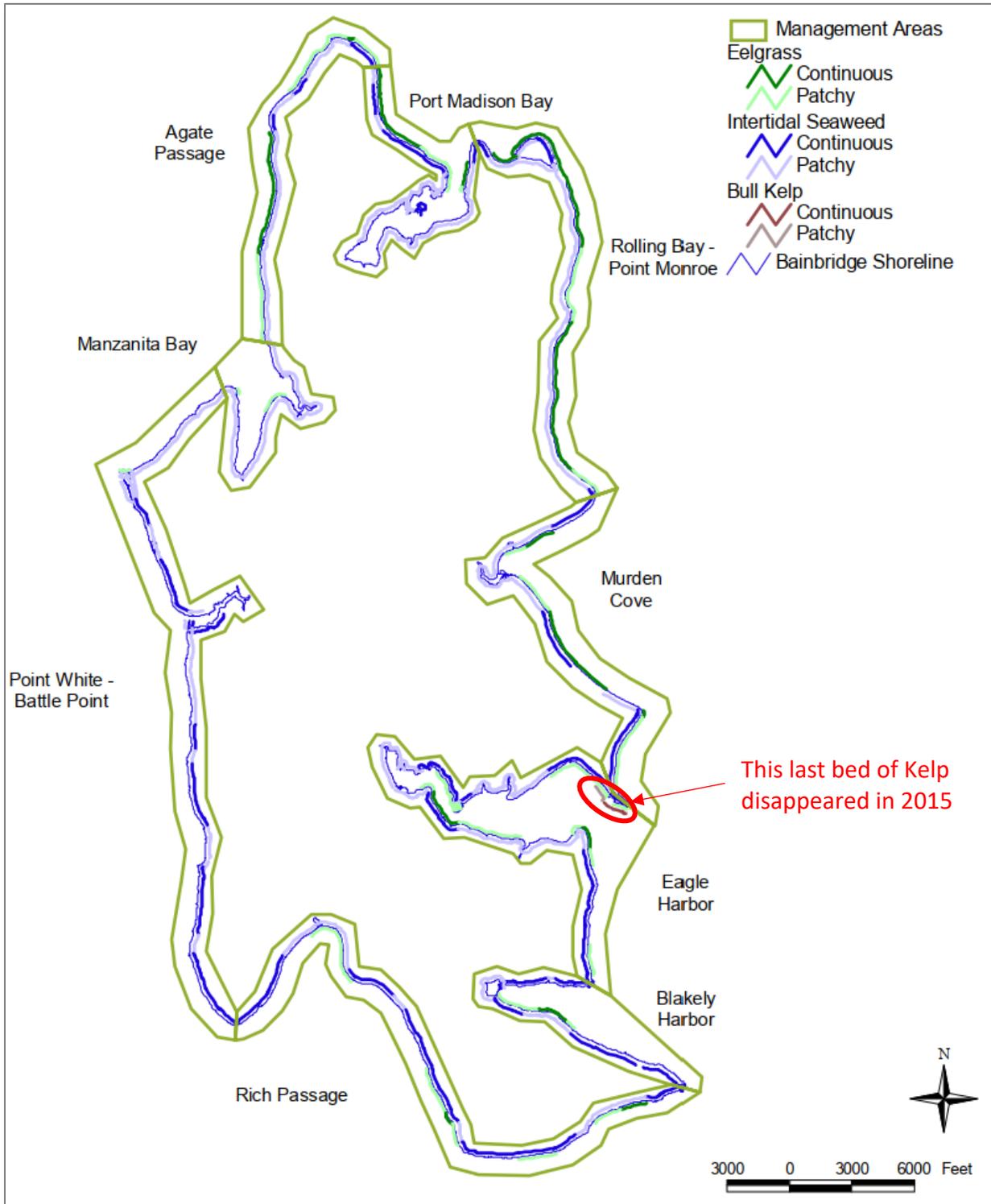


Figure C-5a. Historic Distribution of Kelp around Bainbridge Island<sup>7</sup>

<sup>7</sup> Thom, R. and L. Hallum. 1990. [Long-Term Changes in the Areal Extent of Tidal Marshes, Eelgrass Meadows and Kelp Forest of Puget Sound](#). Prepared by the Wetland Ecosystem Team for the U.S. Environmental Protection Agency Region 10.



**Figure C-5b. Eelgrass, Kelp (circled), and Seaweed Distribution around Bainbridge Island<sup>8</sup>**

<sup>8</sup> Williams, G., R. Thom, N. Evans. 2004. [Bainbridge Island Nearshore Habitat Characterization & Assessment, Management Strategy Prioritization, and Monitoring Recommendations](#). Prepared for the City of Bainbridge Island by the Marine Science Laboratory of the Battelle Memorial Institute.

## Attachment D – Shellfish Aquaculture Permitting Process Overview

Source: Washington Shellfish Initiative, [Shellfish Interagency Permitting Team](#)

Primary Requirements to Grow and Harvest Shellfish in Washington State  
09/2014

Agency	Requirement	Application	When needed	Fee	Contact
Tribes	<ul style="list-style-type: none"> <li>• Tribal Harvest Agreement or Management Plan</li> </ul>	6.3 form	-required for any work affecting wild shellfish	Maybe	Appropriate tribe (can be determined via NWIFC)
Local County	<ul style="list-style-type: none"> <li>• Shoreline Substantial Development or Conditional Use Permit</li> </ul>	JARPA	-depends on County	Yes	Local Planning Office
WA Dept. of Health	<ul style="list-style-type: none"> <li>• Operators License</li> <li>• Harvest Site Certificate</li> </ul>	Shellfish Operators License App  Harvest Site App for specific parcel	-required for commercial sales of shellfish  -required to harvest shellfish in waterbody	Yes	DOH Commercial Licensing Unit
WA Dept. of Fish & Wildlife	<ul style="list-style-type: none"> <li>• Aquatic Farm Registration (AFR) Permit</li> <li>• Emerging Commercial Fishery (ECF) Permit</li> <li>• Shellfish Import Permit</li> <li>• Shellfish Transfer Permit</li> </ul>	AFR App  ECF App  Import Permit App  Transfer Permit App	-required for commercially growing and selling shellfish  -required for harvesting wild shellfish (i.e. clearing standing stock)  -required for importing live shellfish into WA state waters  -required for transport of shellfish within WA state waters	Yes  Yes  No  No	WDFW Commercial Licensing Unit   WDFW Port Townsend Field Office
WA Dept. of Natural Resources	<ul style="list-style-type: none"> <li>• Aquatic Lease</li> </ul>	JARPA	-required to work on state owned aquatic lands	Yes	DNR Aquatics Program
US Army Corps of Engineers	<ul style="list-style-type: none"> <li>• Dept. of the Army Permit: <ul style="list-style-type: none"> <li>• Section 10 Rivers &amp; Harbors Act</li> <li>• Section 404 Clean Water Act</li> </ul> </li> </ul>	JARPA	-required for work in navigable waters of US  -required for the discharge of material into waters of US	Yes for IP; No for NWP	Corps Regulatory Branch

## Supplemental Requirements

<b>Agency</b>	<b>Requirement</b>	<b>Application</b>	<b>When needed</b>	<b>Fee</b>	<b>Contact</b>
Tribes	<ul style="list-style-type: none"> <li>• 106 Consultation</li> <li>• Tribal Notification (consultation)</li> </ul>	ACOE Notification	-required for permit from ACOE	No	Consultation initiated by ACOE
WA Dept. of Ecology	<ul style="list-style-type: none"> <li>• 401 Water Quality Certification</li> <li>• CZM Consistency Determination</li> <li>• Shoreline Permit Review</li> </ul>	JARPA  Form provided by Ecology  County notification	-required for permit from ACOE  -required for permit from ACOE for work in marine waters  -required for County to issue CUP	No	Ecology SEA Program
NOAA Fisheries	<ul style="list-style-type: none"> <li>• ESA section 7 consultation</li> <li>• EFH consultation</li> </ul>	ACOE Notification	-required for permit from ACOE	No	Consultation initiated by ACOE
USFWS	<ul style="list-style-type: none"> <li>• ESA section 7 consultation</li> </ul>	ACOE Notification	-required for permit from ACOE	No	Consultation initiated by ACOE

**List of Acronyms**

A/CA – Approved or Conditionally Approved

ACOE – Army Corps of Engineers

CZM – Coastal Zone Management

ESA – Endangered Species Act

IP – Individual Permit

JARPA – Joint Aquatic Resources Permit Application

NOAA – National Oceanic and Atmospheric Administration

NWIFC – Northwest Indian Fish Commission

NWP – Nationwide Permit

SEA – Shorelands and Environmental Assistanct

USFWS – US Fish and Wildlife Service

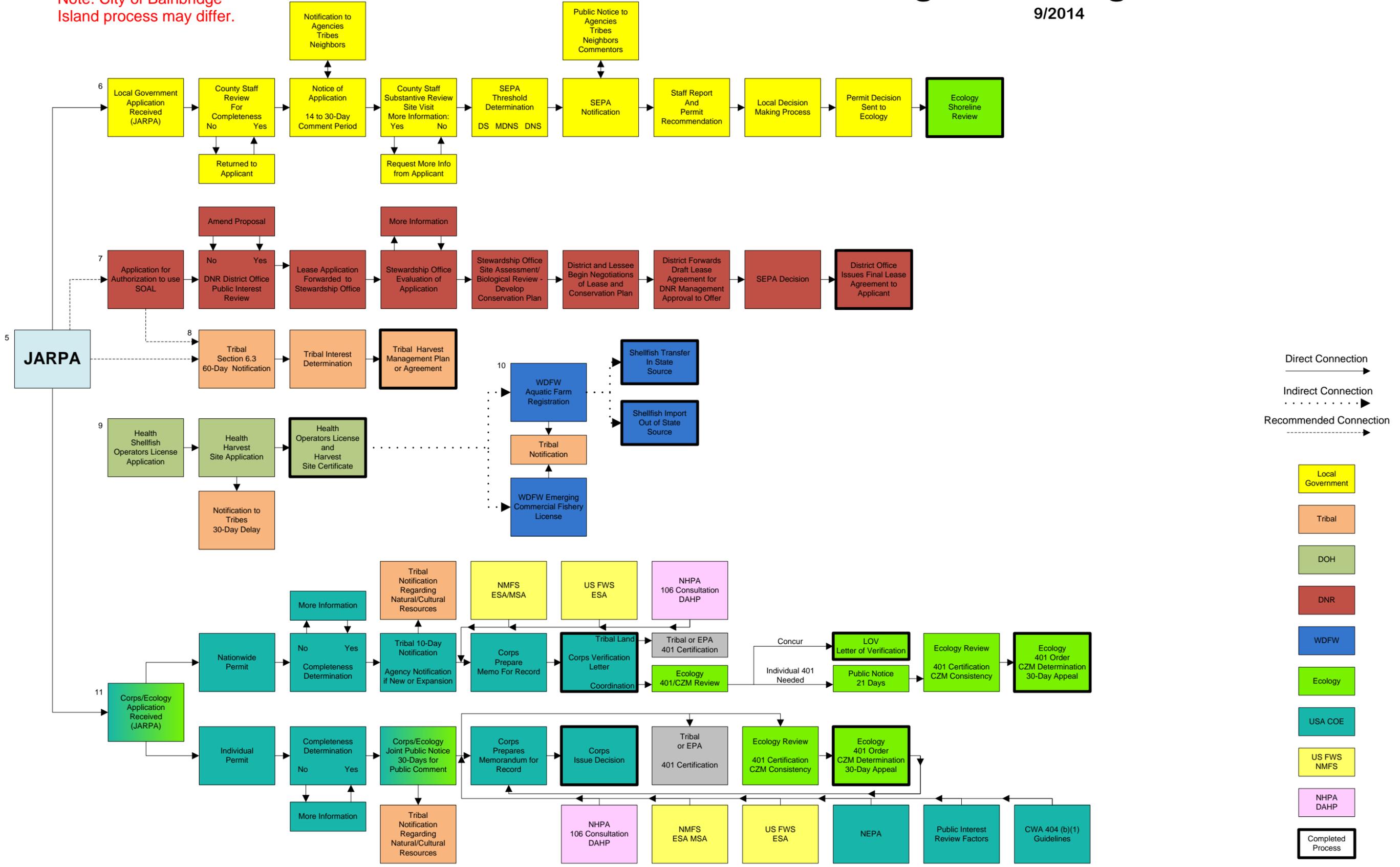
# Existing Permitting Processes

9/2014

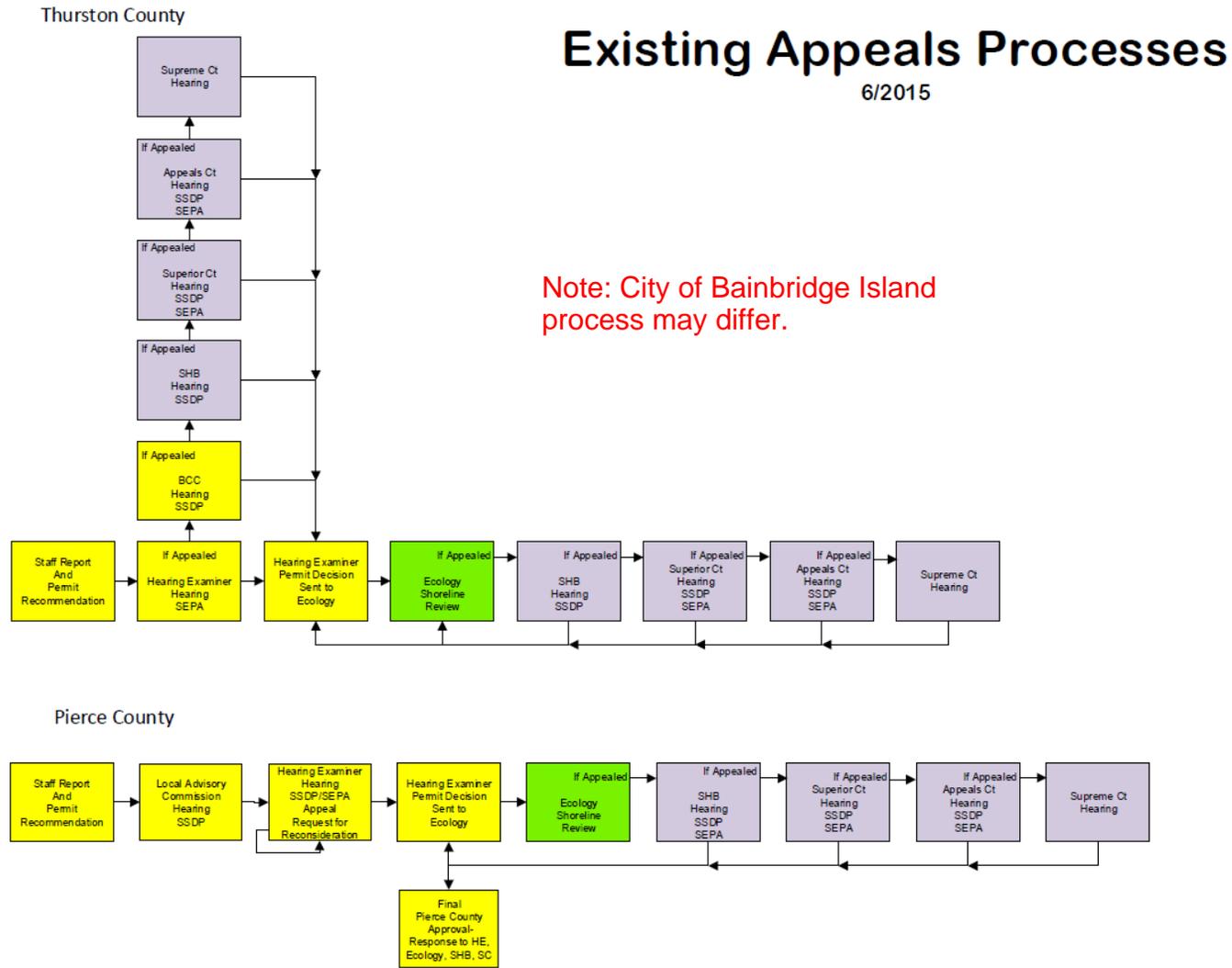
**Early Inquiries:**  
These are items to check prior to starting the application process, as they might direct the subsequent permitting path.

**Note: City of Bainbridge Island process may differ.**

- 1 Health Growing Area Classification
- 2 DNR Ownership Determination
- 3 Tribal Interests Determination
- 4 Local Government Application Pre Submission Conference



**Appendix B: Supplemental Flow Chart for Local Government Appeals Processes (Thurston and Pierce Counties)**



## Supplemental Narrative for Existing Permitting Processes Flowchart 09/2014

This document is meant to be used as a supplement to the flowchart of 'Existing Permitting Processes developed by the Shellfish Interagency Permitting Team. Top level numbers 1-8 correspond with numbered boxes on the flowchart. Ancillary information follows the flowchart's arrows radiating from boxes 1-8.

It is recommended that the steps in numbers 1-4 be completed prior to making formal application with local, State, or Federal agencies below to minimize possible delays later in the permitting process.

1. **Health Growing Area Classification:** contact Department of Health (DOH) to determine if growing area is classified:  
<http://www.doh.wa.gov/CommunityandEnvironment/Shellfish/GrowingAreas.aspx>  
 Classifications include:  
 A = approved  
 CA = conditionally approved  
 R = restricted  
 P = prohibited  
 U = unclassified; if unclassified you can only request classification if you are a licensed shellfish company or intend to be licensed (DOH Shellfish License)
  
2. **Department of Natural Resources (DNR) Ownership Determination:** determine if land is privately owned or owned by the state:
  - a. To determine if **State Owned Aquatic Lands (SOAL)**, call DNR's Aquatic Program: 360-902-1100 or via:  
[http://www.dnr.wa.gov/BusinessPermits/Topics/ShellfishAquaticLeasing/Pages/aqr\\_aquatic\\_land\\_leasing.aspx](http://www.dnr.wa.gov/BusinessPermits/Topics/ShellfishAquaticLeasing/Pages/aqr_aquatic_land_leasing.aspx)
    - If SOAL, you will need to obtain a lease from DNR (see step 7 for more details)
    - If not SOAL, and your project is subtidal, you will need to determine if there is Bush Act/Callow Act Reversionary Interest (79.135.010). DNR will assist with determination.
  - b. For **private ownership**, you will need signed documentation from owner
  
3. **Tribal Interests Determination:** if the land parcel is not part of the Settlement Agreement<sup>1</sup>, you must determine if there are Tribal Interests by submitting a 6.3 form to the appropriate tribe.
  - a. To determine if the land parcel is part of the Settlement Agreement contact the Northwest Indian Fisheries Commission (NWIFC) staff shellfish contact. If not

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<sup>1</sup> Settlement Agreement: in 2007 Puget Sound commercial shellfish growers and 17 treaty Indian tribes in western Washington reached a landmark agreement that addressed treaty shellfish harvest rights, preserved the health of the shellfish industry and provided greater shellfish harvest opportunities for everyone in the state:  
<http://nwifc.org/about-us/shellfish/commercial-shellfish-growers-settlement/>

part of the Settlement Agreement a 6.3 form must be submitted to the appropriate Tribe(s). The NWIFC staff member can help determine the appropriate Tribe(s) to contact:

<http://nwifc.org/about-us/staff-directory/>

<http://nwifc.org/about-us/shellfish/downloads/>

<http://nwifc.org/w/wp-content/uploads/downloads/2012/01/Section-6.3-Form.pdf>

- b. Note that there are multiple times in the permit process that the tribes are notified. For instance, when you go through the DOH process the tribes will be notified and a 6.3 form provided. However **it is the applicant's responsibility to fill out the 6.3 form and submit directly to the Tribes**. It is advisable to start this process early to be sure other permits not held up later.
  - c. 6.3 process outlined in detail in #8 below.
4. **Local Government Application Pre-Submission Conference:** the local government review process can be the most detailed and time consuming part of an aquaculture application. A pre-submission conference will explain the review process and help ensure that the applicant understands what information must be included in the application. For some local governments this meeting is required and for some it is optional.
- a. A fee may be required dependent on type of meeting and County
  - b. The pre-submission conference will give you information about what needs to go into the JARPA

*With adequate support, the Shellfish Interagency Permitting Team (SIP) could facilitate these initial steps with all necessary entities to promote early coordination.*

5. **JARPA:** fill out a Joint Aquatic Resource Permit Application (JARPA):  
[http://www.epermitting.wa.gov/site/alias\\_resourcecenter/jarpa\\_jarpa\\_form/9984/jarpa\\_form.aspx](http://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx)
- a. Please refer to *JARPA Instruction B: For Shellfish Aquaculture* for information about how best to fill out this form (link TBD).
  - b. Use the *Aquaculture JARPA Supplemental Drawing Checklist* to be sure your maps and drawings contain all required information (link TBD).
  - c. Applicant is required to submit an original **signed** JARPA to each permitting entity that accepts JARPA individually to initiate permitting process (see below for more details by entity). Please ensure content is the same for each JARPA submitted to each permitting entity.
6. **Local Government Application Received:** outlined here is the general process for local government permit review. These steps will vary amongst local governments. It is highly recommended to have a pre-submission conference prior to submitting your JARPA to make sure all required information is included in your application and to understand the local process.
- a. Submit JARPA to local government (if local government requires a permit) to initiate their review
  - b. Pay application fee (varies by county)

- c. **County Staff Review For Completeness** (varies by local government): for some local governments, this initial review simply confirms that all necessary paperwork is included in application. In others a thorough review of content is done at this point.
  - i. If application is not complete it is **Returned to Applicant**.
  - ii. When application is complete, the county will send out a notice of application to interested parties.
- d. **Notice of Application, Comment Period:** the notice of application is sent out as a solicitation for comments. This triggers a **14 to 30-Day Comment Period** (local government has the discretion to set the length of the comment period from 14 to 30 days):
  - i. **Notification to Agencies/Tribes/Neighbors** (per code); notice of application is sent to interested parties as a solicitation for comments only.
    - 1. Note that this is NOT a start of application process for state/federal agency permits, it is simply a request for comments to the County; applications must be submitted directly to other agencies (as outlined below) to begin those permitting processes.
    - 2. In general, neighbors receive general project descriptions while agencies receive more detailed information.
    - 3. At this time, the notification of the project is also sent to internal county agencies
    - 4. Some Counties may require signage with information about the project to be posted at the site at this point.
- e. **County Staff Substantive Review, Site Visit:** the County conducts a thorough substantive review of the content of the application which usually includes a site visit. Timelines for review are in code and best attempts made to stay within them but may vary dependent on complexity of project and comments received from interested parties.

*Site visit could include all regulating entities.*

- i. The County may **Request More Information from Applicant**. A back and forth process may occur during which supplemental information is gathered and the project may be modified.
- ii. Concerns of county and interested parties raised during Comment Period, are addressed during this process.
- iii. Every jurisdiction has requirement for timely response, but timelines may vary and deviations may be allowed.
  - 1. Example: Pierce and Thurston have 30 days allowed for substantive review but if more information is required a request for information is sent to applicant. In Pierce the applicant has 360 days to reply. In Thurston the applicant has 180 days to reply (which can be extended if needed). Once information is provided by the applicant, the County has 14 days to review (which may

result in another request for information, extending the timeline further).

- f. **SEPA Threshold Determination:** project modifications that may be made during substantive review lead to this final determination.
  - i. **DS** = Determination of Significance
    - 1. Will require an Environmental Impact Statement (EIS)
  - ii. **MDNS** = Mitigated Determination of Non-Significance
    - 1. Mitigating Conditions: MDNS means there are specific SEPA mitigation measures (conditions) that do not exist in code applied to the project (and indicated via notes to applicant)
    - 2. Project may also have a list of conditions that bring it into compliance with County Code;
  - iii. **DNS** = Determination of Non-Significance
    - 1. Approval requirements will only be those via County code (code compliant). May include descriptions of how project meets the codes by listing out what will be done (described in notes to applicant)
- g. **SEPA Notification:** applicant/agencies/tribes/neighbors notified of threshold determination.
  - i. **Public Notice to Agencies/Tribes/Neighbors**
    - 1. Neighbors may only be notified if requested (i.e. Pierce), or all neighbors within a certain distance of the project may be notified.
    - 2. Note that the threshold determination can be appealed but will be consolidated with any appeals of permit issuance further along in the process.
- h. **Staff Report and Shoreline Permit Recommendation**
  - i. Staff report lists proposal, applicable policies and regulations, and County interpretation; will include Conditional Use Permit (CUP) and/or Shoreline Substantial Development Permit (SSDP) findings
  - ii. Recommendation
    - 1. Approval, Approval with Conditions, or Denial
    - 2. To what entity the recommendation is made varies by County (i.e. Thurston makes recommendation to Hearing Examiner)
- i. **Local Decision Making Process:** varies by County. This is where appeals can be made (which can substantially affect the timing of final decisions) and additional conditions may be added.
- j. **Shoreline Permit Decision Sent to Ecology:** varies by County and may be appealed
  - i. Approved, Approved with Conditions, or Denied
  - ii. After Hearing Examiner or Shoreline Administrator issues decision, it is sent to Ecology
- k. **Ecology Shoreline Review:**
  - i. Varies by permit type.
    - 1. For SSDPs Ecology simply receives and files the decision, and notifies applicant of filing.
    - 2. For CUPs Ecology has authority to Approve, Approve with Conditions, or Deny

*Appeals processes may occur at the local and state level and can affect timing and outcome of permit process. Please see supplemental flowchart (in preparation) for detailed examples of local and state appeals processes*

7. Submit JARPA to DNR District Office as the **Application for Authorization to use SOAL** with \$25 application fee:  
[http://www.epermitting.wa.gov/site/alias\\_ResourceCenter/2489/jarpa\\_contacts.aspx](http://www.epermitting.wa.gov/site/alias_ResourceCenter/2489/jarpa_contacts.aspx)
  - a. If project area is not part of Settlement Agreement (see #3 above) and you have not already done so, notify the appropriate Tribe and submit a 6.3 form. You must have a **written** Tribal Agreement or Management Plan in place for DNR to issue a lease (see #8 below).
  - b. **DNR District Office Public Interest Review:** application received and reviewed for conformance with statutory requirements (“4+1 directives”: encourage, foster, ensure, utilize; (+1) generate revenue; RCW 79.105.030):  
<http://www.dnr.wa.gov/BusinessPermits/Topics/ShellfishAquaticLeasing/Pages/Home.aspx>
    - i. If no, or not consistent with goals (i.e. use conflict) project needs to be amended (**Amend Proposal**) or is declined
    - ii. If yes (or after project appropriately amended), the **Lease Application Forwarded to Stewardship Office** by the district for evaluation
- a. **Stewardship Office Evaluation of Application:** if needed **More Information** may be requested. Work with Stewardship Office to accomplish the next steps:
  - i. **Stewardship Office Site Assessment/Biological Review—Develop Conservation Plan:**
    - i. Site visit

*Site visit could occur at same time as County site visit.*

- ii. Stewardship specialist makes recommendations and puts together site summary (assessment)
- iii. Stewardship office sends recommendations and site assessment to District
- ii. **District and Lessee Begin Negotiations of Lease and Conservation Plan:** draft lease with recommendations for conservation and decision documents
- iii. **District Forwards Draft Lease Agreement of DNR Management Approval to Offer:** must have compliance with all other permits (if you don't then DNR won't make offer)
- iv. **SEPA Decision:** if no SEPA at County level (i.e. no County permit required) then DNR will be SEPA lead and issue the SEPA threshold determination (similar to 5f. above)
- v. **District Office Issues Final Lease Agreement to Applicant**

8. **Tribal Section 6.3 60-Day Notification:** required if any work will occur that affects wild shellfish if parcel not part of Settlement Agreement (see #3 above)
- a. Contact appropriate Tribe(s) and submit 6.3 Form. The NWIFC shellfish staff member can help determine the appropriate Tribe(s) to contact:  
<http://nwifc.org/about-us/staff-directory/>  
<http://nwifc.org/about-us/shellfish/downloads/>  
<http://nwifc.org/w/wp-content/uploads/downloads/2012/01/Section-6.3-Form.pdf>
  - b. Once 6.3 Form submitted to Tribe(s) you must wait 60 days before undertaking any activity on the parcel (i.e. harvest or enhancement). It is strongly recommended that you have Tribal Agreement or Harvest Management Plan (or written no interest determination) in place before doing so.
  - c. **Tribal Interest Determination:** Tribe(s) determines if they have interest in area (to determine if they have Tribal Treaty Rights) by surveying area.
    1. If determined that there is a natural bed that the Tribe(s) has interest in, technically the Tribe(s) and applicant have 30 days to negotiate and develop a Harvest Management Plan/Agreement. If disagreement on survey results the 30 days may be extended.
    2. If Tribe(s) determines no interest you will need this determination in writing. Thus, a Tribal Agreement may simply be a written indication from the Tribe(s) that they are not interested in the parcel. If Tribe(s) determines no shellfish beds then no Harvest Management Plan needed.
  - d. **Tribal Harvest Management Plan or Agreement** with Tribe(s).
9. Submit the Department of Health (DOH) **Shellfish Operators License Application and/or Harvest Site Application** to obtain Operators License and Harvest Site Certification. These licenses and certifications are required to harvest or sell a commercial quantity of shellfish. Applications and additional information may be found at:  
<http://www.doh.wa.gov/CommunityandEnvironment/Shellfish/CommercialShellfish/ApplyforaLicense.aspx>
- a. **Shellfish Operators License:** required for any commercial shellfish activity. There are three types of licenses:
    1. Harvester License—can harvest and sell to another licensed dealer in state only
    2. Shell Stock Shipper—can harvest, sell to restaurants, retail, inter/intra state and international
    3. Shucker/Packer—can shuck shellfish and can sell to same as #2
  - b. **Harvest Site Application:** DOH Harvest Site Certification is required for each site/parcel that is farmed (must have Operators License to apply)
    - i. Once received, DOH sends notification to Tribes and posts on website for Tribes (thus, if you haven't already notified Tribes in steps above, the Tribes will contact grower individually here); DOH sends applicant 6.3 form and lets applicant know to send to tribes (if you have already done this at step #3 or #8 above, you do not have to do it again).

- ii. As a courtesy to Tribes and to allow time for the step #8 process, DOH waits 30 days from receipt of application to issue the **Harvester Site Certificate**. The Certificate will list all sites/parcels on which a company is licensed to harvest.
10. Washington Department of Fish and Wildlife (**WDFW**): there are four different permits issued by WDFW that you may need:
- a. **Aquatic Farm Registration (AFR)**: required for commercially growing and selling shellfish
    - i. Before grower obtains AFR they must have DOH Harvest Site Certificate.
    - ii. WDFW will supply Tribe(s) copies of AFR (causes no delay on issuance of AFR).
  - b. **Emerging Commercial Fishery License (ECF)**: required for harvesting wild shellfish (i.e. clearing standing stock)
    - i. WDFW will notify the Tribe(s) of the application for ECF License.
    - ii. Before obtaining the ECF grower must have DOH Harvest Site Certificate.
  - c. **Shellfish Import Permit**: required for importing live shellfish into WA state waters
  - d. **Shellfish Transfer Permit**: required for transport of shellfish within WA state waters
11. Submit JARPA to Corps and Ecology (**Corps/Ecology Application Received**). Corps determines if project qualifies (meets terms & conditions) for Nationwide Permit or if an Individual Permit is required.
- a. **Nationwide Permit (NWP)**
    - i. **Completeness Determination**: Corps determines if application complete (refer to Pre-Construction Notification requirements for NWP48). If yes, move on. If no, Corps requests for more information with 30 days for the applicant to respond or application cancelled.
    - ii. **Tribal 10-Day Notification/Agency Notification**:
      - 1. Agency notification (DOE, DNR, EPA, NOAA, USFWS) for new or expansion projects.
      - 2. **Tribal Notification Regarding Natural/Cultural Resources<sup>2</sup>**:
        - a. Tribal Natural Resource Dept: has 10 days to provide comments and if not received Corps moves on. Tribe can request additional 15 day extension. Tribes may provide comments on project related to habitat and treaty entrusted Usual and Accustomed (U&A) areas<sup>3</sup>. Any comments must be addressed by the Corps prior to issuing a permit.

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<sup>2</sup> Note that this notification is not the same as #8 (Tribal Section 6.3 60-Day Notification).

<sup>3</sup> Fifteen western Washington tribes each have a “usual and accustomed” harvest area (U&A) that reflects the historical region in which finfish, shellfish, and other natural resources were collected. All tidelands in Puget Sound are within the usual and accustomed harvest areas of one or more tribe. The fifteen tribes with U&A are: Jamestown S’Klallam, Lower Elwha Klallam, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Port Gamble S’Klallam, Puyallup, Skokomish, Squaxin Island, Suquamish, Swinomish, Tulalip, and Upper Skagit.

- b. Tribal Cultural Resource Dept: provides information on potential to affect (or no potential to affect) historic properties. If potential to affect (determined by Corps) then consultation occurs (see 11.a.iii.3. below).
- iii. **Memo for Record** (this is the rationale for the decision); all of the items below (1-3) must be completed before the Memo for Record is finalized. Time associated with completion varies depending on level of effects.
  - 1. **NMFS ESA/MSA** consultations (ESA section 7 and MSA for Essential Fish Habitat) must be completed. Consultations are initiated by Corps. Individual consultations may not be necessary if project meets conditions of programmatic consultation or Corps determines “no effect”.
  - 2. **USFWS ESA** section 7 consultation must be completed. Consultation is initiated by Corps. Individual consultation may not be necessary if project meets conditions of programmatic consultation or Corps determines “no effect”.
  - 3. **NHPA 106 Consultation DAHP and Tribal:** Corps reviews project for 106 compliance, which includes consultation with State Historic Preservation Officer (SHPO) and tribe(s) when there is a potential to effect historic properties. Tribal consultation on natural and/or cultural resources must occur if comments received during 11.a.ii.2.b. above.
- iv. **Corps Verification Letter**<sup>4</sup>: when the Memo for Record is completed then verification of NWP coverage issued by Corps to the applicant and copy sent to Ecology or EPA dependent on project location<sup>5</sup> for verification that project meets their conditions of NWP.
- v. **Ecology 401/CZM Review:**
  - 1. If Ecology **concurs** that the project meets the state 401 conditions for the NWP, then Ecology **Letter of Verification (LOV)** is issued to applicant.
  - 2. If the project does not meet the state 401 conditions for the NWP, then an **individual 401** Certification review process will be triggered.
    - a. Ecology issues **Public Notice** for 21 days.
    - b. **Ecology Review/401 Certification/CZM Consistency**
      - i. SEPA determination from lead agency will be necessary unless 401 is the only state/local permit required<sup>6</sup>.
      - ii. CZM Consistency Determination: Ecology will review the Applicant’s CZM Consistency Statement to determine if the project is consistent with the 6

<sup>4</sup> Note that the Corps Verification Letter is different than the Letter of Verification (LOV) issued by Ecology.

<sup>5</sup> If the project is on state or federal land the copy is sent to Ecology. If on tribal land the copy is sent to EPA. Some tribes have their own 401 WQ standards so if project on their land the copy would be sent directly to respective tribe.

<sup>6</sup> 401 SEPA Categorical Exemption : WAC 197-11-800(9) Water Quality Certifications.

Enforceable Policies of the Coastal Zone Management Program<sup>7</sup>.

1. If consistent, then a ‘Consistency Determination’ is issued. Issued separate from 401 but review occurs concurrently.
  2. If not consistent, Ecology will issue a Letter of Objection. After determination there is a 30 day appeal process.
- iii. Project reviewed to determine there is reasonable assurance that state water quality standards will be met.
1. If yes, then Ecology issues a **401 Order** (401 Certification) to applicant that may have conditions. This decision has a 30 day appeal period.
  2. If no, then project denied. Applicant may modify project and reapply.
- vi. **EPA or Tribal 401 Certification:** only occurs when project on tribal land.

**b. Individual Permit (IP)**

- i. **Completeness Determination** (application review): Determine if application complete (33 CFR, 325.1(d)). If yes move on. If no, Corps requests for more information with 30 days to respond or application cancelled.
- ii. Corps and Ecology send out **Joint Public Notice** with 30 days for public comment.
  1. **Tribal Notification Regarding Natural/Cultural**<sup>8</sup>.
  2. Issuance of the Joint Public Notices starts Ecology’s statutory one year review (401 Trigger):
    - a. **Ecology Review:** this outcome informs Corps Memo for Record (see #3 below)
      - i. **401 Certification:** Project is reviewed to determine there is reasonable assurance that state water quality standards will be met.
        1. If yes, then **401 Order** issued to applicant. SEPA determination must be completed for Ecology to issue the 401 certification.
        2. If no, then project denied. Applicant may modify project and reapply.
        3. Ecology decision becomes part of Corps permit.
      - ii. **CZM Consistency Determination:** Ecology will review the Applicant’s CZM Consistency Statement

<sup>7</sup> The 6 Enforceable Policies of the Washington State Coastal Zone Management Program are: (1) the Shoreline Management Act; (2) the Clean Water Act; (3) the Clean Air Act; (4) the State Environmental Policy Act; (5) the Energy Facility Site Evaluation Council Law; and (6) the Ocean Resources Management Act.

<sup>8</sup> Note that this notification is not the same as #8 (Tribal Section 6.3 60-Day Notification).

to determine if the project is consistent with the 6 Enforceable Policies of the Coastal Zone Management Program.

1. If consistent, then a 'Consistency Determination' is issued. Issued separate from 401 but review occurs concurrently.
  2. If not consistent, Ecology will issue a Letter of Objection. After determination there is a 30 day appeal process.
3. **EPA or Tribal 401 Certification:** only occurs when project on tribal land.
- iii. **Corps Prepares Memo for Record:** All things below (1-7) must be completed first:
1. **Corps Process:** additional information may be required to complete alternatives analysis, public interest review, address any treaty rights issues, and/or address any public/agency comments received. Determination will be made whether mitigation is required. If so, mitigation plan must be submitted and approved.
  2. **NHPA 106 Consultation DAHP and Tribal:** Corps reviews project for 106 compliance, which includes consultation with State Historic Preservation Officer (SHPO) and tribe(s) when there is a potential to effect historic properties. Corps will take into consideration comments received and coordinate with Tribes appropriately (see 11.b.ii.1. above).
  3. **NMFS ESA/MSA** consultations (ESA section 7 and MSA for Essential Fish Habitat) must be completed. Consultations are initiated by Corps.
  4. **USFWS ESA** section 7 consultation must be completed. Consultation is initiated by Corps.
  5. **NEPA** compliance for major federal actions per Appendix B to Part 325-NEPA Implementation Procedures for the Regulatory Program
  6. **Public Interest** Determination must discuss whether the project is (or is not) contrary to the public interest per 33 CFR 320.4(a)(1).
  7. **CWA 404(b)(1) Guidelines** compliance (40 CFR part 230) for evaluating discharges of dredged or fill material into waters of the U.S. Evaluation of compliance with the 404(b)(1) Guidelines is not required for Section 10 activities only.

## Acronyms & Abbreviations

AFR – Aquatic Farm Registration  
Corps – Army Corps of Engineers  
CUP – Conditional Use Permit  
CZM – Coastal Zone Management  
DAHP – Department of Archaeology and Historic Preservation  
DNR – Washington Department of Natural Resources  
DOE – Washington Department of Ecology  
DOH – Washington Department of Health  
ECF – Emerging Commercial Fishery License  
EIS – Environmental Impact Statement  
EPA – Environmental Protection Agency  
HE – Hearing Examiner  
JARPA – Joint Aquatic Resource Permit Application  
LOV – Ecology Letter of Verification  
NHPA – National Historic Preservation Act  
NWIFC – Northwest Indian Fisheries Commission  
PCN – Preconstruction Notification  
SOAL – State Owned Aquatic Lands  
SSDP – Shoreline Substantial Development Permit  
U&A – usual and accustomed area  
WDFW – Washington Department of Fish and Wildlife

## Appendix C: Supplemental Narrative for Local Government Appeals Processes (Thurston and Pierce Counties)

Continued from 6.h. in the full narrative:

### h. **Staff Report and Shoreline Permit Recommendation**

- i. Staff report lists proposal, applicable policies and regulations, and County interpretation; will include Conditional Use Permit (CUP) and/or Shoreline Substantial Development Permit (SSDP) findings
- ii. Recommendation
  - 1. Approval, Approval with Conditions, or Denial
  - 2. To what entity the recommendation is made varies by County (i.e. Thurston makes recommendation to Hearing Examiner)

Thurston County:

- i. Recommendation goes to **Hearing Examiner**
- j. Hearing Examiner makes permit decision
  - i. Approved or Denied
    - 1. If appealed BCC Hearing
      - a. If appealed State Hearing Board Hearing
        - i. If appealed Superior Court Hearing
          - 1. If appealed Appeals Court Hearing
            - a. If appealed Supreme Court Hearing
  - ii. After HE issues decision, it is sent to Ecology
- k. Ecology Shoreline Review

Pierce County:

- i. Recommendation goes to **Local to Advisory Commission Hearing** for review then to Hearing Examiner
- j. **Hearing Examiner Hearing for permit decision**
  - i. Approved or Denied
    - 1. Decision may be appealed
    - 2. If SEPA appeal was made, it would be heard here too)
  - l. HE issues decision,
    - i. 'request for reconsideration'
    - ii. Final Pierce County Approval: after HE decision, Approval Document: approval conditions for the county based; the county documenting changes that may have been imposed through course of the hearing
    - iii. HE Permit Decision sent to Ecology
- k. Ecology Shoreline Review

Attachment E – Shoreline Management Act Policy

## Shoreline Management Act – Use Policies

### WAC 173-26-020 Definitions.

- (29) "**Nonwater-oriented uses**" means those uses that are not water-dependent, water-related, or water-enjoyment.
- (41) "**Water-dependent use**" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.
- (42) "**Water-enjoyment use**" means a recreational use or other use that facilitates 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 a general characteristic of the use and which through location, design, and operation ensures 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 fosters shoreline enjoyment.
- (43) "**Water-oriented use**" means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.
- (45) "**Water-related use**" means 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) The use has 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 uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

*[other definitions omitted]*

### WAC 173-26-176 General policy goals of the act and guidelines for shorelines of the state.

- (1) The guidelines are designed to assist local governments in developing, adopting, and amending master programs that are consistent with the policy and provisions of the act. Thus, the policy goals of the act are the policy goals of the guidelines. The policy goals of the act are derived from the policy statement of RCW 90.58.020 and the description of the elements to be included in master programs under RCW 90.58.100.
- (2) The policy goals for the management of shorelines harbor potential for conflict. The act recognizes that the shorelines and the waters they encompass are "among the most valuable and fragile" of the state's natural resources. They are valuable for economically productive industrial and commercial uses, recreation, navigation, residential amenity, scientific research and education. They are fragile because they depend upon balanced physical, biological, and chemical systems that may be adversely altered by natural forces (earthquakes, volcanic eruptions, landslides, storms, droughts, floods) and human conduct (industrial, commercial, residential, recreation, navigational). Unbridled use of shorelines ultimately could destroy their utility and value. The prohibition of all use of shorelines also could eliminate their human utility and value. Thus, the policy goals of the act relate

both to utilization and protection of the extremely valuable and vulnerable shoreline resources of the state. The act calls for the accommodation of "all reasonable and appropriate uses" consistent with "protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life" and consistent with "public rights of navigation." The act's policy of achieving both shoreline utilization and protection is reflected in the provision that "permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, in so far as practical, any resultant damage to the ecology and environment of the shoreline area and the public's use of the water." RCW 90.58.020.

- (3) The act's policy of protecting ecological functions, fostering reasonable utilization and maintaining the public right of navigation and corollary uses encompasses the following general policy goals for shorelines of the state. The statement of each policy goal is followed by the statutory language from which the policy goal is derived.

(a) **The utilization of shorelines for economically productive uses that are particularly dependent on shoreline location or use.**

RCW [90.58.020](#):

*"The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration and preservation."*

*"It is the policy of the state to provide for the management of the shorelines by planning for and fostering all reasonable and appropriate uses."*

*"Uses shall be preferred which are. . . unique to or dependent upon use of the state's shoreline."*

*"Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state."*

RCW [90.58.100](#):

*"(2) The master programs shall include, when appropriate, the following:*

*(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;. . .*

*(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shorelines use element.*

*(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;. . ."*

(b) **The utilization of shorelines and the waters they encompass for public access and recreation.**

RCW [90.58.020](#):

*"The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."*

*"Alterations of the natural conditions of the shorelines of the state, in those limited instances when authorized, shall be given priority for. . .development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state."*

RCW [90.58.100](#):

*"(2) The master programs shall include, when appropriate, the following:*

*(b) A public access element making provisions for public access to publicly owned areas;*

*(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;. . ."*

\*\*\*

*"(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same."*

**(c) Protection and restoration of the ecological functions of shoreline natural resources.**

RCW [90.58.020](#):

*"The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization protection, restoration, and preservation."*

*"This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life. . ."*

*"To this end uses shall be preferred which are consistent with the control of pollution and prevention of damage to the natural environment."*

*"Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area. . ."*

RCW [90.58.100](#):

*"(2) The master programs shall include, when appropriate, the following:*

*(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;*

*(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;. . ."*

**(d) Protection of the public right of navigation and corollary uses of waters of the state.**

RCW [90.58.020](#):

*"This policy contemplates protecting. . .generally public rights of navigation and corollary rights incidental thereto."*

*"Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, . . .any interference with the public's use of the water."*

**(e) The protection and restoration of buildings and sites having historic, cultural and educational value.**

RCW [90.58.100](#):

*"(2) The master programs shall include, when appropriate, the following:*

*(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values; . . ."*

**(f) Planning for public facilities and utilities correlated with other shorelines uses.**

RCW [90.58.100](#):

*"(2) The master programs shall include, when appropriate, the following:*

*(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element."*

**(g) Prevention and minimization of flood damages.**

RCW [90.58.100](#):

*"(2) The master programs shall include, when appropriate, the following:*

*(h) An element that gives consideration to the statewide interest in the prevention and minimization of flood damages."*

**(h) Recognizing and protecting private property rights.**

RCW [90.58.020](#):

*"The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; . . .and, therefore coordinated planning is necessary. . .while, at the same time, recognizing and protecting private rights consistent with the public interest."*

**(i) Preferential accommodation of single-family uses.**

RCW [90.58.020](#):

*"Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures. . ."*

RCW [90.58.100](#):

*"(6) Each master program shall contain standards governing the protection of single-family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single-family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single-family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment."*

**(j) Coordination of shoreline management with other relevant local, state, and federal programs.**

RCW [90.58.020](#):

*"In addition. . ." the legislature ". . . finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state."*

*". . .and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state. . ."*

*"There is, therefor, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."*

RCW [90.58.100](#):

*"In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:*

*(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;*

*(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;*

*(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;*

*(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;*

*(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;*

*(f) Employ, when feasible, all appropriate modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered."*

**WAC 173-26-201 Process to prepare or amend shoreline master programs.**

*[Subsections (1) and (2)(a) through (2)(c) omitted]*

- (d) **Preferred uses.** As summarized in WAC 173-26-176, the act establishes policy that preference be given to uses that are unique to or dependent upon a shoreline location. Consistent with this policy, these guidelines use the terms "water-dependent," "water-related," and "water-enjoyment," as defined in WAC 173-26-020, when discussing appropriate uses for various shoreline areas.

Shoreline areas, being a limited ecological and economic resource, are the setting for competing uses and ecological protection and restoration activities. Consistent with RCW 90.58.020 and WAC 173-26-171 through 173-26-186, local governments shall, when determining allowable uses and resolving use conflicts on shorelines within their jurisdiction, apply the following

preferences and priorities in the order listed below, starting with (d)(i) of this subsection. For shorelines of statewide significance, also apply the preferences as indicated in WAC 173-26-251(2).

- (i) Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health. In reserving areas, local governments should consider areas that are ecologically intact from the uplands through the aquatic zone of the area, aquatic areas that adjoin permanently protected uplands, and tidelands in public ownership. Local governments should ensure that these areas are reserved consistent with constitutional limits.
- (ii) Reserve shoreline areas for water-dependent and associated water-related uses. Harbor areas, established pursuant to Article XV of the state Constitution, and other areas that have reasonable commercial navigational accessibility and necessary support facilities such as transportation and utilities should be reserved for water-dependent and water-related uses that are associated with commercial navigation unless the local governments can demonstrate that adequate shoreline is reserved for future water-dependent and water-related uses and unless protection of the existing natural resource values of such areas preclude such uses. Local governments may prepare master program provisions to allow mixed-use developments that include and support water-dependent uses and address specific conditions that affect water-dependent uses.
- (iii) Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
- (iv) Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.
- (v) Limit nonwater-oriented uses to those locations where the above described uses are inappropriate or where nonwater-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.

Evaluation pursuant to the above criteria, local economic and land use conditions, and policies and regulations that assure protection of shoreline resources, may result in determination that other uses are considered as necessary or appropriate and may be accommodated provided that the preferred uses are reasonably provided for in the jurisdiction.

*[Subsections (2)(e) through (3)(h) omitted]*

### **WAC 173-26-251 Shorelines of statewide significance.**

*Note: For Bainbridge Island, Shorelines of Statewide Significance are those areas waterward of the extreme low water line.*

- (1) **Applicability.** The following section applies to local governments preparing master programs that include shorelines of statewide significance as defined in RCW 90.58.030.
- (2) **Principles.** Chapter 90.58 RCW raises the status of shorelines of statewide significance in two ways. First, the Shoreline Management Act sets specific preferences for uses of shorelines of statewide significance. RCW 90.58.020 states:

*"The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:*

- (1) Recognize and protect the statewide interest over local interest;*
- (2) Preserve the natural character of the shoreline;*
- (3) Result in long term over short term benefit;*
- (4) Protect the resources and ecology of the shoreline;*
- (5) Increase public access to publicly owned areas of the shorelines;*
- (6) Increase recreational opportunities for the public in the shoreline;*
- (7) Provide for any other element as defined in RCW [90.58.100](#) deemed appropriate or necessary."*

Second, the Shoreline Management Act calls for a higher level of effort in implementing its objectives on shorelines of statewide significance. RCW 90.58.090(5) states:

*"The department shall approve those segments of the master program relating to shorelines of statewide significance only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the statewide interest."*

Optimum implementation involves special emphasis on statewide objectives and consultation with state agencies. The state's interests may vary, depending upon the geographic region, type of shoreline, and local conditions. Optimum implementation may involve ensuring that other comprehensive planning policies and regulations support Shoreline Management Act objectives.

Because shoreline ecological resources are linked to other environments, implementation of ecological objectives requires effective management of whole ecosystems. Optimum implementation places a greater imperative on identifying, understanding, and managing ecosystem-wide processes and ecological functions that sustain resources of statewide importance.

- (3) **Master program provisions for shorelines of statewide significance.** Because shorelines of statewide significance are major resources from which all people of the state derive benefit, local governments that are preparing master program provisions for shorelines of statewide significance shall implement the following:
- (a) **Statewide interest.** To recognize and protect statewide interest over local interest, consult with applicable state agencies, affected Indian tribes, and statewide interest groups and consider their recommendations in preparing shoreline master program provisions. Recognize and take into account state agencies' policies, programs, and recommendations in developing use regulations. For example, if an anadromous fish species is affected, the Washington state departments of fish and wildlife and ecology and the governor's salmon recovery office, as well as affected Indian tribes, should, at a minimum, be consulted.
  - (b) **Preserving resources for future generations.** Prepare master program provisions on the basis of preserving the shorelines for future generations. For example, actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of statewide significance should be severely limited. Where natural resources of statewide importance are being diminished over time, master programs shall include provisions to contribute to the restoration of those resources.

- (c) **Priority uses.** Establish shoreline environment designation policies, boundaries, and use provisions that give preference to those uses described in RCW 90.58.020 (1) through (7). More specifically:
- (i) Identify the extent and importance of ecological resources of statewide importance and potential impacts to those resources, both inside and outside the local government's geographic jurisdiction.
  - (ii) Preserve sufficient shorelands and submerged lands to accommodate current and projected demand for economic resources of statewide importance, such as commercial shellfish beds and navigable harbors. Base projections on statewide or regional analyses, requirements for essential public facilities, and comment from related industry associations, affected Indian tribes, and state agencies.
  - (iii) Base public access and recreation requirements on demand projections that take into account the activities of state agencies and the interests of the citizens of the state to visit public shorelines with special scenic qualities or cultural or recreational opportunities.
- (d) **Resources of statewide importance.** Establish development standards that:
- (i) Ensure the long-term protection of ecological resources of statewide importance, such as anadromous fish habitats, forage fish spawning and rearing areas, shellfish beds, and unique environments. Standards shall consider incremental and cumulative impacts of permitted development and include provisions to insure no net loss of shoreline ecosystems and ecosystem-wide processes.
  - (ii) Provide for the shoreline needs of water-oriented uses and other shoreline economic resources of statewide importance.
  - (iii) Provide for the right of the public to use, access, and enjoy public shoreline resources of statewide importance.
- (e) **Comprehensive plan consistency.** Assure that other local comprehensive plan provisions are consistent with and support as a high priority the policies for shorelines of statewide significance. Specifically, shoreline master programs should include policies that incorporate the priorities and optimum implementation directives of chapter 90.58 RCW into comprehensive plan provisions and implementing development regulations.

Attachment F – Shoreline Management Act Aquaculture Guidelines

**Shoreline Management Act - Aquaculture Specific Guidelines**
**WAC 173-26-241 Shoreline Uses.**

- (1) **Applicability.** The provisions in this section apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction. Master programs should include these, where applicable, and should include specific use provisions for other common uses and types of development in the jurisdiction. All uses and development must be consistent with the provisions of the environment designation in which they are located and the general regulations of the master program.
- (2) **General use provisions.**
- (a) **Principles.** Shoreline master programs shall implement the following principles:
- (i) Establish a system of use regulations and environment designation provisions consistent with WAC [173-26-201](#) (2)(d) and [173-26-211](#) that gives preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state's shoreline areas.
  - (ii) Ensure that all shoreline master program provisions concerning proposed development of property are established, as necessary, to protect the public's health, safety, and welfare, as well as the land and its vegetation and wildlife, and to protect property rights while implementing the policies of the Shoreline Management Act.
  - (iii) Reduce use conflicts by including provisions to prohibit or apply special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline. In implementing this provision, preference shall be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.
  - (iv) Establish use regulations designed to assure no net loss of ecological functions associated with the shoreline.
- (b) **Conditional uses.**
- (i) Master programs shall define the types of uses and development that require shoreline conditional use permits pursuant to RCW 90.58.100(5). Requirements for a conditional use permit may be used for a variety of purposes, including:
    - To effectively address unanticipated uses that are not classified in the master program as described in WAC 173-27-030.
    - To address cumulative impacts.
    - To provide the opportunity to require specially tailored environmental analysis or design criteria for types of use or development that may otherwise be inconsistent with a specific environment designation within a master program or with the Shoreline Management Act policies.

In these cases, allowing a given use as a conditional use could provide greater flexibility within the master program than if the use were prohibited outright.
  - (ii) If master programs permit the following types of uses and development, they should require a conditional use permit:

- (A) Uses and development that may significantly impair or alter the public's use of the water areas of the state.
  - (B) Uses and development which, by their intrinsic nature, may have a significant ecological impact on shoreline ecological functions or shoreline resources depending on location, design, and site conditions.
  - (C) Development and uses in critical saltwater habitats.
  - (D) New commercial geoduck aquaculture as described in (3)(b) of this section.
- (iii) The provisions of this section are minimum requirements and are not intended to limit local government's ability to identify other uses and developments within the master program as conditional uses where necessary or appropriate.
- (3) **Standards.** Master programs shall establish a comprehensive program of use regulations for shorelines and shall incorporate provisions for specific uses consistent with the following as necessary to assure consistency with the policy of the act and where relevant within the jurisdiction.

*[Subsection (a) omitted]*

**(b) Aquaculture.**

**(i) General provisions.**

- (A) Aquaculture is 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. This activity is of statewide interest. Properly managed, it can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. Local government should consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions.
- (B) Potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, commercial navigation, and, in marine waters, salinity. The technology associated with some forms of present-day aquaculture is still in its formative stages and experimental. Local shoreline master programs should therefore recognize the necessity for some latitude in the development of this use as well as its potential impact on existing uses and natural systems.
- (C) Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline. Impacts to ecological functions shall be mitigated according to the mitigation sequence described in WAC 173-26-201 (2)(e).
- (D) Local government should ensure proper management of upland uses to avoid degradation of water quality of existing shellfish areas.

**(ii) Siting considerations for commercial geoduck aquaculture.**

In addition to the siting provisions of (b)(i) of this subsection, commercial geoduck aquaculture should only be allowed where sediments, topography, land and water access support geoduck aquaculture operations without significant clearing or grading.

**(iii) Shoreline substantial development permits for geoduck aquaculture.**

As determined by [Attorney General Opinion 2007 No. 1](#), the planting, growing, and harvesting of farm-raised geoduck clams requires a substantial development permit if a specific project or practice causes substantial interference with normal public use of the surface waters, but not otherwise.

**(iv) Conditional use permits for commercial geoduck aquaculture.**

- (A) Conditional use permits are required for new commercial geoduck aquaculture only. Where the applicant proposes to convert existing nongeoduck aquaculture to geoduck aquaculture, the requirement for a conditional use permit is at the discretion of local government.
- (B) All subsequent cycles of planting and harvest shall not require a new conditional use permit.
- (C) Conditional use permits must take into account that commercial geoduck operators have a right to harvest geoduck once planted.
- (D) A single conditional use permit may be submitted for multiple sites within an inlet, bay or other defined feature, provided the sites are all under control of the same applicant and within the same shoreline permitting jurisdiction.
- (E) Local governments should minimize redundancy between federal, state and local commercial geoduck aquaculture permit application requirements. Measures to consider include accepting documentation that has been submitted to other permitting agencies, and using permit applications that mirror federal or state permit applications.
- (F) In addition to complying with chapter 173-27 WAC, the application must contain:
  - (I) A narrative description and timeline for all anticipated geoduck planting and harvesting activities if not already contained in the federal or state permit application or comparable information mentioned above.
  - (II) A baseline ecological survey of the proposed site to allow consideration of the ecological effects if not already contained in the federal or state permit application or comparable information mentioned above.
  - (III) Measures to achieve no net loss of ecological functions consistent with the mitigation sequence described in WAC- [173-26-201](#) (2)(e).
  - (IV) Management practices that address impacts from mooring, parking, noise, lights, litter, and other activities associated with geoduck planting and harvesting operations.
- (G) Local governments should provide public notice to all property owners within three hundred feet of the proposed project boundary, and notice to tribes with usual and accustomed fishing rights to the area.
- (H) Commercial geoduck aquaculture workers oftentimes need to accomplish on-site work during low tides, which may occur at night or on weekends. Local governments must

allow work during low tides but may require limits and conditions to reduce impacts, such as noise and lighting, to adjacent existing uses.

- (I) Local governments should establish monitoring and reporting requirements necessary to verify that geoduck aquaculture operations are in compliance with shoreline limits and conditions set forth in conditional use permits and to support cumulative impacts analysis.
- (J) Conditional use permits should be reviewed using the best scientific and technical information available.
- (K) Local governments should apply best management practices to accomplish the intent of the limits and conditions.
- (L) In order to avoid or limit impacts from geoduck aquaculture siting and operations and achieve no net loss of ecological functions, local governments should consider the following:
  - (I) The practice of placing nursery tanks or holding pools or other impervious materials directly on the intertidal sediments.
  - (II) Use of motorized vehicles, such as trucks, tractors and forklifts below the ordinary high water mark.
  - (III) Specific periods when limits on activities are necessary to protect priority habitats and associated species. The need for such measures should be identified in the baseline ecological survey conducted for the site.
  - (IV) Alterations to the natural condition of the site, including significant removal of vegetation or rocks and regrading of the natural slope and sediments.
  - (V) Installation of property corner markers that are visible at low tide during planting and harvesting.
  - (VI) Mitigation measures such as buffers between commercial geoduck aquaculture and other fish and wildlife habitat conservation areas as necessary to ensure no net loss of ecological functions.
  - (VII) Use of predator exclusion devices with minimal adverse ecological effects and requiring that they be removed as soon as they are no longer needed for predator exclusion.
  - (VIII) Use of the best available methods to minimize turbid runoff from the water jets used to harvest geoducks.
  - (IX) Number of barges or vessels that can be moored or beached at the site as well as duration limits.
  - (X) Public rights to navigation over the surface of the water.
  - (XI) Good housekeeping practices at geoduck aquaculture sites, including worker training and regular removal of equipment, tools, extra materials, and all wastes.
  - (XII) Where the site contains existing public access to publicly owned lands, consider recommendations from the department of natural resources or other landowning agencies regarding protection of the existing public access.

*[Subsections (c) through (l) omitted]*

Attachment G – City Farm and Local Food Policies

## 2016 Comprehensive Plan Content Related to Farms, Local Food, and Aquatic Resources

### BAINBRIDGE ISLAND TODAY (excerpt)

The protection and support of existing **farms** and the preservation of prime agricultural lands and **farms** of local significance are important **goals** of the residents of Bainbridge Island. Agricultural lands provide **open space**, habitat, **groundwater** recharge, local food production with fewer transportation impacts and cultural value. Their protection can augment **sustainability goals**.

Farming on the Island provides economic, social, aesthetic and nutritional benefit to the community. Equally important, protection of agricultural lands will enhance the cultural and economic diversity and help retain the Island's rural character. *Open space* dedicated to *agriculture* also conserves environmental resources.

*Farm* operations on the Island are unique. Small *farms* ranging in size from 1 acre to 40+ acres, are mostly dispersed throughout the Island with some clustering in a few locations. The specialty, high-intensity, small *farms* will continue to be an important adjunct to farming in the future.

The City currently owns sixty acres of public farmland managed under contract by a non-profit organization. That organization also works with private landowners, seeking ways to increase the amount of land used for food production, and to conserve the land for agricultural uses over the long term. To preserve public farmland, the City *should* consider designating its public farmland properties as Agricultural Resource Land (ARL) consistent with WAC 365-190-050. Other non-profits are also involved in promoting *agriculture* on Bainbridge.

*Agriculture* is a vulnerable enterprise in any rapidly growing area. As land values continue to rise the economic viability of *farms* on Bainbridge Island depends on the farmers' industry and ingenuity and on public policies that provide incentives and tax relief.

### BAINBRIDGE ISLAND VISION 2036

Bainbridge Island's people reflect a range of ages, ethnicities, household sizes, livelihoods and personal aspirations – we are 28,660 individuals who share a strong sense of community and a commitment to environmental stewardship. We respect this legacy of the generations that came before, beginning with the Island's indigenous people, followed more recently by European and Asian immigrants who built timber, maritime and agricultural economies.

Bainbridge Island is home to a diverse mix of people including farmers, artists, students, business professionals, service employees and retirees. We are an optimistic, forward-looking and welcoming people - open to new ideas, industrious business people, new and traditional cultures, and people of all ages and backgrounds. There is no word for exclusion in Lushootseed, the language of the first peoples of Puget Sound.

Our success at balancing the inter-dependent goals of environmental stewardship, economic

development and the needs of our people is evident in the many ways we have accommodated growth, addressed the impacts of *climate change* and conserved our environment.

Bainbridge Island's water resources are climate resilient and are able to sustain all forms of life on the Island. *Aquifers* are continuously monitored and managed to maintain our supply of fresh water at a level that meets the high standards for drinking. Education on water conservation has resulted in a significant reduction in the average water consumption per household and *low impact development* techniques applied to all land uses and redevelopment helps to recharge the Island's *aquifers*.

Winslow, Lynwood Center and the Island's other *neighborhood centers* have gracefully evolved into compact, mixed-use, human-scaled and walkable places. They are the thriving centers of civic life, cultural amenities, goods, services and a wide range of housing and employment opportunities. These centers are pedestrian districts, linked to each other and the region by a network of walkways, bicycle trails and *transit* that promote healthy lifestyles and reduce the Island's *greenhouse gas emissions*.

Bainbridge Island's other taxing districts, Bainbridge Island Metropolitan Park & Recreation District, Bainbridge Island School District, Bainbridge Island Fire District and Kitsap Regional Library through Bainbridge Public Library all play significant roles in making this a healthy community.

*Affordable housing* is available for much of the local service sector workforce. Improvements in communication infrastructure have enabled more successful local enterprises, including home-based business.

The Island is a national destination for visitors to experience artistic excellence and learn about *sustainability* and resilient community development. Local employment opportunities are diverse including small manufacturing, artisanal crafts, high tech, e-commerce, arts and food. Small retailers are thriving by serving the needs of local residents as well as visitors. A robust non-profit sector strengthens *social capital* while providing services and employment opportunities.

Outside of the *designated centers* the predominant land use pattern is lower density with lower building heights which minimizes the footprint of the built environment and maximizes the protection of tree canopy, *aquifers*, surface waters and *fish and wildlife habitat*. The Island's broad conservation landscape of canopied woodlots, parks and saltwater shorelines is dotted with working *farms*, historic structures and a housing stock that has become more compact, energy-efficient and well-integrated into the landscape.

*Agriculture* is a thriving part of the Island's economy. All City-owned agricultural land is under cultivation and produces seasonal foods for local consumption. The number of *farms* on private acreage has increased and is supplementing the local food supply. Capital facilities planning has kept up with changes in the natural and built environments, meeting the needs of a population that expects a high *level of service*. All residents have reliable electric power, telecommunication services to meet their needs, potable water, solid waste and recycling services, and storm water facilities that prevent flooding and erosion while eliminating pollutants before the water enters Puget Sound.

The good will, imagination and pragmatism of our citizens foster an environment in which we engage with, listen to, and learn from one another. Bainbridge Island functions as a caring community

that provides human services where needed to maintain the well-being of all its members, where every person feels connected to the community and where each individual has opportunities.

Community cultural planning sets direction for integrating the arts, humanities and history with urban design, economic development, education and other initiatives that nurture the quality of life on Bainbridge Island.

Artistic creativity and humanistic inquiry advance other community goals such as economic vitality, quality education, and community planning and design. Investments in the arts and humanities are investments in the growth of the community, enriching the lives of its residents and making Bainbridge Island a better place to live.

## GUIDING PRINCIPLES

While the *Vision* describes a preferred future outcome for Bainbridge Island, the *Guiding Principles* and associated Guiding Policies provide the *policy* direction needed to navigate toward that desired future.

### Guiding Principle #1

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

#### Guiding Policy 1.1

Develop an island-wide conservation strategy to identify and apply effective methods to preserve the natural and scenic qualities that make the Island a special place, including better protection for the shoreline, trees, soils, native plants, and farms.

### Guiding Principle #5

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

#### Guiding Policy 5.1

Regulate all development on the Island consistent with the long-term health and carrying capacity of its natural systems.

#### Guiding Policy 5.3

Preserve and enhance the Island's natural systems, natural beauty and environmental quality.

#### Guiding Policy 5.4

Protect and enhance wildlife, fish resources and natural ecosystems on Bainbridge Island.

**Guiding Policy 5.5**

Recognize and protect the Usual and Accustomed fishing areas of neighboring Tribes.

**Guiding Principle #6**

**Nurture Bainbridge Island as a *sustainable community* by meeting the needs of the present without compromising the ability of future generations to meet their own needs.**

**Guiding Policy 6.1**

Promote environmental *sustainability* by supplementing the State's mandated 20-year plan horizon with a horizon of one hundred years in order to recognize the longer-term life cycles of natural systems. Tailor *green building* practices and public *infrastructure* investments to be in line with this longer-term perspective.

**Guiding Policy 6.4**

Promote food production as part of the *land use* planning process.

**Guiding Principle #7**

**Reduce *greenhouse gas* emissions and increase the Island's *climate resilience*.**

**Guiding Policy 7.2**

Adaptation: Minimize or ameliorate the impacts of *climate change* on our community and our Island's ecosystems through climate-informed policies, programs and *development regulations*.

**Guiding Policy 7.3**

Evaluate the climate vulnerabilities and implications of City actions and identify policies that alleviate those vulnerabilities. Consider the effects of shifting conditions (sea level rise, changing rainfall patterns, increasing temperatures and more extreme weather events) and the effects they cause (altered vegetation, changing water demands, economic shifts).

<b>LAND USE ELEMENT</b>
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**Policy LU 5.9**

Design and locate development to avoid or minimize potential conflicts with agricultural activities and recognize right-to-farm regulations in developments located adjacent to agricultural uses.

**ISLAND-WIDE CONSERVATION AREA**

**GOAL LU-12 - Conserve ecosystems and the Island's green, natural, open character.**

**Policy LU 12.1**

Preserve the conservation area outside *designated centers* through a *land use* pattern which will enhance the character of the area – forested areas, meadows, *farms*, scenic and winding roads that support all forms of transportation – and the valuable functions the conservation area serves on the Island (i.e., *aquifer recharge, fish and wildlife habitat, recreation*).

#### **Policy LU 12.2**

Protect *open space, critical areas* and agricultural uses through public and private initiatives such as open space tax incentives, *conservation villages, PUDs, transfer and purchase of development rights*, public land acquisition, greenways, *conservation easements*, landowner compacts or limiting the amount of lot coverage.

#### **Policy LU 13.2**

Design and site new development to cause the least visual and environmental impact on the Island landscape. Encourage the retention of features that enhance the Island's character such as barns, fences, fruit and vegetable stands.

### **RESIDENTIAL DISTRICT**

#### **Policy LU 14.2**

Encourage residential development that is compatible with the preservation of *open space, forestry, agricultural activities, and natural systems*. Accessory *farm* buildings and uses are allowable.

### **LOCAL FOOD PRODUCTION**

**GOAL LU-15 - Promote food security and public health through support for local food production, awareness of farming practices. Encourage locally-based food production, distribution and choice through commercial and urban *agriculture, community gardens, farmers' markets, farm stands and food access initiatives.***

#### **Policy LU 15.1**

Encourage community gardening and/or *agriculture* on public land where appropriate.

#### **Policy LU 15.2**

Encourage the development of neighborhood community gardens or small-scale commercial *agriculture* where appropriate.

#### **Policy LU 15.3**

Promote interagency and intergovernmental cooperation and resource-sharing to expand community gardening opportunities.

#### **Policy LU 15.4**

Promote the dedication of land for community gardens in new housing developments.

**Policy LU 15.5**

Support the local farmers market and the connection between consumers and farmers.

**ECONOMIC ELEMENT**
**ECONOMIC VISION 2036**

*Agriculture* is a thriving part of the Island's economy: City-owned agricultural lands are being sustainably cultivated and producing seasonal foods for local consumption. The number of *farms* on private acreage has increased and is supplementing the local food supply. To enhance the viability of local *farms*, *affordable housing* for farmworkers has been appropriately built on City owned farmland.

**Policy EC 7.8**

Support and make Bainbridge Island a model community for *climate change* preparedness and *sustainability* practices that ensure long-term business viability while attracting and protecting visitors, businesses and residents.

**AGRICULTURE**

**GOAL EC-14 - Recognize that farming is a part of the Island's heritage and contributes to the island's economy.**

**Policy EC 14.1**

Support the market for Island-grown *agriculture* products by:

- Recognizing and supporting the Bainbridge Island Farmers' Market, including permanently dedicating space for the market and enhancing the market area.
- Allowing and promoting roadside stands that sell Island-grown products.
- Promoting and supporting Community Supported Agriculture (CSA).
- Encouraging the development of value-added processing facilities that can be shared by many farmers.
- Encouraging food crops to be planted on public land.

**Policy EC 14.2**

Support a program that helps working farms through educational, historic, farm stay and tourist visits.

**Policy EC 14.3**

Support working farms through the creation and sale of locally-constituted, high-grade compost to maintain the fertility of Island soils.

**EC Action #2 Continue efforts to promote and support *agriculture* as a component of the Island's economy, landscape and culture.**

<b>ENVIRONMENT ELEMENT</b>
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**Policy EN 5.7** Undertake appropriate, adequate and timely actions to protect and recover state priority species, species listed under the federal *Endangered Species Act*, local species of concern and their habitats located within the City to 1) avoid *local extirpation* of such species from the lands or fresh waters or nearshore and 2) contribute to the protection and recovery of such species throughout the greater region in cooperation with federal, state and other local agencies.

### AGRICULTURAL LANDS

**GOAL EN-15 - Conserve and protect the Island's existing agricultural uses and increase the acreage of permanently protected and productive farmland by using preservation methods including incentive-based programs.**

**Policy EN 15.1**

Provide owners of *farms* the option of participating in the *transfer of development rights (TDRs)/purchase of development rights (PDRs) program*.

**Policy EN 15.2**

Inventory land currently used and/or potentially available for *agriculture*, including community gardens.

**Policy EN 15.3**

Where land that had historically been used for *agriculture* is being subdivided for residential development, a portion *should* be reserved for agricultural use or community gardens. Existing traditional agricultural lands *should* be included in the *open space* of clustered development.

**Policy EN 15.4**

Develop a procedure to allow public and private property owners to designate their properties Agricultural Resource Land, consistent with WAC 365-190-050.

**Policy EN 15.5**

Utilize the Floor Area Ratio (FAR) Farmland/Agriculture fund for viable farmland preservation projects.

**Policy EN 15.6**

Prioritize food production on public farmland to address long-term food security for Island residents.

**Policy EN 15.7**

Encourage the use of native and/or regionally produced edible plants for use in required landscape and roadside vegetation buffers.

**Policy EN 15.8**

Ensure protection of the Island's *aquifers* and streams by promoting agricultural uses that are not water intensive, and *agriculture* practices that protect water quality.

**Policy EN 15.9**

Work with the Conservation District and nonprofits to encourage farming that accounts for changing Island conditions with regard to hydrology, temperature and other climatologically influenced factors. Promote crops and commodities that are adapted to future conditions and do not rely on chemical amendments that may adversely impact future water availability.

**Policy EN 15.10**

Improve public information and creating new programs to promote *agriculture* while advocating for farming practices that protect water quality and quantity.

**GOAL EN-16 - Minimize conflict between agricultural and non-agricultural uses.****Policy EN 16.1**

Design and locate development adjacent to areas designated or registered as agricultural land to avoid or minimize potential conflicts with agricultural activities.

**Policy EN 16.2**

Require notification on all plats, development permits and building permits of the existence of any registered agricultural lands within 300 feet of the development.

**Policy EN 16.3**

Maintain the Right to Farm Ordinance.

**Policy EN 16.4**

Cooperate with the Kitsap Conservation District to promote use of Best Management Practices.

**GOAL EN-17 - Encourage and support farming as an economically viable option for *land use* and as a means to providing diversity of lifestyle.****Policy EN 17.1**

Encourage small-scale farming.

**Policy EN 17.2**

Work with the Kitsap County Assessor's office to educate the farming community about the availability of the Tax Reduction Program.

**Policy EN 17.3**

Elevate and encourage public appreciation and awareness of *farms* by allowing tours of *farms* and farming facilities.

**Policy EN 17.4**

Permit the production, processing and marketing of *farm* products from Island *farms*.

**Policy EN 17.5**

Support the Farmers' Market and promote the sale of local *farm* products in other locations.

**Policy EN 17.6**

Minimize the parking requirements for agricultural uses (i.e., number of parking spaces, paved parking and landscaping requirements), due to the seasonal nature of the marketing of *farm* products.

**Policy EN 17.7**

Support agricultural tourism that ensures compatibility with surrounding uses.

**Policy EN 17.8**

Consider establishing a Citizen Advisory Group on *Agriculture* comprised of citizens representing farmers, non-profit organizations involved with local *agriculture* and businesses with an interest in local *farm* produce.

# Baseline SMP Improvement Examples

The following two examples of how the planning department is intending to make improvements in the new Baseline SMP.

**Example 1** shows the use of new “informational boxes” intended to help SMP users better navigate and apply the SMP as well as connect to related information. These boxes are intentionally non-regulatory and may be updated by the planning department as needed, just like the department would update other informational sources, such as handouts and webpages.

**Example 2** shows how existing text can be presented in a more organized and clear manner using tables and figures. In this example, closely related content has been consolidated, reorganized, and clarified from the following [2021 SMP](#) sections as well as [Regulatory Guidance Memo 15-02](#).

- SMP 4.1.3.6(4)(a)-(c)
- SMP 4.1.3.7(3)
- SMP 4.1.3.8(1), except for first sentence
- SMP 4.1.3.8(3)
- SMP 5.9.5(8)(a), in part
- SMP 5.9.5(8)(b)

The color-coded text in the example mean the following:

- Black: Original text as well as new outline numbering, new table and figure headings.
- Green: Non-substantive clarification (~~removal~~ or addition) to existing SMP provisions that are consistent with existing code, administrative interpretation, or administrative practice.
- Orange: Minor substantive clarification (~~removal~~ or addition) to existing SMP provisions that are consistent with existing SMP policy and based on experience applying the existing SMP.

**EXAMPLE 1 – Informational Boxes**

	<p><b>MORE INFO</b></p> <p>See <a href="#">BIMC 12.40</a>, Watercraft and Floating Homes, for additional regulations regarding watercraft operations.</p>
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	<p><b>CAUTION</b></p> <p>Piling, lumber, or other wood that has been treated with creosote (a black tar like substance) or other chemicals can release toxins when burned. According to the Washington State Department of Natural Resources (DNR) Habitat Restoration Program:</p> <ul style="list-style-type: none"> <li>• People can be exposed to creosote vapors on a hot day or through direct contact when playing with, sitting on, or burning treated wood.</li> <li>• Creosote-treated pilings may leach chemicals into the sediments and water column throughout their lifetime.</li> <li>• The chemicals in treated wood - such as those on beaches or old dock pilings - can be harmful and even toxic to marine species.</li> </ul> <p>Treated wood should be disposed of properly. Landowners can dispose of small pieces on their own while the <a href="#">DNR Habitat Restoration Program</a> may be able to remove treated wood associated with derelict docks, piling, and bulkheads as well as large pieces of treated driftwood. Treated wood and other marine debris can be reported using the <a href="#">MyCoast App</a>.</p>
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Additional boxes will be formatted as follows:

	<p><b>HELPFUL RESOURCES</b></p> <p>[How/Where can someone get more information?]</p>
	<p><b>GEOGRAPHIC CONTEXT</b></p> <p>[Geographical information]</p>

**EXAMPLE 2 – Consolidating, Reorganizing, and Clarifying Existing Text into Tables and Figures**

**Table #. Setback and Buffer Requirements Unique to Single-Family Residential Development (outside the Point Monroe District)**

Sect.	A	Applicable Requirement for Single-Family Residential Development (outside the Point Monroe District) [1][3][7]	Applicable to Area in Figure A-2
Min. Setback from OHWM [2][4]	1	0' for water dependent appurtenances; 30' or the total depth of Zone 1, whichever is greater, for all other appurtenances	D
Max. Structure Height [2]	2	4', except fences <del>on the side lot line</del> may be 6' if at least the top 2' is non-screening material <u>with at least 50% open area</u>	B1, C1, D1 B3, C3, D3
	3	30" for decks and patios	C, D
	4	12' for all other appurtenant structures	C2, D2
Max. Area covered by Shoreline Access Facilities [5]	5	<p>a. The area necessary for a pervious trail not more than four feet (4') wide unless additional width is required for handicapped or public access. Pervious trails do not count toward the square footage limits in (7) and (8) below.</p> <p>b. 300sf may be covered by <u>pervious boardwalks</u>, <u>pervious stairs</u>, <u>and the structures at either end of a tram system</u>. <u>The 300sf does not count toward the square footage limits in (7) and (8) below and neither does the following areas:</u></p> <ul style="list-style-type: none"> <li>• <u>Natural areas under tram cables; and</u></li> <li>• <u>Foundations or piling of pervious boardwalks and pervious stairs.</u></li> </ul> <p>c. <u>Impervious paths may be allowed instead of pervious trails and impervious steps may be allowed instead of pervious stairs, but the impervious paths and steps shall be counted toward the square footage limits in (7) and (8) below.</u></p>	C, D

Sect.	A	Applicable Requirement for Single-Family Residential Development (outside the Point Monroe District) [1][3][7]	Applicable to Area in Figure A-2	
Max. Area Covered by Other Development [6]	6	200sf may be covered with impervious surfaces	B1, B3	
	7	If the area is a vegetation management area: 300sf may be covered with non-habitable appurtenant structures	C, D	
	8	If the area is a shoreline buffer, the following may be covered with non-habitable appurtenant structures: a. 400sf or 10% of the total shoreline buffer area, whichever is less	C, D	
		b. Of the total area allowed in (8)(a) above, the following may be covered with non-habitable appurtenant structures upland of the following aquatic designations:	D	
		Aquatic		300sf or 10% <del>of the square footage allowed above of Zone 1</del> , whichever is less
		Priority Aquatic B		150sf or 5% of Zone 1, whichever is less
Priority Aquatic A	None (no coverage allowed)			
9	1/3 of Shoreline Buffer Zone 2 may be covered by a combination of the <u>primary</u> structure and grass lawn, <u>but not by grass lawn alone</u> , when: <ul style="list-style-type: none"> <li>• Significant native trees are not removed to establish such use, <del>or</del> <u>and</u></li> <li>• The buffer has been reduced through the view provisions of Section 4.1.3.11.</li> </ul> The remaining 2/3 of Zone 2 <u>and all of Zone 1</u> must be <u>maintained covered</u> in native vegetation <u>except that shoreline access facilities under (5)(a) and (5)(b) above are allowed</u> .	C		

**Table Symbols**

[#] = The referenced footnote applies to the activity.

- When located in a column heading, the footnote applies to all cells in the related column(s).
- When located in a row heading, the footnote applies to all cells in the related row(s).
- When located in a cell, the footnote applies only to the activity in that cell.

## B. Table Footnotes

1. These standards only include certain side yard and buffer requirements that are unique to single-family residential lots in SMP Jurisdiction. Other SMP, BIMC, state, or federal requirements may also apply or conflict with these standards, in which case the rules regarding conflicts in SMP 4.0.1 shall apply.
2. Additional setback and height requirements are provided in Tables 4-2 and 4-3.
3. “Appurtenances” are defined in SMP 8.0. Appurtenant structures include impervious paths and patios.
4. Water dependent appurtenances include: boat house, ~~permeable deck~~, boat storage deck/area, and shoreline access facilities (i.e. trail, path, stair, and tram).
5. Within a shoreline buffer or vegetation management area, shoreline access facilities shall meet the following standards:
  - a. Shoreline access facilities shall be designed with a singular alignment which may be non-linear. Parallel or redundant facilities shall not be allowed on the same lot, such as:
    - i. A stair to the shoreline and a separate tram to the shoreline;
    - ii. Two separate trails to the shoreline; or
    - iii. Braided trails.
  - b. ~~Trails~~ Shoreline access facilities shall be designed to minimize environmental impacts and shall be installed by hand or with approved low-impact equipment.
  - c. Pervious trails may include steps made of natural materials such as stone and wood.
  - d. Larger stairways serving a single-family residence may only be allowed through approval of a Shoreline Variance. As an alternative to a stairway larger than 300 square feet and to reduce environmental impacts, a tram may be allowed without a variance.
  - e. Vegetation trimming is limited to two feet (2’) on either side.
  - f. No significant trees shall be removed.
6. Either provision (9), if the criteria are satisfied, or provisions (7) and (8) may be used on a lot, but not both.
7. No structure may significantly impact views from primary buildings on adjoining lots. ~~All structures must be designed to not significantly impact views from adjoining property primary buildings.~~

**Definitions**

**Shoreline Access Facility** - Any combination of pervious trail, impervious path, pervious boardwalk, pervious or impervious stairs, and a tram that provides shoreline access. Facilities may provide (1) physical access to the water or beach and/or (2) visual access.

**Figure A-2: Regulated Areas within a Single-Family Residential Shoreline Parcel (outside the Point Monroe District)**

